

Also, petition of John J. Kelly, of Baltimore, Md., favoring the passage of House bill 8991; to the Committee on Military Affairs.

Also, petition of Thomas Burling Hull and Matilda A. Price, of Baltimore, Md., protesting against the passage of the Kahn-Chamberlain bill; to the Committee on Military Affairs.

By Mr. MANSFIELD: Petition of Robert I. Cohen, Fowler & McVittie, J. M. Radford Grocery Co. (Inc.), F. W. Heitmann Co., S. G. Davis Hat Co. (Inc.), Clarke & Courts, Magnolia Paper Co., Southern Pine Lumber Co., Southern Implement Supply Co. (Inc.), all of the State of Texas, protesting against the repeal of the postal zone law; to the Committee on Ways and Means.

Also, petition of citizens of Alleyton, Tex., and citizens of Schulenburg, Tex., protesting against the Smith-Towner educational bill; to the Committee on Education.

By Mr. O'CONNELL: Petition of Modern Pen Co., and Simon Zinn (Inc.), of New York, favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

By Mr. OSBORNE: Petition of 158 citizens of Los Angeles, Calif., and vicinity, favoring the Plumb plan for Government ownership of railways; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Los Angeles Chamber of Commerce, expressing approval of the Mondell bill (H. R. 487) and the Smith-Chamberlain bills (H. R. 7634 and S. 2536), relating to reclamation of arid lands; to the Committee on the Public Lands.

By Mr. RAKER: Petition of Wholesale Dry Goods Association of Los Angeles, Calif., urging completion of the San Carlos Reservoir project in Arizona; to the Committee on the Public Lands.

Also, petition of Henry A. Wise Wood, of New York City, in regard to the proposed league of nations; to the Committee on Foreign Affairs.

Also, petition of the Bank of Tehama County, Red Bluff, Calif., indorsing Senate bill 2856; to the Committee on Ways and Means.

Also, letter from the Holt Manufacturing Co., Stockton, Calif., protesting against the Plumb plan for Government ownership of the railroads; to the Committee on Interstate and Foreign Affairs.

By Mr. ROWAN: Petition of the American Legion of New York City, favoring an amendment to House bill 8288 to permit lump payments for term insurance under the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles B. Carter, of Philadelphia, Pa., protesting against the passage of the Longworth bill, House bill 8078; to the Committee on Ways and Means.

Also, petition of Stern Bros., of New York, protesting against the passage of House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Baskerville, Pistonis & Kriezis, C. W. Hardy, C. C. Walker, F. J. Gubelman, Westinghouse Lamp Co., American Enamelled Brick & Tile Co., R. P. Lentz, Truman Smith, Ajax Rubber Co. (Inc.), Charles W. Strohbeck, all of New York, favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of John Gibney, of New York, favoring an increase for the postal employees of 35 per cent for the fiscal year ending June 30, 1920; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of 269 citizens of Clarke County, Iowa, asking for the immediate return of American soldiers from Siberia; to the Committee on Military Affairs.

By Mr. WATSON of Pennsylvania: Protest filed by Branch No. 10, of the Glass Bottle Blowers' Association, against the deportation of Hindus and the demand that the persecution of these Hindus cease; to the Committee on Foreign Affairs.

## SENATE.

MONDAY, September 22, 1919.

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

Almighty God, from the beginning of our national history we have committed our way to Thee. The voice of prayer has always been heard in our councils of State. In a time of crisis Thou hast been with us. Thy right arm has gotten us the victory. Thou hast brought us through a great conflict to victory. We come to Thee praising Thy name, and recommitting ourselves to Thee, and praying that in the days before us, with the ever-increasing weight of responsibility resting upon us, we may have the guidance of the God of our fathers. For Christ's sake. Amen.

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

### LEAGUE OF NATIONS.

Mr. NEW. Mr. President, I have received two or three copies of a telegram which I send to the desk and ask to have read. I wish to say also that I know a number of copies of the same telegram have been received by other Senators.

The PRESIDENT pro tempore. The Secretary will read, without objection.

The Secretary read as follows:

NEW YORK, N. Y., September 18, 1919.

JAMES E. LILLY,  
1920 North One hundred and eleventh Street,

Indianapolis, Ind.:

Crisis at hand; will determine whether America joins league of nations or forsakes allies and negotiates separate peace with Germany. Vote for any reservation may require resubmission and endanger treaty. Will you join 95 others in giving \$1,000 each to League to Enforce Peace, William Howard Taft, president, for immediate use in arousing country to demand prompt ratification in form that will not send treaty back for urgent negotiation and delay? World pacification matter very urgent.

GEORGE W. WICKERSHAM.

CLEVELAND H. DODGE.

VANCE MCCORMICK.

OSCAR S. STRAUS.

HERBERT S. HOUSTON,

Treasurer, Bush Terminal Sales Building, New York.

Mr. NEW. Mr. President, it will be observed that the gentleman to whom this telegram was addressed is asked if he will be one of 99 to subscribe \$1,000 each for the purpose of proselytizing in favor of the league, and so on. The reply which they got from this particular gentleman was somewhat disconcerting to them, but the point I make is that since the treaty is now before the Senate it would be interesting to know just what particular disposition is proposed to be made of so large a sum as is called for by these telegrams, just what it is that these gentlemen expect to do with so large a fund to be expended in the behalf and in the interest of a proposition that is now before the Senate of the United States.

### DAMAGES BY NAVAL VESSELS (S. DOC. NO. 104).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of the Navy, submitting a supplemental estimate of appropriation in the sum of \$6,289.94 to pay war claims for damages by naval vessels adjusted by the Navy Department, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

### SCHEDULES OF CLAIMS (S. DOC. NO. 94).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to \$1,160,332.82 allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

### LISTS OF JUDGMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered against the Government by the district courts of the United States, and requesting an appropriation in the sum of \$9,303.95 required to meet payment of these claims (S. Doc. No. 100), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims amounting to \$116,414.93, which require an appropriation for their payment (S. Doc. No. 102), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

### ESTIMATES OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, submitting a supplemental estimate of appropriation in the sum of \$40,000 required by the Geological Survey for the collection of statistics of coal and coke production, fiscal year 1920 (S. Doc. No. 103), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Labor, submitting, at the request of the President,

an estimate of appropriation in the sum of \$35,000 required for the expenses incident to the approaching industrial conference to be held in the city of Washington, D. C. (S. Doc. No. 101), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation in the sum of \$200,000 required by the Engineer Department of the Army for continuing construction of the bridge across the Potomac River at Georgetown, fiscal year 1920 (S. Doc. No. 98), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a deficiency estimate of appropriation in the sum of \$550 required by the War Department for expenses of removing partitions in the State, War, and Navy Department (S. Doc. No. 97), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental estimate of appropriation in the sum of \$17,500 required by the War Department for salaries of accountants engaged upon the audit of accounts of the American National Red Cross (S. Doc. No. 99), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ORIENTAL AND DOMESTIC BEANS (S. DOC. NO. 96).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of the 20th ultimo, statistics showing the imports of beans and lentils into the United States during the fiscal years ending June 30, 1914 to 1919; exports of domestic beans from the United States during the fiscal years ended June 30, 1918, and 1919, etc., which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2972) to extend the cancellation-stamp privilege to the Roosevelt Memorial Association, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, and Mr. RUBEN managers at the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

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

S. 276. An act to amend sections 4 and 5 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916;

S. 277. An act to authorize absence by homestead settlers and entrymen, and for other purposes;

S. 2624. An act to provide travel allowances for certain retired enlisted men and Regular Army reservists;

H. R. 6410. An act authorizing the city of Boulder, Colo., to purchase certain public lands;

S. J. Res. 75. Joint resolution authorizing the appointment of an ambassador to Belgium; and

S. J. Res. 95. Joint resolution authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919.

PETITIONS AND MEMORIALS.

Mr. STERLING presented memorials of sundry citizens of Marion Junction, Dolton, Freeman, and Bridgewater, all in the

State of South Dakota, remonstrating against universal military training, which were referred to the Committee on Military Affairs.

Mr. PENROSE presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the adoption of the so-called Plumb plan for control and operation of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the establishment of a "free port" system for the United States, which was referred to the Committee on Commerce.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation to establish an interstate marketing system, which was referred to the Committee on Interstate Commerce.

Mr. KEYES presented petitions of sundry citizens of Colebrook, Pittsfield, Madison, and Grantham, all in the State of New Hampshire, praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. ELKINS presented a petition of the Ladies' Auxiliary of the Ancient Order of Hibernians of Wheeling, W. Va., praying for the independence of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Elkins, W. Va., praying for the establishment of a department of education, etc., which was referred to the Committee on Education and Labor.

Mr. PHIPPS presented a petition of the Retail Grocers and Meat Dealers' Association of Denver, Colo., praying for an investigation into the high cost of living to determine wherein lies the blame for profiteering, which was referred to the Committee on Agriculture and Forestry.

Mr. SMITH of Maryland presented a petition of the Quarterly Meeting of Friends of Baltimore, Md., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a memorial of the Quarterly Meeting of Friends of Baltimore, Md., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. PAGE presented a petition of Pomona Grange, Patrons of Husbandry, of Shetford Center, Vt., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. WALSH of Massachusetts. I have received resolutions adopted at a joint convention of the Lithuanian Roman Catholic Federation on August 18-22, 1919, at Worcester, Mass., explanatory of the little-understood situation in Lithuania. I ask that the resolutions be printed in the Record and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

"The following resolutions were adopted by the representatives of the Lithuanian National Council, Lithuanian Roman Catholic Federation of America, Lithuanian National Fund, Lithuanian R. C. Association of Labor, Lithuanian Total Abstinence Association, Lithuanian R. C. Women's Association, and Lithuanian Press Association in joint convention with the Lithuanian R. C. Federation on the 18th to 22d of August, 1919, at Worcester, Mass.

"We Americans of Lithuanian descent, having the interest, well-being, and future development of the Lithuanian Republic at heart, believing fully in her aspirations and sympathizing entirely with her suffering, have adopted the following resolutions:

"Whereas Lithuanians are a distinct and separate race in Europe, neither Slavic nor Teutonic; and

"Whereas Lithuania has declared her absolute independence and separation from Russia; and

"Whereas Lithuanians of East Prussia have declared their independence of Germany and they have resolved to become an integral part of the Lithuanian Republic; and

"Whereas the Lithuanian Republic is and has been administered during the two past years by officials chosen by the people, and the Government is functioning satisfactorily: Therefore be it

"Resolved, That Lithuania be recognized as an independent nation; and be it further

"Resolved, That the present Government of the Lithuanian Republic be recognized by the United States of America; and the president of this convention is directed to send a copy of

this resolution to the President of the United States and the Congress of the United States and to the peace conference in Paris.

“Whereas Bolshevism is a danger to the democracies of the world; and

“Whereas this danger can be suppressed or isolated by force and arms; and

“Whereas Bolshevism uncombed may extend beyond its present limits; and

“Whereas the armies of the Lithuanian Republic under the leadership and direction of Gen. Zukauskas have successfully maintained an active front against the armies of Lenin and Trotski; and

“Whereas the Lithuanian Republic is handicapped in its laudable campaign through a shortage of food, clothing, medical, and military supplies; and

“Whereas the need of military supplies and equipment in particular is imperative and immediate if the defense is to be continued successfully; and

“Whereas the Lithuanian Republic by opposing Bolshevism is benefiting Europe, the United States, and the whole of mankind: Therefore be it

“Resolved, That the Government of the United States negotiate with and furnish to the Lithuanian Republic necessary food, clothing, medical supplies, and military equipment.

“Whereas the Lithuanian Republic after her declaration of independence elected a president and proceeded to function as a government, holding the confidence of the citizens of Lithuania and controlling almost all of ethnographic Lithuania, and a commission was sent to the peace conference in Paris to protect the interests of the Lithuanian Republic; and

“Whereas the presence of this commission in Paris was known to the various representatives at the peace conference through the presentation of various documents supporting Lithuanian claims, and the chairman, Prof. A. Valdemar, of the Lithuanian commission, was received by the official delegates of the different countries represented in Paris, including Mr. Henry White, one of the five representatives of the United States; and

“Whereas the peace conference made certain decisions seriously affecting the future of the Lithuanian Republic and her territory without considering the opinion of Lithuania's representatives, for example:

“1. The river Niemen, which flows through purely Lithuanian territory, has been internationalized.

“2. A temporary line of demarcation has been declared by the peace conference in Paris between the Lithuanian Republic and Poland, and the peace conference directed that hostilities cease in that territory, and this line benefits Poland, because it permits Polish armies to remain on purely Lithuanian territory and it gives Poland a free hand to carry on her propaganda.

“Whereas making the river Niemen (Memel) free opens up a new object for future international misunderstanding, especially with Poland; and

“Whereas Lithuanian representatives were not heard nor were their opinions considered in these very vital decisions: Therefore be it

“Resolved, That the representatives of the United States to the peace conference in Paris take notice of the evident injustice done to the Lithuanian Republic and that they try and obtain a hearing before the peace conference for the Lithuanian Republic in these premises; and be it further

“Resolved, That the attention of the Senate of the United States of America is called to the injustice above referred to, especially the internationalization of the river Niemen (Memel), and that they modify the treaty of peace by making the river Niemen purely Lithuanian, subject to the administration and control of the Lithuanian Republic.

“Whereas the peace conference at Paris has taken cognizance of the existence of the Lithuanian Republic; and

“Whereas the peace conference through Marshal Foch directed that a temporary neutral line of demarcation be maintained between Lithuanian Republic and Polish Government; and

“Whereas the Lithuanian Republic has respected the suggestion of the peace conference; and

“Whereas the Polish Government has ignored the peace conference suggestion; and

“Whereas the Polish armies instead of fighting Bolshevism are invading the territory of the Lithuanian Republic; and

“Whereas this invasion has extended far beyond the temporary line of demarcation suggested by the peace conference: Therefore

“We Americans of Lithuanian descent solemnly protest against the overt acts of hostility by the Polish Government made against the Lithuanian Republic; and

“We further protest against the presence of Polish troops upon Lithuanian territory: Therefore be it

“Resolved, That the Government of the United States use her influence through Congress and the peace conference in Paris to the purpose of having Poland cease in her acts of hostility in Lithuania: Further, That Poland withdraw her forces to the line of demarcation already established; and be it further

“Resolved, That the Government of the United States is represented to convey her disapproval of the above acts to Poland and the peace conference in Paris with the insistence that the wrongs above referred to be remedied at once.”

B. F. MASTAUSKAS,  
President Lithuanian National Council.

J. J. BILLSKIS,  
Secretary Lithuanian National Council.

Mr. WALSH of Massachusetts. I have also received a communication from the secretary of the National Federation of Religious Liberals relative to the league of nations, which I ask to have printed in the RECORD. Accompanying the communication is a report of the proceedings of the ninth congress of the federation, which I ask may be referred with the communication.

The communication and accompanying report was ordered to lie on the table, and the communication was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF RELIGIOUS LIBERALS,  
Newton, Mass., September 4, 1919.

Hon. DAVID L. WALSH,  
Senator from Massachusetts.

DEAR SIR: I am instructed by the council of this federation, which officially represents the union for common ends of the Societies of Progressive Friends, the Unitarian and Universalist Churches, and congregations of Jewish Reform in the United States, besides many individual religious liberals, to ask your courteous consideration of the action taken by it at its late session at Longwood, Pa., a printed copy of which I herewith transmit to you.

The expression of opinion in favor of an early ratification by the Senate of the treaty of peace with Germany without amendment, save such interpretations as may further explain our American understanding of it, was ardent and unanimous. We trust we may find your senatorial judgment coinciding with this view of our international obligations as a people.

I remain, very truly, yours,

CHARLES W. WENDTE, Secretary.

Mr. WALSH of Massachusetts. I present a memorial from the League for the Preservation of American Independence, praying for the adoption of certain reservations in ratifying the treaty of peace with Germany, together with a statement signed by 150 citizens of Massachusetts and other States approving the stand taken by that organization. I ask that the body of the memorial be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

FREEDOM TO DEFEND A RIGHT; FREEDOM TO REFUSE TO FIGHT; FREEDOM TO MIND OUR OWN BUSINESS.

To the Senators of the United States:

The League for the Preservation of American Independence respectfully urges the careful and dispassionate consideration of the following:

I.

We affirm:

1. That no treaty obligations should be assumed which impair—

RIGHT OF SELF-DEFENSE.

(1) The right of self-defense and of friendly succor.

RIGHT TO REFUSE TO FIGHT.

(2) The right to refuse to go to war.

RIGHT TO MANAGE DOMESTIC AFFAIRS AND TO MAINTAIN MONROE DOCTRINE.

(3) The right to manage our own domestic affairs and to maintain our traditional policies.

ALL THESE RIGHTS DESTROYED OR IMPERILED BY THE COVENANT.

2. That the right of self-defense and of friendly succor is destroyed by article 15 of the covenant; that the right to refuse to go to war is destroyed by article 10 of the covenant; and that the right to manage our own domestic affairs and to maintain our traditional policies is imperiled by articles 16, 21, and 23.

AMENDMENT NEEDED, NOT INTERPRETATION.

3. That if these provisions of the covenant were good but obscure, they would require interpretation, but that as they are vicious and clear, what they need is amendment.

II.

CONSENT TO BE GIVEN SUBJECT TO SPECIFIC RESERVATIONS.

We therefore submit:

1. That the Senate should refuse to advise and consent to the making of the treaty with Germany unless its advice and consent is expressly made subject to such reservations as the Senate shall specify. According to established international usage, acceptance by the other parties signatory of such reservations can be accomplished by the separate action of the several chancelleries without either reconvening the peace conference or jeopardizing the stability of the peace with Germany.

RECONVENING OF PEACE CONFERENCE NOT NECESSARY.

2. That when consent has thus been given to the treaty the Senate should maintain its reservations even if other powers hesitate or decline to approve them, and should not under any circumstances yield to pressure exerted from abroad.

## THE UNITED STATES MUST NOT YIELD TO FOREIGN POWERS.

3. That the reservations to be made by the Senate in giving consent to the treaty should include the following:

## THE RIGHT OF SELF-DEFENSE.

First reservation: The United States expressly reserves its right to resort to war in self-defense or for the restoration of order in a neighboring territory or to succor a friendly nation, even if such action is disapproved by the unanimous vote of the council or of the assembly; such an exercise of sovereignty by the United States not to constitute a breach of any covenant or obligation under this treaty and not to subject the United States to any of the consequences prescribed therein in the case of disregard of covenants, anything in the treaty to the contrary notwithstanding.

## THE RIGHT TO REFUSE TO FIGHT PRESERVED.

Second reservation: The United States expressly reserves its right to ignore a call to arms from either the council or the assembly and to refuse to adopt any military, naval, financial, or economic measures against any nation or nations except such as its uncontrolled judgment shall approve, anything in the treaty to the contrary notwithstanding.

## THE RIGHT TO REGULATE DOMESTIC AFFAIRS AND TO MAINTAIN THE MONROE DOCTRINE PRESERVED.

Third reservation: The United States expressly reserves its right to determine its own domestic policies and to enforce its own regulations for the control of immigration and of its own coastwise trade and to formulate and enforce its own fiscal and tariff policies, and in particular the United States reserves its right to act in accordance with the Monroe doctrine with the same freedom and effect as if this treaty had not been made.

Respectfully submitted.

LEAGUE FOR THE PRESERVATION OF AMERICAN INDEPENDENCE,  
By HENRY WATTERSON, President.  
GEORGE WHARTON PEPPER, Vice President.  
STUYVESANT FISH, Treasurer.  
HENRY A. WISE WOOD, Secretary.  
ALBERT J. BEVERIDGE, Director.  
LOUIS A. COOLIDGE, Director.  
THOMAS W. HARDWICK, Director.  
DAVID JAYNE HILL, Director.  
E. C. STOKES, Director.

I approve the position of the League for the Preservation of American Independence as above stated and request the Senators from my State to act in accordance with it.

(Signed) STANLEY C. ROBBINS,  
Harwich, Mass.

## REPORTS OF COMMITTEES.

Mr. SMITH of Arizona, from the Committee on Public Lands, to which was referred the bill (S. 2610) to provide for the disposal of certain waste and drainage water from the Yuma project, Arizona, reported it without amendment and submitted a report (No. 200) thereon.

Mr. MCLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 2902) to amend section 5182, Revised Statutes of the United States, reported it without amendment and submitted a report (No. 201) thereon.

Mr. KELLOGG, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate or foreign commerce, reported it with an amendment and submitted a report (No. 202) thereon.

Mr. NEWBERRY, from the Committee on Fisheries, to which was referred the bill (S. 2978) to establish additional fish-cultural subsidiary stations in the State of Michigan, reported it without amendment and submitted a report (No. 203) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 287) to authorize mining for metalliferous minerals on Indian reservations, submitted an adverse report (No. 212) thereon, which was agreed to and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 368) to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallot the lands included therein, submitted an adverse report (No. 213) thereon, which was agreed to and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 806) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States, reported it with an amendment and submitted a report (No. 207) thereon.

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

A bill (S. 193) to cancel the allotment of Little Bear, deceased Indian of the Crow Reservation, Mont. (Rept. No. 206);

A bill (S. 1329) to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian reclamation project (Rept. No. 208); and

A bill (H. R. 446) authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture (Rept. No. 211).

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 126) conferring jurisdiction on the Court of Claims to permit the Yankton and Cuthead Bands of Sioux Indians to intervene in the action of the Sisseton and Wahpeton Bands of Sioux Indians against the United States (Docket No. 33731), and to hear, determine, and render judgment in said action in claims of Yankton and Cuthead Bands of Sioux Indians against the United States (Rept. No. 205);

A bill (S. 2282) canceling Indian trust patents Nos. 307319 and 366449 (Rept. No. 209); and

A bill (S. 2709) authorizing the Secretary of the Interior to issue patent to school district No. 8, Sheridan County, Mont., for block 1, in Wakea town site, Fort Peck Indian Reservation, Mont., and to set aside one block in each township on said reservation for school purposes (Rept. No. 210).

## MAJ. GEN. CROWDER.

Mr. KNOX. From the Committee on Military Affairs I report back favorably, without amendment, the bill (S. 2867) to authorize the President, when Maj. Gen. Crowder retires, to place him on the retired list of the Army as a lieutenant general, and I submit a report (No. 204) thereon. To the report is attached a letter from the Secretary of War and a report from the Adjutant General, which I ask to have printed in connection therewith.

The PRESIDENT pro tempore. In the absence of objection it will be so ordered.

## GRAZING LANDS IN UTAH.

Mr. SMOOTH. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 3016) to authorize the disposition of certain grazing lands in the State of Utah, and for other purposes, and I submit a report (No. 214) thereon. I present in connection with the bill a favorable report from the department. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That so much of the act of Congress approved March 3, 1905 (Publ. No. 212), as limited the sale of Indian lands in the former Uintah Indian Reservation, in Utah, remaining undisposed of five years from the taking effect of the act to disposition in tracts of not more than 640 acres to any one person be, and the same is hereby, repealed, and such lands shall remain subject to disposition as provided by law, under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That where the validity of purchases heretofore made under the act of March 3, 1905, have been or may hereafter be questioned in any departmental or court proceedings on the ground that a larger area than 640 acres has been, directly or indirectly, acquired by one person or corporation, the Secretary of the Interior is authorized, in his discretion, to accept a reconveyance of the lands involved in such proceeding and to repay to the purchaser or his assigns the purchase money paid therefor, or to validate, ratify, and confirm such sales, or to examine and determine the present value of said lands and upon payment by the patentee or purchaser or his assigns of the difference between the amount heretofore paid and such ascertained value, to validate, ratify, and confirm such sales.

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

Mr. SMOOTH. I ask that the report may be printed in the RECORD.

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

Mr. SMOOTH, from the Committee on Public Lands, submitted the following report (to accompany S. 3016):

The Committee on Public Lands, to whom was referred the bill (S. 3016) to authorize the disposition of certain grazing lands in the State of Utah and for other purposes, having had the same under consideration report favorably thereon without amendment, with the recommendation that the bill do pass.

This bill proposes to remove the limitation of 640 acres as a maximum purchase on all future sales, leaving the lands to be disposed of as otherwise provided by the act of 1905 (33 Stats. L. 1069), under rules and regulations to be prescribed by the Secretary of the Interior. It would be for the best interest of the Indians to remove this restriction in the interest of obtaining better prices for their lands, because the land is of such character as to be worthless in small tracts, while larger areas will afford an opportunity for use for grazing purposes.

The bill has the approval of the Secretary of the Interior, as will appear by the letter attached, which is made a part of this report.

SEPTEMBER 19, 1919.

MY DEAR SENATOR: I am in receipt of your letter of September 18, 1919, requesting an expression of my views on S. 3016. "A bill to authorize the disposition of certain grazing lands in the State of Utah, and for other purposes."

This bill appears to be a substitute for S. 2769, concerning which I submitted a favorable report on the 21st of last month. The present bill amends S. 2769, to the extent of adding after the word "sales," in the present draft of the bill, line 7, page 2, the following:

"To examine and determine the present value of said lands and upon payment by the patentee or purchaser, or his assignees of the difference

between the amount heretofore paid and such ascertained value, to validate, ratify, and confirm such sales."

I see no objection to the amendment, and recommend that Senate No. 3016 receive the favorable consideration of your committee.

Cordially yours,

F. K. LANE, Secretary.

HON. REED SMOOT,  
Chairman Committee on Public Lands,  
United States Senate.

BILLS AND JOINT RESOLUTIONS 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. STERLING:

A bill (S. 3036) granting a pension to Amos T. Duggan (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3037) to authorize the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes; to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 3038) granting to the trustees of the Congregational Church of Bowdoin, Mont., for the benefit of the Congregational Church at Bowdoin, Mont., lots 4 and 5, in block 12, town site of Bowdoin, State of Montana; to the Committee on Public Lands.

A bill (S. 3039) granting a pension to Jesse E. Ballinger; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3040) donating captured cannon and cannon balls to the city of Fredonia, Kans.; to the Committee on Military Affairs.

A bill (S. 3041) for the relief of Mrs. Silas Cooper (with accompanying papers); and

A bill (S. 3042) for the relief of James Walters (with accompanying papers); to the Committee on Claims.

By Mr. MOSES:

A bill (S. 3043) granting an increase of pension to Alonzo Knox (with accompanying papers); to the Committee on Pensions.

By Mr. KEYES:

A bill (S. 3044) granting an increase of pension to Hiram A. Campbell; to the Committee on Pensions.

By Mr. STANLEY:

A bill (S. 3045) to increase the limit of cost of the public building to be erected at Shelbyville, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. HALE:

A bill (S. 3046) granting an increase of pension to Hiram B. Orff (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 3047) to authorize the retirement of enlisted men of the Army, Navy, and Marine Corps for disability; to the Committee on Military Affairs.

A bill (S. 3048) granting an increase of pension to James H. Osburn; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3049) for the relief of Samuel Wilson; to the Committee on Military Affairs.

A bill (S. 3050) for the relief of the Sanitary Co. of America (with accompanying papers); to the Committee on Claims.

A bill (S. 3051) granting an increase of pension to Charles F. Doepel;

A bill (S. 3052) granting an increase of pension to Washington B. Coder (with accompanying papers);

A bill (S. 3053) granting an increase of pension to John Klingler (with accompanying papers);

A bill (S. 3054) granting an increase of pension to John Eildes, Jr. (with accompanying papers);

A bill (S. 3055) granting an increase of pension to Lewis A. Uhl (with accompanying papers);

A bill (S. 3056) granting a pension to Margaret Mars (with accompanying papers);

A bill (S. 3057) granting an increase of pension to Leroy Loveland (with accompanying papers); and

A bill (S. 3058) granting a pension to George McCaughin; to the Committee on Pensions.

By Mr. UNDERWOOD (for Mr. MARTIN):

A bill (S. 3059) granting a pension to Belle Carmody (with accompanying papers); to the Committee on Pensions.

By Mr. UNDERWOOD:

A joint resolution (S. J. Res. 110) authorizing the Secretary of the Interior to issue patent to Alice Q. Lovell and W. S. Lovell; to the Committee on Public Lands.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. CURTIS submitted an amendment proposing to appropriate \$35,000 for the purchase of a bridge across Missouri River connecting the two portions of the United States Military Reservation at Fort Leavenworth, Kans., intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

STRIKE OF STEEL MILL EMPLOYEES.

Mr. CURTIS. On behalf of the junior Senator from Iowa [Mr. KENYON] I offer a resolution, which I ask may go over under the rule.

The resolution (S. Res. 188) was read, as follows:

Whereas a strike of the employees of the steel mills of the United States has been called; and  
Whereas such strike adds to the troublesome conditions already existing and becoming a question of great public moment; and  
Whereas it is the duty of Congress to investigate the causes and purposes of said strike and see if the situation can in any way be relieved by Federal action: Now, therefore, be it

Resolved, That the Committee on Education and Labor of the United States Senate is hereby instructed to immediately investigate said strike and report to the Senate within the shortest possible time the causes and reasons therefor.

Mr. CURTIS. Mr. President, I give notice that the Senator from Iowa [Mr. KENYON] will call up the resolution to-morrow morning.

The PRESIDENT pro tempore. The resolution will go over under the rule and be printed.

RACE RIOTS AND LYNCHINGS.

Mr. CURTIS submitted the following resolution (S. Res. 189), which was read and referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary of the United States Senate be, and it is hereby, authorized and directed at as early a date as possible, by subcommittee, to investigate the race riots in the city of Washington, D. C., and other cities in the United States, and to investigate lynchings which have occurred in different parts of the United States, and to ascertain as far as possible the causes for such race riots and lynchings and report what remedy or remedies should be employed to prevent the recurrence of the same. Said subcommittee shall have power to have meetings in any part of the United States, to call and examine witnesses, to examine papers and to take such action as may be necessary to secure the facts.

PRICE OF WOOL.

Mr. PHIPPS. Mr. President, I send to the desk a telegram which I have received from Mr. W. A. Snyder, of Denver, Colo., representing the woolgrowers of the Western States, which I ask to have read and referred to the Committee on Agriculture and Forestry.

There being no objection, the telegram was ordered to be read and referred to the Committee on Agriculture and Forestry, as follows:

DENVER, COLO., September 21, 1919.

LAWRENCE C. PHIPPS,  
United States Senate, Washington, D. C.:

We have advices from London that the British Government is going to ship 50,000,000 pounds of their wool to Boston and sell same at public auction in November. If England is allowed to do this, it is going to demoralize prices on wool, not only for present clip which is stored in Boston but also next year's clip. I have taken this matter up with all our western growers, and they are unanimous in the opinion that England should not be allowed to use United States as dumping ground for her wool, and it will be appreciated by every grower in this western country if you will use your best efforts to block England's game. The high cost of living agitation that is going on in the country has been directed principally at the meat industry, and prices have declined on both cattle and sheep to such an extent that every grower that is marketing his stuff at the present time is losing money; and we feel we are entitled to some protection on our wool for at least one year to come. United States has 684,000,000 pounds of wool on hand, which is ample for all requirements. The producer of live stock is entitled to reasonable protection, and if it is not given production is going to be curtailed—the very thing nobody wants to see.

W. A. SNYDER.

ARTICLE BY M. F. O'DONOGHUE ON STRIKES.

Mr. MYERS. Mr. President, I have a short article from The Chief, a civil-service employees' weekly publication. It is written by Mr. M. F. O'Donoghue, a respected and faithful employee of the Government Patent Office. It relates to the subject of strikes by Government employees and others, and it contains so much good sense and patriotism in this day of strikes and threatened strikes that I ask for its publication in the RECORD.

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

**"STRIKES" OF ALL KINDS MUST GO AND AMERICANISM RULE AGAIN.**  
[By M. F. O'Donoghue.]

"Coming events cast their shadows before" is a line from one of Walter Scott's poems. I have foreshadowed some events in The Chief that have come to pass. I make another prophecy. Put down upon the tablets of your memory, 'The strike must go.' Not the policeman's strike alone; not the civil servants' strike alone; but every and any form of 'strike.' The 'strike' will follow the saloon. It was the offspring of the saloon. The men who backed the 'saloon' went with it. The men whose strength is in the 'strike' will go out of existence with the 'strike.' Why will the 'strike go?' Because it's wrong! Because it's inhuman! Because it's selfishness personified! Because it's un-American! Everything that is un-American will go, or will be eliminated from American soil. The danger of the 'strike' came to a climax in Washington when the commissioners were told that only privates of the force would be permitted to become members of the union. The members of the committee were then catechised about this rule, why it had been adopted, and if it would not be changed to allow the officials and higher officers of the department to become members of the union. They were informed that the rule would not be amended.

"Now, you have the whole thing in a nutshell. There had been a policemen's association. The chief of police had joined it. Then there was a 'union' affiliated with the American Federation of Labor, but he would not be permitted to join that. Here was the quintessence of Bolshevism: 'Only privates of the force would be permitted to become members of the union.' Are we in Petrograd or in Washington, D. C.? Is this a dream or a figment of the imagination? No! My friends, it is a stern reality. It is a deliberate attempt to substitute the Bolshevism of Trotzki and Lenin for the Americanism of Washington and Lincoln. The members of the union had their opportunity when Police Commissioner Brownlow ordered them to resign from the union. Those who delayed a moment branded themselves as disloyalists. The officers of the American Federation of Labor had the same opportunity. They should at once have insisted that the police association disperse itself from the American Federation of Labor as reliable guardians of the law and loyal Americans.

"We must and we will perpetuate the American system of order regulated by law. Those who are not prepared to adhere to that program must go out of the United States of America or they will be driven out or incarcerated. Every man, woman, and child will have his or her day in court, and they must abide in the consequences.

"Retirement is in abeyance. Now that the N. A. L. C. has reelected its former officers, there may be something doing. These men are experienced, able, and discreet. They are above all things conservative, which goes a long way in these times. The radicalism that was tolerated during the war has run its course. It is on the down grade. The common horse sense of the average American is manifesting itself."

#### TREATY OF PEACE WITH GERMANY.

Mr. THOMAS. Mr. President, during the last three weeks I have received a large number of copies of resolutions emanating from the various Democratic county organizations in my State, including also the State executive committee of the Democratic committee of Colorado, requesting me to vote for the treaty including the league of nations in its present form. I replied at length to the communication received from the State executive committee, but the others have become somewhat numerous, too numerous, in fact, to admit of the time necessary to make a similar communication to each. I therefore ask unanimous consent to have inserted in the RECORD a copy of my letter of September 4 to Hon. Philip Hornbein, chairman of the Democratic State executive committee, of Denver, Colo., which will enable me to answer in this manner all the correspondence I have on the subject.

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

SEPTEMBER 4, 1919.

To the Hons. PHILIP HORNBEIN (chairman), GERTRUDE A. LEE (vice chairman), G. B. MCFALL (secretary), JOHN H. MITCHELL, WATT G. SHELDON, JOHN W. MALONEY, W. H. GATES, and A. W. GRANT,

*Members of the Democratic State Executive Committee,  
Denver, Colo.*

GENTLEMEN: I am in receipt of your resolutions indorsing the covenant of the league of nations, deplored efforts made by the

opposition to belittle and embarrass the President, and requesting me "to exert every effort to bring about the immediate ratification of the league of nations without reservation or amendment," which I have read with due appreciation of its recitals.

In replying to this resolution I shall assume, and I hope with your approval, that it is not partisan, although emanating from a party committee. The proportions of the subject are international in their scope and operation; their stupendous importance to us, to posterity, and to the world lift it far above the limitations of party organisms. Efforts have been made to confine it to that narrow and sordid plane, and many hope that it may become an issue of the next national election. I trust not, but if it should become such an issue, popular sentiment will destroy existing party lines and create new political divisions, charged with possibilities of danger to our institutions and ill equipped for the formidable tasks now within the horizon of our future.

The covenant of the league of nations consists of 2 of 15 parts and 67 of 441 articles of the treaty negotiated at Versailles on June 28 last between 27 allied and associated powers, including the United States and the new Government of Germany. Three of these powers were born of the travail of the war just ended. The operation of the covenants of this treaty upon us will be neither individual nor partisan, but national. Our attitude toward the treaty should be national also. It is an old, and I trust a true, saying that we are partisan within our geographical boundaries and are Americans beyond them. The truth of this aphorism now approaches the supreme test, and it will be a sad hour for our country if it does not survive the ordeal.

I am fully aware that some eminent Republicans, of whom Senator BORAH is an example, insist that the covenant of the league not only should be, but is in fact, a party issue. I know, too, that much of the opposition to it is inspired by partisan motives, and Republicans have no monopoly of this attitude, for many Democrats are similarly disposed in the other direction. But the wisdom of the mass, too obviously resentful of this tendency, will effectually check its general acceptance.

Since I entered public life I have affiliated with and recognized the obligations of the Democracy, but I have never for a moment permitted any party consideration to influence my judgment in the exercise of the treaty-making power, and so long as I remain in the Senate I never will.

Lest I have misapprehended the character of your resolution, however, I must add just here that while I concede the right of your committee to officially advise me as to all matters of a party nature, I am unable to acknowledge its extension into other domains of public duty. Hence I shall treat your communication as embodying the view of eight of my esteemed friends and fellow citizens and reply to it in similar fashion.

I do not know how many of you have read the treaty nor how familiar you may be with its terms. Several times I have read and pondered over its many and complicated covenants, and my task is still incomplete. Indeed I have done this so long and so anxiously that some of my constituents reproach me with being unable or unwilling to reach definite conclusions through timidity, vacillation, or some equally ignoble impulse. But I have been actuated at all times by the very earnest desire to support the treaty by squaring its provisions, if possible, with the dictates of duty and of conscience. This task I have been unable to accomplish.

If the league, when established, would function as so confidently asserted by its supporters, many of whom are not familiar with its provisions, I would accept it. But if it does not, and I fear it will not so function, the reaction among these very supporters will justly make us the first objects of their condemnation, since ours was the responsibility of final action.

The President in his New York address last March declared that the league would be so woven into the general fabric of the treaty that it would be very difficult to separate it therefrom. That has been done. Hence one must familiarize himself with the entire document or he can not intelligently comprehend the nature and probable operation of the league. My opinion is that this is a victor's treaty, a treaty of force, a treaty of punishments, a treaty of partition, a treaty burdened with conditions accepted by the vanquished only at the point of the sword. Doubtless Germany deserves its punishments and much more, but the treaty is nevertheless freighted with a ghastly cargo of future wars, only awaiting opportunity for their bloody development. Germany, like France before her, will submit to her burdens only so long as she must. Both herself and Russia are excluded from the league. It now seems probable that she can and will control that great but suffering nation in the near future, and operate within her vast dominions unhindered by any treaty limitations. Russian Bolshevism means, and has always meant, German activity in Russia.

Through Lenin she has acquired ownership of a majority of Russian manufacturing equipment. The population of the two countries is fully 250,000,000, more than twice that of Great Britain, France, and Italy, and equal to the combined population of these three countries and the United States. And we have antagonized all elements in Russia by a hesitant and ineffective policy, obnoxious to the present dominant class, and deservedly unsatisfactory to the rest of the Russian people. Poland, Czechoslovakia, and the Balkan States are bitterly resentful of the boundaries prescribed for them, some of which must be hereafter defined by plebiscites. Moreover, they are populated by composite but conflicting races, whose bloody collisions have been occasionally avoided in the past by a dominating authority now wholly removed. Italy has no intention of abandoning her demand for Fiume, nor is Jugoslavia less determined to retain it. Italy clashes with Greece in Albania and Asia Minor, while France and England even now look askance at each other from their vantage points in Syria and Palestine. Across the Pacific the Shantung problem looms large and sinister. All these situations with others of minor import lurk in the treaty; their outlines scarcely concealed by the elaborate phraseology of its ponderous recitals. Roumania has just defied the authority of the allied and associated powers, overrun Hungary, and arrogantly refuses to surrender a foot of its occupied territory. Hungary must be protected by the Allies if protected at all, and that seems impossible, except by armed intervention.

Do you see any prospect of restoring normal conditions here by merely settling the international problem of the league? Or that when one of these storms breaks from three to five thousand miles distant from America, the burden of their suppression under the league must fall upon us because ours is the only great power still possessed of the financial and military sinews of war? And do you believe the public sentiment of our countrymen will approve our entry into any such war waged upon other continents than ours, to settle differences wholly alien to our hemisphere? Speaking solely for myself, I can not perceive the wisdom of ratifying a treaty pregnant with strife and conflict, and hoping to avoid them by intertwining its articles with covenants for a league of nations. This is possible only to an alliance offensive and defensive, equipped actually and potentially with power to enforce its mandates. I know, of course, that the new and the Balkan nations, save Bulgaria, are to be members of the league, yet Italy, Roumania, and Bulgaria are approaching an entente, sure to be countered by similar action between Greece and the Serbian confederation. Europe can not change the habits nor control the propensities born of experiences centuries old. Her ways are not our ways, nor her purposes our purposes. Peace has been an interlude with her. With us it is a normal state. Her memories are of war and the punishments they have inflicted, of wrongs endured, of hates engendered, of reprisals hoped for. Ours have not yet been darkened by shadows such as these. Her exaltation upon the close of the war and after years of awful sacrifice, with the menace of Germany behind her, was spiritual and supreme. But it was only transient. That has gone. It subsided months ago and her ancient attitude has emerged from its effacement. It is reflected in every line of the treaty, save the covenant of the league, and the President secured that upon terms which must have been abhorrent to his ideals as they are repugnant to his sense of justice.

I can not review specific objections to the plan of the league without expanding this reply to tedious proportions. But I will send to each of you the speech I delivered in the Senate on August 22 upon the provisions of part 13, which I trust you will do me the honor of reading. Some of my friends have advised me that it was not a good party speech. It is not a party speech at all, nor one involving a party or even a strictly national problem. If my construction of part 13 is wrong, I feel sure some of the advocates or opponents of the league will say so to the country and establish the fact by cogent and conclusive arguments. No man will be more greatly relieved than myself should this be done.

Part 1 has been materially changed since it was first given to the public. These changes have greatly improved it, but others are still essential. Even Mr. Taft, its foremost unofficial advocate, now concedes the fact. Those which I shall advocate relate to articles 1, 10, 11, and 21, and to part 13, the reasons for which have been discussed so much and so frequently that I am sure you are already familiar with them.

The league in one or two very important particulars fails to measure up to the President's requirements for a successful covenant. For example, Mr. Wilson said, on January 22, 1917, that—

mere agreements may not make peace secure. It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged, or any alliance hitherto formed or projected, that no nation nor probable combination of nations could face or withstand it. If the peace presently to be made is to endure it must be a peace made secure by the organized major force of mankind.

No such organized force stands behind this league. It does not embrace half the world's population.

On September 27, 1918, the President said:

Economic rivalries \* \* \* have been the prolific source in the modern world of the plans and passions that make for war. It would be an insincere as well as an insecure peace that did not exclude them in definite and binding terms.

May I say that the proposed league does not exclude them in definite and binding terms, or at all? The sole reference to the subject is found in article 23, clause (e), which is confined to the congress of members of the league. The President recently told the Senate Committee on Foreign Relations that this clause did not conflict with the control of members of the league over their economic legislation.

In the same address the President said:

That price [of a secure and lasting peace] is impartial justice in every item of settlement, no matter whose interest is crossed; and not only impartial justice, but also the satisfaction of the several peoples whose fortunes are dealt with. That indispensable instrumentality is a league of nations formed under covenants that will be efficacious.

Need I here do more than mention Shantung, whose disposition can not be reconciled with this indispensable requirement?

On January 22, 1917, the President said:

A victor's terms impressed upon the vanquished \* \* \* would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, a resentment, a bitter memory upon which terms of peace would rest, not permanently but upon a quicksand.

This is the eloquent expression of an eternal truth.

The President has also said that a league of nations must be a league of democracies and devoted to the principle of popular government; that it could not admit of association with autocracy, which could not be relied upon to keep faith with its associates, and which would become a nest of intrigue, eating away the very heart of the league. But Japan, the one surviving autocracy of the world, is to be a member and one of the most important members of this league, and with a controlling vote in the proceedings of the executive council. I indorse all these utterances of the President as he gave them to the people, and I am more than ever convinced of their soundness; yet the league as outlined in the treaty conforms to none of those fundamental conditions. And I am surely justified in testing it by the rigid standards of one of its greatest authors in my effort to analyze its covenants and forecast its consequences.

You very properly "deplore the efforts made by the opposition to belittle and embarrass the President," and so do I. They are unworthy alike of their authors and of the mighty problem confronting them. I have had naught but admiration for the President and sympathy with his ideals and purposes. I have never failed to say so. I have denounced these miserable nagging and reflections upon the President's motives, his abilities, and his judgment more than once upon the floor of the Senate and elsewhere. I know the difficulties besetting him in Paris and the beasts with which he fought there, as did Paul at Ephesus. I know he performed his great task as well as any man similarly circumstanced could have done. It is with sorrow that I find myself compelled to differ from him upon a great question of international concern lying so near to his heart. But on occasions like these my first duty is to my country and myself as I am given to perceive and understand that duty. Therefore, after months of vigil and anxious thought, after viewing this treaty from every standpoint, historical, political, economical, and practical, I can not under my oath of office cast my vote for the ratification of this treaty in its present form.

Let me add in conclusion that ample provision is made by the treaty for ending war in advance of its final ratification. In a speech in the Senate on August 28 last Senator KNOX thus disposed of the subject: "In the last article, the fourth and third clauses preceding the testimonial clause read as follows:

A first procès-verbal of the deposit of ratification will be drawn up as soon as the treaty has been ratified by Germany, on the one hand, and by three of the principal allied and associated powers on the other hand. From the date of this first procès-verbal the treaty will come into force between the high contracting parties who have ratified it. For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of this treaty.

Germany and Great Britain have already ratified the treaty. So soon therefore as the treaty has been ratified by any two of the remaining allied and associated powers, the remaining powers being the United States, France, Italy, and Japan, and when the procès verbal of such deposit of ratifications has been drawn up "the state of war will terminate," as a reading of the many treaty clauses coming into force at that time and making the further conduct of the war impossible will clearly show.

The events here outlined would not establish the league, but they would end the state of war now theoretically existing.

It pains me deeply to differ from friends like yourselves upon a subject of such vital concern to our country and to the world. But it is for that supreme reason that I have studied the problem from the records of the past, the conditions of the present, and the welfare of the future. These guides point to the only path I can follow, and whatever the results, I shall have the consolation of my judgment and my conscience.

Very sincerely, yours,

C. S. THOMAS.

LEAGUE OF NATIONS.

Mr. SMITH of Arizona. I present a resolution adopted by Miami Miners' Union No. 70, of Arizona, favoring the ratification of the covenant of the league of nations. It is very short, and I ask without a violation of the rule that I have laid down for myself that it be printed in the RECORD.

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

Whereas the covenant of the league of nations recognizes labor as a sensitive force of human attributes; has the right to be considered when its voice is raised in conclaves of men deliberating on the affairs of humanity; and whose destiny is also involved in whatever fortunes is meted to the peoples of the world; and

Whereas the recognition of these several attributes, human and social, by the covenant, stabilizes the economic relations between the various nations of the world and therefor promotes peace endeavors: Be it

*Resolved*, That Miami Miners' Union No. 70, International Union of Mine, Mill, and Smelter Workers, as an integral part of the forces of labor, align itself with the spirit of the covenant that raises labor from a mechanical device to a living and vocative expression of men whose collective genius is the foundation upon which the structure of civilization rests; and further

*Resolved*, That the Union through these resolutions invoke the Congress of the United States to ratify the covenant of the league of nations and thus be a party to the upholding of a new thought, a new order for good, that arose out of the ashes of a devastating war.

Adopted by Miami Miners' Union in regular meeting September 10, 1919.

[SEAL.]

F. H. COLLINS, President.  
KENNETH CLAYTON, Secretary.

ADDRESS BY HON. CHARLES H. RUTHERFORD.

Mr. ASHURST. Mr. President, I ask unanimous consent to have inserted in the RECORD a copy of an address delivered by Hon. Charles H. Rutherford, vice president for Arizona of the American Bar Association, who ably discusses the proposed league of nations.

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

LEAGUE OF NATIONS.

[Address delivered by Hon. Charles H. Rutherford, vice president of the American Bar Association for Arizona, before the Verde District Bar Association, at Clarkdale, Ariz., July 18, 1919.]

"Mr. President and gentlemen of the Verde District Bar Association, while I feel greatly honored by being privileged to address you on the momentous question of the league of nations—a question that I conceive to be the greatest that has been before the American people since the drafting of the Declaration of Independence, I feel also that it is a question so many-sided that it would be impossible in the time at my disposal to cover more than a single phase of the subject. I will therefore attempt to consider it only from the purely legal side, as providing for the first time in the history of civilization a real court of last resort for the settlement of international differences.

"We have a great corpus of what we call international law. We all burned in our day more or less midnight oil in striving to master its intricacies, and as soon as we were admitted to practice we forgot what little we ever knew about it. And why? Because it was—and is—but a pure abstraction.

"This statement may be questioned, but I submit that it is the plain, unvarnished truth. What really constitutes a body of practical working law?

"In the first place, we must have either the statute or the customary law as a foundation—international law has no such basis, except it be the mass of treaties, agreements, balances of power, and other tools of the diplomats, and we have reason to know by the bitter experience of the past four years that these are, after all, but 'scraps of paper' to be obeyed or to be torn up as the whim of any nation may dictate. I maintain that any working law must have a surer foundation than this, else, as a *corpus juris*, it does not exist.

"We hear and read much of justiciable and nonjusticiable matters and the text writers are able to draw lines of the utmost fineness and delicacy between the two. What, may I ask, becomes of these fine-spun distinctions when one nation throws down the gage of battle and another picks it up? Read the answer in the crimes committed by the Germans in France, in Belgium, in Serbia, and in Russia. How many of the so-called

Hague conventions governing the conduct of civilized war did they observe or respect? Not one. For them international law was nonexistent and The Hague conventions but another 'scrap of paper' to be disregarded whenever their interest seemed to indicate such course as tending to possible victory.

"I repeat that for the Germans there was no such thing as law, whether of God or of man.

"In the next place, in order that we may have laws that are effective we must have courts to construe them.

"I need not say to this body of practicing attorneys that even the finest and most perfect statutes that the wit of man could devise would be but so much waste paper unless we had courts to adjudicate and determine the rights of the people under those statutes, to construe them, and, most important of all, to enforce them.

"And in order that the decree of the court may be translated into action the court must have its officers authorized and qualified to execute the decrees, its sheriffs and bailiffs to enforce the writs of judgment, its jails to hold the recalcitrant, aye, and its hangman to execute those condemned to the halter by its due processes.

"Eliminate any of these prerequisites and your system of law and law enforcement falls like a child's house of cards.

"Herein, as I see it, lies the everlasting weakness of international law. In the first place, it is a vague and utterly uncodified system, largely dependent upon text writers, diplomats, and treaty makers, and without any substantial basis on which all peoples are agreed. It is well nigh pure theory and is subject to infinite change with every trifling variation in the affairs of nations. No man can truthfully say that he knows much about it, and, as Germany has shown us, it has no basis in solid fact.

"In the next place, there is not now nor ever has been any court to determine the rights of litigants or to adjudicate disputed questions. We have had treaties by the thousand, some open and some signed in secret and preserved with every care from the knowledge of the world. We have had triple alliances, quadruple alliances, balances of power, balances of armies and navies, Hague conventions, peace palaces, peace commissioners, peace promises, disarmament agreements, arbitration treaties, and all other makeshifts and expedients that diplomats could invent, and what have they or any one of them amounted to when submitted to the acid test of practice? The answer is simple—less than nothing.

"I defy any man to cite to me a single treaty that was not just exactly what the Germans declared it to be, 'a scrap of paper' that might be disregarded at any time that it became to the interest of either party to so treat it.

"The treaty between nations is no whit different from the contract between individuals—it is absolutely worthless without a court to construe it and with power to enforce its findings.

"You may say that the treaty becomes binding by virtue of the mutual pledges of good faith and by the solemn covenants that it contains, and you may add that the nation that breaks a treaty incurs thereby everlasting shame and disgrace. I submit that no such fate has befallen any one of the nations that has broken treaties ever since the first one was drawn. In the late war Italy was bound to the German-Austrian alliance by treaties as solemn as could be made. Is she eternally disgraced because she failed to live up to her contract? Germany was pledged to respect the integrity of Belgium. Did she do so?

"I maintain that before we can have treaties that are not 'scraps of paper' we must have a tribunal of some sort that has the right to adjudicate between nations, and when we have that tribunal we shall need no more treaties.

"This tribunal can be erected only by the common agreement of the nations, and this agreement, this necessary contact of minds, we have for the first time in the history of mankind in the league of nations.

"My third point was that a court was not a court in the true sense of the term unless it has the power to enforce its decrees to the uttermost. Our civil and criminal courts all have such power, and therefore they are working, practical, potent institutions. Take away that power of enforcement and you have, *ipso facto*, done away with your court.

"Where do you find such a court in the realm of international law? Nowhere until now, but you do find it in the league of nations, which is equipped with all the machinery necessary to make its decrees effective.

"This league or tribunal has every necessary function and appurtenance of a working court. It has a body of codified law under which it acts; it is constituted for the express purpose of construing that law, and it has the 'teeth' to render its constructions effective.

"I maintain that this breaks new ground in international history and in international law, and to the great man whose fertile brain conceived the splendid idea I render my homage, careless of what political party he espouses or of what his other qualifications may be. It is not necessary that I should be of his particular opinion on matters of American politics, to his surpassing political genius I render my respect and my admiration, and, gentlemen, I feel that I am well within the truth when I say that President Woodrow Wilson will be remembered with affection and gratitude as long as the history of the race is written by reason of this magnificent achievement in political and diplomatic affairs by which, for the first time since the dawn of history, there seems a possibility of the final and complete elimination of the greatest curse of humanity—war.

"There are not wanting those who would take from President Wilson much of the credit for this stupendous idea, this magnificent conception. It is doubtless true that the adumbration of the idea has possessed the minds and hearts of men ever since the dawn of civilization, but it remained for him and his genius to crystallize the theory into practice and to present a working and workable plan for the solution of world difficulties and international disputes.

"Let us not hesitate, whether we be Republicans, Democrats, or what not, to give credit where credit is due, and I might submit that when all is said and done it is to Woodrow Wilson and to no one else that we must credit the conception of the league of nations as a workable, practical entity.

"And I am convinced that the common consent of all the peoples of the world is with him and is backing up the idea. In it they can see at least a hope of relief from their heaviest burdens, for let us not forget that we alone of the nations of the world have been free from the horrid necessity of maintaining great armies and navies. Every nation of Europe has been held back for centuries by the financial and physical burden of military and naval preparedness. We have often read of Europe as 'an armed camp,' and we know that the phrase was but a literal statement of the truth. Had a tithe of the cost of armaments been devoted to education or to the alleviation of social conditions Europe would be to-day a paradise instead of a hell.

"It may well be that the covenant of the league is not precisely as he first conceived it—it would be simply miraculous if it should be, as miraculous as was alleged to be the Septuagint translation of the Bible, in which, according to tradition, 70 individual men made a translation of the original text and each one of those translations was the same as the others, word for word and letter for letter.

"The covenant of the league was, after all, but a human document and therefore subject to human error. So was our Constitution, admittedly one of the greatest efforts of the human brain. But we have found it necessary to amend the Constitution—not once or twice, but repeatedly—and we shall, in the years to come, find it necessary to make still further changes for 'tempora mutantur et nos mutamur in illis.'

"So, I apprehend, shall we find it necessary to amend and change the covenant of the league of nations to keep it abreast of the advances of civilization and in harmony with the times and with the varying needs of its signers. But this does not detract from the majesty of the original conception nor from the genius of its original framer. Let the carpers and critics jeer and jibe as they will, the fact remains that to Woodrow Wilson every fair-minded man must give the credit for enunciating in concrete form the yearnings and desires of centuries for a world to which war shall be a stranger and over which the white dove of peace shall spread her snowy wings.

"I am willing to go a step further and to admit, for the sake of argument, that the league may prove a complete and utter failure. I still maintain that, if such shall prove the lamentable fact, every credit is due its framer as having suggested the first remedy, the first real remedy, that has ever been suggested. I do not for a moment believe that the league is destined to fail—and this for the great reason that the world wants it. The peoples of the five continents and of the islands of the seven seas cry for peace, assured peace, and for relief from the constant soul-shrivelling fear of war. And what the whole world wants with single-hearted zeal, that it is sure to receive. I believe as surely as I believe that the sun will rise to-morrow morning that the covenant of the league will be accepted by the great common sense of the world, and that it can and will be made effective, because it is so designed that its decrees will not be 'scraps of paper' but decrees that can and will be enforced.

"We have seen the sorry spectacle of certain people attempting to make of this great achievement a partisan matter. We have heard the league ridiculed, cursed, and declared but the

product of a visionary, impracticable and bound to become the very mother of new wards. I can but sympathize with those who elevate party above country and that will oppose so monumental a project simply because the man who conceived it happens to be of the opposite political stripe.

"I am proud to be able to say that this is not invariably the case, but that, on the contrary, no small section of the Republican Senators and leaders are in most hearty sympathy with the idea, and, what is more to the point at this moment, will support it with their votes. I maintain that this is no more a party question than was the winning of the war, and I brand as traitor to the best interests of his country the alleged statesman who will oppose it solely and simply on party grounds.

"I venture the assertion with every boldness that 80 per cent of the men and women voters of America are in favor of the plan, and I believe that if it were or could be submitted to a vote of the entire electorate of the United States the vote against it would be so insignificant as to be not worth mentioning. I will go a step further and say that if a plebiscite of the entire world could be taken there would not be a handful of votes cast against it—and these would be cast in Germany and Russia.

"And here in Arizona we have another matter on which we may congratulate ourselves—the fact that our Senators and Congressmen are supporting the league with every power at their command. I do not think there is one of us who does not know what the answer will be when the Secretary of the Senate calls the names of HENRY ASHURST and MARK SMITH, or what the responses would be were the question put in the House of Representatives when the Clerk came to the name CARL HAYDEN.

"These three statesmen have been true to the interests of America throughout the war, and their votes have been cast ever on the side of right. They voted as they did, not because they were Democrats, but because they are patriots; and as they voted throughout the dark and bitter days of the war so they will vote for the acceptance of the plan that we hope will, in God's good providence, put an end to war.

"The opponents of the league tell us that we shall sacrifice our national independence, that the league means internationalism, and that it is but a first step to world socialism. Were I addressing an audience of men untrained and unskilled in the law, I might consider such arguments worth refuting—to an audience like this such action is not necessary. I defy any man to put his finger on one single clause in the covenant that any court of law would construe as an abandonment of one American right.

"Rather than a loss of rights, the covenant means an increase of rights. It means a close partnership of the civilized nations of the world, each retaining its individual sovereignty unimpaired and intact, but all united in what even the league's bitterest opponents must confess is an attempt to solve the world's greatest problem.

"The fantastic visionary, the dreamer, may see a world confederation as an outcome of the league. The man of clearer and saner vision can see in it but a court armed with the powers that are essential to any court—that is, to function adequately and properly. It is often said that courts can punish but not reward, and this is true of the league of nations. Its sole function is to preserve world peace and world order. To that end it is clothed with the necessary powers, just as is any other court, and, I may say in passing, that even the power of guardianship over weak and unadvanced peoples is included. It stands on all fours, with every law court of which we have knowledge, in its organization, its equipment, its power to make decisions, and its power to enforce them when made.

"Before the tribunal of the league, the nations, great and small, must come with their disputes, their differences, their interfering ambitions, and the great supreme council of the one and only international court will do as courts of justice have always done.

"Poise the cause in justice's equal scales,  
Whose beam stands sure, whose rightful cause prevails."

#### TREATY WITH FRANCE.

Mr. WALSH of Montana. Mr. President, on the 7th of August last the Senate adopted a resolution as follows:

Whereas doubts have been expressed as to the authority of the treaty-making power under the Constitution to enter into the treaty with France, submitted to the Senate for ratification on the 29th day of July, 1919: Therefore be it

*Resolved*, That the Committee on the Judiciary be, and it hereby is, requested to inquire and advise the Senate as to whether there are any constitutional obstacles to the making of the said treaty.

I have the honor by direction of the subcommittee of the Committee on the Judiciary to submit its report.

Mr. ASHURST. I ask unanimous consent that the report be printed in the RECORD.

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

[Senate Report No. 215, Sixty-sixth Congress, first session.]

CONSTITUTIONALITY OF THE TREATY BETWEEN THE UNITED STATES AND FRANCE.

September 22, 1919—Ordered to be printed.

Mr. WALSH of Montana, from the subcommittee of the Committee on the Judiciary, submitted the following report:

The subcommittee of the Committee on the Judiciary, which was directed by a Senate resolution of August 7, 1919, to advise the Senate as to whether there are any constitutional obstacles to the making of the treaty between the United States and France, signed at Versailles, June 28, 1919, have considered the question and beg to report as follows:

The text of the resolution is as follows:

"Whereas doubts have been expressed as to the authority of the treaty-making power under the Constitution to enter into the treaty with France, submitted to the Senate for ratification the 29th day of July, 1919: Therefore be it

"Resolved, That the Committee on the Judiciary be, and it hereby is, requested to inquire and advise the Senate as to whether there are any constitutional obstacles to the making of said treaty."

The treaty referred to in the resolution is as follows:

"AGREEMENT BETWEEN THE UNITED STATES AND FRANCE, SIGNED AT VERSAILLES JUNE 28, 1919.

"Whereas the United States of America and the French Republic are equally animated by the desire to maintain the peace of the world so happily restored by the treaty of peace signed at Versailles on the 28th day of June, 1919, putting an end to the war begun by the aggression of the German Empire and ended by the defeat of that power; and

"Whereas the United States of America and the French Republic are fully persuaded that an unprovoked movement of aggression by Germany against France would not only violate both the letter and the spirit of the treaty of Versailles to which the United States of America and the French Republic are parties, thus exposing France anew to the intolerable burdens of an unprovoked war, but that such aggression on the part of Germany would be and is so regarded by the treaty of Versailles as a hostile act against all the powers signatory to that treaty and as calculated to disturb the peace of the world by involving inevitably and directly the States of Europe and indirectly, as experience has amply and unfortunately demonstrated, the world at large; and

"Whereas the United States of America and the French Republic fear that the stipulations relating to the left bank of the Rhine contained in said treaty of Versailles may not at first provide adequate security and protection to France, on the one hand, and the United States of America as one of the signatories of the treaty of Versailles, on the other;

"Therefore the United States of America and the French Republic, having decided to conclude a treaty to effect these necessary purposes, Woodrow Wilson, President of the United States of America, and Robert Lansing, Secretary of State of the United States, specially authorized thereto by the President of the United States, and Georges Clemenceau, president of the council, minister of war, and Stéphen Pichon, minister of foreign affairs, specially authorized thereto by Raymond Poincaré, President of the French Republic, have agreed upon the following articles:

*"Article I.*

"In case the following stipulations relating to the left bank of the Rhine contained in the treaty of peace with Germany signed at Versailles the 28th day of June, 1919, by the United States of America, the French Republic, and the British Empire among other powers:

"ART. 42. Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometers to the east of the Rhine.

"ART. 43. In the area defined above the maintenance and assembly of armed forces, either permanently or temporarily, and military maneuvers of any kind, as well as the upkeep of all permanent works for mobilization are in the same way forbidden.

"ART. 44. In case Germany violates in any manner whatever the provisions of articles 42 and 43, she shall be regarded as committing a hostile act against the powers signatory of the present treaty and as calculated to disturb the peace of the world; may not at first provide adequate security and protection to France, the United States of America shall be bound to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany.

*"Article II.*

"The present treaty, in similar terms with the treaty of even date for the same purpose concluded between Great Britain and the French Republic, a copy of which treaty is annexed hereto, will only come into force when the latter is ratified.

*"Article III.*

"The present treaty must be submitted to the council of the league of nations, and must be recognized by the council, acting, if need be, by a majority, as an engagement which is consistent with the covenant of the league. It will continue in force until on the application of one of the parties to it the council, acting, if need be, by a majority, agrees that the league itself affords sufficient protection.

*"Article IV.*

"The present treaty will be submitted to the Senate of the United States at the same time as the treaty at Versailles is submitted to the Senate for its advice and consent to ratification. It will be submitted before ratification to the French Chambers of Deputies for approval. The ratifications thereof will be exchanged on the deposit of ratifications of the treaty of Versailles at Paris or as soon thereafter as shall be possible.

"In faith whereof the respective plenipotentiaries, to wit: On the part of the United States of America, Woodrow Wilson, President, and Robert Lansing, Secretary of State, of the United States; and on the part of the French Republic, Georges Clemenceau, president of the council of ministers, minister of war, and Stéphen Pichon, minister of foreign affairs, have signed the above articles both in the English and French languages, and they have hereunto affixed their seals.

"Done in duplicate at the city of Versailles, on the 28th day of June, in the year of our Lord 1919, and the one hundred and forty-third of the Independence of the United States of America.

"[SEAL]  
"SEAL.  
"SEAL.  
"SEAL.

WOODROW WILSON.  
ROBERT LANSING.  
G. CLEMENCEAU.  
S. PICHON."

The treaty-making power is withheld from the States and is conferred upon the President and the Senate in the following paragraph of the Constitution:

"He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." \* \* \* (Art. II, sec. 2, cl. 2.)

The Constitution fortifies this power in the following terms:

"The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority \* \* \* (Art. III, sec. 2, cl. 1.)

"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; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." (Art. VI, cl. 2.)

There is in the Constitution no express limitation or qualification upon this power. The evident purpose was to vest in the President and the Senate that full treaty-making power which by international law and usage belongs to every sovereign and independent nation. The only restrictions are such as relate to the integrity and rights of the States and to the structure, operation, and integrity of the Federal Government.

The treaty-making power can not do what the Government in its entirety is prohibited from doing. Justice Field, in the case of *Geoffroy v. Riggs* (133 U. S., 267), has clearly and fully outlined the scope of the treaty-making power in the following terms:

"The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent. (Fort Leavenworth Railroad Co. v. Lowe, 114 U. S., 525, 541.) But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country." (Ware v. Hylton, 3 Dall., 199; *Chirac v. Chirac*, 2 Wheat., 259; *Hauenstein v. Lynham*, 100 U. S., 483; 8 Opinions Attys. Gen., 417; *The People v. Gerke*, 5 California, 381.)

There are a number of older cases to the same effect which we deem it unnecessary to cite. The late case of *O'Reilly de Camara v. Brooke* (209 U. S., 45) is an illustration of the ratification of a tort treaty.

Willoughby on the Constitution (vol. 1, sec. 190) states the powers of the Federal Government in the following terms:

"SEC. 190. The Federal power all-comprehensive: The control of international relations vested in the General Government is not only exclusive, but all-comprehensive. That is to say, the authority of the United States in its dealings with foreign powers includes not only those powers which the Constitution specifically grants it, but all those powers which sovereign states in general possess with regard to matters of international concern."

And Hall (English) in his work on international law, in the first paragraph of Chapter X, describes the power in the following terms:

"It follows from the position of a state as a moral being, at liberty to be guided by the dictates of its own will, that it has the power of contracting with another state to do any acts which are not forbidden, or to refrain from any acts which are not enjoined by the law which governs its international relations, and this power being recognized by international law, contracts made in virtue of it, when duly concluded, become legally obligatory."

From various sources of information it appears that such doubt as exists concerning the authority of the treaty-making power constitutionally to enter into the treaty in question arises by reason of the provision of section 8 of Article I of the Constitution, which provides that the "Congress shall have power to declare \* \* \* war."

But the subject of making war is not without the field which the treaty-making power may occupy, because Congress is empowered to legislate with reference to it. Congress is by the same article authorized to legislate with reference to a great number of subjects, interstate and foreign commerce, for instance, in respect to which innumerable treaties have been entered into, as is shown in addresses made by two members of your committee, copies of so much of which address as are pertinent to the present inquiry are appended to this report. They were made in vindication of the constitutionality of the covenant for the league of nations, and particularly article 10 thereof, but seems to the committee equally applicable to the question concerning which its views have been solicited.

Is the treaty in question of a character that the President and the Senate are authorized to make? To answer this question, without any purpose to justify the wisdom of the treaty, a brief statement of facts is necessary. It is evident that Germany in the recent war aimed at the crippling and destruction of France—our ally in the Revolutionary War. Our country entered into the war on the primary and technical ground that Germany had invaded, attacked, and in part destroyed our commerce on the high seas, and had sought to sever our commercial intercourse with both France and England, as well as with other portions of Europe. The menace came from Germany, and it was a continuing menace. To remove that menace, both for the present and the future, it became necessary for our country to cooperate with France, as well as with England, in the great struggle. Without their aid we could not by ourselves have vanquished Germany. It was, moreover, evident that if France and England were destroyed or seriously crippled, Germany would have a free hand against our country and our commerce, and we would be to a greater or less extent at her mercy.

While Germany has been vanquished, she is still, by reason of her great resources, her large population, and her military and imperialistic spirit, liable to be a menace in the future, for nothing but force is likely to restrain her from seeking world dominion at the earliest opportunity. Compared with France, her losses in the war were moderate. France, with a population of a little more than half of Germany, lost in killed over 1,200,000 of her population and in crippled and wounded more than twice that number. One-fifth of her territory, and

that the most valuable part, was devastated and reduced to a wilderness by the German armies. And she incurred a debt so large as to strain her credit to the utmost and to make it a most serious problem to liquidate the same. In resources and in man power Germany is nearly double that of France, and if left free and untrammelled—in the unrepentant mood she seems to be in—she could, in the near future, easily overrun and cripple, if not destroy, France. It is for the interest of our country that France should be allowed to recuperate and recover her old-time vigor, for she will then be a great shield and protection to us against the German menace in the future, and, besides, she will be a great source of profitable commercial intercourse.

Aside from England, no country under present conditions is more vitally interested in preserving the integrity of France than is our own country. And what we promise to do for France by the proposed treaty England is also ready to undertake.

The material covenant of the treaty is found in the following words: "The United States of America shall be bound to come immediately to her [France] assistance in the event of any unprovoked movement of aggression against her [France] being made by Germany."

It will be seen that this covenant only aims at protection against Germany, and that it is of a temporary character, to be merged in and substituted by the authority of the league of nations when that is established and put into operation. As the armistice covers the ground between the end of the war and the ratification of the treaty of peace, so the treaty in question aims to cover the ground from the time of the adoption of the treaty until the league of nations, provided for in the treaty, can take its place. In other words, the treaty in question is of a temporary character, to be merged in the final treaty of peace.

Such a treaty is clearly warranted by international law and usage, and is, therefore, within the scope of the treaty-making power of the United States.

Vattel, in his *Law of Nations*, lays down the doctrine and rule of international law in the following terms:

"But as the weaker party ought, in his necessity, to accept with gratitude the assistance of the more powerful, and not to refuse him such honors and respect as are flattering to the person who receives them, without degrading him by whom they are rendered, so, on the other hand, nothing is more conformable to the law of nature than a generous grant of assistance from the more powerful State, unaccompanied by any demand of a return or, at least, of an equivalent. And in this instance, also, there exists an inseparable connection between interest and duty. Sound policy holds out a caution to a powerful nation not to suffer the lesser States in her neighborhood to be oppressed. If she abandon them to the ambition of a conqueror, he will soon become formidable to herself. Accordingly, sovereigns who are in general sufficiently attentive to their own interests seldom fail to reduce this maxim to practice." (Sec. 179, ch. 12, book 2.)

Wheaton, in his *Elements of International Law*, states:

"The convention of guaranty (or guarantee) is one of the most usual international contracts. It is an engagement by which one State promises to aid another where it is interrupted, or threatened to be disturbed, in the peaceable enjoyment of its rights by a third power. \* \* \* The guaranty may also be contained in a distinct and separate convention or included among the stipulations annexed to the principal treaty intended to be guaranteed." (Pp. 378, 379 (1916).)

We deem it unnecessary to cite further authority on this point.

Without intending to indorse all that is said in the addresses hereto appended, the committee adopts the general argument thereof as in entire accord with its views.

It is advanced that though an ordinary treaty of alliance is not beyond the power of our Government, this particular treaty offends against the Constitution because, by article 3, there is an unlawful delegation of the power conferred by the Constitution, or that by it there is introduced an agency in the treaty-making power not recognized by the Constitution.

That article reads as follows:

"The present treaty must be submitted to the council of the league of nations and must be recognized by the council, acting, if need be, by a majority, as an engagement which is consistent with the covenant of the league. It will continue in force until on the application of one of the parties to it the council, acting, if need be, by a majority, agrees that the league itself affords sufficient protection."

But in the view of the committee that article merely expresses a condition upon which the treaty becomes effective in the first place and another condition upon the occurrence of which the treaty is terminated. It is scarcely open to controversy at this day that a statute is not invalid because of a condition that it is to go into effect upon a certain contingency, as, for instance, on its approval by the electorate of a State. Similarly, it may pass out of existence upon the happening of some other event in the statute prescribed. The principle involved had the express approval of the Supreme Court in *Field v. Clark* (143 U. S., 649) and more recent cases. There seems to be no reason to doubt that the principle is equally applicable to treaties.

No attempt is made in the treaty, it will be noted, to invest the council with power to add to or subtract from its provisions or to modify them in any way.

The treaty under consideration is clearly warranted by international law, and as such is within the scope of the treaty-making power; and there is nothing in the Constitution which can be construed to prohibit it.

EXCERPTS FROM THE SPEECH OF SENATOR THOMAS J. WALSH OF MONTANA IN THE SENATE ON JUNE 11, 1919.

#### THE COVENANT AND THE CONSTITUTION.

Mr. WALSH of Montana. Mr. President, in the general assault upon the plan devised by the statesmen assembled at the peace conference at Versailles for a league of nations to insure the future peace of the world it is insisted that the covenant submitted is in contravention of the Constitution of the United States, and ought for that reason to be rejected by the Senate.

This view has not only been advanced in speeches on the floor but there was introduced into the RECORD a contribution to the press by an eminent jurist of the District of Columbia, and wide circulation has been given to addresses of a former ambassador, a professor of law, in which it is elaborately supported.

More recently an address by a Federal judge, asserting that the covenant contravenes the Constitution, was made a part of the RECORD, and on yesterday a resolution was presented by the junior Senator from Pennsylvania, formerly Attorney General of the United States and later Secretary of State, in which the league is denounced and the demand

is made that the covenant be separated from the other provisions of the treaty, one paragraph of the resolution, evidently aimed at the covenant, being as follows:

"That since the people of the United States have themselves determined and provided in their Constitution the only ways in which the Constitution may be amended, and since amendment by treaty stipulation is not one of the methods which the people have so prescribed, the treaty-making power of the United States has no authority to make a treaty which in effect amends the Constitution of the United States, and the Senate of the United States can not advise and consent to any treaty provision which would have such effect if enforced."

The basis of the recital from this high authority that the treaty of which the covenant forms a part is inconsistent with the Constitution will be referred to later.

Journals of wide circulation and more or less influence, antagonistic to the league, have assumed, without any attempt at demonstration, that the contention so made is confessedly sound, and that, as one such at least has expressed it, radical amendments of our organic law will be necessary before the United States can enter into the league. The eminent Senator from Massachusetts in the debate with President Lowell, of Harvard, which attracted wide notice, pursued this easy method of disputation, and having assumed the antagonism to be indisputable, added: "No doubt we could amend our Constitution to fit the league, but it would take some time."

The comment just made is offered lest, in view of the history of our country, to which reference will be made, this effort to refute the contention thus advanced might be deemed a work of pedantic supererogation.

#### BASIS OF CLAIM.

In the main it is founded upon the claim that by the treaty, of which the league is a constituent feature, in the making of which the House of Representatives has no part, our country becomes obligated in a way in which it can be bound, or becomes committed to a course or policy upon which it can enter only through the action of Congress—that is to say, the concurrent action of both Houses of the national legislature. It is particularly urged that the covenant obligates us to wage war in certain contingencies, while the Constitution (Art. I, sec. 8) declares that "Congress shall have power to declare war." The proposition is extravagantly expressed by some as an attempt to transfer the power to declare war from Congress to the league.

In an address delivered in the Senate on December 18 last by the junior Senator from Pennsylvania the question was raised by the following inquiry and comment:

"Suppose that it were proposed that the United States should bind itself in advance by treaty to go to war in given circumstances. Under the Constitution war can be declared only by the Congress. How could the President, by negotiating a treaty, and the Senate, by consenting to its ratification, bind this country to declare war? A declaration of war is, under the Constitution, a prerogative of the Congress. The appropriations to initiate or to conduct war are in the discretion of the Congress."

It will be noted that the Senator, whose acknowledged ability as well as his experience as Attorney General and Secretary of State give to his utterances on the subject he was discussing unusual weight, did not unequivocally commit himself to the view that the treaty-making power is not sufficiently broad to warrant a convention obligating the Nation to make war, either presently or upon a future contingency, yet the casual reader, and especially one disinclined, for any reason, to give the league his support, would unquestionably receive the impression from the language quoted that the Senator subscribed to and had announced that doctrine.

#### SUCH A TREATY NOT UNIQUE.

In this connection an incident in our diplomatic history, presently to be referred to, is illuminating. The covenant does undoubtedly, should the treaty be signed, obligate this country to make war. Article 10, frequently referred to, reads as follows:

"The members of the league undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled."

That plainly means that if the territory of any member is invaded or threatened by the military forces of any other nation within or without the league, all other members thereof will come to its assistance to repel the aggressor and coerce him into keeping the peace. It may be that commercial pressure and isolation contemplated by other provisions of the covenant may be found effective to restrain a threatened or anticipated military movement directed at a member of the league, but all efforts less drastic failing, the obligation can be honorably discharged only by joining our forces with those of the threatened or invaded country and of the other nations obligated with us and making war upon the disturber of the general peace.

Much eloquence has been expended in denunciation of this feature of the league, but it is the soul and spirit of the covenant. Cut it out, and the heart is cut out of the only plan the statesmanship of the world has been able to devise or has ever been able to offer for the preservation of the peace of the world as a substitute for the system which has again exhibited itself to an agonized world as a colossal and yet miserable failure, but to which some Senators still exhibit a fatuous attachment. It is true, beyond doubt, that that article obligates us to make war. But we have not hesitated heretofore to assume a like obligation. We entered into a treaty with the Republic of Panama, the first article of which is as follows:

"ART. 1. The United States guarantees and will maintain the independence of the Republic of Panama."

No one can doubt the significance of that undertaking. We go to war with any country that attempts to reduce the Republic through whose concession we built the Panama Canal. That treaty was entered into in the year 1904, the late Theodore Roosevelt being President of the United States and PHILANDER C. KNOX, now a Senator from the State of Pennsylvania, his Attorney General and official legal adviser. Whatever view may now be entertained by the latter, it is quite evident that in 1904, at least, he harbored no serious doubt of the binding character of a treaty under which the United States became obligated to resort to the dread arbitrament of war. It would be doing him, as well as the President of the United States who negotiated the treaty, a gross injustice to imagine that they accepted the grant of the Canal Zone upon the considerations named in the treaty, the first in importance to the feeble young Republic of Panama being the guaranty of its independence, if either of them at the time conceived that there was any doubt of the authority of the President and the Senate in the

exercise of the treaty-making power so to bind the Nation. The comment of the Senator above quoted may well arouse apprehensions on the part of the Government and people of Panama which, in view of his relation to the treaty, he will doubtless hasten to still, if his further study of the subject will permit, by the assurance that whatever doubts he may have entertained in the month of December last concerning the binding character of article 1 of the treaty of 1904, they have, on further reflection, been resolved in favor of the view that it is a solemn obligation of the United States entered into in conformity with the Constitution.

It is persuasive that though the treaty referred to was, at the time it was negotiated, the subject of heated controversy, the right of the President and the Senate under the Constitution to obligate the Nation, as recited in article 1, was questioned by no one, so far as the report of the public debates in relation to the treaty discloses, though there were then in the Senate many profound lawyers, life-long students of the Constitution, including Senators Bacon, Hoar, and Spooner.

Among those voting to ratify it were the following, still Members of the Senate: Senators LODGE, McCUMBER, NELSON, PENROSE, SIMMONS, SMOOR, and WARREN. It was not without precedent in assuming that there was no transgression of the Constitution in the treaty. In the year 1846 a treaty was concluded with the Republic of New Granada, in which, mention having been made of means of transportation across the Isthmus of Panama and certain concessions in relation thereto granted to the United States, our Government subscribed to the undertaking, evidenced by the following clause thereof:

"And in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee in the same manner the rights of sovereignty and property which New Granada has and possesses over the said territory."

At the time of the ratification of that treaty Webster, Benton, Calhoun, and Clayton were Members of the Senate. None of them, so far as history discloses, had any misgivings concerning the power of the President and the Senate thus to agree for the Nation.

Webster had only recently returned after quitting the post of Secretary of State. Shortly thereafter, in the course of a speech delivered in the Senate, he referred to the provision of the treaty above quoted and alluded to it as a binding obligation of the Government, saying:

"This Government, looking upon this stipulation as a benefit obtained, a boon conceded by the Government of New Granada, as an equivalent for this consideration, entered on its part into an engagement to protect and guarantee and defend the neutrality of this whole Isthmus. This will be seen by reference to the thirty-fifth article of the treaty, which will be found in the volume of the laws of the last session. It is there very distinctly stated. There is no question about it. We are under treaty obligations to maintain the neutrality of this Isthmus and the authority of the Government of New Granada over it."

Senators who insistently protest against the league because the covenant under which it is to operate obligates each member to come to the aid of any that may be attacked by another nation—an obligation which contemplates the waging of war—but into which, it is asserted, this Government can not consistently with the Constitution enter, constitute themselves the special champions of the Monroe doctrine, the maintenance of which they aver to be essential to the preservation of the national integrity. With repeated professions of their devotion to America and her institutions, carrying faintly the suggestion that it is of a quality superior to that of those who differ with them concerning the wisdom of entering into the league, they proclaim that the Monroe doctrine must be upheld at all cost. But what is the Monroe doctrine but a voluntary obligation assumed by the United States to "respect and preserve as against external aggression"—external in this case signifying transoceanic—the Republics of South and Central America? It may be more, but it is at least that. If we were to enter into a treaty with Brazil, say these expounders of the Constitution, by which, upon some consideration moving to us, we undertook to "preserve as against external aggression" her "territorial integrity and existing political independence," it would be a void act, but we are even now bound to do so without a treaty under peril of national obliteration.

#### HISTORY OF THE CONTENTION.

The controversy over the limitations of the treaty-making power of the Government or of the Executive and the Senate, now renewed, is as old, almost, as the Constitution. It was precipitated by the famous Jay treaty, negotiated in 1794, during the administration of President Washington, and was then disposed of in a way that ought to have been regarded as a final interment of the contention that is the subject of this discussion. Like Banquo's ghost, however, it will not down. It has again and again been urged that in all cases in which, by the Constitution, the action of Congress is necessary—that is to say, participation by the House of Representatives is essential in order that the treaty may be carried out and its obligations discharged—the Executive and the Senate are without authority to enter into the treaty, wanting the concurrence of the House, or the subject altogether transcends the treaty-making power of the Government. The contention has been uniformly rejected, but it renews its youthful vigor from time to time and is urged with all the ardor that ordinarily attends a first presentation, and without the slightest reference to or regard for its unfortunate history. \* \* \*

The Jay treaty gave rise to much acrimonious discussion in the country while it was before the Senate; feeling in respect to it, more or less partisan in character, ran high, but it was eventually ratified by a bare two-thirds vote. It provided for the appointment of various commissions to adjust boundary disputes and to report on claims growing out of the War for Independence. In due course, on the exchange of ratifications, bills were introduced in the House of Representatives making appropriations to meet the salaries of the commissioners so appointed and the other expenses attendant on their labors. Thereupon the contention heretofore adverted to was made, that inasmuch as the treaty could not be carried out without action by the House, it remained in the stage of negotiation until the approval of that body was accorded it, that any nation dealing with ours was bound to take notice of the limitation on the treaty-making power thus asserted, so that no breach of national faith could be charged if the House withheld its approval,

and that the duty devolved upon that body to enter into an inquiry as to the wisdom of the still imperfect treaty submitted to it. This view secured the adherence of a majority of the House, which adopted a resolution calling upon the President for the correspondence and documents relating or leading to the treaty. President Washington declined to submit the papers, saying in a dignified reply made to the request of the House, "It is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty." Among other reasons advanced by him impelling his mind to that conclusion, he observed:

"Having been a member of the general convention and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment my conduct has exemplified that opinion—that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the Constitution every House of Representatives has heretofore acquiesced, and until the present time not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced; for till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect."

The debate on the bills was renewed on the receipt of the President's reply, his position being eloquently championed by Fisher Ames, of Massachusetts. A resolution that the legislation ought to be enacted was carried by a close vote, and the bills were duly passed.

The baselessness of the contention appeared so obvious to Chancellor Kent that, referring to the resolution of April 7, 1796, heretofore adverted to, in his commentaries he said:

"It can not be mentioned at this day without equal regret and astonishment that such a resolution passed the House of Representatives."

The discussion of the subject was renewed over the Louisiana Purchase treaty. A like resolution was introduced in the House, which was called upon to make provision for the payment of the purchase price of the vast domain ceded by France—\$15,000,000—but it was defeated, the Federalists leading in the contention that it was the right and the duty of the House to inquire into the merits of the treaty, as the Republicans, by which name the party of Jefferson was then known, had led in opposition to the Jay treaty. The historian does not hesitate to assign partisan bias as the moving influence in each instance for the attitude of those who insisted that the treaty was void or inchoate, wanting the approval of the House of Representatives, and the circumstance that the leaders of each of the parties of that day took a position in 1803 the very reverse of that they assumed in 1796 leaves little doubt of the justice of the judgment thus passed upon the official acts.

The chronicler of the events of our fateful day will not fail to note how statesmen who, scarcely more than three years ago, when the hope was reasonably indulged by them that the treaty of peace presently to be submitted to us would be negotiated during a Republican administration, extolled the plan of a league of nations to preserve the peace of the world, then contemplated as an integral part of the treaty, as worthy of all praise, a consummation most devoutly to be wished, now that it comes as the result of the labors of a Democratic President, denounce it as an abomination.

The resolution looking to an inquiry by the House of Representatives into the course of the negotiations resulting in the treaty with France having been disposed of, it quickly recognized the binding force thereof, the obligation which, through it, had been incurred by the Nation, and passed the necessary legislation for the liquidation of the debt.

The controversy was renewed, however, in 1816 over the commercial treaty with Great Britain; in 1834 in connection with a later treaty with France; in 1867 after the treaty with Russia ceding Alaska; in 1887 while the Hawaiian treaty was before the Senate; in 1899 over the treaty with Spain, by which the Philippines were acquired; and, in a mild way, in 1904, when the treaty with Panama was being considered.

#### SUBJECT NOT EXCLUDED FROM TREATY-MAKING POWER BECAUSE CONGRESS EMPOWERED TO LEGISLATE CONCERNING IT.

A number of the treaties referred to called for large appropriations to pay for territory acquired; others required legislation modifying our tariff and tonnage laws; others, as heretofore pointed out, bound us in defensive alliances, contemplating in each case war against the enemy of the other party to the treaty. In no case has Congress ever declined to pass the necessary legislation to make effective or to carry into execution the treaty.

It is of no consequence that the treaty deals with a subject with reference to which Congress is given power to legislate. The President, by and with the advice and consent of the Senate, is, by the Constitution, given power to make treaties which, with the Constitution and laws of the United States made in pursuance of it, are the supreme law of the land, as the Constitution declares.

It has been held by the Supreme Court so often that reference to specific cases is unnecessary, that a treaty in conflict with a prior act of Congress repeals it, and a converse that a later act of Congress inconsistent with a treaty renders it nugatory, the later law prevailing. There could, of course, be no conflict if the two did not occupy the same field.

"By the Constitution a treaty is placed on the same footing and made of like obligation with an act of legislation. Both are declared by that instrument to be the supreme law of the land, and no superior efficacy is given to either over the other." (*Whitney v. Robertson*, 124 U. S., 190.)

The theory that the treaty-making power does not extend to any subject with reference to which power is vested in Congress, if it ever was seriously maintained, was long ago exploded. I can not hope to expose its utter weakness with anything like the eloquence or lucidity with which the task was discharged by Hon. James Barbour, a Senator from Virginia, in the great debate on the commercial treaty with Great Britain in 1816. I submit, however, a few observations in that connection.

The Constitution gives to Congress power to legislate with reference to foreign commerce, but this does not mean that the President may not, by and with the advice and consent of the Senate, enter into commercial treaties. The constitutional convention clearly contemplated that such treaties would come within the power it proposed to confer upon the President and the Senate, since it rejected a proposition to require the assent of two-thirds of all the Members of the Senate for the ratification of commercial treaties, though the concurrence of two-thirds of those present would suffice in the case of other treaties. Commercial

treaties have been negotiated with nearly every civilized country, dealing with a multiplicity of questions affecting transactions in foreign commerce, in most instances either requiring action by Congress or stipulating against its action or constraining it to action along prescribed lines.

So Congress is given power by the first clause of section 8 of Article I of the Constitution to lay and collect duties, which further provides that all bills for raising revenue shall originate in the House of Representatives. Yet by the Louisiana Purchase treaty it was stipulated that for 12 years the ships of France or Spain entering any of the ports of the ceded territory shall be required to pay only such tonnage charges and duties upon their cargoes as should be exacted of the ships and citizens of the United States, and that such privileges should be extended to no other nation.

By article 1 of the treaty with Cuba, proclaimed December 17, 1903, it is provided that all products of that country then admitted to the United States free of duty should thereafter, so long as the treaty stood, be so admitted without payment of any duty, and by article 2 of the same treaty the United States bound itself to admit all other products of the young Republic with a differential in its favor of 20 per cent. An examination of the record discloses that among those voting to ratify that treaty was the senior Senator from Massachusetts, who in the debate with President Lowell, told his auditors that the treaty embracing the league covenant, "because the tariff is involved in the article for the boycott," and because it allows other nations to "meddle with our tariff," "runs up against a provision of the Constitution," which "provides that all revenue bills shall originate in the House of Representatives." The covenant contemplates that instead of resorting to war to coerce a recalcitrant nation commercial pressure or commercial isolation may be resolved upon by the league. If it recommends that course, "the Nation binds itself to lay an embargo, a procedure expressly held by the Supreme Court more than a hundred years ago to be within the power of Congress to direct. The tariff is only remotely involved, if involved at all. By what provision of the covenant do we permit foreign nations to "meddle" with our tariff? It is difficult to conceive how our tariff could come before the league for consideration. It is a domestic question, expressly excluded from those with which the league deals, distinctively a matter of domestic policy which each nation has heretofore solved without question as to its right under international law to do so, in accordance with its own views of its interest. Our tariff has never yet brought us to the threshold of war with any country. If we do not discriminate against any particular nation—and our commercial treaties forbid us to do so; even if our settled policy did not—how can any complain? We have, as stated, repeatedly made treaties by which we, in consideration of reciprocal advantages they respectively accorded us, bound ourselves that Congress would not exercise its full powers with reference to the tariff, so extensive as to permit our Government to reward its friends and punish its enemies through discriminatory duties. In that sense we have permitted foreign nations in the past to "meddle" with our tariff."

Again, the Constitution invests Congress with the power to "raise and support armies" and to "provide and maintain a navy," but it does not preclude the President and the Senate, in the exercise of the treaty-making power, from entering into a treaty limiting the size or nature of our Military Establishment or the number of ships we shall maintain as a part of our Navy, or the particular waters in which they may be stationed. We have, in fact, entered into a treaty with Great Britain, scrupulously observed for over a century, not to keep on the Great Lakes more than a limited number of armed vessels, fitted only for police and like duties appertaining to the collection of revenue, a reciprocal agreement having been entered into by the British Government on behalf of Canada. Despite repeated assaults upon that convention, it remains a solemn obligation of this Government, as was conclusively demonstrated a few days ago by the eloquent junior Senator from Arizona. There would seem to be no reason why we might not enter into a reciprocal treaty, under which both countries interested would undertake not to maintain military posts along the great international boundary line between this country and Canada, a policy that has been pursued by each since early in the last century without a treaty.

Congress is empowered to make laws in relation to the naturalization of aliens, but in perhaps every treaty through which any addition was made to our territory stipulations are found through which the subjects or citizens of the State making the cession, residing in the newly acquired territory, were admitted to citizenship. Such wholesale citizenship was conferred upon the inhabitants of Florida by the treaty of cession with Spain ratified in 1821. The United States even obligated itself by that treaty to admit Florida into the Union as one of the States.

Congress is authorized to make all needful rules and regulations concerning the territory and other property of the United States. We negotiated a treaty with Japan, Russia, and Great Britain by which the United States, in order to conserve the fur-seal herd, whose breeding grounds are on the Pribilof Islands, from extinction through pelagic sealing carried on by the citizens or subjects of those countries, agreed to kill annually the mature bachelor seals resorting to the islands and to divide the skins in proportions specified in the treaty between the nations named and our own, they and we agreeing to make pelagic sealing criminal. It may be that the seals in the sea are *ferae natura*, belonging to no one, but we have all the incidents of ownership in them while they are on the breeding grounds, the property of the United States.

Is there any doubt that a treaty could be made with Great Britain by which this country should make an island in Lake Superior a bird refuge, if she should devote an adjacent island on her side to the same purpose, or with Mexico to the effect that if she would establish a refuge for migratory birds wintering in her territory we would set apart certain territory in Alaska for their protection on which they make their summer home?

Note that the provision of the Constitution gives to Congress power not only to make all needful laws respecting the territory, but as well respecting other property of the United States. We have a treaty with Great Britain concerning the use of the Sault Ste. Marie Canal and another concerning the use of the Panama Canal. In all the heated controversy over the subject of the *toils*, participated in by the ablest lawyers in America, no one ventured to contend that the treaty is void because dealing with a subject with reference to which Congress is given power to legislate.

The position that a subject is beyond the treaty-making power because within the powers granted to Congress is utterly indefensible and need be no longer noticed.

Heretofore one of the most distinguished expositors of this theory of our Constitution, now so eagerly embraced by the opponents of the

league, was a German jurist—Dr. Ernest Meier, a professor in one of the universities of his country, who in a volume of his lectures commented as follows:

"Congress has, under the Constitution, the right to lay taxes and imposts, as well as to regulate foreign trade, but the President and the Senate, if the 'treaty-making power' be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution, Congress has the right to determine questions of naturalization, of patents, and of copyright. Yet, according to the view here contested, the President and Senate, by a treaty, could on these important questions utterly destroy the legislative capacity of the House of Representatives. The Constitution gives Congress the control of the Army. Participation in this control would be snatched from the House of Representatives by a treaty with a foreign power by which the United States would bind itself to keep in the field an army of a particular size. The Constitution gives Congress the right of declaring war; this right would be illusory if the President and Senate could by a treaty launch the country into a foreign war. The power of borrowing money on the credit of the United States resides in Congress; this power would cease to exist if the President and Senate could by treaty bind the country to the borrowing of foreign funds. By the Constitution 'no money shall be drawn from the Treasury but in consequence of appropriations made by law'; but this limitation would cease to exist if by a treaty the United States could be bound to pay money to a foreign power. \* \* \* Congress would cease to be the lawmaking power as is prescribed by the Constitution; the lawmaking power would be the President and the Senate. Such a condition would become the more dangerous from the fact that treaties so adopted, being on this particular hypothesis superior to legislation, would continue in force until superseded by other treaties. Not only, therefore, would a Congress consisting of two Houses be made to give way to an oligarchy of President and Senate, but the decrees of this oligarchy, when once made, could only be changed by concurrence of President and of senatorial majority of two-thirds."

The war has demonstrated how feebly the German mind has been able to comprehend the American character or the American system. The evils he foresees may, indeed, ensue, but none of them ever have befallen us, and the probability of our experiencing them is too remote to prompt us to revise our Constitution because of the defects and dangers he so generously points out. His apprehensions are quite like those that the opponents of the Constitution sought to arouse when it was before the people for ratification. The dangers inherent in the treaty-making power were a fruitful theme in those days. Indeed, the Constitutional Convention was not without a keen sense of the tremendous nature of the authority it was extending to the Executive and the Senate through the few brief words in which it is conveyed. But it rightly concluded that a compact with a foreign Government which commanded the support of the President and two-thirds of the Senate could scarcely be inimical to the welfare of the Union, so far as enlightened public opinion could discern the national interest, and that it was scarcely conceivable that such concert could be secured for a policy that was violative or destructive to American ideals.

#### LIMITATIONS ON TREATY-MAKING POWER CONSIDERED.

But it is asserted that though the treaty-making power may be vast, it is not unlimited. Undoubtedly so. It is said to be impossible to frame a power of attorney in terms so general as not to be subject to implied limitations. Whatever the limitations on the treaty-making power, they are implied; none whatever are expressed. "He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators concur," is the simple language of the Constitution. Nothing is excluded in express terms. No particular kind of treaty is specified, so that all kinds are included—treaties of alliance, offensive and defensive, commercial treaties, extradition treaties, arbitration treaties.

In the opinion of the Supreme Court of the United States (*Hauenstein v. Lynham*, 100 U. S., 483) the following is quoted with approval from a speech delivered in the House of Representatives by William Pinkney, of Maryland:

"The word 'treaties' is *nomen generalissimum* and will comprehend commercial treaties, unless there be a limit upon it by which they are executed. It is the appellative, which will take in the whole species, if there be nothing to limit its scope. There is no such limit. There is not a syllable in the context of the clause to restrict the natural import of its phraseology. The power is left to the force of the generic term and is therefore as wide as a treaty-making power can be. It embraces all the varieties of treaties which it could be supposed this Government could find it necessary or proper to make, or it embraces none. It covers the whole treaty-making ground which this Government could be expected to occupy, or not an inch of it."

"It is a just presumption that it was designed to be coextensive, with all the exigencies of our affairs. Usage sanctions that presumption—expediency does the same. The omission of any exception to the power, the omission of the designation of a mode by which a treaty not intended to be included within it might otherwise be made, confirms it."

Reliance is placed upon the language of Justice Field in *Geofroy v. Rigg* (133 U. S., 258-267), as follows:

"The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent."

Which is followed by this sentence:

"But with these exceptions it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country."

With much diffidence, but with the utmost confidence, I venture to assert that the territory of a State may either in whole or in part be ceded under the treaty power without its consent, though the dictum of the learned Justice is supported by the authority of other great names. Had Mexico listened to the lure of the Zimmermann-Eckhardt note, joined her fortunes with those of Germany in an effort to regain the "lost provinces," and under the stern compulsion of a dictated peace following a decisive victory of Wilhelm and his allies, a treaty was signed by the President and ratified by the Senate ceding to Mexico Texas, New Mexico, and Arizona, can anyone doubt the efficacy of the act to transfer the sovereignty over that imperial domain to our prudent neighbor to the south which wisely ignored the invitation? Would it be asserted, for instance, that thereafter a Federal court could continue to function within the region affected; that United States revenue officers could

continue to discharge their duties therein as theretofore; and that their acts would be recognized by our courts as valid because the treaty was without constitutional warrant? Could the Secretary of the Interior be mandamus to issue a patent to lands therein to one otherwise becoming entitled to it? To my mind, it is of no consequence that the President and the Senate may have yielded their assent in order to save from subjection the remainder of the country or to preserve it from desolation. Manifestly an overweening necessity must be assumed to imagine such an exercise of the treaty-making power, but who is to judge of the necessity; who shall say when conditions are sufficiently grave to justify such a treaty? Obviously not the courts, and equally obvious is it that the determination rests with the President and the Senate.

What good reason is there to doubt that an exchange might be effected by treaty of islands lying off our coast, one being within the jurisdiction of one of the States of the Union, but devoted wholly to national uses, the other more suitable to our purposes belonging to the other party to the treaty? Assume the case of two islands in Puget Sound or the Strait of San Juan de Fuca, both uninhabited, the one a part of the State of Washington, and consequently of the United States, and the other within the jurisdiction of British Columbia. She is willing to exchange, and the National Government is desirous of acquiring her island with a view to devoting it to the better protection of that coast against an enemy or some purpose connected with the safer navigation of those waters. Can the State of Washington veto the transfer? It is unreasonable that she should; but is the rest of the country at the mercy of her whim? If the island were densely populated and the inhabitants adverse to going under foreign dominion, in all reasonable probability the President and the Senate would yield unhesitatingly to their desires. But that aspect of the case presents the question of the wisdom or justice of making and not to the power to make the treaty.

Without attempting to specify, I may say that considerations similar to those here advanced have led statesmen and jurists of no less eminence than those announcing a contrary view to the conclusion that under the treaty-making power even the territory of one of the States of the Union may be transferred to a foreign power.

In the adjustment of the northeast boundary dispute the formal assent of Maine and Massachusetts was secured, not because of the surrender of territory over which they asserted jurisdiction, for Massachusetts could claim none, but because they owned in common lands within the region which under the Webster-Ashburton treaty went to New Brunswick, as will appear from the speech of Mr. Webster in justification of the compromise made on his reentry into the Senate.

This particular inquiry is in the nature of a digression from the general subject. It has been followed to perhaps unpardonable length only to make more clear the very comprehensive character of the treaty-making power conferred by the Constitution.

But, whatever the limitations on the treaty-making power may be, they obviously do not embrace undertakings such as article 10 of the covenant, in effect, as pointed out, a treaty of alliance under which the United States is obligated to go to the aid of any member of the league attacked by another nation contrary to the covenant. Alliances were, and for centuries had been, common among the nations of the earth at the time the Constitution was adopted. The right to enter into such inheres in a sovereign independent State. The Representatives of the United States in Congress assembled having proclaimed, in the Declaration of Independence, that the Colonies are, and of right ought to be, free and independent States, continued, that as such "they have full power to levy war, conclude peace, contract alliances," and "do all other acts and things which independent States may of right do."

An alliance in international law is—

"A union or association of two or more States or nations, formed by league or treaty, for the joint prosecution of a war or for their mutual protection in repelling hostile attacks." (Black's Law Dictionary.)

Bouvier has the following definition of the term and comment thereon:

"In international law: A contract, treaty, or league between two or more sovereigns or States made for purposes of aggression or defense.

"Defensive alliances are those in which a nation agrees to defend her ally in case the latter is attacked. Offensive alliances are those in which nations unite for the purpose of making an attack or jointly waging war against another nation."

A modern writer on international law says:

"Alliances in the strict sense of the term are treaties of union between two or more States for the purpose of defending each other against an attack in war or jointly attacking third States or for both purposes."—Oppenheim.

It is inconceivable that the founders of our Government should, at its birth, specifically assert the right of the United States as an independent Nation to contract alliances and that they then contrived a Constitution which disabled the Nation from so contracting. As is well known, having declared their right so to do, they proceeded without delay to enter into a treaty of alliance with France. Some provisions of this treaty are interesting in this connection. Article 1 is as follows:

"If war should break out between France and Great Britain during the continuance of the present war between the United States and England, His Majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies."

Article 8 as follows:

"Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war."

Article 11, in part, as follows:

"The two parties guarantee mutually from the present time and forever against all powers, to wit: The United States to His Most Christian Majesty, the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace. And His Most Christian Majesty guarantees on his part to the United States their liberty, sovereignty, and independence." (I Treaties and Conventions, pp. 480-481.)

This treaty was in full force and vigor at the time the Constitution was drafted and adopted. It gave rise to universal rejoicing at the time it was effected and retained, when the convention was engaged in its labors and throughout the stormy period that preceded the adoption of the Constitution, a high place in popular favor. The excesses of the French Revolution which followed speedily were largely responsible for the determination later arrived at and concurred in by nearly all our

leading statesmen, to disregard some of its obligations, speedily condoned by France, which in a spirit of continued amity and with a quickened sense of a common interest ceded Louisiana to our country under Napoleon. There is no doubt that it was the distressing experience we had had with this treaty with France that led Washington to warn his countrymen in his Farewell Address against "entangling alliances." It will be remembered that in the same connection he descended upon the unwisdom of entertaining either excessive love or excessive hatred toward any nation, having in mind the prevailing intensity of feeling with regard to France on the one hand and Great Britain on the other growing out of the War for Independence.

It is unnecessary to say that if in the opinion of Washington, and Hamilton, it might be added, for the latter undoubtedly collaborated in the preparation of the address, the treaty-making power did not, under the Constitution, extend to alliances, offensive or defensive, or both, there would have been no occasion to give the warning of which so much has been heard in this debate. The revered statesman, who was president of the convention which framed the Constitution, would have contented himself with an admonition to observe scrupulously the fundamental law, and a reminder to his readers that it forbade treaties of alliance.

\* \* \* \* \*

Article 10 is unassassable on constitutional grounds. In its substantive part it is to all intents and purposes a treaty of alliance. It concludes, "In case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled." The purpose of this clause is obviously to secure concert of action, but it is left to each nation to determine for itself, the recommendation of the council notwithstanding, whether the occasion calls for action in fulfillment of its obligation and how that obligation ought to be discharged.

Under article 16 each member undertakes that it will, should any other resort to war in disregard of articles 12, 13, or 14, immediately interdict all trade or financial relations with the nationals of the covenant-breaking State—that is, institute a complete embargo against the offending State. In such a case it becomes the duty of the council to "recommend to the several Governments concerned what effective military and naval forces the members of the league shall severally contribute to the armaments or forces to be used to protect the covenants of the league," the obligation to make war in such case arising, if at all, by virtue of the covenant of article 10. Again, the only power the council has in the premises is to recommend what contribution each nation should make, that a recalcitrant may be reduced should a resort to arms be necessary.

#### NO DELEGATION OF AUTHORITY TO DECLARE WAR.

A careful study of the covenant will reveal that neither the council nor the assembly has any power to declare war or even to call upon the members to make war, unless the authority to issue such a call and the obligation to respond is implied in the first section of article 11, as follows:

"Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

At most the language quoted can not be construed to grant any more extensive authority than is reposed in the council under article 10 should a war of aggression be prosecuted by any member of the league, namely, to advise upon the means by which it is to be suppressed. Even if authority were reposed in either assemblage of league representatives to determine whether the obligation of article 10 had become active, and that it must be discharged by war against the offending State, there could be no valid objection to the covenant on constitutional grounds, for the various clauses through which such power would be granted would amount only to a covenant to make war whenever the league should determine as a fact that through external aggression the territorial integrity or political independence of a member was threatened. In any case there is no delegation of authority to the league to declare war or to make any order or proclamation as a result of which a state of war with all its consequences, like the suspension of all commercial intercourse, with which we have become familiar, immediately follows. A declaration of war by Congress is indispensable to put this country in a state of war unless actually attacked. The league covenant is a treaty by which our country binds itself at most to take the necessary steps to engage in war when the league determines that the occasion has arisen when, under the treaty, it should do so. This was recognized by the junior Senator from Washington in that part of one of his forceful addresses in which he assailed the league as being violative of the Constitution. But, he asserted, the action of Congress in such case would be perfidious, there would be no escape from the obligation of the treaty "but in repudiation and dishonor." He is quite right. When by the treaty with France our country agreed to pay \$15,000,000 for Louisiana, Congress was called upon perfidiously to make the necessary appropriation. It could not in honor canvass the wisdom or the unwisdom of the purchase. The treaty obligated us to enact the necessary legislation. There was no escape from that obligation but in repudiation and dishonor. Similarly when by treaty we acquired Florida, Congress was called upon perfidiously to make the necessary appropriation. And so with each successive acquisition of territory by treaty involving the payment of money—the purchase of Alaska and the Philippines, by way of illustration.

The Senator is right that there would be no escape from the obligation of the treaty but in repudiation and dishonor. But if he is correct in the view for which he contends, that the whole plan is violative of the Constitution, or is so violative in the particular feature involved in any transaction, there would be neither repudiation nor dishonor in declining to observe its terms. There is neither dishonor nor discredit in a man's declining to pay a promissory note executed in his name by one who never was authorized by him to make such an instrument.

#### FURTHER GROUNDS OF ATTACK CONSIDERED.

It would be gathered from much that has been said upon this subject that the league was to assume control of the whole subject (of armaments), increasing or authorizing an increase in the case of any nation at will, reducing or prescribing a reduction at its pleasure. Before attempting to consider how grievously the Constitution is disregarded in this particular it will be well to have in mind what authority is conferred.

The league is authorized to propose a plan for the reduction of armaments, which becomes operative when approved by the nations affected. They all agree, assuming all approve the plan, to reduce accordingly.

This is the voluntary act of each government. Then each agrees not to increase so as to exceed the limit agreed upon without the permission of the league; that is, beyond a further limit to be fixed by the council. The only reason urged against the constitutionality of these provisions is that as Congress is given power to "raise and support armies" and "to provide and maintain a navy," the stipulation is an invasion of the exclusive power of Congress. But if it has not been demonstrated beyond cavil or controversy that it is no valid objection to a treaty that it deals with a subject as to which Congress is given power to legislate this feeble effort has been all in vain.

Some suggestion has been made to the effect that the mandatory provisions run counter to the Constitution, but in what particular is left vague. There is no longer any doubt of the right of our Government to acquire new territory and to govern it. If we can exercise complete sovereignty over new lands for all time, it will be difficult to establish that we can not exercise a limited sovereignty for a limited time. Then it is offered that article 20, by which each signatory stipulates that it will not enter into a treaty inconsistent with the covenant, is void, because otherwise the treaty-making power would be limited. That condition arises in the case of every treaty made with two or more powers. In the case of every such treaty no new compact could be made with either or any of the other signatory powers inconsistent with the general treaty without violating it as to the party not participating in the later treaty. In effect the contention is that the United States may not enter into a treaty with two or more States.

Finally, referring to the dictum of Mr. Justice Field, quoted above, to the effect that the treaty-making power is not so extensive as to justify a treaty which makes a change in the character of the Government, it is urged that by reason of the large powers with which the league is invested the United States is transformed from an independent nation into a constituent subject member of a "supersovereignty" or "superstate." This is mere declamation. It may be said in passing that this particular limitation, pointed out by the learned justice, does not arise by reason of any peculiarity of the Constitution of this country. Such a limitation is implied in the case of the representatives of every nation to whom is intrusted the treaty-making power. Clemenceau could no more, through a treaty with some other power, transform France from a Republic into a monarchy than Wilson and the Senate could accomplish a like result as to the United States.

What are these "vast powers" that are conferred upon the league? I shall omit those which are arbitral in character, assuming that no one in this day will assert that the United States may not, consistently with the Constitution, enter into treaties of arbitration or that, in setting up a tribunal of arbitration, it surrenders any part of its sovereignty, or that it is in any sense violative of the Constitution to agree, on its part, faithfully to carry out the judgment and order of the arbitrators in the matter submitted.

By article 4 it is provided:

"The council may deal at its meetings with any matter within the sphere of action or affecting the peace of the world."

But it is given no power to do anything. Obviously this clause merely charges the league with the duty of considering, advising, and recommending. To a certainty, our Government has not bound itself by that clause to do anything as it has, for instance, by article 10. That clause is clearly intended to make the league a forum in which the representatives of the various powers would be brought together to adjust differences that might result in war.

By article 8 the league is authorized to formulate plans for a reduction of armaments, the only power given to it, as heretofore pointed out, being to grant to any country after the plan has been adopted, authority to exceed the limit thereby fixed, a unanimous vote being required for the authorization.

By article 10 the league, through the council, "shall advise upon the means by which the obligation" into which the members enter shall fulfill the obligation thereby undertaken, namely, "to respect and preserve as against external aggression the territorial integrity and political independence of all members of the league."

Article 11 provides:

"Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

But what action can it take other than to endeavor to compose, to advise, or recommend? The league has no army to make war; it has no treasury to meet the expenses of war. It can not initiate a blockade, nor even lay an embargo. No nation has bound itself by any provision of the covenant to observe any directions that may be given it in the premises by the league or to follow any recommendations it may make. The same article provides:

"It is also declared to be the fundamental right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threaten to disturb either the peace or the good understanding between nations upon which peace depends."

The observations made apply equally to these provisions.

By article 13 the members agree to submit international controversies to arbitration. "In the event of failure" on the part of any nation which has thus submitted a controversy in which it is interested to carry out the award made, "the council shall propose what steps should be taken to give effect thereto." As no nation has ever declined or omitted to comply with an award, this duty is not likely to be burdensome, but all the league can do in the premises is to "propose" the steps to be taken in order to give effect to the award. The very term used implies that the nations affected may or may not take the steps proposed. None of them agree to do so or to take any steps at all.

Article 14 authorizes the league to set up a permanent court of international justice, which may or may not be resorted to by any of the powers and which may be called upon for an opinion by the league.

By article 16 the council is authorized to recommend to the several governments concerned what effective military or naval forces the members of the league shall severally contribute to the armaments of forces to protect the covenants of the league should any member make war in disregard thereof. It may do likewise under article 17 should a nonmember resort to war against a member, the latter declining to accept special membership in the league for the consideration of the controversy, or, having done so, making war in violation of the covenant.

By article 22 the league assumes a supervisory control over new governments brought into being by the treaty and over the German colonies and other regions similarly situated, incapable of governing themselves, and undertakes to govern them, respectively, through members willing to undertake the task.

If full governmental authority may be exercised for all time over newly acquired territory consistently with the Constitution, how can it be doubted that a limited authority may be exercised for a limited time over regions not now a part of our possessions.

Article 23 speaks for itself, as follows:

"ART. 23. Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league (a) will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations; (b) undertake to secure just treatment of the native inhabitants of territories under their control; (c) will intrust the league with the general supervision over the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs; (d) will intrust the league with the general supervision of the trade in arms and ammunitions with the countries in which the control of this traffic is necessary in the common interest; (e) will make provision to secure and maintain freedom of communication and of transit and equitable treatment for the commerce of all members of the league. In this connection the special necessities of the regions devastated during the war of 1914-1918 shall be in mind; (f) will endeavor to take steps in matters of international concern for the prevention and control of disease."

It is idle to assert that an organization thus equipped is a government at all. It has no army and no treasury, and no means of securing either. It is not even invested with authority to appoint a commander in chief, should the nation members, in accordance with the terms of the covenant take the field to force observance by a recalcitrant or to repel an attack made in violation of article 10. Though it may render decisions, it can not make laws, neither can it levy taxes. It deals with States as entities—not with individuals—negativating the idea that it is a government, according to Alexander Hamilton, who said, in urging the adoption of our Constitution:

"We must resolve to incorporate into our plan those ingredients which may be considered as forming the characteristic difference between a league and a government; we must extend the authority of the Union to the persons of our citizens—the only proper objects of government." (Federalist, No. 15.)

It may pass in this Chamber or on the hustings, but it is ventured that there is not a lawyer among us who would have the hardihood to contend before the Supreme Court of the United States in a proceeding to enjoin the expenditure of public funds to pay the salaries of our league representatives, or in some other cause in which the question might properly be raised, that the covenant is void because, in the language of Justice Field, it effects "a change in the character of the Government." Incidentally it may be remarked that no treaty has ever been held by the Supreme Court to be violative of the Constitution, either in whole or in part. \* \* \*

#### EXCERPTS FROM THE SPEECH OF SENATOR FRANK B. KELLOGG, OF MINNESOTA, IN THE SENATE ON AUGUST 7, 1919.

##### TREATY-MAKING POWER AND THE LEAGUE OF NATIONS.

Mr. KELLOGG. Mr. President, it is my intention at this time to address myself, at least partially, to the resolution heretofore submitted by the Senator from Montana [Mr. WALSH] calling upon the Judiciary Committee of the Senate for an expression of opinion as to the constitutionality of the proposed treaty of alliance with France; and as that treaty embraces in principle the same questions as are involved in the league of nations, I beg leave of the Senate to submit some observations upon that question.

I shall at this time discuss two propositions: First, whether the league of nations is within the treaty-making power of the President and the Senate under the Constitution of the United States; and, second, whether reservations in and amendments of the covenant are necessary to protect the United States.

As an appendix to my remarks I ask to have printed in the RECORD some reservations which have been prepared by certain Senators as suggestions in relation to the pending treaty.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

[The matter referred to will be found in Appendix A at the conclusion of Mr. KELLOGG's speech.]

Mr. KELLOGG. Mr. President, the covenant of the league of nations has been before the people of the United States for practically six months. It has probably been discussed in the Senate, in the forum of the people, and in the press of the country more than any instrument ever submitted since the Jay treaty. I believe every Senator has made up his mind how he intends to vote.

The peace treaty, the most momentous document ever submitted to any body, has been before the Committee on Foreign Relations nearly a month; and, while I am making no criticism of that committee, I am stating what I believe to be the public sentiment of this country when I say that there is a strong desire that this treaty and the league of nations covenant, bringing an end of this war, shall be disposed of at the earliest possible moment. The Nation has made great sacrifices; its sons have given their lives upon the fields of France; industry and commerce have been disarranged; the people wish this issue settled and that our attention be turned to the economic problems which always follow a great world convulsion such as we have passed through.

I should not take the time of the Senate to discuss even these questions were it not for the fact that the peace treaty is still before the Foreign Relations Committee, and there is no legislation immediately pending before the Senate, since it is now being considered in the committee of Congress.

I am aware that the discussion of a constitutional question is a very dry subject and interests very few people, but I take it that no Senator desires or would for one moment think of voting for a treaty that he believes to be beyond the constitutional power of the Government simply because it would do no harm.

From an examination of the speeches made by certain Senators and from declarations in the press I assume that the provisions of the covenant which are declared to be in violation of the Constitution are:

Article 8, providing for the reduction of national armaments, and stipulating that the manufacture by private enterprise of munitions and implements of war is open to grave objection;

Article 10, providing that members of the league agree to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league;

Article 11, providing that any war or threat of war shall be a matter of concern to the whole league, and that the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations;

Article 16, providing that any member of the league resorting to war in disregard of its covenants under certain articles shall suffer the sever-

ance of all trade or financial relations and the prohibition of all intercourse by its nationals; and

Other provisions of the covenant providing for mandates in relation to the freedom in transit and equitable treatment of commerce.

I shall not now discuss the wisdom of these provisions—whether they should be amended or whether, if the treaty is ratified, certain reservations should be made which we believe will protect this country, although, perhaps, I ought to say that one of those questions I shall later consider in the course of my remarks. The immediate question, however, to which I now invite attention is the constitutional power of this Government to agree to respect or to guarantee the independence of any country or agree to the limitation of armament or make a treaty containing provisions which may affect our trade and commerce.

SOURCE AND SCOPE OF TREATY-MAKING POWER.

When the Constitution of the United States was adopted the treaty-making power was conferred upon the President and the Senate. The provisions of the Constitution are as follows:

“No State shall enter into any treaty, alliance, or confederation. \* \* \* (Art. I, sec. 10, cl. 1.)

“No State shall, without the consent of Congress, \* \* \* enter into any agreement or compact with another State or with a foreign power. \* \* \* (Art. I, sec. 10, cl. 2.)

“He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. \* \* \* (Art. II, sec. 2, cl. 2.)

“The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority. \* \* \* (Art. III, sec. 2, cl. 1.)

“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; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.” (Art. VI, cl. 2.)

In this broad grant of power there is embodied no definition of the subjects embraced within the treaty-making power. It may, therefore, be accepted that the people of the United States intended to confer upon the Federal Government no less power than was at the time exercised and enjoyed by other nations. In fact, not only by practice, but by authority, the treaty-making power has been held to embrace all those subjects which it has been the practice and custom of nations to exercise. These include treaties of alliance, both offensive and defensive; guaranties of political independence and territorial integrity; agreements as to colonies; agreements to neutralize territories and nations; treaties affecting the status of foreign citizens in this country, their right to engage in business, to own, transfer, and inherit property; questions of customs and duties, navigation of rivers, lakes, and internal waterways; the limitation of armament; the acquisition of territory; the settlement and payment of damages; and other subjects too numerous here to mention.

The men who framed the Constitution were versed in the history and practice of nations and in international law. They were students of government. Had it been intended to limit the sovereign power of the United States in the exercise of the usual treaty-making rights such restrictions would have been stated in the Constitution. In fact, in limiting the States it was provided that they should not enter into any treaty, alliance, or confederation, but no limitation was placed in the Federal Constitution. It is impossible for me to recite to the Senate the declarations of the statesmen of that time in the formation of the Constitution and its adoption by the several States or the discussions which early in the history of this Government dwelt upon the treaty-making power. But those discussions make it perfectly clear that the Constitution was intended to confer upon the Federal Government the same general treaty-making power exercised by other nations, limited only by the express provisions of our Constitution. Furthermore, from the very inception of our Government to the present time we have placed a practical construction upon this power, and the Supreme Court of the United States has held that where there exists ambiguity or doubt, or where two views may well be entertained, contemporaneous and practical construction of constitutional powers are entitled to the greatest weight. (McPherson v. Blacker, 146 U. S., 1; Knowlton v. Moore, 178 U. S., 41.)

TREATY OF ALLIANCE WITH FRANCE, 1778.

At the time the Constitution was adopted it was the practice of nations to enter into treaties of alliance, offensive and defensive; guarantee countries against internal aggression; enter into treaties of commerce affecting duties on exports as well as imports and regulating other phases of commerce; fixing the status of foreign citizens and defining their property rights; acquire territory or colonies; and exercise various other treaty-making powers. In fact, before our Constitution was adopted and during the struggle for independence the Confederation of States entered into a treaty with France for an offensive and defensive alliance. Article 1 of this treaty provided as follows:

“If war should break out between France and Great Britain during the continuance of the present war between the United States and England, His Majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.”

Article 8 provides as follows:

“Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war.”

Article 11, in part, provides as follows:

“The two parties guarantee mutually from the present time and forever against all powers, to wit, the United States to His Most Christian Majesty, the present possessions of the Crown of France in America as well as those which it may acquire in the future treaty of peace. And His Most Christian Majesty guarantees on his part to the United States their liberty, sovereignty, and independence.”

This treaty was in existence until 1798 and subsisted after the adoption of the Constitution. Hamilton, in his letters discussing the treaty-making power under the Federation and under the Constitution, referred to this treaty as an evidence of the power granted by the Constitution of the United States to enter into a treaty of alliance. Among other things, he said:

“The manner of exercising a similar power under the confederation shall now be examined.

“To judge of the similarity of the power it will be useful to quote the terms in which it was granted. They are these: ‘The United States in Congress assembled shall have the sole and exclusive right and power of entering into treaties and alliances: *Provided*, That no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as those of their own people are subject to, or from prohibiting the importation or exportation of any species of commodities whatsoever.’

“It will not be disputed that the words ‘treaties and alliances’ are of equivalent import and of no greater force than the single word ‘treaties.’ An alliance is only a species of treaty, a particular of a general; and the power of ‘entering into treaties,’ which terms confer the authority under which the former Government acted, will not be pretended to be stronger than the power ‘to make treaties,’ which are the terms constituting the authority under which the present Government acts; it follows that the power respecting treaties under the former and that under the present Government are similar.

\* \* \* \* \*

“Under this power thus granted and defined the alliance with France was contracted, guaranteeing, in the case of a defensive war, her West India possessions, and when the *casus fœderis* occurs obliging the United States to make war for the defense of those possessions, and consequently to incur the expenses of war.

“Under the same power treaties of commerce were made with France, the Netherlands, Sweden, and Prussia. Besides that, every treaty of commerce is necessarily a regulation of commerce between the parties, it has been shown, in the antecedent comparison of those treaties with that lately negotiated, that produce the specific effects of restraining the legislative power from imposing higher or other duties on the articles of those nations than on the like articles of other nations, and from extending prohibition to them which shall not equally extend to other nations the most favored; and thus abridge the exercise of the legislative power to tax and the exercise of the legislative power to regulate trade.”

JAY TREATY, 1794.

During the time the Constitution was pending before the conventions of the various States for adoption, much of the objection to the Constitution emanated from the extensive treaty-making power conferred upon the President and the Senate. All students of history will recall the storm of opposition and public indignation which swept over the country when the terms of the Jay treaty, proclaimed February 29, 1794, between Great Britain and the United States, were made public. All of the latent opposition to the Constitution was fanned into a flame and public meetings were held all over the country, at which the treaty was denounced. It was assailed in almost every aspect as being beyond the constitutional power of the President and the Senate.

It brought forth from Washington, Hamilton, Ellsworth, and many others who were familiar with the history of the formation of the Constitution and the grant of the treaty-making power the most illuminating and the ablest discussion upon this subject anywhere recorded in history.

Hamilton defended the treaty-making power in a series of letters over the signature of “Camilus,” which for historical knowledge and power of logic have never been transcended. They stand as the last great monument to his fame. A brief summary of these objections may be useful.

It was alleged that the Jay treaty restricted the power of Congress to lay taxes or exact higher duties upon commodities; the power to regulate trade; the power to establish uniform naturalization; to define and punish piracy and felonies; that is violated the provision of the Constitution which declares that “no money shall be drawn from the Treasury but in consequence of appropriations made by law”; that it violated the constitutional power of Congress to dispose of and make uniform rules and regulations respecting territory and other property of the United States; that it violated that provision of the Constitution relating to the judicial department, and in many other respects.

In discussing these objections, Hamilton said:

“The power of treaty could not but be supposed commensurate with all these objects to which the legislative power of the Union extended, which are the proper subjects of compacts with foreign nations.”

In discussing the understanding of the treaty-making power by the convention, Hamilton said:

“The manner in which the power of treaty, as it exists in the Constitution, was understood by the convention in framing it and by the people in adopting it is the point next to be considered.

“As to the sense of the convention, the secrecy with which their deliberations were conducted does not permit any formal proof of the opinions and views which prevailed in digesting the power of the treaty, but from the best opportunity of knowing the fact I aver that it was understood by all to be the intent of the provision to give to that power the most ample latitude—to render it competent to all the stipulations which the exigencies of national affairs might require; competent to the making of treaties of alliance, treaties of commerce, treaties of peace, and every other species of convention usual among nations; and competent in the course of its exercise for these purposes, to control and bind the legislative power of Congress, and it was emphatically for this reason that it was so carefully guarded, the cooperation of two-thirds of the Senate with the President being required to make any treaty whatever. I appeal for this with confidence to every member of the convention, particularly to those in the two Houses of Congress.”

In summarizing the arguments of those who objected to the Jay treaty on constitutional grounds, he enumerated the various treaties which the United States could not enter into if the position of these objectors was correct:

“The absurdity of the alleged interferences will fully appear by showing how they would operate upon the several kinds of treaties usual among nations. These may be classed under three principal heads: (1) Treaties of commerce, (2) treaties of alliance, (3) treaties of peace.

“Treaties of commerce are, of course, excluded, for every treaty of commerce is a system of rules devised to regulate and govern the trade between contracting nations, invading directly the exclusive power of regulating trade which is attributed to Congress.

“Treaties of alliance, whether defensive or offensive, are equally excluded, and this on two grounds:

“1. Because it is their immediate object to define a case or cases in which one nation shall take part with another in war, contrary, in the sense of the objection, to that clause of the Constitution which gives to Congress the power of declaring war; and (2) because the successors stipulated, in whatever shape they may be, must involve an expenditure of money—not to say that it is common to stipulate succors in money, either in the first instance or by way of alternative. It will be pertinent to observe, incidentally, in this place that even the humane

and laudable provision in the seventeenth article, which all have approved, is within the spirit of the objection, for the effect of this is to restrain the power and discretion of Congress to grant reprisals till there has been an unsuccessful demand of justice. Nothing can better illustrate the unreasonable tendency of the principle.

Treaties of peace are also excluded, or, at least, are so narrowed as to be in the greatest number of cases impracticable. The most common conditions of these treaties are restitutions or cessions of territory, on one side or on the other, frequently on both sides—regulations of boundary, restitutions and confirmations of property, pecuniary indemnifications for injuries or expenses. It will probably not be easy to find a precedent of a treaty of peace which does not contain one or more of these provisions as the basis of the cessation of hostilities, and they are all of them naturally to be looked for in an agreement which is to put an end to the state of war between conflicting nations.

Yet they are all precluded by the objections which have been enumerated: Pecuniary indemnifications, by that which respects the appropriations of money; restitutions or cessions of territory or property, regulations of boundary, by that which respects the right of Congress to dispose of and make all needful rules and regulations concerning the territory and property of the United States. It is to be observed likewise that cessions of territory are almost always accompanied with stipulations in favor of those who inhabit the ceded territory, securing personal privileges and private rights of property, neither of which could be acceded to on the principles of that objection, which relates to the power of naturalization, for this power has reference to two species of rights, those of privilege and those of property. An act allowing a foreigner to hold real estate is so far an act of naturalization, since it is one of the consequences of alienism not to be able to hold real estate.

It follows that if the objections which are taken to the treaty on the point of constitutionality are valid, the President, with the advice and consent of the Senate, can make neither a treaty of commerce nor alliance, and rarely, if at all, a treaty of peace. It is probable that on a minute analysis there is scarcely any species of treaty which would not clash in some particular with the principle of those objections, and thus, as was before observed, the power to make treaties granted in such comprehensive and indefinite terms and guarded with so much precaution would become essentially nugatory.

\* \* \* \* \*

But the construction which is combated would cause the legislative power to destroy the power of making treaties. Moreover, if the power of the executive department be inadequate to the making of the several kinds of treaties which have been mentioned, there is then no power in the Government to make them, for there is not a syllable in the Constitution which authorizes either the legislative or judiciary departments to make a treaty with a foreign nation. And our Constitution would then exhibit the ridiculous spectacle of a Government without a power to make treaties with foreign nations, a result as inadmissible as it is absurd, since, in fact, our Constitution grants the power of making treaties in the most explicit and ample terms to the President, with the advice and consent of the Senate. On the contrary, all difficulty is avoided by distinguishing the province of the two powers according to ideas which have been always familiar to us, and which were never exposed to any questions till the treaty with Great Britain gave exercise to subtleties of party spirit.

Chief Justice Ellsworth, who had been a member of the Federal convention and whose appointment to the Supreme Bench bears date of March 4, 1796, in a carefully prepared letter on the subject, under date of March 13, 1796, expressed similar views. He said:

The grant of the treaty-making power is in these words: 'The President, with the advice and consent of the Senate, shall make treaties.' The power goes to all kinds of treaties, because no exception is expressed, and also because no treaty-making power is elsewhere granted to others, and it is not to be supposed that the Constitution has omitted to vest sufficient power to make all kinds of treaties which have been usually made or which the existence or interests of the Nation may require."

#### PRECEDENTS AND AUTHORITIES RESPECTING TREATY-MAKING POWER AND SUBJECTS.

We will thus see that the understanding of those who framed and were instrumental in adopting the Constitution was that this country had power to enter into the usual treaties negotiated by sovereign powers, including treaties of alliance, treaties guaranteeing the political independence and integrity of foreign nations; in fact, this country had entered into such a treaty, which was in force before the Constitution was adopted and for years thereafter; that from that day to the present time no question has been raised respecting the power of this country to negotiate such a treaty. Not only is this supported by the best writers on constitutional law, but by the decisions of the Supreme Court and the practice of this country during the entire life of the Republic.

Willoughby, recognized as one of the best of the modern authorities on constitutional law, makes the following statement concerning the treaty-making power of the Federal Government:

The control of international relations vested in the General Government is not only exclusive but all-comprehensive. That is to say, the authority of the United States in its dealings with the foreign powers includes not only those powers which the Constitution specifically grants it, but all those powers which sovereign States in general possess with regard to matters of international concern. This general authority in the United States is fairly deducible from the fact that in its dealings with other States the United States appear as the sole representative of the American people; that upon it rests, therefore, the obligation to perform all the duties which international law imposed upon a sovereign State; and that, therefore, having these duties to perform it is to be presumed to have commensurate powers. (Sec. 190.)

The power being expressly conferred by the Constitution on the President and Senate to make treaties, and there being no bounds set to their power, they are without limitation, except that they can not violate other provisions of the Constitution or invade the other departments of the Government.

In the case of *Ferrioa dos Santos* (2 Brock., 493), cited in Second Watson, on the Constitution, page 955, it is said:

The treaty power, as expressed in the Constitution, is in terms unlimited, except by those restraints which are found in that instrument against the action of the Government or of its departments and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize

what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. (*Fort Leavenworth Railroad Co. v. Lowe*, 114 U. S., 525, 541.) But with these exceptions it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country." (Per Field, J., in *Geoffroy v. Riggs*, 133 U. S., 258, 266.)

In the same opinion it is said:

"That the treaty power of the United States extends to all proper subjects of negotiation between our Government and the Governments of other nations is clear."

In *Holmes v. Jennison* (14 Pet. U. S., 540) Chief Justice Taney, writing the opinion of the court, said:

"The power to make treaties is given by the Constitution in general terms, without any description of the objects intended to be embraced by it, and consequently it was designated to include all those subjects which in the ordinary intercourse of nations had usually been made subjects of negotiation and treaty and which are consistent with the nature of our institutions and the distribution of powers between the General and State Governments. And without attempting to define the exact limits of this treaty-making power or to enumerate the subjects intended to be included in it, it may safely be assumed that the recognition and enforcement of the principles of public law being one of the ordinary subjects of treaties, were necessarily included in the power conferred on the General Government. \* \* \* \* Indeed, the whole frame of the Constitution supports this construction" (pp. 569-570).

In the case of *The Cherokee Tobacco* (11 Wall., 616) Judge Swayne said, at page 620:

"It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress (*Foster v. Neilson*, 2 Pet., 314) and an act of Congress may supersede a prior treaty (*Taylor v. Morton*, 2 Curtis, 454; *The Clinton Bridge*, 1 Walworth, 155)."

In *Holden v. Joy* (17 Wall., 243) Clifford, J., said:

"Under the powers given to the President and Senate to make treaties, it must be assumed that the framers of the Constitution intended that the power should extend to all those objects which in the intercourse of nations had usually been regarded as the proper subjects of negotiation and treaty, if not inconsistent with the nature of our Government and the relations between the States and the United States."

In *Holmes v. Jennison* (14 Pet., 569) it was said:

"The Constitution does not descend to details on the subject of treaties. It confers the power upon the President and Senate to make treaties, and this power is conferred in general and not specific terms. The power therefore includes all those matters which were the subjects of treaty at the time the Constitution was formed, providing they are consistent with the nature and provisions of the Constitution. The recognition and enforcement of the principles of public law being among the ordinary subjects of treaties were of necessity included in the power conferred upon the President and Senate to make treaties." (Cited in 2 Watson on the Constitution, p. 956.)

It is hardly necessary to enumerate the treaties involving such general provisions which have been entered into by the United States during its existence under the Constitution. Familiar examples are the Rush-Bagot agreement of 1817—made by the exchange of notes—whereby the United States and Great Britain agreed to limit their naval armament upon the Lakes forming the boundaries between the United States and Canada.

The Webster-Ashburton treaty of 1842, whereby Great Britain and the United States agreed to maintain a naval force on the coast of Africa for the suppression of the slave trade, the forces of the two nations to act in concert and cooperation.

The Clayton-Bulwer treaty of 1850, between Great Britain and the United States, relating to the subject of a ship canal between the Atlantic and Pacific Oceans, the two nations guaranteeing the neutrality of the canal and undertaking to protect it against unjust confiscation, seizure, or violence, and so forth.

The treaty of 1846 with Colombia, whereby the United States guaranteed "positively and efficaciously" \* \* \* to perfect neutrality of the Isthmus of Panama, the treaty with Cuba, and the treaty by which we guaranteed the independence of Panama.

The treaty of 1889 with Germany and Great Britain respecting the Samoan Islands, and many others.

The treaties of arbitration are so well known that no reference is necessary. The two Hague conventions, the Hay treaties made following the first convention, and the Root treaties following the second, and, finally, the Bryan treaties of 1913, dealt so comprehensively with the whole subject of arbitration as to leave no doubt whatever concerning the uniform recognition of the ability of the treaty-making power to bind the United States to any form of agreement for the peaceful settlement of international disputes, with a corresponding covenant not to go to war over the subject of dispute until after the processes of arbitration or inquiry have been exhausted, so that, upon precedent, upon the testimony of the statesmen who framed the Constitution, and in practice there can be no doubt as to the power of this Nation to execute such guarantees, whatever may be its wisdom. In principle there is no difference between guaranteeing the independence of Panama and guaranteeing the independence of Great Britain or France. It is said that we have a proprietary interest in Panama on account of the construction of the canal. We have a proprietary interest in the canal, and it is to our benefit to have stable government on either side of the canal, and so it is to our interest to have stable governments in any country contiguous to the United States or in any part of the world which might otherwise threaten our peace. For that reason we practically guaranteed the independence of Cuba.

If this country had the power to negotiate a treaty of alliance with France—and that power has not been questioned for more than a hundred years—the power still subsists.

If we had power to enter into a treaty with Great Britain to limit armament upon the Great Lakes—the treaty with Great Britain, 1817, which power has not been questioned for more than a hundred years—we have the same power to agree with all nations at this time to limit our armament.

Another objection to the treaty is that Congress alone can declare war and establish an army and navy; that therefore it is within the sole

province of Congress to decide whether we will declare war to protect a foreign country or whether we will enlist a certain number of men and provide a certain army; that, as the legislative power is alone vested in Congress, only Congress can enter into such an agreement; and that any agreement the violation of which might cause war, or any agreement to limit armament which Congress might violate, is unconstitutional. This, as Hamilton says, would practically destroy the treaty-making power of the United States.

The argument is as old as the history of treaties in this country. It was presented with great ability by the opponents of the Jay treaty and overcome by the able statesmen of that time, foremost among whom was Alexander Hamilton. From that day to the present time the question has been frequently raised in connection with treaties for the payment of money, regulating commerce, fixing import duties, regulating rights of trade with foreign countries, fixing boundaries, and various other subjects; the objection being that as the power to legislate in relation to these matters was in the entire Congress, any treaty made by the President and the Senate was therefore void. But these objections have proved unavailing and a large number of treaties have been made and ratified by the Senate where legislation was necessary to carry them into operation. For those who desire a more detailed examination of these treaties they will be found stated and analyzed in Crandall on Treaties, their making and enforcement, chapters 12 to 17, inclusive.

I can not review them all, but let me discuss a few of them:

The Jay treaty provided for the payment of money, regulated commerce, and fixed the status of foreign citizens, their right to hold and inherit property in the States, and other like provisions. President Washington took the advice of the heads of his administration—of Hamilton and others—and declined to submit the treaty to the House of Representatives.

On March 30, 1796, in his reply to a resolution from the House, President Washington said:

"As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty, as the treaty with Great Britain exhibits in itself all the objects requiring legislative provisions, and on these, the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbids a compliance with your request."

The treaty with France for the purchase of land at the mouth of the Mississippi, approved May 3, 1802, required an appropriation of \$2,000,000. President Jefferson submitted the treaty to the Senate alone, and after its ratification asked Congress to make the appropriation. A resolution requesting the President to submit the papers to the House of Representatives was defeated.

In the French treaty of July 4, 1831, it was agreed to pay to the United States 25,000,000 francs in settlement of certain claims. The treaty was signed by the French Government and the representatives of the United States and ratified by the Senate. The Chamber of Deputies of France refused to make the appropriation. The House of Representatives unanimously adopted a resolution declaring that in the opinion of the House the convention should be maintained and its execution insisted upon.

So that we ourselves have not only insisted that we have the right to make a treaty which is said to circumscribe the legislative or sovereign power of the Government, but we have invoked the same rule against others.

There are a number of these treaties entered into with the United States requiring the payment of money which have never been submitted to the Congress and which have been negotiated by the President and confirmed by the Senate. A list of these may be found on page 179, Crandall on Treaties, extending from 1796 to 1903.

In treaties involving the modification of revenue laws it has been the universal custom for the President and the Senate to negotiate such treaties, although the power to raise revenue is alone vested in the Congress, and such bills must originate in the House. This question was also determined as an incident to the Jay treaty. The discussion is very illuminating. John Forsyth, who was afterwards Secretary of State, instituted the contention in the House that legislation to administer the treaty was necessary, but he made no claim that the treaty itself was invalid. His statement is so clear on this question that I beg leave to quote therefrom:

"The basis of the bill is not the principle stated, that legislative aid is necessary to the validity of treaties. Gentlemen have exhausted their ingenuity, their time, and their eloquence in the discussion of a doctrine utterly denied by the bill and those who advocate it. The doctrine contended for is that in certain cases specified by the Constitution legislative aid is necessary to the execution of treaties. Is there no difference between the two propositions? \* \* \* The distinction between the validity of an instrument and the execution of its provisions, between the obligation of contract and the performance of that obligation? \* \* \* We insist not that it is the fragment or shadow of a treaty but that it shall be neither more nor less than a treaty valid and obligatory as such as a contract, but not having the force of law in its operation upon the municipal concerns of this people without legislative enactment."

He makes a distinction between the carrying out of a treaty and the making of a treaty which is morally binding upon the Congress.

Heretofore there has been no tribunal in which such treaties could be judged, except the tribunal of public opinion.

The treaties with France in 1822 and 1831 providing for duties on French goods admitted into the United States were ratified and then submitted to Congress for legislation. But the Senate refused to ratify the treaty with the States of the German Zollverein, which changed the duties laid by law. Since 1854 many of the treaties affecting import duties contained a proviso that the treaty should take effect as soon as laws required to carry them into operation should be passed. For instance, in convention with Hawaiian Islands of 1875, the Senate advised ratification, "but not until a law to carry it into operation shall be passed by the Congress of the United States." A similar reservation was made in the reciprocity convention with Mexico of 1883 and various other reciprocity conventions subsequently negotiated.

In the tariff act of October 3, 1913, the President was "authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward free trade relations and further reciprocal expansion of trade and commerce: Provided, however, That said trade agreements before becoming operative shall be submitted to the Congress of the United States for ratification or rejection."

Whatever may be said respecting the propriety of the negotiation of a treaty by the President and the Senate which interferes with the tariff acts enacted by Congress, the power to negotiate such treaties

is settled beyond question. My own opinion is that the wisdom of it is doubtful, and as the duty is placed upon Congress to raise revenue to support the Government, the treaty-making power should not be exercised in such a way as to infringe upon this authority. But it has been the practice of this Nation from the inauguration of its Government under the Constitution to negotiate such treaties and to simply ask Congress to pass the necessary legislation to carry them into operation.

The Supreme Court, in the so-called Insular cases, settled this question. In the case of *De Lima v. Bidwell* (182 U. S., 1) recovery was sought for duties paid under protest on goods brought into New York from the island of Porto Rico in 1899, after the exchange of ratification of the treaty but prior to any legislation by Congress. The court held that upon the exchange of ratification of the treaty of April 11, 1899, Porto Rico ceased to be a foreign country within the meaning of the tariff laws then existing, and that the duties were not legally exacted. That, in effect, was a repeal of the tariff laws by this treaty.

In the *Fourteen Diamond Ring* case (173 U. S., 176) the same decision was reached as to the Philippine Islands. It is true, however, that in the *De Lima* case there was the dissenting opinion of four judges, written by Mr. Justice White, to the contrary. But the *De Lima* case has been reaffirmed and must now be considered as the settled law of this country. This case was cited and approved in *Dorr v. United States* (195 U. S., 138), and has been cited with approval by the Supreme Court since that time.

Chief Justice White based his dissent upon the ground that it was not good policy for the Government to execute a treaty affecting duties, because the responsibility for raising revenue to support the Government was placed upon the Congress. But the court held the question of propriety was for the Senate and the President to determine when they made the treaty, Congress clearly reserving the right to refuse to carry it out or to repeal the treaty if it saw fit.

In the latter case, Mr. Justice Day, who delivered the opinion of the court, said:

"It may be regarded as settled that the Constitution of the United States is the only source of power authorizing action by any branch of the Federal Government. 'The Government of the United States was born of the Constitution, and all powers which it enjoys or may exercise must be either derived expressly or by implication from that instrument.' (*Downes v. Bidwell* (182 U. S., 244, 288) and cases cited.) It is equally well settled that the United States may acquire territory in the exercise of the treaty-making power by direct cession as the result of war and in making effectual the terms of peace, and for that purpose has the powers of other sovereign nations. This principle has been recognized by this court from its earliest decisions. The convention which framed the Constitution of the United States, in view of the territory already possessed and the possibility of acquiring more, inserted in that instrument, in Article IV, section 3, a grant of express power to Congress 'to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.'

There is no question that the power to acquire territory, to fix boundaries and the status of the inhabitants, and to cede territory has not only been exercised many times by this Government but has been sustained as a part of the treaty-making power by the Supreme Court of the United States.

The Senator from Pennsylvania, in his speech of March 1, objects to certain articles of the treaty relating to finance and economy because the power to legislate upon interstate commerce is vested in Congress. This same objection was made to the Jay treaty and was met by the President and by many of the proponents of the treaty, conspicuous among whom was Alexander Hamilton. Hamilton said:

"This will the better appear from the entire clause. 'The Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes,' which is the same as if it had been said: The whole powers of regulating trade by law shall reside in Congress, except as to the trade within a State, the power to regulate which shall remain with such State. But it is clearly foreign to that mutual regulation of trade between the United States and other nations, which, from the necessity of mutual consent, can only be performed by treaty. It is, indeed, an absurdity to say that the power of regulating trade by law is incompatible with the power of regulating it by treaty, since the former can by no means do what the latter alone can accomplish; consequently it is an absurdity to say that the legislative power of regulating trade is an exception to the power of making treaties.

"Laws are the acts of legislation of a particular nation for itself. Treaties are the acts of the legislation of several nations for themselves jointly and reciprocally. The legislative powers of one State can not reach the cases which depend on the joint legislation of two or more States. For this resort must be had to the plenipotentiary power, or the power of treaty. This is another attitude of the subject, displaying the fallacy of the proposition that the legislative powers of Congress are exceptions to or limitations of the power of the President, with the aid of the Senate, to make treaties."

#### SUPERIORITY OF TREATIES OVER STATE LAWS.

There is no doubt that in the absence of a treaty or legislation by Congress the States have power to establish the status of foreign citizens as to their rights to hold and inherit property and to engage in business within their several borders. And Congress undoubtedly has the power to provide for the naturalization of foreign subjects and prescribe conditions under which they shall become citizens of the United States. Notwithstanding this, it is settled beyond dispute that the Federal Government may by treaty define the status of a foreign subject residing within the States, and indicate the plans where he may travel, the business in which he may engage, the property he may own, both real and personal, and the disposition of such property upon his death; that such a treaty constitutes the supreme law of the land; that a State law contravening such a treaty is invalid and will be so declared by the courts in a suitable action. Certain it is that Congress may pass a law setting aside such a treaty, and that a treaty may be negotiated which shall supersede a law of Congress.

These propositions have been established by the laws of all civilized nations, by the history of all eras, by the opinion of statesmen who framed our Constitution, by the provisions of the Constitution, by the universal practice of negotiating such treaties, and, finally, by repeated decisions of the Supreme Court of the United States and many of the State courts during a period exceeding 100 years.

If the President and the Senate can make a treaty providing for the disposition of land in a State, they may make a treaty affecting foreign commerce, continually conceding the power of Congress to determine the treaty.

Under the Articles of Confederation the Congress entered into treaties with foreign Governments defining the status of foreign citizens

within the several States, and their right to engage in business, and to own, dispose of, and inherit property, both real and personal. Such treaties were made with France, the Netherlands, Sweden, Great Britain, Morocco, and Prussia. (Treaty with France, Feb. 6, 1778, 8 U. S. Stat. L., 12; treaty with the State's General of United Netherlands, Oct. 28, 1782, 8 U. S. Stat. L., 32; treaty of peace with Great Britain, Nov. 30, 1782, 8 U. S. Stat. L., 54; treaty with Sweden, Apr. 3, 1783, 8 U. S. Stat. L., 60; treaty with Prussia, Sept. 1785, 8 U. S. Stat. L., 84; treaty with Morocco, Jan. 7, 1787, 8 U. S. Stat. L., 100.)

Since the adoption of the Constitution many treaties of this character have been made, such as the treaty with the Republic of Salvador in 1870 (Treaties and Conventions, p. 1537); the treaty with Peru, 1871 (Treaties and Conventions, p. 1431). In fact, nearly every one of our treaties contain provisions, varying in form, regulating some matter which is ordinarily within the jurisdiction of the State, and which, by the Constitution, is not committed to Congress other than by the treaty-making power.

That such treaties are valid and superior to the laws of the States is demonstrated by the discussions which occurred at the time the Constitution was adopted.

Time does not permit me to cite the expressions of the public men of that time, of Washington, Jefferson, Hamilton, Madison, Randolph, Pinckney, Adams, Wilson, together with the remarkable discussion of the Constitution by Hamilton, Madison, and Jay in the *Federalist*—a discussion which excited the admiration of statesmen the world over and compares favorably with the writings of such great students of government as Vattel, Montesquieu, Burke, Machiavelli, and Rousseau.

It is only necessary for me to cite to the Senate the various decisions of the Supreme Court of the United States, holding that these treaties were not only within the treaty-making power of the Senate and the President, but were superior to the laws of the various States.

Many of these decisions were rendered in the early days of the Republic, were participated in by men who were members of the Constitutional Convention and familiar with the history of the times and the objects to be attained by its adoption. I shall simply give the Senate a list of the leading cases, as follows: *Elizabeth Rutgers v. Joshua Waddington*, in the Mayor's Court of New York, 1784; *Ware v. Hylton* (3 Dall., 199); *Chirac v. Chirac* (2 Wheat., 259); *Orr v. Hodgson* (4 Wheat., 453); *Fairfax's Devisee v. Hunter's Lessee* (7 Cr., 603); *Hughes v. Edwards* (9 Wheat., 489); *Haenenstein v. Lynham* (100 U. S., 483); *Geoffroy v. Riggs* (133 U. S., 263).

There have also been adjudicated cases to the same effect in the United States circuit and district courts, and a large number of cases in the State courts. In fact, every State which has passed on the question has followed the decision of the Supreme Court of the United States.

This is also the opinion of substantially all of the writers upon the treaty-making power, with one exception—Henry St. George Tucker, of Virginia—and he bases his opinion very largely upon certain expressions contained in certain decisions of the Supreme Court of the United States, notably in opinions rendered by Chief Justice Taney, in 1840, in *Homes v. Jennison* (14 Pet., 540); of Justice Daniel, shortly after, in the *License cases* (5 How., 504); and Chief Justice Taney and Justice Grier in the *Passenger cases* (7 How., 283), tending to support the theory that the treaty-making power does not extend to the subjects which by the Constitution are ordinarily committed to the relative jurisdiction of the States. In all of these cases there were opinions by several of the justices of the court, and it does not appear that the language used was approved by the majority. In fact, in the *Passenger cases* the language of Chief Justice Taney was used in a dissenting opinion. These decisions, however, do not purport to overrule the earlier decisions of the court to the contrary, and have never been followed by the court since that time. They were rendered at a time, now happily past, when the country was divided by an overwhelming issue which darkened the political sky and clouded the judgment of men. This undoubtedly had its effect upon the decisions of that great court, but the later decisions have dispelled whatever doubt may have existed.

#### CONSTITUTIONAL EXCEPTIONS TO TREATY-MAKING POWER.

It may be said, however, that if there are no implied limitations to the treaty-making power, the President, by and with the consent of the Senate, might dismember the Union, abolish the structure of government guaranteed by the Constitution, or convey away the territory of the States. In fact, the Senator from Pennsylvania, in his speech on June 17, said that under the treaty-making power King George of England could not be made President of the United States, nor could the House of Lords be substituted for and perform the functions of the Senate of the United States, nor could the House of Commons be made to take the place of the House of Representatives.

But these arguments are not new. They were advanced time and time again in the Constitutional Convention and in the convention of the various States called to consider the adoption of the Constitution.

The same argument was advanced against the Jay treaty. In reply, Hamilton said:

"The only constitutional exception to the power of making treaties is that it shall not change the Constitution; which results from this fundamental maxim, that a delegated authority can not alter the constituting act unless so expressly authorized by the constituting power. An agent can not new model his own commission. A treaty, for example, can not transfer the legislative power to the executive department nor the power of this last department to the judiciary; in other words, it can not stipulate that the President, and not Congress, shall make laws for the United States; that the judges, and not the President, shall command the national forces."

Undoubtedly the treaty-making power does not comprehend that the President and the Senate shall change the form of government or stipulate to destroy any of the fundamental powers of the Federal Government which are guaranteed by provisions of the Federal Constitution coordinate with the treaty clause.

A treaty abrogating the functions of the Supreme Court of the United States or of the legislative or executive bodies would undoubtedly be declared unconstitutional, because the provisions of the Constitution creating the departments of Government are of equal force and effect with those conferring the treaty-making power.

These questions, if not settled by ballot, can only be settled by the arbitration of war.

This question has been settled and these limitations carefully defined by the Supreme Court of the United States in the case of *Geoffroy v. Riggs* (133 U. S., 258).

But because a treaty limits sovereign power—I speak of sovereign power as the power to make laws—it is not thereby invalid. The treaty-making power as between nations embraces many of the subjects which are within the legislative power of the Nation. Every treaty we

negotiate to a certain extent destroys certain freedom of sovereign action. A treaty, of which we have many, conferring certain privileges of trade is binding, and if we perform our agreement it limits legislative action. Treaties fixing duties and providing for imports; navigation treaties; treaties defining the status of foreign subjects, their right to own and hold property; in fact, there is not a treaty which does not to some extent limit the power of the Federal Government. Of course, it is conceded that Congress has the power to violate a treaty, and we have denounced some of our treaties. And the Supreme Court has decided that a treaty can not alter the Constitution and is void if it is in violation of that instrument. (*Thomas v. Gay*, 163 U. S., 264.)

But it is an entirely different proposition when Congress agrees to a treaty that may cause war. The violation of many of our treaties might cause war if the other party to the treaty so desired. Congress has no power, of course, to create a supergovernment and confer upon that government the right, without an act of Congress, to declare war.

But it is an entirely different proposition when Congress agrees to a treaty the violation of which may lead to war. By the guaranty of the political integrity of Panama, if we perform that guaranty, it may become necessary to render military service. The treaty itself, however, is valid. We can not, of course, confer upon Panama the power to declare war for the United States, but we can agree with Panama to perform acts which may involve us in war.

It is claimed that we can not enter into a treaty limiting armament, because Congress alone can raise and support armies and provide for a navy. By a treaty with Great Britain, negotiated in 1817, we agreed to limit armament on the Great Lakes. This treaty has been in existence more than 100 years, and no question has ever arisen as to its validity. If we may limit armament in a certain section we may limit it entirely. Whether it is advisable to do so is another question. It must also be remembered that we have negotiated a large number of treaties within the last 10 years, by which we agree to arbitration and to forego hostilities for periods of from three to six months. These are agreements not to make war. If the contention of certain Senators is correct that a treaty in which it is agreed to forego hostilities is void because the Congress has absolute power to declare war at any time, we have for many years been performing unconstitutional acts. In fact, any treaty would be void which Congress may violate by legislative act or which requires a legislative act before it becomes operative. \* \* \*

#### REPORT ON BALTIc PROVINcES (S. DOC. NO. 105).

MR. LODGE. Mr. President, I have here the official report on the Baltic Provinces by Robert Hale, who was the legal adviser of the Paris peace commission on those provinces and who visited them. It is a very valuable document and I should like to have it printed as a Senate document.

THE PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### "WHY AMERICA IS FREE."

MR. BORAH. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times under date of September 21, 1919, entitled "Why America is Free."

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

[From the New York Times, Sunday, Sept. 21, 1919.]

#### "WHY AMERICA IS FREE."

"Would it not be a good idea to reprint *The Federalist* and invite the attention of reviewers and the public in general to it as a new and remarkable work, shedding some light on American institutions? Might it not be well to do the same with Elliot's Debates and the correspondence of Thomas Jefferson? These questions are not asked ironically. The astonishing and humiliating fact has been forced upon the attention of Americans that the foundation principles of our Nation are unknown to or scoffed at by a large number of people who call themselves by the American name, but apparently have no idea of the theory of the Government under which they live.

"It may be that it was a hundred years or more ago that Percy Bysshe Shelley described this country:

"That land is like an eagle, whose young gaze Feeds on the noon tide beam, whose golden plume Floats moveless on the storm, and in the blaze Of sunrise gleams when earth is wrapped in gloom; An epitaph of glory for the tomb, Of murdered Europe may thy fame be made, Great people! as the sands shalt thou become; Thy growth is swift as morn when night must fade; The multitudinous earth shall sleep beneath thy shade, Yea, in the desert there is built a home For freedom. Genius is made strong to rear The monuments of man beneath the dome Of a new heaven; myriads assemble there, Whom the proud lords of man, in rage or fear, Drive from their wasted homes.

\* \* \* Nay, start not at the name—America! \*

"If Shelley's mournful ghost could see the use which has been made of the opportunities which, as he thus glowingly told, the New World held out to the refugees of the old, what would he say? It would have been the puncturing of another of those dreams for the future of humanity which were so close to his heart. The United States was all that he said of it. There was, however, no magic in it. It was indeed a home of freedom and a city of refuge for the oppressed of all the world, but it was by no accident. It was because Americans every-

where understood the foundations on which their liberties rested and expected newcomers to learn what they themselves knew.

"The theory of our liberty, under which we have lived for a century and a quarter, was not that liberty meant anarchy or the rule of a class. It definitely excluded both. It limited the power of government and delegated to government only certain powers. It made such keen and careful provision that by no means could any group or faction obtain control of government. It was a theory which did not merely ignore classes, but took care that they should not exist, or, if they did, that no class could gain the reins of rulership. This it did by separating the powers of government. It balanced one power against another—a system of 'checks and balances,' to use the old phrase.

"It went further. It placed the legislative power in the hands of representatives of no class, men chosen for the purpose from all ranks of life by the people themselves. It provided, when it came down from theory to actual solidified enactment, that the representatives of the people should never take away from the people certain individual and personal rights, which the Constitution named in the most definite way. It provided that these principles should never be infringed either by the States or the Nation, and it created a judiciary to guard that provision.

"So there was nothing nebulous, vague, or intangible about American freedom. The Constitution, whose birthday the Nation celebrated a few days ago, was no glorious spree of words like the French declaration of the rights of man. It was made up of hard and practical declarations, and we have lived by them ever since. Now we are told suddenly that a new charter of human liberty has been discovered, and are invited to take it as our guide and sail unknown seas uttering invocations in its name. The old Constitution served us well. It served well the men who came here from other countries. Now that it is suddenly assailed by some among them who have been at no pains to learn what the instrument means, what the principles of our Government are, and by their intellectual blood relatives of American descent, the men and women who love it and believe in it should awake and stand by it."

#### COMMERCE AND FINANCES OF ENGLAND, FRANCE, AND ITALY.

MR. OWEN. I have in my hand items showing the steps which are being taken by England, France, and Italy to rehabilitate and reconstruct their commerce and finances, including a short compilation by the National City Bank, which I ask to have printed in the RECORD without reading.

It will be seen that the inflated currency of Italy will be retired by a loan, in the nature of a legal tax, and the currency brought back to normal. A great advance forward in the resumption of specie payment. These  $2\frac{1}{2}$  per cent bonds can thus absorb the redundant currency of Italy. Doubtless the other nations will follow the example of Italy and the great mischief of inflation ended in France, Belgium, and the other nations of Europe.

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

"FRANCE'S BUDGET SHOWS ECONOMY—GERMANY'S NEEDS ARE LARGE—ITALY FLOATS COMPULSORY LOAN—OTHER NEWS.

[From a compilation by the National City Bank of New York.]

"M. Klotz, French minister of finance, has introduced into the chamber a proposal for a provisional vote of credit to cover the cost of civil services for the fourth quarter of the year.

"The amount involved is 5,767,000,000 francs (\$1,113,031,000), a reduction of 1,200,000,000 francs (\$231,600,000), as compared with the third quarter. Military credits for the same period will amount to 2,984,000,000 francs (\$575,912,000), a reduction of 842,000,000 francs (\$162,506,000), on the last quarter. The reductions are principally on account of pay and maintenance of the troops and material and are due to demobilization.

"The aggregate total for the whole year asked for in votes on account under the heading of exceptional expenditure is lower by 12,597,000,000 francs (\$2,431,221,000) than the figure of the votes on account of last year.

#### "GERMANY'S NEEDS LARGE.

"According to a memorandum issued by Herr Erzberger, Germany will require £1,200,000,000 to meet her financial needs for the year. Of this amount £500,000,000 will be for the service of the debt, which is expected to reach £10,000,000,000.

"An illustration of the rates at which loans are now being floated is given by the issue of a 4 per cent Stuttgart municipal loan for 10,000,000 marks, irredeemable before 1926, after which it is to be paid off during a period of 45 years, at 95.80 per cent. A 4 per cent communal loan for the districts of Saxony, Thuringia, and Anhalt, amounting to 50,000,000 marks, is issued at

94.50 per cent. Redemption will be by drawings, beginning in 1921, amounting to 1 per cent of the total paid.

#### "ITALY'S COMPULSORY LOAN.

"The progressive tax upon capital which Signor Nitti announced in his program has taken the shape of a compulsory long-dated loan at low interest. The commission for the preparation of this loan, presided over by Signor Tedesco, secretary to the treasury, has already fulfilled the preliminary work, and Italy will be the first nation in resolutely applying the tax, while a similar scheme appears to have been dismissed in France and to be in a nebulous stage in the German and Austrian countries.

"Giving to the progressive tax this appearance of a loan, the Government trusts to take away from it the character of confiscation, and to succeed in simplifying the method of assessment. In a few weeks the scheme, completed in every particular, will be presented to the cabinet. The contributions from the great fortunes amassed during the war will be collected directly as extraordinary supertaxes.

#### "FRENCH AFTER EXPORT BUSINESS.

"The 'Banque Nationale Francaise du Commerce Exterieur,' or French National Bank for Foreign Trade, which the Clemenceau Government is anxious to bring into a corporate existence as quickly as possible, is intended to be a semiofficial institution. As a matter of fact, the bank has already been constituted, and the bill now before the French Parliament is intended to confirm and ratify the agreement arrived at with the founders of the new bank by Messrs. Klotz, minister of finance, and Clementel, minister of commerce.

"To aid in the establishment of the bank the State will advance sums which are to be returned to the State treasury when the special reserve fund exceeds 25,000,000 francs.

"The capital of the new bank is to be 100,000,000 francs, with power to increase shortly to 200,000,000 francs. The capital has already been underwritten by syndicates of French export merchants, manufacturers, and banks.

"The State is to take 30 per cent of the net profits after the shareholders shall have received a cumulative dividend of 6 per cent. The State's profits are to be reduced to 20 per cent when the 25,000,000 francs advanced by the State shall have been repaid.

"The Government is to have a controlling voice in the management of the bank by the appointment of two official actuaries, who are to check the accounts and books and who will have the right to assist at all board meetings.

"The services the bank will render to French trade are of two kinds. In France itself the bank will mobilize all long-term credits that French export houses are obliged to grant to foreign buyers of French goods. In its foreign branches the bank's agents and correspondents will keep themselves well informed as to the commercial standing and credit of local firms. At the same time they will collect moneys and undertake the reception and dispatch of goods to or from France.

#### "IN FAIR WAY TO WIN.

"The plans of Premier Nitti for economic reconstruction met with universal approval in Paris, in London, and in this country, and above all, Nitti's scheme of calling in all the excessive circulation of paper currency and of reducing it to normal by means of a loan of  $2\frac{1}{2}$  per cent, to which every citizen would be compelled to subscribe, according to the measure of his resources, has excited the good will of all financial experts. It means nothing more nor less than a saving to the treasury of 20,000,000,000 lire, through the giving up of the fictitious value of the paper currency in Italy in order to establish a real one.

"Moreover, Premier Nitti and his equally Americanophile foreign minister, Senator Tittoni, had by means of their conciliatory manner and transparent sincerity—so different from the aggressive trickiness of Baron Sommo—won to such an extent the sympathy, the good will, and the confidence of France, Great Britain, and above all, of the United States, that Italy was in a fair way to obtain eventual possession of Fiume, the compromise negotiated being of a nature to bring about that object."

"ENGLAND ARRANGES EXPORT CREDITS—ADVANCES UP TO 80 PER CENT OF COST OF GOODS—TO ENCOURAGE TRADE WITH NEW EUROPEAN STATES—CONDITIONS ANNOUNCED BY THE BRITISH BOARD OF TRADE.

"LONDON, September 4.

"The board of trade announce that the Government is prepared, through their export credits department, at 10 Basinghall Street, to consider applications for advances up to 80 per cent of the cost of the goods, plus freight and insurance, for goods sold to Finland, the Baltic Provinces—Latvia, Estonia, Lithuania—Poland, Czechoslovakia, Jugoslavia, and the

areas in Russia to which the scheme for insurance against abnormal commercial risks applies, subject to the following conditions:

"1. Documents are to be surrendered to the buyers against their acceptance of a bill in sterling drawn by the sellers for the full amount of the invoices, together with security (see the next paragraph). The Government will release the drawers from any recourse against them for the amount of the advances made.

"2. The purchasers must agree to take up such documents against a deposit of currency calculated on the basis of the market exchanges, such deposit to be made with an approved bank in the country of purchase and to be held as security for the due payment of the bills.

"3. When the advance is needed, the relative documents will have to be accompanied by a letter of guaranty from an approved bank of the country of purchase stating that the documents will be promptly taken up against such deposit of currency and undertaking that the amount of such currency shall always be maintained at a figure sufficient to give a margin of 15 per cent over the value of sterling as based upon the exchanges (not upon the official exchanges, if any). All applications accompanied by a banker's guaranty of sterling payment at maturity of the bill will receive preferential consideration.

"4. \* \* \* of the advance made to the cost (plus proposals for a deposit of produce or securities instead of currency).

"5. The advances made by the department will be a first charge upon the proceeds of the bills and securities, but if such proceeds are less than the cost, plus freight and insurance, the loss represented by the difference will be divided between the department and the drawer of the bill in the proportion of the advance made to the cost (plus freight and insurance).

"6. The credits are to outstand only for such periods as the department may determine in each case at the time of application for the advances.

"7. The Government will settle from time to time the countries and goods to which the scheme relates, but advances will not be made for the export of raw materials and preference will be given to the finance of goods where the larger part of the cost is due to manufacture in this country.

"8. All applications must be passed to the department by the bankers of the sellers, whose recommendation must be attached.

"9. After satisfaction of the advance the bill and securities will be handed to the seller if payment of the full amount of the bill has not been made.

"10. At any time after maturity of the bill or after any default the department will be entitled to close a transaction and hand over the security held, the seller bearing his proportion, as indicated above, of any loss incurred.

"11. The conditions set out above may be modified at any time or in special cases.

"With the consent of Barclays Bank (Ltd.), L. A. Davis, deputy foreign manager of that bank, has been appointed manager of the department."

#### OIL CONTROL AND BRITISH INTERESTS.

Mr. PHELAN. Mr. President, I ask to have printed in the RECORD an article appearing in the New York Times of yesterday on the control of oil passing into the hands of Great Britain. It is a matter to which I have called the attention of the Senate heretofore and which I think is of great importance.

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

[From the New York Times, Sept. 21, 1919.]

SEES OIL CONTROL PASSING TO BRITAIN—AMERICA ALREADY IMPORTING PETROLEUM, SAYS E. MACKAY EDGAR—FOREIGN FIELDS GOBBLED—IN 10 YEARS AMERICAN IMPORTS, HE PREDICTS, WILL BE RESTORING STERLING EQUILIBRIUM.

LONDON, September 20.

Recently E. Mackay Edgar, head of the firm of Sperling & Co., expressed confident views on the ability of Great Britain to hold her own against American competition in an article in Sperling's Journal entitled 'The answer to Mr. Vanderlip.' In a further article in the same journal Mr. Edgar makes an equally optimistic deliverance on the future of the world's supply of petroleum, which he is convinced lies in British and not American hands at present. Mr. Edgar says it seems impossible to overthrow America's predominance in the oil industry, but just as America, although 30 or 40 years ago the great timber-producing country, is now in the grip of a timber famine, so he is convinced, first, that she is rapidly running through her stores of domestic oil and is obliged to look abroad for future reserves, and, secondly, that these reserves are owned or controlled by British capital.

"More oil," says Mr. Edgar, "has probably run to waste in the United States than has ever reached the refineries. Improvidence, carelessness, a blind gambling spirit have marked all except the

most recent phases of the industry. The great oil fields of the United States are nearing exhaustion, and it is not believed that the new ones which are being proved will yield anything like the old prodigal production. America has recklessly and in 60 years run through a legacy that, properly conserved, should have lasted her for at least a century and a half.

"Already, although few people realize it, America is an importer of oil. Last year she imported from Mexico 38,000,000 barrels of 42 gallons each. Like farsighted men, however, Americans are now diligently scouring the world for new oil fields, only to find that wherever they turn British enterprise has been before them."

"Mr. Edgar goes on to say that one finds that Americans have had comparatively little success in securing oil leases in Guatemala, Honduras, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, and Ecuador, and that a decisive and really overwhelming majority of petroleum concessions in these countries is held by British subjects. Geologists are convinced that a continuous belt of oil runs from Mexico through the Isthmus and bifurcated into Venezuela and Ecuador. 'By far the most valuable concessions in these territories belong to the Alves group,' he adds. And Alves is a wholly British group. Then, again, 'that greatest of all organizations,' the Shell group, operating with a paid-up capital which Edgar estimates at £100,000,000, possesses exclusive or controlling interests in every important oil field in the world—in Mexico, Russia, the Dutch East Indies, Roumania, Egypt, Venezuela, Trinidad, India, Ceylon, Malay States, North and South China, Siam, the Straits Settlements, and the Philippines. In a few years, Edgar declares, it will control not far short of one-fourth of the world's supply.

"We hold in our hands, then," says Edgar, "secure control of the future of the world's oil supply. We are sitting tight on what must soon become the lion's share of raw material indispensable to every manufacturing country and unobtainable in sufficient quantities outside the sphere of British influence.

"I estimate that if their present curve of consumption, especially of high-grade products, is maintained, Americans in 10 years' time will be importing 500,000,000 barrels of oil yearly. At £2 a barrel, that means an annual payment of £200,000,000 per annum, most, if not all, of which will find its way into British pockets."

#### FREEDOM OF SPEECH IN WAR TIME (S. DOC. NO. 95).

Mr. LA FOLLETTE. Mr. President, I have here an article which appeared in the Harvard Law Journal, written by Zechariah Chafee, Jr., of the Harvard Law School. It is upon the freedom of speech in war time, and, so far as my observation goes, it is altogether the most comprehensive discussion of that subject which has yet appeared. I ask to have it printed as a Senate document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

#### ROOSEVELT MEMORIAL ASSOCIATION.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2972) to extend the cancellation stamp privilege to the Roosevelt Memorial Association, which were, after the word "employment," in lines 4 and 5, to strike out the remainder of line 5 and all of lines 6 and 7, and insert "of special canceling stamps bearing the following words and figures: 'Roosevelt Memorial Association, October 20-27,' at such post offices as he may designate and under such rules and regulations as he may prescribe," and to amend the title so as to read: "An act to extend the cancellation stamp privilege for the Roosevelt Memorial Association."

Mr. TOWNSEND. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### HOUSE BILL REFERRED.

H. R. 9205. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years was read twice by its title and referred to the Committee on Appropriations.

#### THE CALENDAR.

Mr. NORRIS. Mr. President, I rose to ask that the Chair lay before the Senate the resolution introduced by me on last Friday, which went over under the rule, but I am just reminded that under the rule of the Senate on Monday the calendar should be called. I do not wish to interfere with that. I can just as well call up the resolution to which I have referred tomorrow or at the conclusion of the calendar, if it should be concluded before 2 o'clock.

MR. THOMAS. Mr. President, the calendar is very small at present, and I ask unanimous consent that the rule be dispensed with this morning in order that the Senator may present his resolution.

MR. NORRIS. I have no desire to do that. I would just as lief take up the resolution to-morrow morning or the next day. I do not like to interfere with the call of the calendar. There are Senators here having bills on the calendar which they desire to have taken up.

MR. THOMAS. I withdraw the request.

MR. MCLEAN. I move that the Senate proceed to the consideration of Calendar No. 126, being House bill 7478. This is the bill that has been under discussion in the Senate for a week or 10 days, and I think it ought to be disposed of.

MR. JONES of Washington. I suggest that that would be out of order unless by unanimous consent the call of the calendar is first dispensed with.

MR. NORRIS. I should like to suggest to the Senator that the calendar be called, and when the bill referred to is reached on the calendar it can be taken up in its regular order. I do not like to dispense with the call of the calendar.

MR. MCLEAN. Very well.

THE PRESIDENT pro tempore. The calendar, under Rule VIII, is in order.

The resolution (S. Res. 76) defining a peace treaty which shall assure to the people of the United States the attainment of the ends for which they entered the war, and declaring the policy of our Government to meet fully obligations to ourselves and to the world, was announced as first in order.

MR. ASHURST. Let that go over.

THE PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

MR. SMOOT. I ask that that bill go over.

THE PRESIDENT pro tempore. The bill will be passed over.

HEIRS OF SUSAN A. NICHOLAS.

The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

MR. SMOOT. I ask that that bill go over.

MR. RANSDELL. I ask the Senator to withdraw his objection for just a moment to allow me to make a very brief explanation of the bill. It is a bill which has been before Congress for a long time and is for the relief of two old ladies. One of them, Mrs. Caroline Nicholas Muller, is 75 years of age. Their father was a United States Senator from the State of Louisiana. He died in 1857. The facts are that this property was taken by the Union Army. It was composed of sugar, molasses, mules, sugar cane, and things of that kind. It was valued at \$50,000 and the committee found that the claimants were entitled to \$40,000. A large crop of growing sugar was also destroyed, but no account is taken of that, because the Army got no benefit of the growing crops. The Army did get the benefit of the sugar and molasses and other property.

These old ladies are now in a distressed financial condition. One of them has to work hard for a living, although she is 75 years of age. There have been no laches in this case. These ladies have been trying for 18 or 20 years, according to the record here—and I do not know what efforts they made before that—to get their claim adjusted. It is certainly a just and equitable one. I have tried for two or three Congresses to get it through. I sincerely hope the Senator will not press his objection, and will allow this case to proceed.

MR. PENROSE. What is the amount of the claim?

MR. RANSDELL. The amount found by the committee is \$40,000. The evidence shows that the value of the property was \$50,000.

MR. SMOOT. Mr. President, claims of this kind have been presented to the Senate time and time again, ever since the close of the Civil War. Of late years none of them have passed the Senate. Omnibus claim bills have passed the Senate under rules adopted by both Houses of Congress, but not claims of this character.

The items on which the claim is based are as follows:

500 hogsheads sugar (1,120 pounds per hogshead), at 6 cents per pound	\$33,600
500 barrels molasses, at 25 cents per gallon	5,000
43 sugar mules, at \$200 per mule	8,600
14 sugar-cane wagons, at \$150 each	2,100
5 bagasse carts, at \$75 each	375
43 sets harness, at \$10 per set	430

It is true that this is not quite as bad as some of the claims that have been made, such as 648 fence poles, 432 pounds of tobacco, and items given in detail, such as 3,000 bushels of

wheat growing in the field at such and such a price per bushel, and so many pounds of cotton destroyed while in the field and worth so much.

I have taken great pains in the past to go into the testimony in cases of this kind, and in certain cases I have found that the number of pounds of tobacco or the number of fence poles that have been destroyed by the Federal armies were sworn and testified to by people who were not over 9 years old at the time the destruction of the property took place.

If these bills are going to pass, the proper way for them to be handled is by an omnibus bill, and have all of them come in under one head; not to pick out one as against another. If the Committee on Claims decides that these claims should be paid—claims for which I believe there is very little basis—let them all be paid. Similar claims have been sent to the Court of Claims. I can not say whether this has or not, but—

MR. RANSDELL. I will state to the Senator that this particular one has not.

MR. SMOOT. I do not say that it has. As I just stated before the Senator interrupted me, I do not know whether it has been sent to the Court of Claims or not, but let it go there before we undertake to pay it. Let the claimants present what testimony they have to that court, whether there is anybody—

MR. RANSDELL. Mr. President, will the Senator permit an interruption?

MR. SMOOT. Wait just a moment, and I will conclude.

MR. RANSDELL. Has the Court of Claims jurisdiction now to act upon this matter? We removed that jurisdiction several years ago.

MR. SMOOT. Yes; we removed the jurisdiction, but removing it does not prevent the Congress of the United States from asking that court to consider cases of this kind. Let the court be shown the facts by the testimony of the witnesses who know that there were 500 hogsheads of sugar, who know whether there were 5 carts or 43 sets of harness or 43 sugar mules. It seems to me that that is the least that could possibly be asked on the part of the claimants—that they should establish their case, and not bring a claim of this character before the Senate and ask the Senate to pass it.

I recognize what the Senator says—that the father of one of these claimants was a Member of this body.

MR. RANSDELL. The father of both of them.

MR. SMOOT. Well, that does not make any difference. I would not care whether it was the humblest citizen living in Louisiana or any other State in the Union. Their claim against the Government is just as strong as the claim of the daughter of any Senator that ever lived. Let us try these cases in a uniform way, and let us have some evidence, at least, that the Government of the United States is a debtor, and that these people who are making this claim were loyal to the Government of the United States.

For that reason I object to the consideration of the bill.

THE PRESIDENT pro tempore. The Senator from Utah objects, and the bill will be passed over.

MOSES M. BANE.

The bill (S. 1479) for the relief of the estate of Moses M. Bane was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the estate of Moses M. Bane, deceased, who was receiver of public moneys for the Territory of Utah, and paid office rent at Salt Lake City for the years 1877 and 1878 and for the first quarter of the year 1879, the sum of \$1,080, the said sum for office rent having been advanced by the officer out of his private means.

MR. PHELAN. I desire to ask the Senator from Utah if he approves of this measure?

MR. SMOOT. The department approves of it, as I understand. I did not introduce the bill. The lady is living in Virginia to-day. I understand that while she was the wife of Col. Bane, he, as an official of the Land Department, during the years stated here, did pay that rent, and that the Government owes him \$1,080. I have not any interest whatever in it.

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

BILLS PASSED OVER.

The bill (S. 1223) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.

MR. LENROOT. Let that go over.

THE PRESIDENT pro tempore. The bill will be passed over. The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

MR. SMOOT. Let that go over.

THE PRESIDENT pro tempore. The bill will be passed over.

## ARREARS OF PAY, BOUNTY, AND OTHER ALLOWANCES.

The bill (S. 631) repealing certain provisions contained in the urgent deficiency act approved December 22, 1911, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the following provisions contained in the urgent deficiency act approved December 22, 1911, to wit: "No claim for arrears of pay, bounty, or other allowances growing out of the service of volunteers who served in the Army of the United States during the Civil War shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1912"; "No claim for arrears of pay, bounty, or other allowances growing out of the service of volunteers who served in the Army of the United States during the War with Spain shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1914," relating to claims for arrears of pay, bounty, or other allowances growing out of the Civil War and the War with Spain are hereby repealed.

SEC. 2. That hereafter no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim for pay, bounty, or other allowances shall, directly or indirectly, contract for, demand, or receive for such services in preparing, presenting, or prosecuting such claim a sum greater than 20 per cent of the amount allowed by the accounting officers of the Treasury Department, which sum shall be payable only on the order of the said accounting officers; and any person who shall violate any of the provisions of this section, or shall demand, collect, or receive from the claimant the whole or any part of a claim allowed such claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500.

SEC. 3. That all acts or parts of acts inconsistent with this act are hereby repealed.

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

## ESTATE OF CHARLES BACKMAN.

The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. PHELAN. Mr. President, is not that a very old claim, dating back to 1868?

Mr. WADSWORTH. It is my recollection that the claim has been pending for several years. There is not the slightest doubt but that the Government of the United States owes this estate the money.

Mr. PHELAN. It strikes me as very remarkable, when the Government of the United States destroys property of people in 1919 not only in my State, but in the Senator's State, that we should be compensating them in matters of loss by reason of a waste of liquor in 1868. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

## LIEUT. EDWARD S. FARROW.

The bill (S. 2259) for the relief of Edward S. Farrow was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the laws regulating appointments in the Army be, and they are hereby, suspended only for the purpose of this act. And the President is hereby authorized to nominate and, by and with the consent of the Senate, appoint Edward S. Farrow, late first lieutenant, Twenty-first Regiment United States Infantry, a first lieutenant of Infantry in the Army of the United States, and thereupon place him, the said Edward S. Farrow, upon the retired list of the Army, with the rank, grade, pay, and allowances of first lieutenant, without regard to the number now authorized by law of said retired list.

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

## BILLS PASSED OVER.

The bill (S. 1369) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, was announced as next in order.

Mr. PHELAN. In the absence of the Senator from New York [Mr. CALDER] I ask that the bill may go over, as the District Committee is now formulating some amendments to the act.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, was announced as next in order.

Mr. THOMAS. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership and Federal aid therefor was announced as next in order.

Mr. PENROSE. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

## DIVISION OF TUBERCULOSIS.

The bill (S. 1660) to provide a division of tuberculosis in, and an advisory council for, the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. PENROSE. Let that go over, Mr. President.

Mr. RANSDELL. Mr. President, I hope the Senator from Pennsylvania will permit me to make a brief explanation of the bill.

Mr. PENROSE. I object to the consideration of the bill at this time. If the Senate gives unanimous consent to the Senator from Louisiana to make an explanation, of course I shall not object.

Mr. RANSDELL. I did not hear what the Senator said.

Mr. PENROSE. I said I object to the consideration of the bill, but I shall not object to the Senator's speaking as long as he chooses if the Senate gives unanimous consent.

Mr. RANSDELL. Mr. President, I would like to make a brief explanation of the bill. I doubt if the Senator from Pennsylvania understands it. It is a bill to create a division of tuberculosis in the Public Health Service. It was objected to when it came up last, I think by the Senator from Utah [Mr. SMOOT], on the ground that it would cost a very large sum. I have a very brief memorandum here from the head of the Public Health Service, which I would like to read in explanation of the bill.

We all know that tuberculosis is a disease which causes more loss of human life than any other disease. It is very destructive of human life, and this year, with the influenza threatening us, we certainly ought to do everything possible to guard against this disease, so close kin in its disastrous effects to influenza. This memorandum, addressed to me, is dated August 20 and reads as follows:

TREASURY DEPARTMENT,  
BUREAU OF THE PUBLIC HEALTH SERVICE,  
Washington, August 20, 1919.

Memorandum for Senator JOSEPH E. RANSDELL.

It appears from the discussion on August 18, 1919, by the Senate of the bill (S. 1660) to provide a division of tuberculosis in the Public Health Service that there was no difference of opinion as to the necessity of the Public Health Service having appropriations for the study and control of tuberculosis, but there does seem to be a difference of opinion as to the administration of such a fund.

The necessity for the Federal Government bearing its just proportion of the work of the control of tuberculosis is set forth in the report of the Surgeon General of the Public Health Service, under date of January 18, 1919. I do not feel that it is necessary to make any supplemental statement in this regard.

I should like to say that the report which is attached to the bill shows that last year we lost approximately 145,000 people from tuberculosis, and that it was unquestionably the most fruitful cause of death in this country.

The memorandum continues:

There seems to be no opposition to the Federal Government undertaking its share of the work, but there does seem to be some opposition to the creation of an administrative division to carry on this work. Whether such administrative division is created or not, it is obvious that additional appropriations would require some additional administrative personnel, but the amount expended for administrative personnel would be a negligible part in the expenditure of funds appropriated for the investigation of tuberculosis. Administrative personnel would not be in the nature of large increases as has been forecasted, but would be somewhat along the lines that you have indicated, i. e., the detail of an additional medical officer to the bureau to take charge of the division, and the employment of some additional office personnel which probably would not exceed six or eight assistants and clerks. It has always been the policy of this bureau to decentralize so far as possible its work, and I believe that investigation will show that it conducts its activities with a smaller overhead charge for administration than any other bureau in the Federal Government.

Mr. PENROSE. The great building would come later on.

Mr. RANSDELL. If the Senator wants to take the responsibility of preventing Congress from doing all in its power to eradicate tuberculosis, and check, as much as is humanly possible, the greatest enemy of the human race, I am willing that he should take that responsibility. For my part I am going to lay this matter before the Senate, and let it decide whether it wants to pass the bill. My State does not feel any special interest in the establishment of this division. We care very little about it down there. We have our share of tuberculosis, but this is a matter that relates to the whole Union. I want to have it done for the benefit of humanity in the United States, and even if it does cost a considerable amount of money, the Congress that has been pouring out money as we have been pouring it out here for the last two years certainly ought not to balk, Mr. President and Senators, at a reasonable appropriation to control this awful curse.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. RANSDELL. I ask unanimous consent to be allowed to proceed so that I may finish reading this memorandum.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Louisiana will proceed.

Mr. RANSDELL. The memorandum continues:

As to the statement that the creation of such a division would require a great building rented in the District of Columbia, I beg to assure you that there is no such intention on the part of this bureau, but a very large proportion of the sums appropriated for tuberculosis work would be expended in field investigations and demonstrations. All that would probably be necessary to house such a division in the District of Columbia would be the provision of four or five office rooms for administrative purposes and for the storing of records and correspondence. It is believed that the Treasury Department would be able to provide this space in buildings already under the control of that department.

I am glad to note in the RECORD that the Senator from Utah [Mr. SMOOT] has made the following statement:

"I have no objection to the Government making appropriations for the purpose of assisting in the investigation of tuberculosis. The Senator from Louisiana is no more interested in the subject than I am. The Senator from Louisiana does not know of its ravages and what it has done to the people of the United States more than I know it."

With the above explanation that only a relatively small office force will be involved in the creation of a new division in the bureau, taken in connection with the attitude, as indicated in the above quotation of the Senator, it is hoped that the Senator will withdraw his opposition and consent to the consideration of this bill, the enactment of which is urgently needed in order that the Federal Government may properly discharge its responsibilities to the Nation and the people.

J. C. PERRY,  
Acting Surgeon General.

Just one word, Mr. President, and I shall have no more to say. I have tried for several years to get this bill passed. The Surgeon General of the Public Health Service insists that it is essential to the proper carrying on of this work. If Senators wish to object to its passage, they can take that responsibility. It is for them to decide, and not for me. I firmly believe, sir, that it ought to be passed. I firmly believe that it will do a great deal to check tuberculosis, in conjunction with the efforts of the respective States, and I sincerely hope, in behalf of the poor human beings who have suffered so much from this awful disease and those who may hereafter fall victims to it, that Congress will do what it can to check it. It will be a very small sum, and I earnestly hope that the Senator from Pennsylvania [Mr. PENROSE] will not insist on objecting to the present consideration of the bill.

Mr. SMOOT. Mr. President, just a word in answer to the Senator from Louisiana. I object to this bill because it establishes another division, and not only a division within the Public Health Service—because that is not all it does—but a division and an advisory council for the United States Public Health Service. I have not any doubt but that the statement made by the Senator from Louisiana that they will begin with about five or six or seven officials is correct. But, Senators, how often have we heard stated upon the floor of the Senate that if we create this bureau, or create that division, at no time in the future will the expense of same be more than \$10,000. I call to mind now the establishment of a division in the Department of Labor. The Senators who were in favor of it, and asking the Senators to adopt the measure, guaranteed to the Senate that at no future time would the expense of that division exceed \$25,000. I venture to say, Mr. President, that last year there was appropriated nearly \$300,000 for that division alone.

Mr. THOMAS. Mr. President, may I ask the Senator if there is any probability of the Senators who guaranteed against more than \$25,000 being willing to make their guaranty good?

Mr. SMOOT. None whatever, Mr. President; and it has happened so often before that when the statement was made I had very little confidence in it.

Mr. OVERMAN. Mr. President, I would like to know some reason why they want a division. The department makes an estimate to the Appropriations Committee, as the Senator, being on the committee, well knows, of the amount it thinks necessary to carry on its work in the country. That is done through the head of the medical department, and we always give them the money they ask for. I want to know some reason why they want another division when they are doing the work now.

Mr. SMOOT. Mr. President, I have confidence enough in the United States Public Health Service to believe that if an appropriation is made for this specific activity in that service they can carry it on with the officials who are now in charge of the service. I say now that as a member of the Committee on Appropriations I will favor an appropriation for this specific work, but I want the money that is appropriated for it to go directly to the work in the field and not for the building up in the District of Columbia of another division occupying rooms that could well be occupied by other activities of the Government and for which the Government is paying rent, and high rent at that, in some cases as high as \$1.75 a square foot, whereas before the war we thought that 33½ cents per square foot was an exceedingly high price. No one can tell me that this division, if created, is not going to grow in numbers and expand until

there would be a building used entirely for its purposes. I speak that way, Mr. President, because all of the past experiences in the establishment of bureaus and divisions for the Government since I have been a Member of this body prove that to be the case.

I want officials of the United States Public Health Service to know that I am perfectly willing, and I say now that I believe that every member of the Appropriations Committee is perfectly willing, to give them money for this very purpose. It is a laudable purpose. It is a work that ought to be done by the Government of the United States, but let it be done under the present organization, and I am quite sure that it will be done just as successfully as if we created the new division. I know that it will save the United States hundreds of—I was going to say hundreds of thousands, which it would have in time, but it will save tens of thousands of dollars in the very near future to the Government of the United States by not creating this division.

I think the Senator from North Carolina [Mr. OVERMAN] will bear me out in stating that no division of the Government has been so liberally cared for with appropriations as the United States Public Health Service. I can not call to mind now one request within reason that has been made by them that has not been granted by your Committee on Appropriations. So far as I am concerned, it is not that I am opposed to a division in the Public Health Service only but I am opposed to the creation of any more bureaus or any more divisions in the departments of our Government. For that reason when the bill comes up I shall vote against it, and, of course, I want the Senator from Louisiana [Mr. RANSDELL] to know that it is not because I have any special objection to this division more than I would have to any division in any department that may be suggested in the future.

The PRESIDENT pro tempore. The Chair desires to announce that no motion has been made to continue consideration of the bill.

Mr. SMOOT. It was understood that we were talking by unanimous consent.

Mr. RANSDELL. Do I understand that the Senator from Pennsylvania insists upon his objection?

Mr. PENROSE. I do.

The PRESIDENT pro tempore. The bill will be passed over.

#### BILLS OF EXCHANGE.

The bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, was announced as next in order.

Mr. MCLEAN rose.

The PRESIDENT pro tempore. The Chair is advised that the bill has been read in full and that an amendment is now pending.

Mr. SMOOT. Will the Senator from Connecticut [Mr. MCLEAN] allow it to go over until we can get through with the calendar? We can then take it up.

Mr. MCLEAN. If there can be an understanding that after-matters are objected to they will be passed over and this bill will be taken up, that will be satisfactory. If, however, there is to be a discussion of 10 minutes on every calendar number, the morning hour will soon be consumed.

Mr. SMOOT. I will say to the Senator that I do not know of another number on the calendar that is going to lead to any discussion.

Mr. MCLEAN. Does the Senator know of any matter yet to be reached that is pressing for action?

Mr. SMOOT. I can not say that there is.

Mr. MCLEAN. Then I think we might as well go ahead with this bill.

Mr. LENROOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SMITH of Georgia. Mr. President, a motion would be in order to proceed with the bill now, but if the Senator from Connecticut prefers to wait and make the motion when the calendar is concluded, that course will perhaps be better. Under the rule a motion is in order now to proceed to the consideration of the bill, but I will not make it, and I suppose the Senator will not make it at this time.

Mr. MCLEAN. It is in order, but I do not think we will gain anything in time by making the motion now.

The PRESIDENT pro tempore. The next bill on the calendar will be announced.

Mr. POMERENE subsequently said: Mr. President, I simply wish to ask permission to offer an amendment to the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, which is on the calendar, so that Senators may be advised of it.

On page 2, line 22, of the bill, after the word "section," I desire to offer the amendment which I just sent to the desk, and which I ask to have printed in the RECORD; and also another amendment on page 3, line 9, to strike out the numerals "25" and insert "20."

The first amendment intended to be proposed by Mr. POMERENE is as follows:

On page 2, line 22, after the word "section," insert:

"The total liabilities to any association of any person, corporation, company, or firm, upon the discount of bills of exchange, drafts, demand obligations and commercial or business paper, as described in (1) and (2) hereof, shall not exceed at any time twice the paid-in and unimpaired capital stock and surplus of said association."

EDWARD W. WHITAKER.

The bill (S. 861) for the relief of Edward W. Whitaker was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments on page 2, line 2, after the words "United States," to strike out "after the date of the passage of this act" and insert "thereafter"; in line 5, after the word "the," to strike out "passage of this act" and insert "date of his commission as a retired officer"; and in line 7, after the word "act," to insert *Provided further*, That no back pay, allowances, or other emoluments, except his pay as a retired lieutenant colonel of cavalry, shall accrue as a result of the passage of this act," so as to make the bill read:

*Be it enacted, etc.*, That the President be, and he is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general, United States Volunteers, a lieutenant colonel of Cavalry in the Army of the United States; and when so appointed he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade the retired list being thereby increased in number to that extent: *Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States thereafter, and any payment made to him covering a period subsequent to the date of his commission as a retired officer shall be deducted from the amount due him on the first payment under this act: *Provided further*, That no back pay, allowances, or other emoluments, except his pay as a retired lieutenant colonel of Cavalry, shall accrue as a result of the passage of this act.

The amendments were agreed to.

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

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

#### THE DIXIE HIGHWAY.

The joint resolution (S. J. Res. 79) exempting the Dixie Highway from the prohibition contained in the act approved July 11, 1919, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Military Affairs with an amendment, on page 2, line 4, after the words "Dixie Highway," to strike out "around" and insert "on," so as to make the joint resolution read:

*Resolved, etc.*, That the completion of the construction of the detour in the Dixie Highway on the reservation at Camp Knox, Ky., out of unexpended balances of appropriations heretofore made for the support and maintenance of the Army or the Military Establishment be, and the same is hereby, exempted from the prohibition contained in the above-quoted provision of said act, and the War Department is hereby authorized to proceed to complete such construction.

The amendment was agreed to.

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

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

The preamble was reported from the Committee on Military Affairs with an amendment, in the second whereas, after the word "detour," to strike out the word "around" and insert the word "on," so as to make the preamble read:

Whereas by an act approved July 11, 1919 (Public No. 7, 66th Cong., H. R. 5227), it is provided as follows:

"That no part of any of the appropriations made herein nor any of the unexpended balances of appropriations heretofore made for the support and maintenance of the Army or the Military Establishment shall be expended for the purchase of real estate of (or) for the construction of Army camps or cantonments except in such cases as National Army or National Guard camps or cantonments which were in use prior to November 11, 1918, where it has been or may be found more economical to the Government for the purpose of salvaging such camps or cantonments to buy real estate than to continue to pay rentals or claims for damages thereon, and except where industrial plants have been constructed or taken over by the Government for war purposes and the purchase of land is necessary in order to protect the interest of the Government"; and

Whereas under the terms of the said provision of said act, construction at Camp Knox, Ky., is prohibited, and among the items of construction being done at Camp Knox upon the date of the approval of said act was the construction of a portion of the Dixie Highway, made necessary by the discontinuance of the use of about 10 miles of said Dixie Highway through the reservation at Camp Knox, and the construction of a detour on the reservation to replace the broken link in the Dixie Highway; and

Whereas such detour is an essential part of the highway system of the State of Kentucky and its completion is in the national interest: Therefore be it.

The amendment was agreed to.

The preamble as amended was agreed to.

#### PANAMA CANAL ZONE.

The bill (S. 1273) to prohibit intoxicating liquors and prostitution within the Canal Zone, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### PAYMENTS TO DEPENDENTS OF DECEASED SOLDIERS.

The bill (S. 2497) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct was announced as next in order.

Mr. SMOOT. Mr. President, I should like to ask the Senator from New York [Mr. WADSWORTH], before taking up the consideration of the bill, to explain the details of it, because I have not had time to read the report. On its face it seems to me the whole subject really is before the Finance Committee, and that they have dozens of bills with reference to the war-risk insurance affecting our soldiers. Will the Senator please explain it?

Mr. WADSWORTH. Mr. President, I am not aware, of course, of the bills which are before the Committee on Finance, but this bill has one specific object in view. It is to restore the provision of the law affecting the Regular Army up to the time of the enactment of the war-risk insurance law. Through an obvious error, the war-risk insurance act, by implication at least, repealed the provision of the law which had been upon the statute books for many years, under which the nearest of kin, in the event of the death of an officer or soldier in the Regular Army, received six months' pay in the nature of an insurance payment to tide over the emergency caused by the death of the head of the family. It is a privilege which Regular Army Officers' families and Regular soldiers' families have had for many, many years.

Mr. SMOOT. I will ask the Senator if it is not true that they would also receive the insurance which the officers and men were carrying? Would not the dependent also receive the payment of \$57.50 each month as provided for under the war-risk insurance act?

Mr. WADSWORTH. The Senator will find the following language in section 3 of the bill:

SEC. 3. That the sum received hereunder shall be deducted from any amount that may be, or may become, due and payable to any such widow, child, children, or dependent relative of such officer or enlisted man under the act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917, or any act or acts amendatory thereof.

So the Senator will see that we have taken care of the particular matter to which he alludes.

Mr. SMOOT. Then the object of the bill is simply to authorize the Government to pay six months' pay immediately, so that the beneficiaries may have the use of the money at once?

Mr. WADSWORTH. It is.

The PRESIDENT pro tempore. The bill having heretofore been read, it is now before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment proposed to the bill, it will be reported to the Senate.

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

#### CONTROL OF FOOD PRODUCTS.

Mr. GRONNA. I ask the Chair to lay before the Senate the action of the House on the amendments of the Senate to H. R. 8624, the food-control bill, which have been returned disagreed to by the House.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GRONNA. I move that the Senate insist upon its amendment and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

Mr. JONES of Washington. Mr. President, I should like to ask the Senator from North Dakota whether he would have any objection to placing on the conference committee some member of the Committee on the District of Columbia?

Mr. GRONNA. I will say to the Senator that I would have objection, because the bill is under the jurisdiction and in the control of the Committee on Agriculture and Forestry.

Mr. JONES of Washington. I know; but the principal amendment is an amendment coming from the Committee on the District of Columbia.

Mr. GRONNA. Let me say to the Senator that the amendment was written into the bill by the Senate Committee on Agriculture and Forestry, and it was amended by the Senate.

Mr. JONES of Washington. I know there was a provision put in it by the Committee on Agriculture and Forestry. If the Senator objects, I will not press the suggestion.

Mr. GRONNA. Yes; in the absence of a more potent and just suggestion, I do object.

Mr. JONES of Washington. I think, really, that the District Committee ought to be represented in the conference.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota [Mr. GRONNA].

The motion was agreed to; and the President pro tempore appointed Mr. GRONNA, Mr. NORRIS, and Mr. SMITH of Georgia conferees on the part of the Senate.

#### AMENDMENTS TO THE CONSTITUTION.

The joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States was announced as next in order.

The joint resolution was read as follows:

*Resolved, etc.*, That Article V of the Constitution of the United States is hereby amended to read as follows, to wit:

#### "Article V.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution when ratified by three-fourths of the several States, or by conventions in three-fourths thereof, or by the electors in three-fourths thereof, as the mode of ratification may be proposed by the Congress: *Provided*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

Mr. ASHURST. Mr. President, I wish to make a brief observation on the joint resolution which has just been read. I am very much in favor of the joint resolution, but it is obvious that it can not be disposed of under the five-minute rule. I wish, however, again to urge the early adoption of an amendment to the Constitution of the United States which will provide that no amendment shall become a part of the Constitution unless it is ratified by the voters at the polls, each State voting separately.

The reasons which brought about the amendment to the Constitution providing for the direct election of Senators applies with equal force, even with greater force, to the suggestion that a constitutional amendment should not be adopted except by a vote of the people. I believe that the two amendments which were last proposed for ratification, viz, the one providing for woman suffrage and the other for prohibition—and I am earnestly in favor of both those amendments—were not forced upon the people, but that they were submitted in response to a demand made by the people. At the same time I am not oblivious to the fact that there are millions of citizens of high character who believe that lobbies intimidated the legislatures of the various States and even intimidated Congress into submitting those amendments. I do not believe that; I believe, as I have stated, that those amendments were in response to a demand of the people, and that they would be sustained by the people at the polls by a two-thirds majority; yet I feel that it is clearly our duty, in this day of progress, when we are forward looking, to say to the people, "On this grave question of your fundamental law you, the people, should have a right to say what sort of a Constitution you desire to live under."

Mr. POMERENE rose.

Mr. ASHURST. I have only five minutes, but I yield to the Senator.

Mr. POMERENE. I merely want to ask the Senator a question. This is a very interesting question.

Mr. ASHURST. I yield to the Senator from Ohio.

Mr. POMERENE. In some of the States where they have the referendum it is contended that there may be a referendum on the resolution of the general assembly ratifying an amendment to the Constitution. What is the Senator's view as to whether or not that is correct?

Mr. ASHURST. I have heretofore gone into that. While it is true that in States which have the referendum we treat the

people as a part of the law-making body, yet I am convinced that when the framers of the Federal Constitution used the word "legislatures" they did not intend that the people should be included in the expression; in other words, I believe that when the Constitution was framed it was the intention of its framers that the legislatures of the States and not the people should ratify the various proposed amendments, unless ratification was brought about by a convention. Notwithstanding the fact that some courts have held that the referendum if resulting unfavorably to a proposed constitutional amendment is binding, I dissent from such view.

Mr. HARRISON. Mr. President—

Mr. ASHURST. I yield to the Senator from Mississippi.

Mr. HARRISON. If the Senator will permit me, I might say that some months ago I introduced and had referred to the Committee on the Judiciary a resolution carrying out that idea, and I showed it to the Senator before it was introduced. I hope that the Committee on the Judiciary will before long give a hearing on the resolution.

Mr. ASHURST. Let me say to the Senator from Mississippi in reference to his resolution—and he did me the honor of asking me to read it before he introduced it, and I remember the language of his resolution—that the Senate Committee on the Judiciary at the last Congress had before it a joint resolution proposed by the Senator from Connecticut [Mr. BRANDEGEE], and, having therefore considered that particular joint resolution, reported it favorably; but the fact that they have not reported the resolution of the Senator from Connecticut is in no sense a derogation of the resolution of the Senator from Mississippi.

Mr. President, under the limitations of the five-minute rule one can not discuss this question, and I ask unanimous consent of the Senate that I may be allowed to proceed four minutes longer on this subject.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and permission is granted.

Mr. ASHURST. The joint resolution before me provides that hereafter—and it is not retroactive in any sense—all proposed amendments to the Constitution submitted by Congress shall be adopted within six years. The joint resolution simply changes Article V of the Federal Constitution in this regard. Article V provides that the Constitution may be amended after the proposed amendment has been adopted by a two-thirds vote in each House of the Congress and when the legislatures of three-fourths of the States have adopted it or by conventions duly called in three-fourths of the States.

The joint resolution now pending proposing to amend the Constitution simply sets up an additional tribunal. It does not take away the two tribunals or two methods of amending the Constitution that now exist; it simply gives the Congress, the National Legislature, the right, the power, and the authority to submit amendments to a vote of the people if Congress shall see fit.

Mr. POMERENE. Mr. President, may I ask the Senator another question?

Mr. ASHURST. Yes.

Mr. POMERENE. Has the court of any State in which a referendum is a part of the State law held that such a referendum would not lie to a proposed amendment to the Constitution?

Mr. ASHURST. No; on the contrary, one court of high authority has held—I think a district court in a State which has a referendum—that notwithstanding the fact that the legislature had ratified the proposed constitutional amendment, if at a referendum the people disapprove the ratification of the legislature, the ratification is null and void. It is a respectable court, a court of high authority.

In addition to the fact that a further tribunal is set up by which the people may affirmatively pass on proposed amendments to the Constitution, there is another vital part of the joint resolution, to wit, the proposed amendment must be ratified within six years. The necessity for such a provision must be obvious when we reflect there are now pending two amendments which have been pending since the 15th of September, 1789, over 130 years; that there is another amendment submitted in 1810 which provides that no citizen of the United States shall accept any gift or anything of value or reward or title from any prince or foreign State. That proposed amendment was submitted 100 years ago and is still pending. It once lacked but one vote of being ratified. I am sure that such an amendment would meet the approbation of nine-tenths of the American people.

The PRESIDENT pro tempore. The joint resolution is before the Senate as in Committee of the Whole and open to amendment.

Mr. BRANDEGEE. Mr. President, this joint resolution was reported favorably by the Senate Committee on the Judiciary at

the last session, but, owing to the stress of business, it was not reached upon the calendar at that session. It was discussed at times briefly but not at all exhaustively; indeed, it would not seem that a very exhaustive discussion of the joint resolution were necessary. It was unanimously reported by the Senate Committee on the Judiciary both at the last session and at this session. I am not sure that every member of the committee was in attendance when it was reported, but there were no adverse votes, and there was no minority report.

The Senator from Arizona [Mr. ASHURST] has made a much more thorough study of the considerations pertaining to the necessity of this proposed amendment to the Constitution than have I, and I do not intend in any profound way to elucidate the resolution or to enter upon a discussion of the considerations that make it necessary. I think we are more or less familiar with them.

In brief, the reasons which I think and which the committee think make this proposed amendment to the Constitution proper and wise are these: As the Senator from Arizona has stated, the Constitution, in Article V, provides in substance that amendments to the Constitution of the United States may be made when proposed by two-thirds of each branch of Congress and ratified by the legislatures of three-fourths of the States or by conventions called in three-fourths of the States for that purpose.

In the whole history of the amendment of the Constitution since its existence, Congress has never availed itself of the second method of ratification; that is, it has never recommended that an amendment be ratified by conventions in the several States; but it has always, without exception, recommended that the other method proposed in the Constitution for ratification should be adopted, to wit, ratification by the legislatures of the several States.

In passing, I may say in relation to the inquiry interjected by the Senator from Ohio [Mr. POMERENE] as to whether, in such States as under their constitutions have to have their legislative proposals submitted to the people by what is known as the process of referendum for their approval before they can become valid, the constitutional language of submitting the proposed amendment of the United States Constitution to the legislatures of the several States compels its submission to the people of those States—I do not know that that question has been finally and definitely adjudicated in this country. I do not know whether it has been before the Supreme Court or not. There have been some decisions of inferior courts, one of which I seem to recall, that where the constitution of a State made a referendum to the people necessary for the validity of an act of the legislature, such referendum became a part of the legislative process, a part of legislation, and that the action of the people by referendum was really a part of the legislature of that State. I never have been able to persuade myself, though I have not given the subject very careful consideration, that that contention was well founded, because I think the ordinary rules applying to the construction of legal documents would require that the term "legislatures," as used in the Constitution of the United States, should be construed in the light of what the framers of that instrument at the time considered to be legislatures. At the time our Constitution was formed the referendum process had not entered into the public policies of any of the States, and "legislatures" then certainly meant to the framers of the Constitution the general assemblies of the States, as distinguished from the electors thereof.

I am going to ask, as my time is about to expire, that I may proceed and conclude my remarks on this question. The matter has been up several times, and I have always been willing to pass it over, but I should like to make a statement on it this morning, if there is no objection.

The PRESIDENT pro tempore. The Chair hears none, and it is so ordered.

Mr. POMERENE. Mr. President, before the Senator goes to another branch of the subject, the Senator has referred to a decision of one of the lower State courts. I am familiar with that. Has this matter been before any Federal court, so far as the Senator knows?

Mr. BRANDEGEE. I do not know, Mr. President. I will frankly state that I have not attempted to investigate that question. Whether it had or not, I should think that unless it had gone at least to a very high Federal court the decision would not be considered as final and conclusive until it was decided by the Supreme Court of the United States, since it is such a grave constitutional question.

The amendment proposes, in addition to the two methods now provided by the Constitution for the ratification of amendments, to add a third method, to wit, ratification by the electors of the States. It also proposes to fix a time limit, to wit, a period of six years, within which such amendments must be ratified in order to become valid.

It has been suggested that there had been no great abuse, in the history of the Government in the past, in the present method of ratification, and hence that this joint resolution is not very necessary. Mr. President, I do not think it is necessary to wait for abuses to arise. In view of the tendency in this country to make the people more and more interested in and responsible for the functions of government, I think it is an exceedingly wise provision that our fundamental law should not be changed except by direct participation of the people themselves. If the people are competent, as they are, to elect their representatives in this body, and if the former exclusive privilege of the legislatures in that respect was taken away from the legislatures and placed directly in the hands of the people, it would seem that the approval of a constitutional amendment could be justified by the same logic and the same reasoning which proved so efficacious to bring about the change as to the election of United States Senators.

Furthermore, if the process of amending the Constitution in the past has not been abused, it was largely due, in my opinion, to the fact that in prior years the Congress of the United States confined itself to such amendments of the Constitution as concerned our form of government and the distribution of its powers. Now that there are so many movements in the country to change the Constitution in reference to matters which intimately concern themselves and are irrevocably connected with the daily habits of each individual citizen, it seems to me that all the more, in justice and in fair play and in order to determine the accurate sentiment of the people, the people themselves should be the tribunal to whom should be proposed the question of whether or not they approve a proposed change in the Constitution.

The Senator from Arizona [Mr. ASHURST] has suggested that he would like to have it arranged so that it would be necessary for the people to approve such a proposed change in the Constitution. I, for my part, have no objection whatever to such an amendment being proposed, and in fact it meets my personal and individual views.

Mr. ASHURST. Mr. President, will the Senator yield to me at that point?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Arizona?

Mr. BRANDEGEE. Certainly.

Mr. ASHURST. The Senator has correctly stated my view, that I would be glad, indeed, to see an amendment adopted even to this joint resolution which will let the people be the only and the exclusive tribunal to which the same should be or could be submitted, yet there are some practical difficulties in the way. It is a difficult thing to amend the Federal Constitution; and I am comforted by the reflection, and will be content to stand on it without proposing any amendment, that if the Senator's amendment should be proposed—and I believe it will be adopted if proposed—Congress would thereafter always avail itself of that just and proper tribunal, the people themselves. So I shall not offer any amendment, because I believe the philosophy of the situation would be that Congress itself would always submit the amendment to the proper tribunal, the people.

Mr. BRANDEGEE. I think the Senator is correct about that; and the reason why in drafting this proposed amendment I left in the existing methods of ratification was because I think it is wiser, in making a change in the Constitution, to make as little change as may be necessary to accomplish the object. Having in mind what I consider to be the certainty that Congress in the future will always submit these amendments to the people instead of to the legislatures or to conventions, if this amendment shall be ratified, I do not consider it essential to put in the ratification of the people as an exclusive method of ratification; but I am perfectly willing to have it go in if the Senate wants it in, or it can be put in in conference, or by the House, if the House prefers it that way, when this matter goes to the House.

Another reason why I would not like to offer such an amendment on the floor now is that I reported the joint resolution as the action of the committee, and I could offer the amendment personally, but I could not speak for the committee in advocating such an amendment.

It has been suggested to me since this amendment was reported from the committee that the Supreme Court, in passing on the language of the Constitution which provides that whenever two-thirds of both Houses shall deem it necessary Congress may submit an amendment, has recently decided that two-thirds of both Houses means two-thirds of a quorum of both Houses, which may mean much less than a majority, even, of each House, because a quorum consists of a bare majority in each House, and two-thirds of a bare majority would be just one-third, which is less than a majority, if I am correct in my figures; so that you have a small fraction of both branches proposing a constitutional

amendment, instead of two-thirds of the membership of both branches, which I think was really intended by the framers of the Constitution to be the constitutional requirement. So I am going to suggest as an amendment, solely on my own responsibility, that the joint resolution as proposed be amended so as to read:

The Congress, whenever two-thirds (of the Members) of both Houses shall deem it necessary—

So that it would require two-thirds of the total membership of each House to approve such a joint resolution. I think that would be a wise provision. I am not going to insist upon it if there is an objection, because I do not want to imperil the passage of the joint resolution.

Mr. President, I hesitate to press this matter to a vote this morning, not by reason of any fear of the result, but it is perfectly evident that there is not a quorum present at this minute; and inasmuch as the Constitution requires two-thirds to vote, I do not want to be responsible for taking what I regard as an important action with so few Members present. I am perfectly willing that it shall go to a vote if that is the regular order.

Mr. JONES of Washington. Mr. President, I simply want to suggest that if the Senator is going to urge a vote on the joint resolution, I shall object.

Mr. ASHURST. I am sure I should not urge a vote upon it. The Senator from Connecticut will be in charge of the joint resolution.

Mr. BRANDEGEE. The Senator will bear in mind the language I used, that if there was objection I should not press the amendment. I will not press the amendment.

Mr. ASHURST. Mr. President, I again thank the Senate for granting me this additional time.

My attention was drawn to this proposed reform or change in our Federal Constitution, not by any original thought within myself, but I think the Senator from Connecticut [Mr. BRANDEGEE] was the first person who suggested the same change, and I recall in the Judiciary Committee the words of the distinguished President pro tempore, who now presides over this Chamber, that if he could have his way there would be no intervening body whatever in the matter of proposing amendments to the people's fundamental law; that the people themselves should say, and they should alone say, under what sort of Government they desired to live.

Mr. President, this proposed amendment, if submitted by the Congress and ratified by the States, would change Article V of the Federal Constitution in two particulars, namely:

First. It would require the States to ratify or reject an amendment within six years from the date the amendment was proposed by the Congress.

Second. It would grant power to the Congress to submit an amendment to the qualified electors of the States as well as to the legislatures and to conventions.

Counting the woman-suffrage amendment, we have had 19 amendments to the Federal Constitution. I will treat the first 10 amendments as a part and parcel of the original Constitution, because when the Constitution was ratified it was upon the distinctly implied, in some cases expressed, understanding that amendments would be adopted. They were proposed and submitted by the First Congress on the 15th of September, 1789. They were 12 in number. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth were ratified by the required number of States within exactly two years and three months. But No. 1 and No. 2 are still pending, and on the 15th day of this present month had been pending 130 years.

So we perceive a wise suggestion in the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE] that there should be a time limit. Moreover, we have precedent. Congress, in submitting the prohibition amendment, laid a limit upon the time within which the State could ratify.

I call the attention of the Senate to the fact that the last 9 amendments—eliminating the first 10—have been brought about by “amendment periods.” The eleventh and twelfth were adopted in the 10-year period between 1794 and 1804, the twelfth having been brought about by the unfortunate tie between Thomas Jefferson and Aaron Burr. Call that the first amendment period. Then, notwithstanding the fact that many score of amendments were introduced in Congress and two were proposed between 1804 and 1864, no amendment was adopted; thus there was a 60-year period of immobility with respect to amending our Federal Constitution.

Then came the second amendment period, which began in 1865 and lasted until 1875. In that 10-year period the thirteenth, fourteenth, and fifteenth amendments were proposed and adopted.

There came another period of nearly 40 years of silence, and then came the sixteenth, seventeenth, eighteenth, and, treat-

ing the woman-suffrage amendment as adopted, the nineteenth amendment—the third amendment period (1909 to 1919)—showing that these amendments move in great cycles.

The Federal Constitution conserves and protects all that real Americans hold precious; it should not be changed by legislative caucus, but by the direct vote of the people.

There is not a State in the Federal Union whose constitution may be amended by the State legislature. The various State constitutions may be amended only by the electorate of the State. How utterly archaic, therefore, it is to deny the electorate an opportunity to express itself upon the proposed change in our fundamental law.

If the consent of the voters be required to alter and amend a State constitution, a fortiori, the vote of the people should be required to change the Federal Constitution.

It is vital to our American system that the voter should have an opportunity to say at the ballot box what form of government he desires to live under.

If you are not willing that the State legislatures should choose United States Senators, for a much stronger reason the State legislatures should not change your fundamental law.

Every argument in favor of the election of Senators by a direct vote of the people is a stronger argument in favor of the people on constitutional amendments.

I favored the amendments providing for the income tax, direct election of Senators, prohibition, and woman suffrage. I believe they were wise amendments, and that they were in response to the deliberate judgment and progressive thought of a vast majority of our countrymen; indeed, I believe those amendments were demanded by the people and were not forced upon the people. My belief, unfortunately, does not settle the question; for the stubborn fact exists that millions of our countrymen thoroughly believe that the prohibition and woman-suffrage amendments were adopted by cunning, by craftiness and indirection, and that the Congress and the State legislatures were either browbeaten into voting for the amendments or were induced to do so by an insidious lobby. It is my personal opinion that if a referendum to the people on the prohibition and woman-suffrage amendments could have been had, each amendment would have been adopted and ratified by at least a three-fourths majority of the electors. We should, therefore, take the requisite steps to preclude the opportunity in the future of a recurrence of such discontent and suspicion by providing a means by which the electors of each State may pass upon amendments to the Federal Constitution.

Mr. President, there are 435 Members of the House of Representatives and 96 Members of the Senate, in all 531. I ask unanimous consent to include in the Record, at this point in my remarks, a statement showing the exact number of State senators, number of members of the house or assembly, as the case may be, in the State legislatures.

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

Number of members in State legislatures.

State.	Senate.	House or assembly.
Alabama	35	105
Arizona	19	35
Arkansas	35	103
California	40	80
Colorado	35	60
Connecticut	35	258
Delaware	17	35
Florida	32	75
Georgia	44	189
Idaho	37	65
Illinois	51	152
Indiana	50	103
Iowa	50	108
Kansas	40	125
Kentucky	38	103
Louisiana	41	115
Maine	31	151
Maryland	27	132
Massachusetts	40	240
Michigan	32	130
Minnesota	67	130
Mississippi	49	133
Missouri	34	142
Montana	41	95
Nebraska	33	100
Nevada	17	37
New Hampshire	24	404
New Jersey	21	60
New Mexico	24	49
New York	51	150
North Carolina	50	120
North Dakota	49	113
Ohio	36	128
Oklahoma	44	111
Oregon	30	60
Pennsylvania	50	207
Rhode Island	39	100

Number of members in State legislatures—Continued.

State.	Senate.	House or assembly.
South Carolina.	44	124
South Dakota.	45	103
Tennessee.	33	99
Texas.	31	142
Utah.	18	46
Vermont.	30	246
Virginia.	40	100
Washington.	41	97
West Virginia.	30	94
Wisconsin.	33	100
Wyoming.	27	57
	1,760	5,643
Members of senates.		1,760
Members of houses or assemblies.		5,643
Total.		7,403

Mr. ASHURST. So we have a total of 7,403 members of the State legislatures, and, as the Senator from Connecticut [Mr. BRANDEGE] says, a majority of that 7,400—not two-thirds, but a bare majority of that 7,400 men—may pass upon an amendment to the Constitution.

So we find ourselves in this posture: Two-thirds of the Congress and a majority of the 7,400, or about 4,500 men, pass upon the destiny of the most advanced people that ever lived in the tide of times. We set ourselves up as the leader among the nations in thought and as responsive to the people's will, and yet 4,500 men, if they saw fit, could Prussianize the Republic.

As the Senator from Ohio [Mr. POMERENE]—and I thank him for it—says, *sotto voce*, two-thirds of a quorum in Congress is all that is necessary.

Mr. President, it is startling to investigate and then reflect upon the perils that have come and that in the future may come by a continued failure to set a time limit within which a proposed amendment may be ratified.

Five different amendments duly proposed by the Congress are now pending before the States for their action. These amendments are as follows:

One, proposed September 15, 1789, 130 years ago, relating to enumeration and representation:

ARTICLE 1. After the first enumeration required by the first article of the Constitution there shall be one Representative for every 30,000 until the number shall amount to 100, after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives, nor less than one Representative for every 40,000 persons, until the number of Representatives shall amount to 200, after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives, nor more than one Representative for every 50,000 persons.

Another, proposed September 15, 1789, 130 years ago, relating to compensation of Members of Congress:

ART. 2. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

One proposed May 1, 1810—109 years ago—to prohibit citizens of the United States from accepting presents, pensions, or titles from princes or from foreign powers:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

One proposed, March 2, 1861—58 years ago—known as the Corwin amendment, prohibiting Congress from interfering with slavery within the States:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat., 251.)

And the woman suffrage amendment proposed June 4, 1919:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation.

On September 15, 1789, 12 constitutional amendments were proposed by the First Congress. The requisite number of States ratified proposed articles numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 within exactly two years and three months, whilst Nos. 1 and 2, although proposed 130 years ago, have not, according to the latest available returns, received favorable action by the requisite number of States and are yet before the American people, or the States, rather, have been for 130 years, and are now subject to ratification or rejection by the States. After those two proposed amendments, to wit, Nos. 1 and 2, had been in nubibus—"in the clouds"—for 84 years, the Ohio State Sen-

ate in 1873, in response to a tide of indignation that swept over the land in opposition to the so-called "back-salary grab," resuscitated proposed amendment No. 2 and passed a resolution of ratification through the State senate. No criticism can be visited upon the Ohio Legislature that attempted to ratify the amendment proposed in 1789, and if the amendment had been freshly proposed by Congress at the time of the "back-salary grab" instead of having been drawn forth from musty tomes, where it had so long lain idle, stale, and dormant, other States doubtless would have ratified it during the period from 1873 to 1881.

Thus it would seem that a period of 130 years, or 84 years, within which a State may act is altogether too long, and I will support a proposition limiting the time to 6, 8, or 10 years within which a State may act under a particular submission, so that we will not hand down to posterity a conglomerate mass of amendments floating around in a cloudy, nebulous haze, which a State here may resurrect and ratify, and a State there may galvanize and ratify.

We ought to have homogeneous, steady, united exertion, and certainly we should have contemporaneous action with reference to these various proposed amendments. Judgment on the case should be rendered within the ordinary lifetime of those interested in bringing about the change in our fundamental law. Final action should be had while the discussions and arguments are within the remembrance of those who are called upon to act.

There is still another reason why a time limit should be set: When the 12 amendments were submitted in 1789 there were only 13 States. Vermont had not been admitted, if I remember correctly.

Question: Should three-fourths of the States then in the Union or three-fourths of those now in the Union be the test as to what shall be the number required for ratification?

The amendment proposed on May 1, 1810, was submitted to the States under the most interesting and peculiar auspices that ever came before a legislative body, and was as follows:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them, or either of them.

What was the reason for that proposed amendment? History does not disclose, but the reason was that when officials accept presents of great value they dissolve the pearl of independence in the vinegar of obligation.

Mr. PENROSE. Mr. President, will the Senator permit an inquiry?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Pennsylvania?

Mr. ASHURST. I yield.

Mr. PENROSE. The Senator does not have in mind, I take it—or has he in mind—the very valuable and numerous presents brought back to this country by those in executive and diplomatic place affecting to represent the United States abroad?

Mr. ASHURST. I know, nothing, Mr. President, about any presents received by anybody. I do not know anything about that. But if any Democrat has received any present, he would receive my condemnation just as quickly as though he were a Republican. It is one of the habits of the majority party to receive presents, and I do not want the Democratic Party to get into that habit.

Mr. PENROSE. To state the matter bluntly, I am told that the President came back to this country laden and overburdened with presents from crowned heads and foreign governments—

Mr. ASHURST. I am sure the Senator from Pennsylvania does not believe that.

Mr. PENROSE. And that even the ladies in the Executive party brought back jewelry worth many hundreds of thousands of dollars. An official of the customhouse, I was informed, stated that jewelry amounting to \$1,000,000 had been brought back by one of the party on a recent trip.

Mr. ASHURST. In the first place, Mr. President, I know of no ladies who are holding any office at this time under the Federal Government; and, secondly, I am not in the business of attacking women, anyhow.

Mr. PENROSE. I am not in the business, either, of attacking anybody; but I am simply stating a fact, that the presidential party, including the ladies of the party, brought back to this country presents from crowned heads and foreign governments amounting to several million dollars, and I was anxious to know whether the Senator from Arizona had referred to this constitutional amendment as applicable to modern cases.

Mr. ASHURST. I will read the amendment proposed in 1810, and the Senator may see to whom it would apply. This amendment was proposed, and is still pending, and with the views of the Senator from Pennsylvania as stated, I hope to enlist him for the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE]. This proposed amendment read:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept or retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Unfortunately, the annals of Congress and contemporary newspapers do not give any of the debate upon this interesting proposition. The only light thrown upon the subject by the annals is the remark of Mr. Macon, who said "he considered the vote on this question as deciding whether or not we were to have members of the Legion of Honor in this country." What event connected with our diplomatic or political history suggested the need of such an amendment is not now apparent, but it is possible that the presence of Jerome Bonaparte in this country a few years previous, and his marriage to a Maryland lady, may have suggested this measure.

An article in Niles's Register (vol. 72, p. 166), written many years after this event, refers to an amendment having been adopted to prevent any but native-born citizens from being President of the United States. This is, of course, a mistake, as the Constitution in its original form contained such a provision; but it may be possible that the circumstances referred to by the writer in Niles relate to the passage of this amendment through Congress in regard to titles of nobility. The article referred to maintains that at the time Jerome Bonaparte was in this country the Federalist Party, as a political trick, affecting to apprehend that Jerome might find his way to the Presidency through "French influence," proposed the amendment. The Federalists thought the Democratic Party would oppose it as unnecessary, which would thus appear to the public as a further proof of their subserviency to French influence. The Democrats, to avoid this imputation, concluded to carry the amendment. "It can do no harm" was what reconciled it to all.

That amendment was submitted 109 years ago, and it was ratified within two years by Maryland, Kentucky, Ohio, Delaware, Pennsylvania, New Jersey, Vermont, Tennessee, Georgia, North Carolina, Massachusetts, and New Hampshire. It was rejected by two or three of the States. At one period of our national life the school-book histories and the public men stated that it was a part of our organic law, because in the early days of our Government the Secretary of State did not send messages to Congress announcing ratification or promulgate to the public any notice whatever as to when an amendment became a part of the Constitution. I have caused the journals, records, and files in the Department of State to be searched, and there may not be found any notice of any proclamation or promulgation of the ratification of the first 10 amendments to the Constitution. The States assumed—it was not an unwarranted or violent assumption—that when the requisite number of States had ratified an amendment it was then and there a part of our organic law.

When the War between the States began to throw its shadow over the land, men rushed here and there with a compromise to heal the breach, if possible, and tried to avert the shock that was apparently about to come to our governmental structure. Expedient after expedient was proposed, and just before the adjournment of Congress—to wit, on March 2, 1861—the following amendment, known as the Corwin amendment, to the Constitution of the United States was proposed to the States, and it read as follows:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat., 251.) Proposed by Congress March 2, 1861.

That amendment was proposed by Congress on the 2d of March, 1861, and I warrant there are not 5,000 people in the United States to-day who know that such an amendment is now pending before the various States of the Union for their ratification. The amendment was ratified by the State of Ohio and by the State of Maryland through their legislatures and by the State of Illinois in 1862 by a convention.

Thus we perceive that a system which permits of no limitation as to the time when an amendment may not be voted upon by the State is not fair to posterity nor to the present generation. It keeps historians, publishers, and annalists, as well as the general public, constantly in doubt.

Having searched closely as to whether there is in the Constitution itself any expressed or implied limitations as to when an

amendment may not be adopted, I am driven irresistibly to the conclusion that an amendment to the Constitution, once having been duly proposed, although proposed September 15, 1789, could not be recalled even by the unanimous vote of both Houses, if the Congress wished the same recalled, because the power to submit an amendment is specifically pointed out; but no power is given to recall it, and silence is negation.

I am not without authority on this subject, and I wish to include in the RECORD some data I have collected on this subject.

The PRESIDENT pro tempore. The time for the consideration of the calendar under Rule VIII has expired.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to.

Mr. ASHURST. I should like to conclude my remarks on the joint resolution.

Mr. LODGE. The Senator from Missouri [Mr. REED] gave notice that he would address the Senate at this time.

Mr. ASHURST. I am like a man pardoned out of the penitentiary, I was not allowed to finish my sentence. I was cut off by the motion of the Senator from Massachusetts, but I should like to finish.

Mr. REED (to Mr. ASHURST). Go ahead.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Arizona.

Mr. ASHURST. I will conclude by saying that I realize this is a serious matter, that this proposed constitutional amendment can not be disposed of in the morning hour, but I feel the debate has not been without some value to us all, and I am glad to note there is such unanimity of expression of opinion favorable to the resolution.

Mr. OWEN. I should like to say that there is no unanimity on it, but very resolute opposition to it.

Mr. ASHURST. For the first time I now know that the Senator from Oklahoma intends to deprive the people of the United States of voting upon what kind of government they wish to live under.

Mr. OWEN. The Senator from Arizona does not interpret correctly the "Senator from Oklahoma."

Mr. ASHURST. I am a very accurate interpreter, I think, and I will ask the Senator from Oklahoma whether he would prefer having 5,000 men pass on our Constitution or all of the voting people, men and women of our country? Does he prefer a constitution like Mexico or one of the people?

Mr. OWEN. The amendment which I offered a few moments ago, Senate joint resolution 33, called the "Gateway amendment," deprives the minority of either House or a minority of the States from preventing a proposed amendment to the Constitution being submitted to the people, as the pending resolution proposes, and places it in the hands of the people by majority vote of a majority of the congressional districts and a majority of all votes cast and permits amendments to be proposed by a majority of the Members either of the United States Senate or the House of Representatives. The proposed amendment which I offered fully sets forth my views. I shall be content with nothing less. I am utterly opposed to minority rule and will submit to it no longer than I am compelled to do so.

Mr. ASHURST. Then if the Senator has offered such an amendment as that he has offered one that will give the people more authority and has performed a valuable service.

Mr. OWEN. It not only gives the people more authority but enables a majority of their Representatives in either House to submit proposed amendments to the Constitution, which the majority of either House believe the people want. I demand the right of the people to rule be put in concrete form and without delay.

Minority rule in this Nation is now threatening to bring about mob rule as a remedy, which is another form of minority rule even more dangerous and chaotic in tendency than the present order.

Majority rule is the safe and middle course, and it is of urgent immediate importance. At present, anything in excess of one-third of the House or Senate membership or in excess of one-fourth of the States can block the right of the people to amend the Constitution, and organized financial and commercial power controls by this means the veto power against the majority of the people.

Mr. ASHURST. The Senator from Colorado [Mr. THOMAS] in his speech on August 22 reached heights of true eloquence. Concluding with a noble peroration, the Senator said:

I sometimes picture this great Republic as a majestic image, towering to the clouds from an eternal anchorage of justice and ordered liberty, its benignant features bathed in the eternal sunlight of heaven, its invincible arms extended above our continent-covering domain, shielding, protecting, encouraging. May such an image find sanctuary in the hearts of every man and woman and child under the national ensign, quickening their affection, stimulating their patriotism, and ministering to their sense of civic responsibility.

I devoutly share the hope expressed by the Senator from Colorado, whose genius spread that sublime picture before us, that "*such an image will find sanctuary in the heart of every man and woman under the national ensign.*" But while it is true that the heroic image of our American institutions lifts its head into the clouds, it is also true that it is neither anchored *securely* nor *anchored* at all; it stands upon a fragile pivot, the will of five thousand men; but if we see to it that the charter of American freedom shall not be changed except by a vote of the people then this heroic image will be supported by a pivot, the will of the people, a diamond pivot upon whose unbreakable, infrangible strength the destiny of the Republic may safely and easily revolve.

## APPENDIX.

## DISCUSSION OF CONSTITUTIONAL QUESTIONS INVOLVED.

(Jameson.)

SEC. 585. VI. Two further questions may be considered: (1) When Congress has submitted amendments to the States, can it recall them? and (2) How long are amendments thus submitted open to adoption or rejection by the States?

1. The first question must, we think, receive a negative answer. When Congress has submitted amendments, at the time deemed by itself or its constituents desirable, to concede to that body the power of afterwards recalling them would be to give to it that of definitely rejecting such amendments, since the recall would withdraw them from the consideration of the States and thus render their adoption impossible. However this may be, it is enough to justify a negative answer to say that the Federal Constitution, from which alone Congress derives its power to submit amendments to the States, does not provide for recalling them upon any event or condition, and that the power to recall can not be considered as involved in that to submit as necessary to its complete execution. It therefore can not exist.

2. The same consideration will, perhaps, furnish the answer to the second question. The Constitution gives to Congress the power to submit amendments to the States; that is, either to the State legislatures or to conventions called by the States for this purpose, but there it stops. No power is granted to prescribe conditions as to the time within which the amendments are to be ratified, and hence to do so would be to transcend the power given. The practice of Congress in such cases has always conformed to the implied limitations of the Constitution. It has contented itself with proposing amendments, to become valid as parts of the Constitution, according to the terms of that instrument. It is, therefore, possible, though hardly probable, that an amendment once proposed is always open to adoption by the nonacting or nonratifying States.

The better opinion would seem to be that an alteration of the Constitution proposed to-day has relation to the sentiment and the felt needs of to-day, and that, if not ratified early, while that sentiment may fairly be supposed to exist, it ought to be regarded as waived and not again to be voted upon unless a second time proposed by Congress.

SEC. 586. In discussing the question of the right of the States to vote upon proposed amendments at any time after the date of their proposal it is proper to look into the consequences of such a right. If they have the right there are now floating about us, as it were, in nubilous, several amendments to the Constitution proposed by Congress which have received the ratification of one or more States but not of enough to make them valid as parts of that instrument. Congress could not withdraw them, and there is in force in regard to them no recognized statute of limitations. Unless abrogated by amendments subsequently adopted they are, on the hypothesis stated, still before the American people to be adopted or rejected.

In 1873 the Senate of Ohio, acting upon the theory that once proposed an amendment to the Constitution is always open to ratification, adopted a joint resolution ratifying the second of the 12 amendments submitted to the States by Congress in 1789, but then rejected, providing that "no law varying the compensation of Members of Congress shall take effect until an election for Representative shall have intervened." This resolution, prepared by Madison, was an excellent one; but suppose it had been unjust, proposed, perhaps, in the interest of a section or of a party, and, failing at the time to receive the requisite majority, it had subsequently by a concerted rally of those interested in its adoption been carried without discussion or a clear expression of the existing public will; is that a true construction of the Constitution which may be followed by so dangerous consequences? And, supposing the right referred to exists, by what majority shall the resurrected amendments be adopted? If proposed in 1789, when the States numbered but 13 and when a majority of 10 States might have ratified the amendment, how many would have been requisite in 1873, when there were 38 States which would have been called upon to vote? If the answer should be that 29 States must have voted to ratify, since that number was three-fourths of all the States in 1789, however reasonable such an answer might seem, it would be founded upon no statute or custom of the country, and therefore different opinions as to its reasonableness might well be entertained. Hence the danger of confusion or conflict. We discuss this question here merely to emphasize the dangers involved in the Constitution as it stands and to show the necessity of legislation to make certain those points upon which doubts may arise in the employment of the constitutional process for amending the fundamental law of the Nation. A constitutional statute of limitation prescribing the time within which proposed amendments shall be adopted or be treated as waived ought by all means to be passed. (Jameson, John A. A treatise on constitutional conventions (4th ed., 1887), pp. 634-636.)

## AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES PROPOSED BY CONGRESS BUT NOT RATIFIED BY THREE-FOURTHS OF THE STATES, COLLATED BY MR. ASHURST.

## APPORTIONMENT OF REPRESENTATIVES.

After the first enumeration required by the first article of the Constitution, there shall be one Representative for every 30,000 until the number shall amount to 100; after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives nor less than one Representative for every 40,000 persons, until the number of Representatives shall amount to 200; after which the proportion shall be so regulated by Congress that there shall not be less

than 200 Representatives nor more than one Representative for every 50,000 persons. (1 Stat., 97.) (Submitted at the same time as those which became part of the Constitution as amendments 1 to 10.)

Proposed by Congress September 15, 1789.

Ratified by the following States:

New Jersey, November 20, 1789. (Senate Journal, p. 199, 1st Cong., 2d sess.)

Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong., 2d sess.)

North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)

South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong., 2d sess.)

New Hampshire, January 25, 1790. (Senate Journal, p. 105, 1st Cong., 2d sess.)

New York, March 27, 1790. (Senate Journal, p. 53, 1st Cong., 2d sess.)

Rhode Island, June 15, 1790. (Senate Journal, p. 110, 1st Cong., 2d sess.)

Virginia, October 25, 1791. (Senate Journal, p. 30, 2d Cong., 1st sess.)

Pennsylvania, September 21, 1791. (Senate Journal, p. 11, 2d Cong., 1st sess.)

Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st sess.)

Pennsylvania had first rejected the proposed amendment March 10, 1790.

Rejected by Delaware January 28, 1790.

The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia.

## COMPENSATION OF MEMBERS OF CONGRESS.

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened. (1 Stat., 97.) (Submitted at the same time as those which became part of the Constitution as amendments 1 to 10.)

Proposed by Congress September 15, 1789.

Ratified by the following States:

Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong., 2d sess.)

North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)

South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong., 2d sess.)

Delaware, January 28, 1790. (Senate Journal, p. 35, 1st Cong., 2d sess.)

Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st sess.)

Virginia, December 15, 1791. (Senate Journal, p. 69, 2d Cong., 1st sess.)

Rejected by New Jersey, November 20, 1789 (Senate Journal, p. 199, 1st Cong., 2d sess.); New Hampshire, January 25, 1790 (Senate Journal, p. 105, 1st Cong., 2d sess.); Pennsylvania, March 16, 1790 (Senate Journal, p. 39, 1st Cong., 2d sess.); New York, March 27, 1790 (Senate Journal, p. 53, 1st Cong., 2d sess.); Rhode Island, June 15, 1790 (Senate Journal, p. 110, 1st Cong., 2d sess.).

The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia.

## TITLES OF NOBILITY.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them or either of them. (2 Stat., 613.)

Proposed by Congress May 1, 1810.

Ratified by the following States:

Maryland, December 25, 1810.

Kentucky, January 31, 1811.

Ohio, January 31, 1811.

Delaware, February 2, 1811.

Pennsylvania, February 6, 1811.

New Jersey, February 13, 1811.

Vermont, October 24, 1811.

Tennessee, November 21, 1811.

Georgia, December 13, 1811.

North Carolina, December 23, 1811.

Massachusetts, February 27, 1812.

New Hampshire, December 10, 1812.

Rejected by New York (senate) March 12, 1811; Connecticut, May session, 1813; South Carolina, approved by senate November 28, 1811, reported unfavorably in house and not further considered December 7, 1813; Rhode Island, September 15, 1814.

## AMENDMENT ABOLISHING OR INTERFERING WITH SLAVERY PROHIBITED (CORWIN AMENDMENT).

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat., 251.)

Proposed by Congress March 2, 1861.

Ratified by the following States:

Ohio, March 13, 1861.

Maryland, January 10, 1862.

Illinois (convention), February 14, 1862.

## RATIFICATIONS ON SUFFRAGE AMENDMENT.

Illinois, June 10, 1919.

Wisconsin, June 10, 1919.

Michigan, June 10, 1919.

Kansas, June 16, 1919.

Ohio, June 16, 1919.

New York, June 16, 1919.

Pennsylvania, June 24, 1919.

Massachusetts, June 25, 1919.

Texas, June 28, 1919.

Iowa, July 2, 1919.

Missouri, July 3, 1919.

Arkansas, July 28, 1919.

Montana, July 30, 1919.

Nebraska, August 2, 1919.

Mr. OWEN. Mr. President, I ask permission of the Senator from Massachusetts to offer an amendment, in the nature of a substitute, to the joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States, which I desire to have printed and lie on the table. I rose to offer the amendment and was precluded from doing so by the closing of the morning hour.

Mr. LODGE. Certainly; I have no objection to the Senator offering an amendment to be printed.

The amendment by Mr. OWEN is to strike out all after the resolving clause and insert:

That Article V of the Constitution shall be amended so as to read:

"This Constitution may be amended in the following manner and in no other way: An amendment or amendments or the calling of a constitutional convention may be proposed—

"By a majority vote of the Members enrolled in each House of Congress.

"By either House should the other House twice reject the proposal, and a failure for three months to act favorably shall constitute a rejection.

"Congress shall propose an amendment or amendments or the calling of a constitutional convention when requested by a majority of the State legislatures.

"Congress or either House may submit competing measures.

"Proposed amendments shall be transmitted by the Secretary of State to the secretaries of state of the several States of the Union for submission to such of the voters of the several States as are qualified to vote for the election of Members of the House of Representatives. To each voter there shall be mailed a copy of the proposals and a copy of the arguments, for and against, prepared by two committees composed of leading representatives of the opposing sides; and the entire expense shall be borne by the Government of the United States. Not less than two nor more than four months shall elapse between the time of issuing the voters' pamphlet and the date of the referendum vote.

"The returns shall be transmitted to the House of Representatives, and the will of a double majority shall prevail—majority of those who vote on the measure in a majority of the congressional districts and a majority of all the votes cast thereon: *Provided*, however, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

#### TREATY OF PEACE WITH GERMANY.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business of the executive session, namely, the German treaty.

The Senate, in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. REED obtained the floor.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Gerry	McNary	Smith, Ariz.
Ball	Gronna	Moses	Smoot
Bankhead	Hale	Nelson	Spencer
Beckham	Harding	New	Stanley
Borah	Harrison	Newberry	Sterling
Brandegee	Hitchcock	Norris	Sutherland
Capper	Jones, N. Mex.	Nugent	Thomas
Chamberlain	Jones, Wash.	Overman	Townsend
Colt	Kellogg	Owen	Trammell
Culberson	Kendrick	Page	Underwood
Curtis	Kenyon	Penrose	Walsh, Mass.
Dillingham	Keyes	Phelan	Walsh, Mont.
Edge	Kirby	Phipps	Warren
Elkins	Knox	Pittman	Watson
Fall	La Follette	Pomerene	Williams
Fernald	Lenroot	Reed	Wolcott
Fletcher	Lodge	Sheppard	
France	McCumber	Shields	
Gay	McKellar	Simmons	

Mr. GERRY. I desire to announce that the Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness. I wish also to announce that the Senator from Nevada [Mr. HENDERSON], the Senator from Louisiana [Mr. RANSDELL], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on public business.

Mr. KIRBY. I desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON], who is detained on public business.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Seventy-three Senators have answered to their names. A quorum is present.

Mr. REED. Mr. President, in a number of recent speeches the President has declared that the assembly of the league of nations is largely "a debating society."

He has also said:

We can always offset with one vote the British six votes. I must say that I look with perfect philosophy upon the difference in number.

The distinguished Senator from Nevada [Mr. PITTMAN], who has been justly recognized as one of the spokesmen of the President, declared on the floor of the Senate on August 20, as follows:

Mr. PITTMAN. Mr. President, this league of nations as it is construed by the President—and he is convinced, so he says, that the other framers agree with him—is hardly more to-day than a meeting place where the consensus of opinion of the civilized world may be obtained and the moral force brought to bear.

The above doctrine has been widely disseminated throughout the Union. The effort is to coax the people into the league by the claim that it is an innocent and harmless thing.

But on other occasions the advocates of the league assert it is possessed of sufficient power to control the passions and ambitions of the world and hold in leash the armed forces of mankind. Both of these views can not be correct.

The truth is to be found in the written covenant now under consideration. I therefore venture to invite your attention to the language of that instrument.

But before I attempt that task, permit me to make a few observations in order to remove certain false arguments which have been advanced for the purpose of beclouding the issue.

I ask permission, Mr. President, to insert at the close of my remarks certain remarks made by Hon. Lee Meriwether, recently one of the representatives of our Government at Paris, certain remarks made by Gov. Glynn in his keynote speech at the St. Louis Democratic national convention which nominated the President in 1916, and certain experts from a letter written by Hon. Edward E. Yates, one of the most distinguished lawyers and Democrats of the Central West.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

Mr. REED. Mr. President, the great question confronting the American people ought to be settled by a sober appeal to reason. Viewed in any light, its importance can not be overestimated. According to the President, it is to usher in "a new age," which he asserts will lift mankind to the highest levels. In the opinions of others, it involves the sacrifice of American sovereignty, plunges our Republic into the wars of the world, and jeopardizes the future of mankind.

Whichever view is correct the question is one of the deepest gravity. Its solution is fraught with infinite good or unspeakable ill to the world. Such a problem can only be solved by the study of facts and by the application of sound reason. If the President is right, then surely the case can be won by an appeal to the intellect of the American people.

The President has spent eight months in Europe helping frame this document, which contains first and last 80,000 words. He has, or he should have, intimate knowledge of all its terms and ought to be capable of demonstrating by cool reason and by the citation of the terms of the instrument that it will benefit mankind. The people had the right to expect that in his tour across the continent he would convey to them an intimate and concise knowledge of the contract into which he proposes to force the country and that he would make plain to them every doubtful proposition, but—

If a citizen refuses to repudiate the policies under which our country has become great, the President characterizes him as "pygmy minded."

If he declines to turn his back upon Washington and Jefferson, he is described as afflicted "with curious aberrations of thinking."

If he refuses to surrender with the pen what Washington gained with the sword, he is politely described as a "contemptible quitter."

If he can not see his way clear to embroil America in the wars of every country and to plunge her into controversies of every land, he sees with "jaundiced eyes."

If he venture to point out that article 10 binds us to send our soldiers to defend the frontiers of every land in every quarter of the globe, he is "afflicted with amazing ignorance."

If he looks with pride upon the glorious achievements of America's past and refuses to abandon the policies which have brought us to the heights of prosperity, he is "a dreamer living in the forgotten age."

If after studying the league covenant lawyers and statesmen reach the conclusion that it is inimical to the public weal, they are classified as men "whose heads are only fit to serve as knots to prevent their bodies from unraveling."

If Senators of the United States, sworn to defend the Constitution and to protect the Republic in strict accordance with the terms of their oaths, study the proposed covenant and reach the conclusion that it is their duty not to advise or consent to its ratification, they are denounced as "dishonest opponents of the treaty who will be gibbeted and who will regret that the gibbet is so high."

Or, again, they are informed, as the President did declare in Washington a few weeks ago, that he would like to see them

*"hung on a gibbet as high as heaven, but pointed in the opposite direction."*

And so the irresistible argument proceeds.

The President marshals his syllogisms as a general marshals the battalions of his army. They appear to advance in logical phalanx, but his soldiers are epithets; his battalions aggregations of bitter names; his army an assemblage of denunciatory epigrams.

Yet after it has passed the calm onlooker will recognize only the vapors of anger; the intemperate autocracy manifests at opposition.

If I could be so unkind as to reply in kind, I might answer that, of course, the President does it all unconsciously, in complete innocence, and possibly only when wrought upon by the "new magic." And that he substitutes fancies for facts, confuses the phantasms of his dreams with the actualities of life, mistakes the visions of ambition for the inspiration of idealism, and imagines that phrases can take the place of realities.

The President talks much of "duty of sacrifice," but even while he speaks, he, at Government expense, rides on special trains; sails upon magnificent ships, fitted with special glass pavilions; lives in the palaces of princes; receives presents from foreign nobility worth hundreds of thousands of dollars; commandeers entire hotels; summonses armies of retainers; creates diplomats without law; and wages war without authority.

Out of the public funds he provides the keep of his retainers. He compels the American taxpayers to furnish their food and to wash their dirty linen. He talks of sacrifices, but the sacrifices are to be made by American boys who perish in the snows of Siberia or who are yet to die beneath the suns of the Equator.

We stopped the onrushing Germans at the Marne, broke their attack at Chateau-Thierry, rolled them back at the Argonne, and forced their representatives to surrender at Paris.

Our Armies rescued our allies.

Our food fed them.

Our money maintained them.

To accomplish this work we left 50,000 dead in France, and sent staggering over our land another 50,000 brave men, blind, crippled, diseased.

We accumulated a debt of \$20,000,000,000.

We disarmed Germany and dismembered Austria.

Having done all this, if we now say that the time has arrived to bring our soldiers home and to begin looking after the wants of our own people, we are "contemptible quitters."

Asserting that the league will bring universal peace, the President yet demands a standing Army of a half million men.

Insisting that war will be no more, he urges the doctrine of universal military training.

Proclaiming that the day has come when swords are to be beaten into plowshares, he demands millions for a Navy.

He advocates freedom of the seas, but consents that England shall remain mistress of the waters of the world.

He chafes at being kept at his presidential duties in Washington when he has been in this country only 60 days in the past 9 months.

He makes a speech declaring his own opinions and the next day asserts that his own speech is a solemn instruction by the people which he is dutifully carrying into effect.

He hears the echo of his own words, and the next day proclaims them the voice of God.

He denounces secret treaties, yet seeks to engage his country in a contract ratifying and confirming secret and cruel treaties by which our own Allies have been despoiled.

He preaches open covenants, openly arrived at, yet goes into secret conclaves and seizes cable lines and permits a censorship of European news.

He refuses to inform the Senate concerning his vote on racial equality, pleading that he would thereby disclose secrets which would cause international embarrassment, although the public statement of the Japanese statesman Baron Goto that Wilson and House had both voted with Japan on racial equality has for weeks gone unchallenged and undisputed. I insert that interview.

HOW DID PRESIDENT WILSON VOTE ON THE JAPANESE QUESTION OF RACIAL EQUALITY?

Testimony on August 20, 1919, before Foreign Relations Committee of the United States Senate:

The President referred to the fact that the Japanese had presented a resolution for racial equality, "but rather as an expression of opinion or hope, and it was not pressed for action."

SENATOR JOHNSON. May I ask, if permissible, how the representatives of the United States voted upon that particular proposition?

THE PRESIDENT. I think it is very natural that you should ask that. I am not sure that I am at liberty to answer, because that touches the

intimacy of a great many controversies that occurred in that conference, and I think it is best, in the interests of international good understanding, that I should not answer.

The facts as admitted by Baron Goto, member of Japan's Supreme Council on Foreign Relations. This interview has never been denied.

[From the Washington Post, Apr. 20, 1919.]

NEW YORK, April 19, 1919.

In an astonishingly frank interview Baron Goto declared that Japan considered herself the spokesman of all oriental peoples, and, having already obtained the support of President Wilson, would not give up her fight for racial equality.

"Both President Wilson and Col. House voted with Japan for racial equality at the peace conference," Goto said.

Because the Members of the Senate have not in answer to his dictation immediately approved the treaty he has in substance charged them with treasonable practices by intimating that they are now conspiring with Germany, a country with which we are still technically at war.

The statement is as false as it is infamous.

He goes about the country denouncing the Senate for the delay in passing upon the treaty, yet he refused to give to the Senate the practically completed draft of the treaty, although it was in the possession of all the chancelleries of Europe and was being sold upon the streets of Berlin and authenticated copies of it were in the hands of the great bankers of New York City.

He complains of delay, yet his adherents in the Senate conducted a filibuster to prevent the publication in the CONGRESSIONAL RECORD and to the country of an advance copy of the treaty.

He complains of delay, yet he withheld from the Senate the French treaty, which by express terms was to be laid before the Senate at the same time the German treaty was submitted.

He complains of delay, yet he even now withholds documents important to the proper understanding of the treaties pending before the Senate.

Mr. President, no man regrets the necessity of these remarks more than myself; but the time has come when we will determine whether the Senate of the United States is a part of the Government set up by the people of the United States, and whether it shall proceed to exercise its functions without fear or favor, without coercion, and without abuse.

Let me interpolate, I am not speaking for the dignity of the Senate merely as a body of men here assembled. It is a part of the Government erected by the people; and whosoever denies to that part of the Government the full and untrammeled exercise of its powers seeks to usurp the powers of the people themselves.

Mr. President, I shall undertake now, by a reference to the documents and by citation of proof as I proceed, to demonstrate a number of propositions.

THE LEAGUE OF NATIONS UNDERTAKES TO ESTABLISH A SUPERGOVERNMENT OF THE WORLD.

*It is in fact a superstate.*

I shall undertake to demonstrate six propositions.

First. That whether the entity now sought to be created be described as a "league," a "confederation," or an "empire," it nevertheless sets up a superstate, with rights, powers, and authorities superior to those of its constituent members, who, upon acceptance of membership, become subject to its governing control.

Second. That it has the power of self-extension both as to its membership and its jurisdiction.

Third. That it possesses a supreme jurisdiction over all matters international and over many purely national rights and policies.

Fourth. That member nations may be deprived of their most sacred rights in defiance of the will of their people or their governments.

Fifth. That nonmember States may be forced to obey the mandates of the superstate, even though their inhabitants unanimously protest.

Sixth. That the bodies authorized to decide these important questions are purely political, controlled by self-interests, and lack in every essential the attributes of courts or tribunals of justice.

THE LEAGUE ESTABLISHES A SUPERSTATE.

*The league when consummated will constitute a distinct entity with every element of an independent and sovereign power or State.*

It will possess:

- (1) A permanent capital or seat of government.
- (2) A flag.
- (3) A membership composed of colonies, dependencies, and nations.
- (4) Governing bodies, composed of the representatives of the members.

(5) A permanent organized body called a secretariat, which corresponds to an executive branch of government.

(6) Authority of control or command over matters embraced within a broad jurisdiction expressly granted.

(7) Force to execute its commands, judgments, and decrees.

THE CAPITAL.

*The league possesses a capital or seat of government, with the power to change and move this capital at will.*

"The seat of the league is established at Geneva.

"The council may at any time decide that the seat of the league shall be established elsewhere. \* \* \* Representatives of members of the league and officials \* \* \* the buildings and other property occupied by the league or its officials \* \* \* shall enjoy diplomatic privileges and immunities." (Art. 7.)

The temporary capital buildings have already been secured.

The grounds for permanent buildings are being secured.

Soon we may expect to see the buildings of the world capital in process of erection.

THE FLAG.

A flag has always been defined as a "national standard." It is the visible sign of authority. Disrespect to a flag has always been regarded as an insult to the power it typifies. According to public press reports a league flag has already been adopted. It is the banner of the superstate being set up.

THE MEMBERSHIP.

Whether we regard the proposed organization as a mere international council or as a superstate, designed to govern the world, its membership is of vital importance. The character of the membership will determine the nature of its activities and measure its capacity for good or evil. Common prudence therefore demands a candid inquiry concerning our new partners and the influences likely to control their conduct. The table I have compiled shows:

Dark countries.					White countries.		
Country.	Year estimated.	Population.	Percentage of dark and mixed races.	Percentage of illiteracy.	Country.	Population.	Percentage of illiteracy.
1. Liberia	1916-17	2,000,000	100	98	1. United States	110,000,000	7.7
2. Haiti	1911	1,500,000	90	Very high.	2. Belgium	7,500,000	13.1
3. Hejaz	1911	300,000	100	High.	3. British Isles	45,000,000	11
4. Panama	1916	450,000	90	High.	4. Canada	8,300,000	11
5. Honduras	1911	562,000	85	68	5. Australia	5,000,000	1.8
6. Nicaragua	1914	703,500	90	High.	6. New Zealand	1,099,000	2
7. Guatemala	1903	1,842,000	85	92	7. Czechoslovakia	13,000,000	
8. Ecuador	1900	1,500,000	93	High.	8. France	39,500,000	
9. Cuba	1907	2,048,000	33	44	9. Greece	2,750,000	3
10. Bolivia	1900	1,816,000	87	82	10. Italy	28,500,000	57
11. Peru	1908	4,500,000	86	Very high.	11. Poland	10,000,000	
12. Brazil	1904	24,500,000	88	80	12. Portugal	6,000,000	68
13. South Africa		5,000,000	80	69	13. Roumania	7,500,000	41
14. Siam	1909	6,230,000	99	Very high.	14. Serbia	3,000,000	84
15. India	1911	294,361,000	95	92	15. Uruguay	1,378,000	
16. China	1906	407,253,000	100	High.			
17. Japan	1917	56,800,000	99	Low.			
		811,425,500	89			289,428,000	

<sup>1</sup> Negro Yearbook.

<sup>2</sup> Statesman's Yearbook, 1919.

<sup>3</sup> Average.

NOTE.—Figures are from Encyclopædia Britannica and Statesman's Yearbook.

An examination of the table discloses certain upstanding facts that:

(a) Counting Cuba, where miscegenation is commonly practiced, and race distinctions are not recognized, a majority of our partners belong to the dark-skinned races. It is therefore perfectly apparent that from the first a majority of the league will always vote for race equality.

(b) With the single exception of Japan, the degree of illiteracy among these dark-skinned peoples is alarmingly high. This fact demonstrates the backwardness of these peoples upon all questions of government, liberty, or morals.

(c) Approximately there are three dark-skinned men in the league for each white man in the league.

(d) The following countries, all populated by whites, are left out of the league and constitute the major portion of the white population of the earth:

WHITE NATIONS WHO ARE NOT MEMBERS OF THE LEAGUE OF NATIONS.

I.—States excluded from the league of nations covenant.

State.	Population.	Per cent illiteracy.
Austria	28,571,934	18.7
Hungary	20,744,744	33.3
Bulgaria	5,517,700	65.5
Germany	67,812,000	.05
Russia	178,378,800	69.00
Total	301,025,178	<sup>1</sup> 37.31

<sup>1</sup> Average.

II.—States invited to accede to the covenant who have not joined.

State.	Population.	Per cent illiteracy.
Denmark	2,940,979	0.2
Netherlands	6,583,227	.8
Norway	2,391,780	(1)
Sweden	5,757,566	.2
Switzerland	3,880,000	.3
Total	21,553,552	.34

<sup>1</sup> No figures given, but about the same as Sweden.

White nations who are not members of the league of nations: Austria, Hungary, Bulgaria, Germany, and Russia.

The total of the white population in the league now is 289,428,000.

States invited to accede to the covenant who have not joined: Denmark, Netherlands, Norway, Sweden, and Switzerland.

As the table shows, these States have a total white population of 21,553,552, and a degree of illiteracy of a little over three-tenths of 1 per cent—the lowest degree of illiteracy in the world.

III.—States invited to accede to covenant who have professed willingness to do so.

State.	Population.	Per cent illiteracy.
Spain	20,747,893	58.7
Grand total	43,326,552	<sup>1</sup> 22.45
Total, excluding Spain	22,578,730	<sup>2</sup> 18.825

<sup>1</sup> Total average.

<sup>2</sup> Average, excluding Spain.

Sources: Population from Statesman's Yearbook, 1918. Per cent illiteracy from estimates furnished by Bureau of Census to the New York World, World Almanac, 1918.

Spain has been invited to come in, and I understand has come in with her 20,000,000 of population; but the grand total shows that there are now outside of the league 343,326,552 white people.

(e) The member nations in every respect exhibit the widest contrast. Liberia contains only 50,000 civilized inhabitants. The total population of Hedjaz, civilized and uncivilized, is 300,000. Nevertheless, these and other insignificant countries are received into membership.

The absurd result is that a semibarbarous Bedouin has a representation in the league 368 times as great as an American, and 1,356 times as great as a Chinaman. Likewise a partially civilized negro from Liberia has representation equal to 2,200 white Americans, or 2,200 colored Americans, and the colored American of this country is as much outraged, as a matter of fact, by this provision as are the whites.

Embracing every kind of State from the most powerful nations to subject countries and dependent colonies; ranging in civilization from the basest barbarism to the most advanced culture;

in learning from the depths of ignorance to the heights of knowledge; in religion from the divine doctrines of Christianity to the child sacrifices of voodooism; in government from the democracy of liberty and equality to the despotism of chains and slavery, the membership presents an inharmonious blending of divergent races, conditions, and civilizations incapable of either a common interest or a common destiny.

Is it not written, "Thou shalt not yoke the ox and the ass together?"

With the exception of the British Empire each of these countries, of whatsoever degree or kind, has exactly the same representation in the league of nations as the United States. I would not be misunderstood. They are not all represented on the council, but they are all members.

#### THE PREDOMINANCE OF THE BRITISH EMPIRE.

Anomalous as are the facts to which I have adverted, they are nevertheless aggravated by the circumstance that the British Empire is given directly and immediately six times as many votes as the United States.

That was true until about the day before yesterday, when it was discovered that six is the exact mathematical equal of one. This result is accomplished by allowing a membership and a vote for Canada, Australia, New Zealand, South Africa, and India. Each of the countries named, while constituting only a fractional part of the Empire, is given a full vote in the assembly and is qualified for every place in the assembly. At the same time the Empire, composed in part of these fractions, is given a full vote.

The power of the British Empire to so increase its vote as to gain a complete dominance will be discussed later.

For the present I call attention to the fact that under the right to admit into full membership self-governing dominions, colonies, and States, Great Britain can at any time furnish a large number of lusty applicants for admission, who will be completely under her control and responsive to her will. The British Empire alone has an abundance of raw material out of which to create these new members. I shall return to that in a moment.

#### THE GOVERNMENT.

*The league possesses the power of self-extension as to both its membership and jurisdiction. The government of the league is divided into three branches:*

(1) *The assembly, to consist of—*

(a) One voting representative of each of the present members;

(b) One representative of each member of the league hereafter created.

(2) *The council, the membership of which is divided into three classes:*

(a) The permanent membership, namely, the representatives of Great Britain, France, Italy, Japan, and the United States, five in all.

(b) Four temporary or removable members. The present temporary members are the representatives of Belgium, Brazil, Greece, and Spain.

(c) Additional members which may be created as herein-after pointed out. (Art. 4.)

(3) *The secretariat.*

The secretariat shall comprise a secretary general and such secretaries and staff as may be required. (Art. 6.)

That is a brief résumé. Now, let us turn to the assembly. This is the point that has been misrepresented or misunderstood throughout the country. To the point I am now going to make, and the one which follows, I challenge the thought of Members of the Senate.

#### THE ASSEMBLY.

*The assembly possesses the absolute power of self-extension. By a two-thirds vote it can admit or by a one-third plus one vote exclude from membership more than one-half of the total white population of the earth.*

And that power is referred to as the power of a debating society.

It has been frequently asserted and widely published that the assembly possesses no power of importance; that it is, in fact, little more than an "international debating society"; and that therefore its membership is of little consequence.

This is the special defense offered to the protest against the six votes allowed the British Empire, it being asserted that the five votes allowed the British dominions and colonies will not count for anything of importance, because according to the claim they are votes only to be cast in the assembly.

That body is, as I have said, contemptuously referred to as "largely a debating society."

In his speech at Spokane on September 13, the President is quoted as saying:

The league of nations assembly is largely a debating body and seldom will act on important questions, and when it does the United States with its one vote will have absolute veto under the rule requiring a unanimous vote.

That statement has been printed and millions of copies sent throughout this land to people who never read the covenant of the league and have had no chance to read it.

I shall later show that the assembly possesses a very wide jurisdiction. But for the present I challenge attention to the fact that the present membership of the assembly has the power by a two-thirds vote to admit into the league or by a one-third plus one vote exclude from the membership of the league any of the following States:

Austria, Hungary, Bulgaria, Germany, and Russia. These States are all populated by white peoples. Their importance and power is well understood. Their inhabitants number 301,025,178. The question whether they should be admitted or not may be vital, not only to the stability of the league but to the peace and safety of the world.

It is provided in the league covenant that the following European nations may join as of right, namely, Denmark, Netherlands, Norway, Sweden, Switzerland, and Spain, provided they shall join within two months after the going into force of the covenant. Of the States named, Spain has already indicated a willingness to join, but the other States have not.

Not counting Spain, they contain an aggregate population of 21,553,552 persons. They are among the most intelligent and highly educated people on earth, the degree of illiteracy being less than 0.4 per cent.

This is, in part, a repetition of what I have said, but I am trying to bring these matters together under topics.

In addition to the foregoing, the following States have been invited to join: Argentine Republic, Chile, Colombia, Paraguay, Persia, Salvador, and Venezuela, with a total population of 32,205,000.

Should any of these nations fail to join within the 60 days specified, then their admission may be accomplished by a two-thirds vote or their rejection by a one-third plus one vote of the assembly. In that event it would be within the power of the present membership to admit or exclude from membership the vast majority of the nations of Europe.

This power to admit into the league all these mighty nations or to reject them, in the latter instance by a one-third plus one vote, is the power to force upon us as partners some of the nations with which we have been recently at war, even though they may not have purged themselves of their offenses, even though every citizen of the United States should protest against it, for it is done by a two-thirds vote in the assembly, when we have but 1 vote out of a present vote of 32.

Upon the other hand, it is the power to unwisely exclude these and the nonoffending nations and to force all of the outside nations to unite themselves into an offensive and defensive alliance, thus separating the world into two great antagonistic organizations. Under such circumstances a single spark struck even in a remote and barbarous country may start a conflagration which will blaze around the world.

But, in addition to the States named, the league has the express right to receive other States. It is specifically recited:

Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly. (Art. 1.)

Under the broad authority thus granted there is no limit to the membership which may be admitted except the lack of raw material.

Mr. President, I present here two tables, one of them a long list of States that are self-governing; another a long list of colonies which, if they are not absolutely self-governing, can be made self-governing by their respective countries within a few days' time. I shall not pause to read them. There is not one in the list that is not more entitled to membership than Liberia, that is not better qualified for membership than Haiti, and I could name some others. They take four pages of print. I shall print them as a part of my remarks, with the permission of the Senate.

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

Among the States not invited to join are—

#### GROUP I.—Recognized independent States.

##### EUROPE.

1. Albania	6,000
2. Andorra	225,000
3. Luxembourg	268,000
4. Monaco	20,000
5. San Marino	10,000
6. Liechtenstein	10,000

ASIA.		
1. Afghanistan		6,000,000
2. Arabia		3,500,000
3. Mongolia		3,000,000
4. Nepal		5,000,000
5. Oman		750,000
6. Siberia		10,377,000
7. Tibet		3,000,000
AFRICA.		
1. Abyssinia		8,000,000
2. Morocco		6,500,000
AMERICA.		
1. Costa Rica		427,000
2. Dominican Republic		710,000
3. Mexico		15,160,000
GROUP II.—(Colonies, Protectorates, and Dominions).		
EUROPE.		
1. Iceland (Denmark)		85,000
2. Greenland (Denmark)		11,000
ASIA.		
1. Bhutan (granted a subsidy by England)		250,000
2. Cochin-China (France)		16,594,000
3. Bokhara (Russia before the revolution)		1,250,000
4. Khiva (Russia before the revolution)		800,000
5. Korea (Japan)		16,500,000
6. Formosa (Japan)		3,000,000
7. Goa (Portugal)		515,000
8. Timor (Portugal)		377,000
9. Straits Settlements (England—Crown Colony)		812,000
AFRICA.		
1. Egypt (England)		12,000,000
2. Sudan (England)		3,000,000
3. Belgian Congo		15,000,000
4. Algeria (France)		5,600,000
5. Tunis (France)		1,900,000
6. Madagascar (France)		3,253,000
7. French Congo		1,000,000
8. Reunion (France)		176,000
9. French Somali		208,000
10. Sahara (France)		No estimate.
11. Senegal (France)		1,247,000
12. Guinea (France)		812,000
13. Ivory Coast (France)		1,417,000
14. Dahomey (France)		911,000
15. Sudan (France)		5,590,000
16. Niger (France)		850,000
17. Mauritania (France)		600,000
18. Eritrea (Italy)		450,000
19. Somaliland (Italy)		350,000
20. Tripoli (Italy)		1,000,000
21. Cape Verde Islands (Portugal)		149,000
22. Portuguese Guinea (Portugal)		289,000
23. Angola (Portugal)		2,124,000
24. Mozambique (Portugal)		2,000,000
25. Spanish Guinea (Spain)		200,000
AMERICA.		
1. British Guiana		296,000
2. British Honduras		42,000
3. Newfoundland and Labrador (England)		254,000
4. Jamaica (England)		906,000
5. Trinidad (England)		371,000
6. French Guiana		49,000
7. Guadeloupe (France)		212,000
8. Martinique (France)		193,000
9. Dutch Guiana (Netherlands)		91,000
10. Curacao (Netherlands)		57,000
11. Alaska (United States)		64,000
12. Porto Rico (United States)		1,200,000
13. Virgin Islands (United States)		23,000
OCEANIA.		
1. New Caledonia (France)		50,000
2. Papua (territory of Commonwealth of Australia, England)		201,000
3. Fiji (England)		163,000
4. Tonga (British protectorate)		23,000
5. British Solomon Islands		210,000
6. New Hebrides (England)		70,000
7. Java (Netherlands)		30,000,000
8. Sumatra (Netherlands)		4,000,000
9. Borneo (Netherlands)		1,300,000
10. Celebes (Netherlands)		2,600,000
11. Bali and Lombok (Netherlands)		1,207,000
12. Molucca Islands (Netherlands)		560,000
13. Philippines (United States)		8,879,000
14. Hawaii (United States)		217,000
15. Samoa (United States)		7,000
16. Guam (United States)		12,000

Mr. REED. So that the power to let in the world or keep out the world, to name the conditions, and so forth, that I shall discuss in a minute, this immense power of consolidating the world in one mighty thing or excluding the world from it is a mere grant of that enormous power. It is the greatest power ever sought to be granted to any body of men.

The charter members of the assembly are composed of 32 men, one of whom is an American citizen, 31 of whom are aliens to us, and probably not more than 3 of them, unless they are exceptions to their people, can even speak our tongue.

I come now to another power.

THE ASSEMBLY HAS THE POWER TO DICTATE THE GUARANTEES WHICH SHALL BE GIVEN BY APPLICANTS FOR MEMBERSHIP.

The language of the covenant is:

Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly: *Provided, That it shall give effective*

*guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the league in regard to its military, naval, and air forces and armaments. (Art. 1.)*

The power to receive or reject applicants for membership and the power to prescribe the nature and the character of the guarantees are found in a single sentence. Clearly the right to determine all these questions is lodged in the assembly.

The power to prescribe the nature and character of the guarantees may be so employed as to influence the conduct of any State seeking membership.

"What will constitute effective guarantees" rests wholly in the decision of the assembly. Should a State in dire necessity come into the league, guarantees might be exacted of such nature as to practically render it a vassal State or leave it so completely disarmed or crippled as to be without effective power of defense.

Notice that the language is that it shall accept the regulations, among other things, "in regard to its military, naval, and air forces and armaments."

It might be required to dismantle fortresses, to concede the control of navigable waters, or to even yield territory.

Upon the other hand, the only guarantees required might be a simple promise to abide by the rules of the league.

The power thus lodged is manifestly a great and important one, which can be so employed to the advantage of the dominant element in the league. States friendly to that element can be admitted upon generous terms; States unfriendly excluded or required to give such guarantees as to place them under control.

The results indicated may be regarded as certain to follow, for it must be remembered that in all international dealings nations have continuously held to the doctrine that it is the business of each State to have regard to its own interests. He who imagines that a membership in the league will change this century-old disposition is a visionary indeed.

Proof is found in the circumstances at this moment confronting us. Even as we form the league, and while the respective nations are proclaiming amity, good will, generosity, and disinterestedness with their lips, each is grabbing with both hands territories, peoples, and indemnities.

If, holding in sacred trust the rights of the American people, charged with the high duty of guarding their interests, we close our eyes to the plain facts of life and refuse to have regard for the lessons of history, we prove ourselves not only dreamers but fools.

#### WITHDRAWAL OF MEMBERS.

I now call attention to the withdrawal amendment. I want to get every Senator here to thinking about this question.

THE ASSEMBLY CAN DENY ANY STATE THE RIGHT TO WITHDRAW FROM THE LEAGUE.

THIS POWER IS FOUND IN THE AUTHORITY OF THE ASSEMBLY TO DECIDE WHETHER THE WITHDRAWING STATE HAS FULFILLED ALL ITS "INTERNATIONAL OBLIGATIONS AND ITS OBLIGATIONS UNDER THE COVENANT."

The provision regarding the withdrawal of members from the league is as follows:

Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, *provided that all its international obligations and all its obligations under the covenant shall have been fulfilled at the time of its withdrawal. (Art. 1.)*

It will not be seriously contended that the State desiring to withdraw is entitled to decide for itself whether it has fulfilled all its international obligations and its obligations under the covenant.

Such a construction would deny to the league any jurisdiction over its members and would leave the case so that a State which had broken every obligation under the covenant, and every precept of international law, could also, without restriction, throw off its obligations of membership.

That is a denial of the very purpose alleged for the creation of the league, namely, that it is called into existence to decide international controversies and to prevent war by substituting its judgments for the will of individual nations.

It seems to me beyond dispute that the power of decision is therefore vested in the league.

The question, then, arises what tribunal of the league is to determine whether the applicant for withdrawal has fulfilled "all its international obligations and all its obligations under the covenant."

An examination of the context of the language just quoted seems to make the answer perfectly clear.

It will be observed that the provision touching withdrawal is found in the last paragraph of article 1. That article throughout deals with the question of league membership. It prescribes:

(a) Who the original members of the league are.

(b) That certain favored States named in the annex may become members, provided they shall join within two months after the league becomes effective. Otherwise they apparently forfeit their right to become members and fall into the class I next name.

(c) That any other "self-governing State, dominion, or colony may become a member by a two-thirds vote of the assembly upon giving effective guarantees that it will accept" regulations by the league in regard to "its military, naval forces, and armaments."

The foregoing clause is immediately followed by the provision that "any member of the league may withdraw after two years' notice of its intention so to do, provided that all its international obligations and all its obligations under the covenant shall have been fulfilled at the time of withdrawal."

It will be noticed that the entire article deals with the question of membership and that the only tribunal authorized by the article to take any action whatsoever is the assembly. It seems perfectly clear, therefore, that the assembly, and it alone, has the power to decide whether a withdrawing member has fulfilled its obligations.

It being clear that before a State can withdraw the assembly must decide whether or not it has "fulfilled all its international obligations and all its obligations under the covenant," the question arises must the assembly arrive at its decision—

- (a) By a two-thirds vote;
- (b) By a unanimous vote; or
- (c) Is a majority vote sufficient?

Before we can answer this vital question we must determine whether the vote is governed by the provisions of article 1 or article 5; and if by the latter, whether the question is one involving a *decision*—I wish lawyers would bear that in mind—a decision or whether it is a mere "matter of procedure," in the former case a unanimous vote being required and in the latter only a majority vote.

As has been said, article 1 treats with the single subject of membership, and contains this clause:

Any fully self-governing State, domain, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly.

Plainly enough a two-thirds vote can admit a member. But does the provision cover the last paragraph of article 1, which provides for the withdrawal of members, or is the withdrawal covered by the terms of article 5, which reads:

EXCEPT WHERE OTHERWISE EXPRESSLY PROVIDED in this covenant or by the terms of the present treaty, decisions—

I call attention to that word "decisions"—

at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting.

All matters of procedure—

I call attention to that language—

at meeting of the assembly or of the council, including the appointment of committees to investigate particular matters, shall be regulated by the assembly or by the council and may be decided by a majority of the members of the league represented at the meeting.

It seems to me that it can hardly be claimed that the question whether a withdrawing State has fulfilled all its obligations under the league and all its international obligations can scarcely be regarded as a mere "matter of procedure." It involves a decision of both law and fact and is of a highly judicial character. Whereas matters of procedure relate generally to the matter of conducting business, in law it applies to the methods of pleading, introduction of evidence, and so forth, and is substantially synonymous with the words "practice" or "process."

It seems to me, therefore, that we must reject any thought that a State can be permitted to withdraw by a mere majority vote.

It remains to inquire whether the two-thirds vote provided for in article 1 or the unanimous vote required by article 5 must be obtained.

Turning to article 1 we find that the very language itself which provides for a two-thirds vote is limited to the clause relating to the admission of members. It reads, "If the admission is agreed to by two-thirds of the assembly." To no other parts or provisions of that article does the language seem to apply. In order to make it apply to the withdrawal of members we must change the language by writing into it "any fully self-governing dominion or colony not named in the annex may become a member" or may withdraw from membership, "if agreed to by two-thirds vote of the assembly."

We are not justified in so altering the language of the covenant. It is therefore my judgment that the decision is governed by the general provision of article 5 and requires a unanimous vote.

It is therefore very clear that if once we enter this league we can not escape its thralldom unless we can secure the gra-

cious permission of every member of the assembly. In that case any State, however insignificant, by the casting of a single negative vote, could deny the United States the right of withdrawal by refusing to concur in the unanimous decision that the United States had "fulfilled all its international obligations and all its obligations under the covenant."

I am aware of that fact that the President in his interview with the Foreign Relations Committee took the opposite view, holding to the doctrine, which is to me astonishing, that the right of withdrawal is absolute and that "it is unconditional, so far as the legal or the moral right (of withdrawal) is concerned."

I quote now from the published report of the interview between the President and the Foreign Relations Committee:

Senator BORAH. \* \* \* Who passes upon the question of the fulfillment of our international obligations, upon the question whether a nation has fulfilled its international obligations?

The PRESIDENT. Nobody.

Senator BORAH. Does the council have anything to say about it?

The PRESIDENT. Nothing whatever.

Senator BORAH. Then, if a country should give notice of withdrawal, it would be the sole judge of whether or not it had fulfilled its international obligations—its covenants—to the league?

The PRESIDENT. That is as I understand it. *The only restraining influence would be the public opinion of the world.*

Senator BORAH. Precisely; but if the United States should conceive that it had fulfilled its obligations, that question could not be referred to the council in any way, or the council could not be called into action?

The PRESIDENT. No.

Senator BORAH. Then, as I understand, when the notice is given the right to withdrawal is unconditional?

The PRESIDENT. Well, when the notice is given it is conditional on the faith of the conscience of the withdrawing nation at the close of the two-year period.

Senator BORAH. Precisely; but it is unconditional, so far as the legal right or the moral right is concerned?

The PRESIDENT. That is my interpretation.

Senator BORAH. There is no moral obligation on the part of the United States to observe any suggestion made by the council?

The PRESIDENT. Oh, no.

(Hearings before the Foreign Relations Committee on the treaty, p. 507.)

If this view is correct, then it applies equally to the whole of the membership obligation.

Moreover, if we have the right at the end of two years to withdraw without the let or hindrance of any tribunal, even though we have not fulfilled our obligations under the covenant, then we can withdraw at any time before the period of two years. If we are not bound in the one instance, we are not in the other. Let us follow that.

When we enter the league we agree—

- (a) To stay for at least two years;
- (b) That we will fulfill all our international obligations and all our obligations under the covenant;
- (c) That our right of withdrawal is dependent upon giving a two years' notice of our intention to withdraw.

If we are under no legal or moral duty to fulfill our obligations under the league before withdrawing neither are we under any obligation to give the 24 months' notice, for that is merely one of the obligations of the league, one of the conditions precedent to withdrawal.

If the doctrine announced is sound, it is difficult to understand why any nation might not at any time repudiate all its obligations under the league and declare none of them either legally or morally binding except as it may see fit to regard them as binding upon—and I quote the President—"the faith of the conscience of the withdrawing nation."

If the right to withdraw without having fulfilled the obligations under the league is circumscribed by "only the restraining influence of the public opinion of the world," then truly the entire chain of the league so carefully welded together may be broken at any moment without any notice whatsoever by the withdrawal of any one or a dozen nations, even though they have not fulfilled their obligations under the league or their international obligations. All this may be done without incurring any other penalty than the "restraining influence of the public opinion of the world."

In my humble judgment, the construction contended for is unsound. But if it be sound, and if it be the view of the President, then it should be plainly written into the document.

I venture the assertion that the proponents of the league will lift their hands in horror and their voices in protest against an amendment which shall clearly express the right of each nation to decide for itself whether it has fulfilled its "international obligations and its obligations under the league," and thereupon to withdraw without the let or hindrance and without the decision of either the council or the assembly.

I challenge gentlemen to state their positions upon that. Bear in mind we are now writing a document, and the time when a lawyer clarifies a document is before it is signed and not afterwards. When the parties find themselves in dispute

as to the meaning of a phrase, before they sign, always the lawyer ascertains then which view is correct and writes that into the instrument.

POWER TO CREATE AND CONTROL COUNCIL.

Now, Mr. President, I come to a topic of such importance and so fundamental that I again especially ask the kindest and most careful consideration. The assembly has the power to create and control the council.

*The assembly has the power to elect four of the nine members of the council and thus make that body subservient to its will.*

(1) As previously stated, there are five permanent members of the council, namely, the representatives of the British Empire, France, Italy, Japan, and the United States. There are four temporary or removable members. The temporary members are the representatives of Belgium, Brazil, Greece, and Spain. It is expressly stated in article 4 that:

These four members of the league shall be selected (as members of the council) by the assembly from time to time in its discretion. (Art. 4.)

The article continues:

Until the appointment of the representatives of the four members of the league first selected by the assembly, representatives of Belgium, Brazil, Greece, and Spain shall be members of the council. (Art. 4.)

The question at once arises by what vote does the assembly act in electing members of the council. Here again we are confronted with article 5. If the election of the four members of the council can be regarded as a "decision" by the assembly, then the vote must be unanimous, for article 4, which gives the power of election, fails to specify the kind of vote which shall be given in order to result in an election.

If the election requires a unanimous vote, then the absurd result follows that although Belgium, Brazil, Greece, and Spain are only named as temporary members of the council, and although it is expressly provided that the four temporary members of the council "shall be selected by the assembly from time to time in its discretion," nevertheless, the four temporary members when they have once been installed can never be ousted. This is so because no one of these nations would voluntarily relinquish its place upon the council, and it could not be ousted from that place so long as it refuses to consent to its own removal by joining in a unanimous vote to select another State as its successor. Accordingly, if the unanimous vote rule applies, then each of these States so named as temporary members of the council are in fact seated there forever. This construction would force the conclusion that the language inserted in article 4, "these four members of the council shall be selected by the assembly from time to time, in its discretion," is a mere fraud put upon the world.

Upon the other hand, if the election can be regarded as a matter of procedure, which I think is the better view, then the assembly may proceed by a majority vote. It follows that a simple majority of the assembly can easily dominate the council, for the power to elect at will four out of the nine members of the council can be easily so employed as to result in a complete control.

A simple illustration will suffice. It is inconceivable that the majority of the assembly should unite in electing four members of the council unless making a part of that majority, and probably directing its action would be found one or two great States, already represented among the permanent members of the council. In that event, the election of four additional members would assure a majority, and in the event that all of the five nations permanently represented on the council, or, indeed, four of them or three of them, were to act in accord in the election of the four temporary members, they could in this way oust nations from the council which refused to be subservient to their will and elect in their stead others that would join them in some desired unanimous decision.

The statement just made will be at once met by the claim that in that event the United States would not be harmed because the result referred to would only be brought about with her acquiescence. A moment's consideration, however, will show that circumstances might arise in which the power of the assembly could be employed to deprive us of a fair decision by the council in matters vital to our interests.

Assume that a controversy between the United States and Great Britain is impending and that the four temporary members of the council are friendly to the contention of the United States, whereas France, Italy, and Japan, being united with Great Britain by the closest ties, are friendly to her. Assume, further, that the nations just named are able to command, as they would probably be, a majority of votes in the assembly. That body could be immediately called into session. The four temporary members of the council could be at once ousted and the majority vote of the assembly employed to elect successors, every one of whom would be inimical to the United States.

When the controversy between the United States and Great Britain then came before the council we would find ourselves and Great Britain excluded because of interest, but Great Britain would hold in the hollow of her hand the seven votes of the council and could secure a unanimous decision, having removed the four protesting members by the means I have suggested. A refusal on our part to obey would result in bringing upon us the united power of all the nations of the world solidified and bound together in the league or all the nations that could get in.

The case put may appear extreme, but careful consideration will show that it is not at all overdrawn. The conduct of the various nations at the peace conference demonstrate that each of the European and Asiatic nations are controlled alone by their self-interest. They are not disturbed by the illusions of idealism. In order to gain their ends they did not hesitate to make secret treaties, betraying their own allies. Before the smoke of carnage had cleared away they were striving to obtain every possible advantage.

These same selfish impulses and shrewd policies will continue to operate. From the moment the league is organized, or even in the process of its organization, each will seek to place its friends, satellites, and dependencies in positions of power so that if any question shall arise it will find itself stoutly fortified and prepared to secure a favorable decision. The British Empire is already so fortified.

I now take up another topic in connection with this question, and I call attention to the fact that the assembly, having the power to elect four of the nine members of the council by some vote—and I think by a majority vote—is referred to as a debating society, and we are told that the qualifications and character of its membership amount to nothing.

*While the assembly can without the consent of the council add to its own membership, the council is powerless to add to its membership without the consent of the assembly.*

The council may desire to add:

(a) To its permanent membership. In that event it must secure the permission of the assembly. Without that permission an increase in the permanent membership of the council can never be had. The power is a very important one and may be so exercised as to bar from permanent representation in the council any State not now enjoying that valuable advantage. The general language is:

With the approval of the majority of the assembly, the council may name additional members of the league whose representatives shall always be members of the council. (Art. 4.)

That is the permanent membership.

(b) Neither can the council increase its temporary or general membership without first obtaining the consent of the assembly. The language of the article is:

The council with like approval (the majority of the assembly) may increase the number of members of the league to be selected by the assembly for representation on the council. (Art. 4.)

The importance of these powers can scarcely be overemphasized. More than one-half of the white race are now outside of the league. It is natural to suppose in the process of time, if the league flourishes, that some of these nations may desire to enter the league. In the opinion of the United States and of a majority of the council, it may be highly desirable to admit one or more of these great States to the deliberations of the council, yet a bare majority of the assembly might be easily induced to refuse the council the right to increase its common or general membership. The infinite variety of circumstances which might make such action possible or, indeed, probable, lie in the womb of the future. What they may be we can not even conjecture, but the fact remains that there is vested in the assembly this great and potential control over the very composition of the council.

I desire to dispose of one further proposition, which has to do with the power of this superstate to change its very nature by changing the membership of both of its governing bodies.

*The assembly and the council, acting jointly, can change the entire character of the league through the power of changing its membership and the membership of its governing bodies.*

I have already shown that the assembly can increase its membership at will. I have also shown that the council may increase the membership of that body, permanent or temporary, if it obtains the consent of the assembly. It is, therefore, perfectly manifest that the two bodies, cooperating even for one hour, can completely change the control of the proposed world government. The assembly can admit nations with whom we desire neither partnership nor cooperation. The council and a majority of the assembly acting in concert can add to the council as permanent members any number of nations they see fit. Indeed, there is no legal reason why representatives from all the nations of the world might not thus be made permanent members of the council. While that danger may not be great, there is great danger that the two bodies may in the future be

willing to admit as members of the council, either permanent or temporary, nations highly objectionable to the people of the United States, if they were privileged to be consulted.

I call attention here to the fact that at no place save one are the people or the Government to be consulted. One man, one internationalist who happens to get on this board, can bind us in all these matters.

It should not go unnoticed that while the power to create permanent members exists, the power to oust or reject permanent members of the council necessarily can not exist.

It should not be overlooked that these radical changes in the membership of the governing bodies of the league can be effected without reference to any Government and without regard to the vote of any people on earth.

These governing bodies thus set up possess within themselves the immense power of procreation and extension by the exercise of which they can change the very nature and purpose of the league itself by changing the character of its membership.

The reply will, of course, be made that the United States can withdraw, but she can not withdraw without first giving two years' notice. Within that space of time the world may be overthrown and our Republic destroyed.

Before leaving the question of the character of the inherent power of the governing bodies of the league, and especially the powers of the assembly in connection therewith, I want to call attention to the secretariat.

*The secretariat—The assembly exercises a controlling influence over the executive branch of the government of the league.*

The powers of the secretariat general are not limited, as the name would seem to indicate, as the mere business recording officer. On the contrary, the secretariat is the executive arm of the government, possessing powers of the greatest importance. Very briefly I summarize these powers by quoting from the article:

The permanent secretariat shall be established at the seat of the league. The secretariat shall comprise a secretary general and such secretaries and staff as may be required.

The secretary general shall be appointed by the council with the approval of the majority of the assembly.

The secretaries and staff of the secretariat shall be appointed by the secretary general, with the approval of the council. (Art. 6.)

The language just quoted shows the power which may be exercised by the assembly. A simple majority of that body may refuse to concur in the unanimous selection of a council. It is a power which might easily be so exercised as to dictate the selection of a secretary general.

It is important in this connection to note the fact that the council and the assembly acting jointly have the absolute power of selection. That is to say, the executive is the creation of these two bodies. He has no independent source of authority. Here is found another marked distinction between the character of the world government and that of nearly every other government of the world, which generally recognizes the necessity of an executive owing his election to an independent source.

It is the closest and best-knit power trust ever conceived in the brain of man.

An examination of the peace treaty as well as the league covenant will show how important the control of the selection of the secretary general may be.

(a) He appoints the permanent staff; that is, permanent executive officers of the central government.

(b) He and his employees enjoy diplomatic privileges.

(c) The secretariat is, in fact, the executive arm and possesses powers of a very wide character. I can not at this time pause to discuss them. The point I now desire to emphasize is that he owes his election, in part, to the despised assembly, which is referred to as a mere "debating society."

Logical arrangement seems to require at this point a discussion of the sovereign powers possessed by the league. That arrangement I propose to temporarily disregard in order to impress, if possible, the great general jurisdiction vested in the assembly and its controlling power over the most important functions of the council.

THE ASSEMBLY POSSESSES A GENERAL JURISDICTION OVER ALL QUESTIONS AFFECTING THE PEACE OF THE WORLD.

A few quotations from the text of the covenant demonstrate the proposition just laid down:

The action of the league under this covenant shall be effected through the instrumentality of an assembly and of a council, with a permanent secretariat. (Art. 2.)

\* \* \* The assembly shall meet at stated intervals and from time to time as occasion may require. \* \* \*

The assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

At meetings of the assembly each member of the league shall have one vote. \* \* \* (Art. 3.)

Here is a general all-embracing grant of jurisdiction and authority. It is unlimited by words of restriction. It is not said that "except as otherwise herein provided" "the assembly may deal with any matter within the sphere of action of the league or affecting the peace of the world," but the statement is broad, general, and unlimited.

Bear in mind that this is the body in which every member of the league has representation, where all stand upon an exact equality, and where each is permitted to cast the same vote, saving and excepting, of course, the British Empire. That is to be excepted always.

Bear in mind, also, that we are pretending to be setting up a world democracy, a democracy of equity and equality.

I quote the President. When he wrote down his 14 points he declared:

A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small alike.

At Mount Vernon on July 4, 1918, he said:

There must be a settlement of every question, whether of territory, of sovereignty, or economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned.

On September 27, 1918, he said:

\* \* \* As representing this Government's interpretation of its own duty with regard to peace:

"First, the impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice that plays no favorites and knows no standard but the equal rights of the several peoples concerned."

On Memorial Day at Arlington, May 30, 1916, he declared:

That small and weak States have as much right to their sovereignty and independence as large and strong States.

He still declares for these doctrines.

At Tacoma on September 13, 1919, he said:

We shall fight \* \* \* for democracy \* \* \* for the rights and liberties of small nations.

At St. Louis, on September 4, he said:

The essential object of that treaty is to establish the independence and protect the integrity of the weak peoples of the world.

If these weak peoples are to be brought into the league and permitted no voice or vote, and if the assembly is a "mere debating society," then how are they to be protected?

If the business of this league is to be conducted by the council, and these small States are excluded from the council, what becomes of world democracy except the vain sound of words that lose themselves in the emptiness of space, as they were empty of good faith when uttered, if we give it this construction?

If the assembly is a "mere debating society," then the power of the league must be lodged in the council, from the membership of which body the weaker nations are lawfully excluded. If such a view is to be entertained, then it is an oligarchy of nine nations controlling the world. Such has not been the view of the league which has heretofore been presented.

The league is to be, or was to be, a "parliament of men, a confederation of the world."

Bear in mind also that the assembly is the only body at the present time in which 23 of the member nations have any voice or vote. It is the only tribunal through which they can speak.

To claim, therefore, that the grant of power just quoted is materially restricted by other provisions of the league and that the power thus denied to the assembly is vested in the council is at the same time to deny the democracy and equality of the league. It is to assert that the league, instead of being a world democracy in which all member States have the right to deal with all questions concerning the peace of the world, is in fact a world autocracy, governed and controlled by nine nations.

I said that awhile ago, and I repeat it now. It ought to be repeated every morning, not in my poor words, but in the language of some man who could command the powers of our English.

To affirm that 23 nations are, as to all questions "affecting the peace of the world," made subject and vassal States, that they are controlled neither by their own interests nor guided by their own conceptions of justice, but that they must answer to the brutal lash of power wielded by the hands of nine international overlords, is to assert that the league is a great power machine erected upon the ruins of independent States.

Plainly, therefore, if we have regard for the pretended purposes of this league, the grant of authority to the assembly must be given not only its natural but its widest significance.

With this rule of construction, and no other rule is consistent with world democracy or national sanity, what questions are embraced in the words, "the assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world?"

You can not wrench these words from their plain meaning. The assembly can do anything the league as a whole can do. Its jurisdiction is as broad as the jurisdiction of the league. Every power granted to the league may be exercised by the assembly.

How broad are these powers thus granted to the league and to the assembly as its agent. It "may deal with any matter affecting the peace of the world." That embraces every international question, every problem of international law; boundary disputes; rights upon the seas; rights of nationals; rights of trade; construction of treaties; violations of territory. All are drawn within the sweeping terms of the provision. They are of the very essence of national sovereignty. When they are yielded by a State it has yielded the power of self-determination and granted the authority of life and death.

Additional proof that this construction is correct and was intended is found in the fact that there are but two governing bodies in the league—the assembly and the council—and the identical language employed with reference to the assembly in article 3 is employed word for word in article 4 with reference to the council. The two bodies are thus placed upon an exact equality. Each of them "may deal with any matter within the sphere of action of the league or affecting the peace of the world."

Should any controversy affecting the peace of the world hereafter arise between the United States and any other country, and the assembly being in session should proceed to deal with that controversy, how could the United States, being a signatory of this agreement, challenge the jurisdiction of the assembly or repudiate the authority it had expressly granted?

That is a question I put to some of these gentlemen who are able to distinguish between moral and legal obligations of States and in matters of the world.

Now I am coming to an answer so complete to the contention of the President as to require a modification of his words. I am referring to his statement that upon all questions save the matter of election of membership the United States' one vote counts for as much as Great Britain's six, because we have an absolute veto power, and that therefore it makes no difference whether Great Britain has six votes or not; and we can sit down and indulge in the ecstasy of a sort of international dream, in which Great Britain appears in the character of a fool, with cap and bells, demanding six votes that count for nothing. This is the proposition that I lay down:

UPON MANY QUESTIONS OF VITAL IMPORTANCE THE ASSEMBLY CONSTITUTES A TRIBUNAL WITH POWER TO ANNUL, SET ASIDE, AND FOR NAUGHT HOLD THE UNANIMOUS DECISIONS OF THE COUNCIL. IT CAN COMPLETELY PARALYZE THE COUNCIL IN ITS MOST IMPORTANT FUNCTIONS. THIS MAY BE ACCOMPLISHED BY ANY 12 MEMBERS OF THE ASSEMBLY, 12 BEING A MAJORITY OF THE NON-COUNCIL MEMBERS OF THE ASSEMBLY.

The most important functions of the league, indeed, the functions which afford the most substantial arguments for its existence, are the provisions relating to the settlement of international disputes.

The machinery for the carrying out of these objects constitutes a curious and involved scheme which is set forth in articles 12, 13, 15, and 16. It will require some patience to straighten out the tangled skein. It is a very labyrinth of words. Nevertheless, the task is perhaps not impossible.

Article 12 contains two distinct provisions:

First. That all disputes *likely to lead to rupture* will be submitted for decision *either to arbitration or to the council*.

Second. That there shall be no resort to war until three months after the decision.

I quote:

The members of the league agree that if there should arise between them any dispute *likely to lead to a rupture*, they will submit the matter *either to arbitration or to inquiry by the council*.

And they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council. \* \* \* (Art. 12.)

It will be noticed that the provisions of article 12 seem to be limited to "any dispute likely to lead to rupture."

The provisions of article 13 are much broader. By its terms the members are made to agree "that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration, they will arbitrate the whole subject matter."

It is then expressly declared that—

(1) "Disputes as to the interpretation of treaties";  
 (2) "Disputes as to any question of international law";  
 (3) "Disputes as to the existence of any fact which, if established, would constitute a breach of any international obligation";  
 (4) "Disputes as to the extent and nature of the reparation to be made for any such breach" of international obligations

are declared to be "among those which are generally suitable for submission to arbitration."

The above language clearly includes every international question and dispute, including disputes involving the vital interests of the respective countries. Indeed it is difficult to conceive of any question which can arise between nations which is not embraced within the terms set forth. *When we enter the league we therefore solemnly agree that all these questions are arbitral and we will submit them to either the decision of the board or court of arbitration or to the council of the league.*

So far so good. Up to this point the tribunal of decision is either a court of arbitration or the council of the league; but article 15 qualifies and to a large extent nullifies all these provisions for submission to arbitration or to the council. This is accomplished by three provisions:

(1) By the provision which permits either party to insist in the first instance that the case shall not be decided by the court of arbitration but that it shall be sent to the council.

(2) By the provision which permits either party to remove the case from the council to the assembly.

(3) By the provision that the council may itself refer the dispute to the assembly for decision.

The language is:

If there should arise between the members of the league any dispute likely to lead to a rupture, *which is not submitted to arbitration as above* (viz., as provided in articles 12 and 13), the members of the league agreed that they *will submit the matter to the council*.

*Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the secretary general, etc. (Art. 15.)*

That carries it to the council.

The submission to the council is therefore an absolute right, and may be accomplished by either party filing a simple notice.

Thus the dispute is transferred from a tribunal of arbitration to the council.

The case being now in the council, it can be removed to the assembly by either one of two processes—

First. The council may upon its own motion transfer the dispute to the assembly for decision.

Second. Either party to the dispute may force such reference within 14 days after submission of the dispute to the council by simply making a request for transfer to the assembly.

The governing language of the section is:

The council may in any case under this article refer the dispute to the assembly.

The dispute *shall be so referred at the request of either party* to the dispute, provided such request be made within 14 days after the submission of the dispute to the council. (Art. 15.)

I may weary you a little by repetition, but let me follow that through.

Following these provisions through, it is clear—

First. That there is an agreement to arbitrate or to refer to the council.

Second. Either party may send the case to the council by a simple notice.

Third. Upon request of either party the case must be removed to the assembly for decision.

In the last analysis, therefore, the disputes mentioned in these important articles need not be, and probably will not be, decided by a board or court of arbitrators. Neither will they be decided by the council. The assembly will, by every probability, be the final and authoritative body which will render the decision.

Thus, I have shown that all the great international disputes covered by articles 12, 13, and 15 may be sent, by the simplest of processes, to the assembly for final determination.

It follows that in all disputes likely to provoke serious international difficulties or produce war one or the other of the parties will appeal to the assembly.

The result pointed out is bound to occur, because one or the other of the parties will naturally find its antagonist to have a natural advantage in the council. Upon discovering that fact, the nation disadvantaged will, of course, carry its case into the assembly, unless, indeed, it may know that body to be similarly prejudiced. To assume that any other course of conduct will be followed is to assert the incompetency of the contenders.

It is now important to inquire what is the effect of the removal of a dispute from the council to the assembly. A careful study of the document will show that—

THE POWER OF THE LEAGUE TO FORCE THE SETTLEMENT OF INTERNATIONAL DISPUTES BY THE UNANIMOUS DECISIONS OF THE COUNCIL MAY BE COMPLETELY NULLIFIED BY ANY 12 NON-COUNCIL MEMBERS OF THE ASSEMBLY REFUSING TO CONCUR IN THE UNANIMOUS DECISION OF THE MEMBERS OF THE COUNCIL.

To understand the above proposition it is necessary to call attention to the fact that it is provided—

If the report by the council (upon disputes arising under sections 12, 13, and 14) is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report. (Art. 15.)

The thing that everybody who is for this league desires is that it shall make unanimous that the right to go to war shall cease.

But if the report is not unanimous, then the right is reserved to any State to go to war if it sees fit. The language is:

If the council fails to reach a report which is *unanimously* agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the league reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice. (Art. 15.)

Clearly, therefore, a unanimous decision by the council is of the utmost importance in order that war may be prevented, for if there is not such decision, the nation may immediately go to war, or at least at the end of three months.

Yet with the situation just described staring us in the face, we find the provision for the removal of the dispute to the assembly.

Now we have the dispute before the assembly, and it comes there upon the request of either party, to state the whole matter briefly.

When the controversy goes to the assembly in order that its decision may have the effect of a unanimous decision of the council, the unanimous vote of those members of the assembly who are members of the council—barring the disputants—must be secured, and also a majority of the noncouncil members of the assembly. If that majority is not secured, then the case stands as it would if it had remained in the council and that body had failed to unanimously agree. The governing language is:

In any case referred to the assembly all the provisions of this article and of article 12 relating to action and powers of the council shall apply to the action and powers of the assembly, provided that the report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force and effect as a report by the council concurred in by all the members thereof other than the representative of one or more of the parties. (Art. 15.)

In the absence of a majority vote by the noncouncil members of the assembly the case then is in exactly the same condition as it would have been had it remained in the council and that body had failed to reach a unanimous decision. What then would be the situation?

It is, as I have already said, governed by the language:

If the council fails to reach a report which is *unanimously* agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the league reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice. (Art. 13.)

That is to say, in the absence of a unanimous decision any nation is at liberty to go to war to enforce its claims or demands. It may "take such action as it shall consider necessary for the maintenance of right and justice."

Of course, every nation going to war claims to be going to maintain right and justice.

The absence of a unanimous decision by the council gives to each State, or leaves to each State, the right to decide the question for itself. All that is necessary, therefore, in order to authorize a State to go to war is that it shall secure a disagreement in the council, or if it can not secure a disagreement in the council, it may remove the case to the assembly. If it there can secure a majority of the noncouncil members, it is privileged to ravage the earth at will, the league of nations and the dream of world peace to the contrary notwithstanding.

The assembly being thus vested with the tremendous power by refusing concurrence in a unanimous decision of the council to deluge the world with war or by concurring to set in motion the alleged vast coercive machinery of the league—as is claimed—to preserve the peace of the world, is nevertheless referred to sneeringly by Senators and by the distinguished world advocate of the league as a mere international debating society.

If it be a mere debating society, then it is the most worthless machinery ever conceived in the brain of man, asleep or awake, thinking or dreaming.

THE POWER OF FINAL DECISION RESERVED TO THE ASSEMBLY GIVES TO THE BRITISH EMPIRE A DANGEROUS, IF NOT A DOMINATING, CONTROL OF THE LEAGUE, AND WILL ENABLE IT IN CASE THE COUNCIL SHOULD EVER BE PREPARED TO RENDER A DECISION AGAINST IT TO NULLIFY THE ACTION OF THE COUNCIL.

A simple illustration will serve to point the accuracy of the statement just made.

Assume that the United States has a dispute with the British Empire. The Empire refuses to arbitrate and the case goes to the council. Great Britain learns that all the members of the council not parties to the dispute are of the unanimous opinion

that the contention of the United States is just. Thereupon Great Britain gives notice and the case is transferred to the assembly. The case comes on for decision. The seven members of the assembly—who are also members of the council and not parties to the controversy—namely, France, Italy, Japan, Belgium, Greece, Spain, and Brazil, all vote in favor of the United States. This leaves 23 members of the assembly who are not members of the council. Unless a majority of these members—to wit, 12—vote to concur with the members of the council, then the decision stands exactly as a decision of the council would stand which was not concurred in by all the members of the council. That is to say, the decision will have no binding force or effect whatever.

Great Britain can escape the effect of a unanimous decision provided 12 of the 23 noncouncil members of the assembly vote with her.

Accordingly the roll of the members of the assembly who are not members of the council is called. Upon this roll are found the following countries: Canada, Australia, New Zealand, South Africa, and India.

It needs no argument to prove that England starts with 5 of the necessary 12 votes in her pocket.

Neither does it require argument to show that Hedjaz, whose King is in the pay of the British Empire, will give an additional vote.

Likewise, it is certain that the vote of Siam would be similarly controlled.

This would give Great Britain 7 of the 12 votes necessary to block the effect of the unanimous decision of the council in favor of the United States. Thus she only needs 5 more votes.

Can any candid man looking over the list of member States doubt that British diplomacy and British gold and British power would secure the 5 necessary votes?

Consider, in this connection, Liberia, Haiti, and other semi-barbarous States, in some of which the governments are mere temporary military dictatorships established by first one revolutionist and then another, each seeking the office of ruler that he may loot the treasury and levy blackmail upon business.

Great Britain has an additional certain vote as soon as Persia joins, for she already holds that country in the hollow of her hand.

She can create others at any time by employing her six votes and her influence in the assembly to elect other British colonies and subject states as members.

At this point we will be met by this contention:

That the colonies and dependencies of the British Empire are constituent parts of the Empire, and therefore can not vote on any controversy to which the Empire is a party.

That is a good place to stop and stick a pin. When the President said we would always have a veto power, that our one vote would protect us in every controversy, he forgot that in every controversy where our life is at stake, where we are on trial, we have no voice and no vote, but alien states decide our fate and settle our right to live. That evokes a smile of pleasure and satisfaction from the distinguished leader of the league forces. [Laughter and applause in the galleries.]

If it were true, and it is not, as I shall show, that the colonies and dependencies of Great Britain can not vote in any controversy to which the British Empire is a party, still the fact would remain that in all other world questions coming before the assembly the empire would command six times the voting power of the United States.

Innumerable instances might arise where the British Empire was not a party and yet her interests be opposed both to the wishes and interests of the United States. In all such cases the predominance of her votes might be decisive and might give her a material advantage, to our great injury.

But is it true that the dominions and colonies are barred from a vote in cases where Great Britain is a party? I affirm—

First. THAT CANADA, AUSTRALIA, SOUTH AFRICA, NEW ZEALAND, AND INDIA ARE RECEIVED INTO THE LEAGUE AS INDEPENDENT POWERS AND THAT THEY ARE ENTITLED TO ALL THE RIGHTS OF ANY OTHER MEMBER, EXCEPT THAT THEY ARE NOT PRESENTLY NAMED AS MEMBERS OF THE COUNCIL.

Second. THAT THESE DOMINIONS AND COLONIES ARE, UPON ELECTION BY THE ASSEMBLY, QUALIFIED TO TAKE SEATS IN THE COUNCIL, THEIR RIGHT IN THAT RESPECT BEING—SAVE THE FIVE PERMANENT MEMBERS—EXACTLY THE SAME AS THE RIGHT OF ANY OTHER STATE, HOWEVER GREAT.

Third. IN ANY SUCH ELECTION BY THE ASSEMBLY THESE DOMINIONS AND COLONIES CAN AS MEMBERS OF THAT BODY CAST THEIR UNITED VOTES IN SUPPORT OF ANY ONE OR MORE OF THEIR NUMBER OR IN FAVOR OF ANY OTHER CANDIDATE FOR THE COUNCIL WHO MAY BE SUBSERVIENT TO BRITISH INTERESTS.

I am aware that these views have been challenged—indeed, they have been controverted—by the President. Permit me, therefore, to submit the proof:

(a) Article 1 reads: "The *original members* of the league of nations shall be those of the signatories named in the annex."

Among the signatories are to be found not only the British Empire, but also Canada, Australia, New Zealand, India, and the Union of South Africa, each of the latter signing exactly as the United States and other great nations.

To treat them as anything but full members is to deny the plain language of the instrument.

(b) Article 1 further provides:

Any fully self-governing State, dominion, or colony may become a member—

And so forth.

It does not say may become "a part of a member" or may become "a member some of the time." It declares that all "fully self-governing States, dominions, and colonies" may become members. "Self-governing States, dominions, and colonies" are all grouped together. The single requirement for membership is an election by the assembly.

(c) The representatives of the Dominion of Canada, Australia, New Zealand, India, and the Union of South Africa all actually sat on the peace council and took part in its proceedings as fully as any nation, except the five great powers, which, of course, dominated. Frequently, indeed, only three of the great powers sat to determine certain questions.

It may be remarked in passing that the Dominion of Canada took a more active part in the peace negotiations than many of the great nations, two Canadians sitting as representatives of the Dominion in the peace negotiations, while one of the three sat as the representative of the British Empire.

(d) All of these dominions and colonies were represented by ministers, who signed for their respective Governments, although Lloyd-George et al. had already appeared and signed, describing themselves as the representatives of "His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India." These respective states appeared and signed by their duly accredited agents.

It is recited of those signing as follows:

Who having communicated their full powers, found in good and due form, have AGREED AS FOLLOWS:

Then follows the peace treaty.

(e) These "self-governing dominions and colonies" were not only parties to the making of the treaty, represented by their duly authenticated agents, but the treaty itself has been submitted, or is in process of being submitted, for approval to the respective parliaments of these "self-governing dominions and colonies."

Within the past 30 days, after full consideration of the treaty, the Canadian Parliament solemnly approved the document.

All this seems to make a pretty conclusive showing of the question I am discussing, which is the full and complete membership of the British dominions and colonies.

Upon this point I present the further evidence that such is the construction of the British press and of the Canadian Government itself.

When the clause "any fully self-governing state, dominion, or colony may become a member" was written into the treaty, the London Times declared that as "the dominions are in this document recognized as nations before the world is a fact of profound significance in the history of these relations."

At about the same time British publicists declared the recognition of dominions and colonies of Great Britain as the equal of great States to be the finest triumph of British statesmanship in 200 years.

On September 3 Sir Robert Borden, Premier of Canada, in addressing the Canadian Parliament declared, in answering the inquiry, "What are the powers and what is the standing of Canada in the league?"

The new and definite status of the dominions at the peace conference is further manifested in the constitution of the league of nations. Since they had enjoyed the same status at the peace conference as that of minor powers, we took the ground that the dominions should be similarly accepted in the future international relationship contemplated by the league. The league of nations commission, while inclined to accept this in principle, did not at the outset accept all its implications, "was apparent in the first draft of the covenant. This document, however, was professedly tentative. The dominions' case was pressed, and in the final form, as amended and incorporated in the treaty of peace with Germany, the status of the dominions as to membership and representation in the assembly and the council was fully recognized. They are to become members signatory of the treaty, and the terms of the document make no distinction between them and other signatory members—

Now, get this, for I am coming back to it—

An official statement as to the true intent and meaning of the provisions of the covenant in that regard was secured by me and is on record in the archives of the peace conference.

The British premier goes on to state that a similar question arose in respect to the constitution of the international labor organization and in substance declares that the representatives of the dominions and colonies forced its revision so as to recognize their status in that organization as it had been recognized in the league covenant. He then declared:

I hope the House will realize that the recognition and status accorded to the British dominions at the peace conference were not won without constant effort and firm insistence. In all these efforts the dominions had the strong and unwavering support of the British prime minister and his colleagues.

Further on he discusses the future of the British Empire, and in substance declares that the colonies are to be recognized as nations in their dealings with the British Empire itself, held together, however, by what he says is a British league of nations.

Referring back to the statement just quoted, I call attention to the clause in the statement of Sir Robert Borden—

An official statement as to the true intent and meaning of the provisions of the covenant in that regard (the status as to membership of the dominions and colonies) was secured by me and is on record in the archives of the peace conference.

That official statement filed in the archives of the peace conference was undoubtedly disclosed in the House of Commons of Canada on September 9 by Hon. Arthur Lewis Sifton, minister of public works, and one of the representatives of Canada at the Versailles conference, and one of the plenipotentiaries who signed the treaty for the Dominion.

After concurring generally in the statement made by Sir Robert Borden as to the struggles of the Dominion's statesmen to secure the full right to take part in the peace conference, he said:

*And, undoubtedly, they did work—*

The Canadian representatives—

*in conjunction with the permanent officials of the British Government \*\*\* for the purpose of assisting in the formation of the treaty that would be of great advantage to Great Britain, to the advantage of the British Empire; and, as far as possible, a fair and honorable treaty for the world at large.*

That is the British view. It is a photograph of the British soul. I do not say that with unkindness for Great Britain; she is not a monster, but she is a great power that first secures great advantage to herself and then, *as far as possible, a fair and honorable treaty for the other fellow.*

I continue reading; I should not have broken the thread of my discourse. I read on:

That work—

That is, the work of securing this recognition—was performed in connection with what I may call the peace treaty proper.

I continue reading:

The leader of the opposition contends that we can not take any part in the league of nations.

The President of the United States contends that they can not take any part in the league of nations; that they are only members of the council; that they have not any authority; that they are just admitted to a debating society. Let us see what these Canadians say:

The leader of the opposition contends that we can not take any part in the league of nations. Let me say that Clemenceau, President Wilson, and Lloyd-George disagreed absolutely with the honorable gentleman in that contention.

IN PROOF OF THIS HE SUBMITTED THE FOLLOWING LETTER SIGNED BY CLEMENCEAU, WILSON, and GEORGE:

The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

(Signed) G. CLEMENCEAU,  
WOODROW WILSON,  
D. LLOYD-GEORGE.

Dated at the Quai D'Orsay, Paris, the 6th day of May, 1919.

A debating society! [Laughter.] On the 6th day of May this letter was written. On the 19th day of September this body had so transformed itself that it had become a mere debating society in which votes are of no consequence, whether they are six or whether they are one!

Oh, memory, memory! How quick your footprints fade, and on the sands of time how futile it is to write the record of the years!

In view of this letter, which solemnly assures the Canadian statesman that the dominions were so fully recognized as members that their representatives were eligible to seats on the council, although the British Empire was already made a permanent member of that body, it would seem that argument ought to cease, and that any contention that the self-governing dominions and colonies are not received as separate and inde-

pendent entities with the full right of membership as independent States in every case, ought to be no longer heard.

Mr. LODGE. Mr. President, would it disturb the Senator if I should ask him a question?

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

Mr. REED. I yield; certainly.

Mr. LODGE. I have listened to the reading of that letter signed by M. Clemenceau and by Lloyd-George and by the President. As I understand it, they declare that one of the self-governing dominions or colonies is eligible to a seat in the council.

Mr. REED. Undoubtedly.

Mr. LODGE. Which is the highest function.

Mr. REED. Yes, sir.

Mr. LODGE. But the distinction the President draws, as I understand it—the Senator will correct me if I am wrong—is that though they are eligible for the council they can not vote in the league. Is that about it?

Mr. REED. That seems to be it. [Laughter and applause in the galleries.]

The PRESIDENT pro tempore. Will the Senator suspend a moment? The Chair has a duty to perform, imposed upon him by the rules. He does not intend to interfere unduly, but he gives the galleries notice now that if there is further interruption in the course of the speech the Chair will regard it as his duty to clear the galleries.

Mr. REED. Mr. President, I hope the Chair will not be too hard upon the occupants of the galleries. It is the only chance the American people are having to express their opinion nowadays, although I am not criticizing the Chair—the Chair is absolutely right—and I am not seeking to have the galleries applaud. The Chair is right. We ought to observe the rule all the time. We have not observed it for about six or seven weeks. It is a good time to begin now.

The PRESIDENT pro tempore. Let the Chair be fully understood.

Mr. REED. I fully understand the Chair. The Chair is right.

The PRESIDENT pro tempore. The Chair is endeavoring to follow the custom adopted by the honored permanent occupant of the chair, and he does not intend to clear the galleries because there may be applause at the close of the speech of the Senator from Missouri [laughter]; but he can not permit the continuous interruption of the speech by expressions of approval or disapproval.

Mr. REED. Mr. President, I congratulate the President pro tempore. He has drawn a distinction almost as fine as that between moral and legal obligations. [Laughter.] Anyway, we get out from under the rule, and disregard it.

#### THE PRESIDENT'S CONTENTION.

*The President insists that the fact that the British Empire has six votes and the United States but one is utterly immaterial.*

In his speech at Spokane on September 15, he said:

There is another matter \* \* \* that this covenant was an arrangement for the dominance of Great Britain. They base that upon the fact that in the assembly of the council six units of the British Empire are represented, whereas the United States is represented as only one unit. Alike in the assembly and the council, the vote of the United States is an absolute veto. *We can always veto, always offset, with one vote the British six votes. I must say that I look with perfect philosophy upon the difference in number.* [Quoted from the Washington Post, Sept. 13, 1919.]

On September 18 at San Francisco, in a written answer to questions propounded by a San Francisco league of nations organization, the President said:

But it is not true that the British Empire can outvote us in the league of nations and therefore control the action of the league, *because in every matter except the admission of new members in the league no action can be taken without the concurrence of a unanimous vote of the representatives of the States which are members of the council*, so that in all matters of action the affirmative vote of the United States is necessary and equivalent to the united vote of the representatives of the several parts of the British Empire. The united vote of the several parts of the British Empire can not offset or overcome the vote of the United States.

If it be true that the United States can always with its one vote offset the six votes of the British Empire, then it is equally true that with one vote the United States can offset the vote of the other 31 members of the league; for if six times one is one, or the equivalent of one, by the same kind of mathematics it is the equivalent of thirty-one.

The President's view is, however—and I want to state it fairly—that except upon the single question of the admission of new States the single vote of the United States can bar any action whatsoever by either the council or the assembly, because he holds that it requires unanimous action.

It grieves me to be compelled to differ from the President, but with all due respect I must insist that the President's

statement is erroneous to the last degree. He utterly overlooks many controlling clauses of the agreement which he is now asking the American people to accept without proper time for debate or consideration. He disregards three important facts:

(1) *That when the United States is a party in interest it is denied the right to vote at all. If the case is before the council, it is determined by the members of that body not concerned in the dispute.*

(2) *If the case in which the United States is interested is removed to the assembly, again the United States, as a party in interest, is barred from voting, but the British Empire has six votes in the assembly which it can cast either to create the necessary majority of the noncouncil members of the assembly, which, concurring with the decision of the members of the assembly, who are members of the council, will give to the decision of the assembly the full force and effect of a unanimous decision of the council. Upon the contrary, it could cast those votes in the opposite direction; but that is not material at this moment.*

(3) In a controversy between the United States and Great Britain, where neither is permitted to sit in judgment, the five colonies and dominions are, as I have shown, and I think conclusively, as independent, self-governing bodies, permitted to cast their votes, and may either form the necessary concurring majority to make the unanimous decision in favor of Great Britain or they may be employed to destroy that majority, and thus deprive the United States of the effect of a unanimous decision.

All this I have sought to elaborate and demonstrate in the remarks heretofore made. I have already shown that the ability to command 12 votes out of the 23 noncouncil members of the assembly is the power to either give to a decision by the assembly the effect of a unanimous decision of the council or to render such decision utterly nugatory.

These facts are not to be passed by lightly. They can not be disposed of by powers of rhetoric or obscured by generalization although couched in the most delicate diction.

What are the controversies which are to be thrown in the assembly and on which, being a party to the dispute, we can not sit and therefore can not cast the one precious vote which would negative, according to the President, all other efforts, and to which the President so impressively refers?

The controversies are "any dispute likely to lead to a rupture" (Art. 12) between the United States and any other country; all—

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach. \* \* \* (Art. 13.)

These questions, which cover the whole range of our possible international disputes and involve questions vital to our interests, may be forced before the assembly for decision.

Again, I repeat, when we are parties disputant we do not sit. We have neither voice nor vote in the decision. We are on trial. We are parties litigant, if indeed we are not haled before the tribunal like a prisoner brought to the bar of a criminal court. We therefore do not sit in judgment. We are not qualified for membership on the jury where our single negative vote might count.

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. I yield.

Mr. JONES of New Mexico. I simply wish to inquire of the Senator what difference there would be in the position of the United States whether it had one vote or six in the contingency to which the Senator has just referred? Would the privilege of having six votes avail the United States any more than the one vote?

Mr. REED. If the United States had six votes she would be barred with her six votes, and she could not sit, and she could not count them; but her great antagonist—not in that controversy perhaps, but in a thousand others, and perhaps directly interested, but not on the surface—Great Britain, sits here on the jury and has six members of that jury. That is the side of the case that the Senator from New Mexico and other Senators can not see. When you give a nation six times the votes we have in every single controversy we have, where we are not in conflict with her, she has six times the power in the league that we possess.

Mr. JONES of New Mexico. Mr. President—

Mr. REED. Just a moment. As I have shown, and I think conclusively, if our controversy was with Great Britain the British Empire could not sit, but her five colonies could sit.

Mr. JONES of New Mexico. Assuming a case which was not one of dispute between the United States and Great Britain, but to which the United States and some other country would be the parties, does the Senator believe that the United States would be prejudiced from the fact that England and her colonies together had six votes? Does the Senator feel that the colonies of Great Britain would be any more apt to decide against the United States than any of the other nations parties to this league?

Mr. REED. Mr. President, that would just simply depend on the question. I start with the proposition that Great Britain now, as in the past, and in the future as in the past, is going to look out for British interests, and if a question arose between the United States and Italy in which the British Empire had a particular interest, the British Empire and her six votes would be cast solidly.

Now, let me give you a case out of my mind, although a man ought not to attempt a thing of this kind while he is on his feet. Let us assume the United States has a controversy with Belgium. We might as well talk plainly. Belgium only exists, and only has existed, because she is sustained by Great Britain. That is the reason, or one of the reasons, that Great Britain so quickly went to war in defense of Belgium, because she was a buffer State, put there to protect the British Channel. Let us assume that we get into a controversy with Belgium, and that that controversy with Belgium is of such a nature that its decision one way or the other will affect the interests of the British Empire in sustaining that State in a particular condition. I would not blame Great Britain, sitting in this political tribunal, that has not one of the attributes of a court of justice, if she voted in her own interest, as I know we would vote in our own interest if we had a man there fit to represent us.

I must proceed. I will give you an illustration. The controversy is with Japan. That country, like our own, is barred from voting. The case proceeds to judgment. The seven members of the council, sitting as members of the assembly, are closely attached to Japan, or to Great Britain, the friend and ally of Japan; the seven members of the council sitting with the assembly vote against us; but our case is not yet lost if we can secure the majority of the 23 members of the assembly who are not members of the council. Then we have a unanimous decision against us, and the question is open for us to take such action as we see fit.

But when the roll is called 12 of the 23 votes are cast against us and we learn to our dismay that 5 of these votes were cast by British dominions and colonies, following the lead and answering to the dictates of the Imperial Government. We also learn that the representative of Hedjaz, in the pay of Great Britain, has cast another of the 12 fatal votes, and that Siam, a vassal and corrupt State controlled by British influence, has added another fatal vote. We turn in dismay from the scene, when we hear called the names of Liberia, Haiti, and the other semibarbarous and venal States. Surely it can not be claimed that we can offset Great Britain's six votes with our single vote, for in that case we are not permitted to vote at all.

Let us go back to that illustration a minute. Mark you, the British Empire, as a member of the council, one of the permanent members, wants to decide against us, and has voted that way. The seven members of the council who are not members of the controversy between us and Japan have voted against us. Our only means of escape is to secure 12 of the 23 noncouncil members of the assembly, and 5 of those are Britishers. Will they not follow the lead of the parent States, and the vote already cast? Is that any advantage to Great Britain? Might it be a disadvantage to us?

That controversy, sir, if you please, is over the question of racial equality, the right of Japan to have her citizens land in California and enjoy the same privileges as the children of the native-born whites of that State. But when that controversy comes up, we find Great Britain, that made a secret treaty with Japan to rob China while China stood at her side, and kept that treaty a secret, from our President, at least, even while we were preparing for this war and winning it—we find Great Britain now allied with Japan on this race question. Will it, sir, be of any disadvantage to us if she has six more votes in the assembly? The argument that it is not is an argument that is beneath the level of contempt, and does not warrant our reply.

There are some things fine phrases can not do. All the fine phrases that ever were coined in the brain of a phrase maker never changed a fact of life.

I now return to my text. If it be argued that the picture is dark, I answer that every page of history is black with similar pictures of selfishness, perfidy, and double-dealing. When the President was talking about his 14 points and the establishment

of international justice Great Britain and Japan were secretly plotting the dismemberment of China. When Chinese laborers were expiring in the trenches beneath the blast of German artillery in the cause of the Allies their fatherland was being parceled out by their associates in the war and their sacred cities surrendered to their great rival and antagonist.

At the very time the President insisted that our soldiers were going over the trenches inspired by visions of world justice and dreaming the dream that the day of eternal equity had dawned, while, when they were dying beside British soldiers in the cause of Great Britain, British statesmen were concealing from the President the abominable and cruel treaties with Japan and Italy wrought out in the secret plottings and conspiracies of their diplomats.

Let a question ever arise in which the interests of Great Britain are strongly opposed to those of the United States, the six votes of Great Britain can be cast to our detriment or destruction, whilst we, sitting at the bar of a packed court, are denied the privilege of casting even one vote.

Now I want to summarize the powers of the assembly, this despised debating society. I can not allude to that thing without pointing to the arrant hypocrisy, I almost said knavery, of inviting nations of the world into an organization, sovereign nations, as equals, telling them they have a membership in one of those bodies, and then saying to them, "While you have a membership it does not amount to anything. You are mere children, fools, things that have been trifled with." And yet we proclaim that this is a great world democracy. If, sir, it be true that they have drawn 32 of the nations of the world into this league, and if they came believing in the doctrine of world democracy, and if having come in they have no power to vote in the assembly, no power that amounts to anything, if they are stripped of everything except the obligations of membership, then, instead of this being a world democracy, a temple of equality, it is a pitfall to which they have been lured, and instead of it being a great tribunal of justice it is a tribunal of power, where the mastership of the world is brought within the hands of four or five men, where three or four or five men can meet, as they have recently met over in Europe, and determine to send the armies of this country to fight and die in other lands.

The morning paper tells us that they have ordered the United States marines into Fiume. Will they fight, or is it a mere attempt to coerce Italian patriots into a surrender of a land they believe is theirs? Shall our strength be employed brutally to crush; and if so, at whose command? Is it the three or four men sitting in secret council 3,000 miles from the United States who order these troops into action? Beware ere you surrender the control of your own Government.

Now, I want to summarize the powers of this assembly.

#### THE POWERS OF THE ASSEMBLY SUMMARIZED.

Briefly let us summarize the powers of the assembly and the votes by which it acts.

(1) By a two-thirds vote the assembly can increase its own membership. It may so exercise this power as to admit every self-governing country, dominion, or colony, regardless of its size or the state of its civilization.

(2) The assembly can specify the guarantees which must be given by new members and dictate the strength of their military, naval, and air forces.

(3) The assembly by one-third vote, plus one vote, can exclude from membership any of the great European countries not named in the protocol. These countries embrace in the aggregate more than one-half of the white people of the world. By the exercise of the authority of exclusion, it may force the nations excluded into the organization of a rival league which would certainly result in a great conflagration. Upon the other hand, it might admit those with whom we have no desire for partnership or other intimate relations.

(4) The assembly can deny a member the right to withdraw by deciding it has not fulfilled all its international obligations and all its obligations under the covenant. The decision probably has to be arrived at by a unanimous vote; but the trouble is the unanimous vote must be secured by the assembly, and a single vote can probably bar a nation from withdrawing.

(5) *The assembly has the power in its discretion at any time to supplant four of the nine members of the council and to elect others in their stead.* This can probably be done by a majority vote.

(6) The assembly by a majority vote can prevent the council from creating additional permanent members of the council even though the council should unanimously vote for such increase.

(7) The assembly by a majority vote can prevent the council from creating additional general members of the council even though the council should unanimously vote for such increase.

(8) The assembly can by a majority vote prevent the council from appointing the secretary general, whom it has chosen by a unanimous vote.

(9) *Most important of all is the fact that the assembly is the court of final resort in—*

(a) *All disputes between members likely to lead to rupture.*

(b) *Disputes as to the interpretation of treaties.*

(c) *Disputes as to any question of international law.*

(d) *Disputes as to the existence of any fact which, if established, would constitute a breach of any international obligation.*

(e) *Disputes as to the nature and extent of the reparation to be made for any such breach of international obligation.*

The above embrace substantially every conceivable international question, including those involving the vital interests of the country.

In none of these disputes is the United States permitted to sit or vote if it is a party to the dispute.

In all of them the unanimous vote of the members of the council may be nullified by the vote (as the league is now organized) of 12 noncouncil members of the assembly.

(10) The assembly possesses a general jurisdiction over "all matters within the sphere of action of the league or affecting the peace of the world."

The grant of jurisdiction and authority is unlimited. Whether in such case the league must proceed by unanimous vote to make a decision binding or whether it acts by majority may be in doubt; if a majority vote is sufficient, then the powers of the league for affirmative action are tremendous and practically unlimited.

If a unanimous vote is required, then the single vote of any country could bar a unanimous decision and the case would stand, as would a case pending before the council in which that body failed to arrive at unanimous decision. That is to say, the contending nation would be at liberty to immediately go to war. There seems to be no reason why the assembly might not in all cases assert its jurisdiction with the result above indicated.

To argue that an organization possessing these great and fundamental powers is a mere "debating society" is to talk in the teeth of the fact.

IF THE LEAGUE IS CAPABLE OF PRESERVING THE PEACE OF THE WORLD, THEN IT MUST HAVE IMMENSE POWERS.

The assembly possesses the great basic controlling and creative powers to which I have adverted. It is to the league substantially what the stockholders of a corporation are to the body corporate. They can control its policy by electing its board of directors and by asserting the fundamental rights inherent in them as stockholders. To these rights I have elsewhere called attention.

#### THE LEAGUE.

*Its unlimited world jurisdiction.*

IN THE AGGREGATE THE LEAGUE IS GRANTED THE POWER TO CONTROL THE WORLD IN ALL INTERNATIONAL MATTERS AND IN ALL DOMESTIC MATTERS AFFECTING THE PEACE OF THE WORLD.

I come now to a discussion of the powers of the league in the aggregate, regardless of whether the particular powers are vested in the assembly or council. At the risk of repetition, I call attention again to the language of the covenant:

The assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world. (Art. 3.)

Notice the next:

The council may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world. (Art. 4.)

Identical, word for word, except that the word "council" is submitted for "assembly."

Now listen, you who talk about debating societies—

Mr. JONES of New Mexico. Mr. President, I have been very much interested in what the Senator has been pleased to term the general powers of the league. I will ask the Senator, suppose the covenant had provided that the Senator from Missouri might on any occasion deal with any subject affecting the peace of the world. What effect would that have in the control of the United States?

Mr. REED. I do not know why the Senator asks a question like that. If it has any bearing whatever on the case, I do not get it.

Mr. JONES of New Mexico. With the Senator's permission, I will make the illustration a little plainer.

Mr. REED. If you will say that the Senator from Missouri sits as a member of the body and that that body can deal with any question that affects the peace of the world, and then if you will give him six votes like Great Britain, and the other nations one vote, I will show you what the Senator from Missouri will do. [Laughter and applause in the galleries.]

Mr. JONES of New Mexico. I am willing to assume that the Senator from Missouri has all the votes.

Mr. REED. All right.

Mr. JONES of New Mexico. Assuming that he has all the votes of the assembly and could cast them as he sees fit, I should like to inquire of the Senator how, through those votes, he could affect the sovereignty of the United States or affect the interests of the United States so far as controlling its action is concerned?

Mr. REED. My dear sir, because we have specifically agreed when we entered this league that substantially every international question that may ever arise between us and any other power shall be decided by this league, and when we surrender to a body of foreign gentlemen the right to say what the United States shall do or shall not do in great questions affecting its life, its death, we surrender its sovereignty to that tribunal, and I think if we do this we graze the edge of treason.

I have read these two clauses and I have hitherto commented on the all-embracing jurisdiction conferred upon the league. That does not mean anything, according to the Senator from New Mexico, and according to all the advocates of the league. We have driven you to a point where your only plea is impotency, powerlessness; but you forget that when you plead that you lack power, you plead that you are still-born.

Mr. JONES of New Mexico. I do not care to take the Senator's name, but we do not plead impotency. What we do plead for is that in the forum of the world discussion and conference and counsel will have a very potent effect in settling the world's questions, and while we contend that the assembly has no army and no navy and no police force, yet in the same way that the Pan American Union or The Hague conferences have influenced the world there will come great benefit to the world through this assembly, although it has neither army nor navy.

Mr. REED. In other words, we are going to meet and talk it over. In other words, this body that is to control the passions of the world and that is given this broad and general and sweeping jurisdiction can not do anything but meet and talk it over. Who can do it? What tribunal or what body of men have the power?

Mr. JONES of New Mexico. None, unless the governments, through their representatives in this league, should choose to exert power.

Mr. REED. Are you willing to put in that it is to be nothing but a debating society? If so, we can end this right now. You can not stand here in one moment claiming that you have a power great enough to control the world and all of its evil passions and in the next moment, when you are driven to the wall and demonstration is made that that power may destroy our Republic, you can not turn around and say it is only a debating society, it has not any power. There ought to be some good faith about this matter.

Mr. JONES of New Mexico. I agree with the Senator.

Mr. REED. If this thing has no power let us write it in the face of the instrument that it has no power. Let us quit haggling about words.

Mr. JONES of New Mexico. I will ask the Senator to point out what power it does have.

Mr. REED. I have been pointing it out for three hours. [Applause in the galleries.]

Mr. JONES of New Mexico. I use the word "power" in the sense of force.

Mr. REED. Let us see. Are we going to have some more quibbling? Are we going to say this thing is not a thing of power because it itself does not have an army and a navy, but it is a thing of power because its *ipse dixit* will set the armies and navies of the world in motion? If that is the dodge we are to have—and I do not apply it to the Senator, of course—there never was a shyster who stood before a jury in a justice court that had the impudence to make that sort of a plea. It has to be either something or nothing. It does not make any difference, sir, whether I myself am going by my own will to start 5,000,000 men marching across the earth armed to the teeth by my own direct command or whether I can by a recommendation send the same 5,000,000 men forth with poisoned gas and death in other forms.

Mr. JONES of New Mexico. May I ask the Senator if the recommendation results in that, does it not mean that the recommendation carries such a spirit of fairness and bears a proposition which is so vital to the peace of the world at that time, that all these nations will accept that recommendation and act upon it?

Mr. REED. No, no. Let me show you why. I am surprised that that question should have been asked. It means only that the recommendation shall have force in so far as the nations

want to obey it. Who might want to obey it? Germany's monarch concluded he wanted a world war, and he exercised the kind of influence about which the Senator is talking. He did not command the other nations to come forward, but he just intimated to his brother of Austria and his brother of Turkey and his brother-in-law of some other place that now was a good time to loot the world and clean it up generally, and so it appealed so much to their conscience that they immediately fell in line, just as the Senator's illustration points out.

Mr. JONES of New Mexico. Does the Senator expect the United States to fall into line under such circumstances?

Mr. REED. I do not know whether they would or not; there have been so many foolish things done. But they might fall into line to crush us, sir. The trouble with you gentlemen who want to overturn the world is that you set up a proposition of a great power and you forget it is only going to be for our benefit; you forget it may be used for our assassination. You assume that it is going to be marshaled under the banner of Almighty God, commanded only by archangels, seeking alone the good of mankind. You forget that it will be marshaled under the banners of great nations, bent upon doing exactly what England is doing now—grabbing the world—and we may be the victims of it.

But I say further than that, when the decision is rendered we are bound to respond. Have we still got to stand here and discuss that question? The United States agrees to defend the frontiers of every member of the league against attack; and, having made that agreement, are we still sitting here to argue we do not have to keep it; that we have the power to violate it, and, therefore, it amounts to nothing? I thought those who had uttered that sentiment had grown ashamed of it. To argue that the United States binds herself to abide by the decision of these tribunals, and then to say, "Oh, but we do not have to keep it; Congress can refuse to keep it in the future," is to say that the United States will break her word, regard her treaties as scraps of paper, write dishonor upon her brow, brand her soul as that of a faith breaker, and place us in the catalogue of the most despised people of the world.

So far as I am concerned, sir, if we ratify this treaty and agree to protect the frontiers of every member of the league and China shall attack Japan to get back Shantung, I will be compelled to vote, and you will all be compelled to vote, to send an army to Japan to defend against China. I will not sit here saying that I voted to ratify the treaty with a lie on my lips, with perfidy in my heart, with a contemptible purpose to break the treaty whenever I want to, for if I so act I shall brand myself as unworthy a seat at the council table of the world. The United States will not do it.

Oh, what a miserable position you find yourselves in. You come forward here pleading, "Here is a great power that will control the world." Answer: "It may hurt us." Your answer to that: "Oh, it has not any power; it is simply a debating society." Here is a mighty thing that can command the armies and the navies of the world, can put them in motion, set them sweeping overseas and marching across lands; therefore, danger. Your answer, "It has nothing but an indirect influence." Our answer, "Then your force is impotent." Your answer, "Oh, but our indirect force is quite as effective as a direct force." Mr. President, the gorge rises; I will not finish it.

I started to enumerate the powers of the league. It has power—

(2) To formulate plans for the reduction of armaments, which plans when accepted by the Governments can never be exceeded without the unanimous permission of the council. (Art. 8.)

(3) Advise touching the regulation of the private manufacture of arms, and pass upon the necessities of the members of the league not able to manufacture arms for themselves. (Art. 8.)

Will that be an indirect power, or will it deny armies to the nations of the world that may want at some time to establish independent governments? "Oh, it is only indirect; we are merely going to debate that, but are going to get it done." That is your logic. The league has also the power to—

(4) Appoint a permanent commission to spy upon the members of the league to ascertain whether they have given to other members full information as to their armaments, military and naval programs, and industries adaptable to warlike purposes. (Arts. 8 and 9.)

(5) In case of any external aggression or threat of danger, to advise upon the means of enforcing the obligations of article 10, which require members to defend each other against such aggression. (Art. 10.)

(6) To decide all disputes as to the interpretation of treaties; questions of international law; facts constituting a breach of international law; and the extent and nature of reparation to be made. (Art. 13.)

(7) Upon failure to obey decisions rendered, the council proposes what steps shall be taken to give effect thereto. (Art. 13.)

(8) To formulate plans for the establishment of a permanent court of international justice. (Art. 14.)

(9) To decide that a dispute is one of domestic or international jurisdiction. (Art. 15.)

That is in this league covenant.

(10) To decide whether a member has resorted to war in disregard of its covenants under articles 12, 13, or 15, the effect of such decision being to find the defendant guilty of an act of war.

(11) To decide that a member of the league has disregarded its covenants under articles 12, 13, and 15, and thereupon to—Subject it—has it any power to subject a State?—to the severance of all trade and financial relations; and to prevent all financial, commercial, or personal intercourse between the nationals of the State found guilty and the other members of the league. (Art. 16.)

(12) To recommend to the Governments of the members of the league the military and naval forces and armaments they shall contribute to punish the State found guilty. (Art. 16.)

Are we going to obey, keep faith and furnish our boys, or are we going to repudiate the agreement? If we repudiate the recommendation, every other State will do so, and your league will fall to pieces. You can not have both a league of power and a league that is powerless. You can not go out and tell the American people one day—if I may drop into the vernacular, which is now permissible—that you have a prize fighter that can knock out anything that ever went into the ring and the next day or at the same time declare that he is paralyzed in both his legs and both his arms and that all he can do is to talk. [Laughter.]

(13) It has the power to declare any member of the league an outlaw. (Art. 16.)

Does that mean anything? The league tells you what it means. It means that all intercourse is to be cut off; that goods can not be shipped to you. You are excommunicated. I do not want for a minute to offend anybody's religious sensibilities, but the man who wrote what would happen to a State that was cast out of the league must have read a papal bull of excommunication written in the fourteenth century. I say that with the utmost respect for that great church. When you are excommunicated and put out of the league your nationals can not trade; trade is cut off; commerce is destroyed. This is the thing that they are going to do to us in the name of humanity, and after they have put all this economic pressure on us then they are going to recommend the naval and other forces necessary.

Let me once and for all explode this doctrine of modern humanitarianism. Humane war, if war can be humane, consists in a situation where brave men with guns in their hands stand upon the field of battle and each shoots at the other; each is there to fight and one or the other overcomes. That is war in its humane quality; but when you want war in its hellish quality, when you want the kind of war that is conceived in the womb of hell and given birth through the brains of fiends, conceive that kind of war where instead of men fighting on the field, and thus reducing one or the other to surrender, the babies at home are starved. Economic pressure is the last and final brutality of brutal war. They hope to break the line at the front by breaking the heart of the soldier at the front by pointing to him that his wife's face is pale and pinched; that from the teeth of starvation she draws back the lips of want; that the little baby at her breast is tugging at a dry font; that its limbs are wasting and that death is written on its sweet little countenance. That is what you call economic pressure, is it? That is the humane proposition of modern reformers. It is the most fiendish thing ever conceived. Poison gas is decent compared with it; the torch is respectable; the thumb screw becomes an instrument of love, and the lash only the gentle means of caressing your enemy.

Mr. JONES of New Mexico. Mr. President, I should like to inquire of the Senator if he has ever known of any war in the history of the world where the combatants did not strive in every possible way to prevent supplies going to their adversaries?

Mr. REED. I knew the Senator would get there. Of course, that has been done in wars—

Mr. JONES of New Mexico. Has there ever been a war when it was not done?

Mr. REED. And it has always been regarded as the most brutal part of war. Now, the Senator, standing with the prophesy of the millennium in one hand and in the other the dove of peace, proclaims with his lips that we will preserve the most damnable and hellish characteristic of war, and we will call it economic pressure. Why do you go back and argue for atrocities by saying that atrocities have heretofore been com-

mifted? I thought we were to have no more atrocities, but only sweet love, the lullaby of mothers mingling with the cooling of infants, the laughter upon the lips of men mingling with the songs of joy upon the tongue of childhood. And over yonder comes the glorious orb, the orb of the millennium, sending its wondrous colors into the night of ignorance and fear; and riding here in its full effulgence, riding upon the white horse of peace and of promise, is the distinguished Senator from New Mexico, the sun like a halo behind him, and in his hand he proclaims the new doctrine of the millennium: "We will win wars by starving babies to death!" [Laughter.]

Mr. President, let us see whether there is any power of war vested here.

(14) The council may take jurisdiction and decide disputes between members of the league and States not members and decide disputes between two States neither of which are members, whether the nonmember States consent or not. (Art. 17.)

(15) In the case just mentioned the council is expressly authorized to make war upon the States having the dispute. The language is:

*The council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.*

The right to take the measures aforesaid is the right to employ armed force and to make war. (Art. 17.)

"The council may take such measures \* \* \* as will prevent hostilities." There is no limit to that. What are those measures? The international army that you know is going to be formed, the nucleus of which is now in Europe, where, according to the arrangement we have made, we have got to keep our troops for 15 years. How long do you suppose it will be, with the good internationalists at the helm, until we will be contributing? Why did the Secretary of War come before the Military Affairs Committee and testify that he had to have 500,000 troops? We never had to have them before. Why did the Chief of Staff swear that he had to have that 500,000 troops in order to comply with our obligations under the league? And why did Josephus Daniels ask for nearly a billion dollars to build fighting ships when there is to be no more war? How can you go out to the people—and tell the mothers that there will be no more war if this league is created, yet asking for the mightiest Navy that ever was constructed under any one order?

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. I do.

Mr. JONES of New Mexico. If we do not have this league of nations, does not the Senator believe that we will have to have a large Army and a large Navy, and much larger than we would have to have if we did not have this league?

Mr. REED. Not at all, sir. Let me puncture that balloon. [Laughter.] It has floated around here long enough. Why will we have to have it? We got along here in this world very well for a long while with an Army of 25,000, without any Navy at all, and we built a few ships. Then they increased our Army, for our population had enormously increased, and we had what amounted to about a police force. In the days of Roosevelt and Taft we had an authorized Army of 75,000 to 85,000. Did we get along all right? Yes. Did anybody come over here to destroy us? No. Who is going to come now and destroy us?

Now, let us be honest. Let us be fair to the American people. Anyway, let us be fair to ourselves. A man may lie to his neighbor; he may lie to his wife; there may possibly be some reason for both at times [laughter]; but nobody ever ought to lie to himself. Who is going to destroy us?

Is it going to be Austria? We have rent her limb from limb, and have left her a dismembered State. She naturally might want to lick us, but what is she going to do it with? We have taken her guns. We have disarmed her.

Germany? Now, I do not think we need be afraid of Germany. There has been a good deal of talk about "putting up or shutting up," and I suppose it is temerity on the part of anybody, after having been challenged to "put up," if he dares utter a sentence; but I say, while I do not want to practice cruelty on the German people at all, that Germany ought to have been dismembered just as Austria was. She was put together about 50 years ago for the purpose of making a great war power. She embraced, I think, 26 principalities, independent States, and kingdoms, and she could have been taken apart for the same reason; but I waive that. She is disarmed. She is not allowed to make any guns. They have taken her coal mines. They have taken her ships. Is Germany to come over here and destroy us? And if she does, are England and

France, that we rescued, going to stand there and see her come here? And if she does come, what will be her fate? Now, I assume that we are going to have sense enough next time to have some guns; and if you have the guns, the experience of this war has shown what will happen.

Well, Germany—anybody that is afraid of Germany for the next 50 years either reckons upon the fact that our associates over there are going to turn in and help her or he reckons without very much judgment.

Then who is going to do it, sir? Is it going to be England? The one great power that might hurt us is England. I am not so much of an Anglophile that I am sure she might not attempt it under some circumstances; but would England, with the blood of our sons yet fresh upon her banners, bespattered there by the shell and shrapnel fire of Germans, come over here to destroy us? If so, I want no partnership with her in the league of nations. [Applause in the galleries.]

Would France come—France, whose soil is made sacred by the dead bodies, the decaying dust of 50,000 American boys who went to their death with cheers upon their lips in the defense of France more than in the defense of ourselves? Will France come to pay us back in that coin of perfidy and dishonor which she would deal out to us were she to attack us?

Well, then, who will attack us? There remains but one possible nation, and that is Japan; and you, by this infamous treaty, propose to ratify the turning over to Japan of 40,000,000 Chinamen and to allow her to keep 20,000,000 Koreans, thus raising her for the first time in the history of the world to a great international power. Who is going to come over here and make it necessary to have this mighty army and this navy? And if Japan does ever come, to quote the phrase of another, we will welcome her with bloody hands to hospitable graves.

What is going to make this great army necessary? Is it true, now, that if we do not enter the league of nations France and Japan and Great Britain will join in a conspiracy to destroy us? If that be the quality of their civilization, if that be the character of these nations, then I join in the prayer of Thomas Jefferson: "Would to God that the Atlantic Ocean were a sea of fire, separating us forever from these other lands." If that be the kind and character of nations you are inviting into this partnership, then I say, pray God to forgive you for ever thinking of inviting them into a council with the United States.

These bugaboos will pass away. Of course, we will have some guns, and we will train our boys some, and we will have some ships; and if I were as sure of Great Britain's love and friendship as you gentlemen who advocate this league, I would not build the ships; but I am not quite sure of Great Britain.

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. I do.

Mr. JONES of New Mexico. Then the Senator believes we will not need an army and navy, because the millennium has already arrived?

Mr. REED. Indeed I do not. I do not think we need this great army and navy because the conditions are to-day substantially what they were before the war, except that Germany has been whipped; England and France are bankrupt; the only nations that can hurt us are comparatively less powerful than they were before, and we do not need to have the millennium, or all go half crazy, and dream dreams, and see visions, and catch at things in the air [laughter] in order to escape the burden of great military establishments in this country.

Let me tell you something. There was a time when a lot of the people in the world—and I believe that is the reason why we got into this war—believed that the Yankee, as they call us, was a fat, sleek, overfed lounge-lizard; that he would not fight; that he could not fight; that he was chasing dollars, and had no spirit in him that made it possible for him to go out and die.

And so Germany threw the glove in our face. But that mistake will not be made again for a century of time. [Applause in the galleries.] They found out you can take a boy off an American farm and land him in France, and in two weeks' time he could go over the top with the best of them. They found out these soldiers did not need the discipline of camp and of military establishment. They already had the discipline of American citizenship. They found out that these men could laugh in the face of death, and that they could go down into the shadows with a smile upon their lips. They found out that we can raise 10,000,000 men, if we have to, and that all the powers of earth and hell can not whip us on our own soil. [Applause in the galleries.]

I am not scared about this thing.

I want to finish this speech. I am nearly through. I wish I had not permitted an interruption, because I have made the speech interminably long.

(16) To advise the reconsideration of treaties. (Art. 19.)

(17) To advise regarding the changing of international conditions whose continuance might, in its opinion, endanger the peace. (Art. 19.)

(18) To establish mandatories and determine what States shall be placed under tutelage and guardianship, and regulate the conditions and laws under which millions of their inhabitants shall live. (Art. 22.)

(19) As members of the international labor organization provided for in part 13 of the peace treaty, it undertakes in every part of the world, including the United States, to regulate the hours of work; the labor supply; the prevention of unemployment; the provision of adequate living wages; the protection of the worker against sickness, disease, and injury; the protection of children, young persons, and women; to secure provision for old age and injury; protection of the interests of workers when employed in countries other than their own; to secure recognition of the principle of freedom of association; and to bring about the organization of vocational and technical education and other measures. (Art. 23; and pt. 13, art. 387.)

(20) It undertakes general supervision over the traffic in women, children, opium, and other dangerous drugs. (Art. 23.)

(21) It undertakes the supervision of the trade in arms and munitions with countries which, in its opinion, should be regulated. (Art. 23.)

(22) It undertakes the regulation of communication and transit of the commerce of all members of the league. (Art. 23.)

(23) It undertakes the prevention and control of disease. (Art. 23.)

(24) It assumes general jurisdiction and control over all international bureaus and commissions now established for the regulation of matters of international interest. (Art. 24.)

(25) It agrees to promote the establishment of Red Cross organizations to prevent disease throughout the world. (Art. 25.)

And now, on top of all these powers and as a capsheaf, I call attention to article 11, which provides:

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league—

Not the States, but the league—

shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the secretary general shall, on the request of any member of the league, forthwith summon a meeting of the council.

It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb either the peace or the good understanding between nations upon which peace depends.

What I want to drive home is that the true construction of this article (c), its purpose and effect, was disclosed in the speech of the President at Indianapolis on September 4. He said:

Article 11 is my favorite article in the treaty. \* \* \* At present we have to mind our own business, but under the covenant of the league of nations we can mind other peoples' business.

Very true, but at the same time we acquire the right under article 11 to "mind the business" of the other nations of the world we grant to them the right to mind our business.

When we enter the league the provisions of the covenant bind us the same as they bind all other nations. When they grant to us the right to "attend to their business," we likewise grant to them the right to "attend to our business."

When George Washington compelled Cornwallis to haul down the flag of Great Britain at Yorktown he established the right of the American citizens to attend to the business of America.

When Woodrow Wilson left the peace table at Versailles he had sought to grant the right to attend to America's business to the representatives of 31 alien nations.

Where Washington fought to establish the right of this Nation as a sovereign to control its own affairs, Woodrow Wilson counsels with the representatives of kings to transfer the sovereignty Washington gained to a league which they will dominate.

Dropping into common phraseology, and according to the President, when America acquires the right to "stick her nose" into the "business" of 31 alien States, she gives the right to 31 alien States to "stick their 31 alien noses" into the business of the United States. [Laughter.]

The man who is willing to give to any nation or assemblage of nations the right to mind the business of the American people ought to disclaim American citizenship and emigrate to the country he is willing to have mind America's business for her.

In this connection and as showing the bent of the President's mind, I quote the following from his speech at Kansas City on September 6:

I have, let me say, without the slightest affectation, the greatest respect for the United States Senate; but, my fellow citizens, I have come to fight for a cause. That cause—the league of nations—is greater than the Senate. It is greater than the Government. It is as great as the cause of mankind.

I decline to help set up any government greater than that established by the fathers, baptized in the blood of patriots from the lanes of Lexington to the forests of the Argonne, sanctified by the tears of all the mothers whose heroic sons went down to death to sustain its glory and independence—the Government of the United States of America. [Prolonged applause on the floor and in the galleries.]

#### APPENDIX.

##### WHAT THE LEAGUE OF NATIONS MEANS FOR AMERICA.

[An address in Denver before the Colorado Bankers' Association at its annual convention, Sept. 12, 1919, by Lee Meriwether.]

To every man there comes at some time in his life one moment bigger than any of the others, one supreme moment when a great decision must be made, a decision which may make or mar his career. So, too, it is with nations, and such a moment now confronts the American people. A grave problem faces us. If that problem is not wisely decided, the freedom we have thus far had from Old World wars will vanish forever. The splendid advantages resulting from our national youth and from our geographical position, 3,000 miles distant from the nearest of Europe's quarrelsome kingdoms and empires, will be thrown away; instead of being left free to decide for ourselves when it is our interest and duty to incur the terrible sacrifices always incident to war, America will be bound by solemn treaty to take part in any war that may break out in any part of the world. It will not be for the American people to say that American sons shall fight and die in foreign wars. Article 10 of the league of nations covenant expressly binds us to "preserve the territorial integrity" of more than 40 foreign nations from "external aggression"; and the same article says that the council of the league shall advise us "upon the means by which" our "obligations shall be fulfilled." Mark well the word "shall." The league council, not the American people, decides when the American people must wage war, how many American lives shall be sacrificed, and how many American dollars shall be spent.

For 125 years, by following Washington's wise advice to mind our own affairs, to let other nations mind theirs, and steadfastly to avoid entangling foreign alliances, America has waxed peaceful, powerful, and prosperous. In the 105 years ending in 1917 Europe fought one bloody war after another, but not into a single one of her more than 60 wars did it become either our duty or interest to enter. In 1917 an exceptional crisis forced us to fight a brutal military autocracy that had insulted our flag and murdered our citizens on the high seas of the world. Because we were obliged to wage this one war out of 60 wars that Europe fought in the nineteenth century it is now proposed to sign a treaty that binds us to take part in every future war that may be fought in any part of the world. And this regardless of whether those future wars have even a remote connection with American rights or interests.

To justify this astounding policy men of high rank and official power preach strange doctrines and propound strange questions. They ask if we want to break the heart of Europe? Let us ask them if they want to break the heart of America, if they want to barter away the independence of America? No man wants to break the heart of Europe, but frankly, if forced to make a choice I would rather break the heart of Europe than crush the spirit of America and barter away the independence of my native land.

The men urging us to abandon the policy of minding our own business, the men who want America to meddle in Europe's affairs, give no logical reasons for their amazing scheme. They deal only in glittering generalities. They support their position only by bold assertions. They talk only of visions and voices in the air.

My friends, I, too, hear voices in the air—the voices of Washington, of Lincoln, of McKinley, of Grover Cleveland, of that great American, Theodore Roosevelt. I hear the voices of thousands of Americans who gave their lives that our country may live free and great and powerful. And these voices are beseeching me, they are beseeching you, my countrymen, to preserve America's independence. They beg you to keep out of Europe's race and religious wars. They implore you not to give away with the pen what Washington won with the sword. Whatever others may do, I shall heed these voices rather than the voices of internationalists who talk so much of the 'hearts

of men everywhere' that they forget the hearts of men in America; of dreamers who, to save the heart of Europe from breaking, are willing to break the heart of America; of visionary idealists who are willing to see America's sons fight and die in the wars of foreign lands with whose affairs America is not even remotely connected.

"The men who urge America to abandon Washington's advice to keep out of entangling foreign alliances, the men who want America to embark upon strange and stormy seas the opposite shores of which may be so rockbound as to dash our ship of state to destruction—these men deal in abuse rather than in appeals to reason. They denounce as pygmy minds with narrow vision all who prefer common sense to their visions and their voices in the air. Though they denounce my mind as pygmy and my vision as narrow, that shall not deter me from telling you frankly that my thoughts have ever been, and ever shall be, of my own people and of my own native America.

"Three years ago I went to France a nationalist; when I came back a few months ago I was more of a nationalist than before. No matter how blind a man may be, he can not remain three years in the Old World amid 57 varieties of peoples, 57 different races and religions, each race, each religion the age-long cause of uncounted feuds and wars and not become more of a nationalist, more of an American, than ever. When my war work in France ended and the clang and clamor of Europe's clashing interests faded from my ears; when at last I turned my back upon the many-tongued nations, each of them greedily grabbing the spoils awarded them as victors in a World War; when we entered New York Harbor and suddenly the Statue of Liberty towered high above us—ah, my friends, I confess to you that statue then seemed to me the most beautiful sight my eyes had ever beheld, and I understood what the soldier by my side meant when he exclaimed to the Goddess of Liberty:

"Old girl, I love you; but if ever you want to see me again you'll have to turn your head and look toward the shore!"

"That soldier was content to remain the rest of his life in America. If another military colossus murders our citizens and insults our flag as Germany did, that soldier will be ready to cross the seas and fight again. But he will never be ready to cross the seas to fight in a war between foreign nations about controversies that do not concern either the interest or the duty of America. Where there is one world war in which America must perforce take a part, there are scores of small wars in which there is no reason on earth why we should interfere, and that soldier knows the league of nations covenant, as now drawn, will force us into those small wars, because article 10 of that covenant in express terms binds America to 'preserve as against external aggression the territorial integrity \* \* \* of all members of the league.'

"If anybody attacks something you have pledged your honor to 'preserve,' the only way you can keep your pledge will be to fight the fellow who makes the attack. For instance, should China try to recover Shantung, which was carved by the sword out of her heart and given to Japan, not because Japan has a right to own a part of China but because Japan is strong and China is weak, that will be 'external aggression' by China against Japan—and article 10 binds us to preserve Japan's territorial integrity from 'external aggression.'

"Is it possible democratic America wants to fight for a despotic empire's 'right' to retain possession of another country's land; and that, too, of a country that is America's friend, of a country that stood by America's side in the fight against Prussian autocracy? China furnished men, ships, and money to help defeat Germany, and we reward her by assenting to Japan's forcibly taking from China one of her richest Provinces. Is not that shameful enough without pledging ourselves to use our fleets and armies to protect Japan if ever China seeks to undo the wrong done her? Suppose the Paris peace conference had given England New York; what would be thought of France if she not only assented to that crime, but if she also signed a treaty pledging the use of French armies and French fleets to fight us if we ever tried to take New York back again and replace it among our list of American States? Such a thing is, of course, unthinkable; the might and majesty of the American Republic is now known to all the world, and peace commissioners, when they rob a country of a Province, are careful not to select a rich and powerful Nation like ours. But the principle is the same. The Paris commissioners had no more right to give a Province of China to Japan than they had to give an American State to England. And so, fellow citizens, in spite of the great respect I feel for our President, I dare say to you, in first assenting to the rape of China and then in asking us to accept article 10, which binds America to guarantee

Japan in the permanent possession of her ill-gotten spoils, President Wilson made a frightful mistake.

"Recently Archbishop Glennon, of St. Louis, said:

"Every act of conquest, every acre of ground stolen, every land looted and taken over by the looter comes now, through article 10, for the world's benediction and protection.

"And not only do we give through this article our approval and benediction to all the successful crimes of history, but we guarantee protection to the criminals!"

"Splendid words! Splendid archbishop!

"I am not a Catholic, but I am an American and I recognize, I admire, I love a patriot when I see him, regardless of his race, creed, or religion. America is fortunate in owning such patriots. And America is fortunate in having a Senate which dares do its duty in the face of popular clamor and despite the threats of men of exalted place and power. Those of us who remember our history recall that 20 centuries ago there was a republic whose dominion stopped only at the limits of the then known world. But that great republic became a despotism and the Roman Senate degenerated into a bunch of rubber-stamp puppets because it centered in Caesar's hands, one after the other, all the powers of the Roman State.

"Thank God, my countrymen, that America's Senate scorns to make of itself a rubber stamp, that it refuses to make our Republic a one-man Government by placing in the President's hands all the powers of the American State. Though denounced as men who ought to be hanged, though by turns cajoled and threatened by the Executive power of our Government—a power far more absolute than that of many a kingdom or empire—the majority of our Senators dares to vote as their immortal reason and conscience bid them, and not as they are commanded to vote by a would-be president of the world.

#### SHALL AMERICA FIGHT THE BATTLES OF THE WORLD?

"Article 10 pledges us to 'preserve as against external aggression the territorial integrity' of all the nations which are now, or which may hereafter become, members of the league. That is, if any one of forty-odd foreign nations is attacked anywhere by anybody about anything, wholly regardless of the merits of the controversy, article 10 pledges America to fight for that nation. Are American mothers willing to make this pledge? Are they willing to sacrifice their sons to preserve from attack two score of foreign lands, all of them remote from our shores, many of them absolutely of no concern to either American duty or American interests? No matter how despotic a nation may be, no matter how righteous may be the effort of a people to break away from a despot's sway, if at any time in any land a fight for freedom is made, not only does article 10 pledge America to refrain from helping the patriots, as France helped George Washington's armies, but if any other nation helps them that will be 'external aggression' against the tyrant, and America will be obligated to use her fleet and Army to crush the patriots and help the tyrant.

"Fully to realize what frightful injustice article 10 is capable of working, let us apply it to American history.

"In 1776 had France been a member of a league containing such a pledge, instead of being free to help the American Colonies, she would have been in honor bound to help England the moment Von Steuben, Dekalb, Pulaski, Kosciusko, and other European lovers of liberty offered their swords to George Washington. Those men committed external aggression upon England's territorial integrity, whereupon, under her pledge to preserve England's territorial integrity, France automatically would have been required to use her fleet and army to fight the American Colonies instead of to help them.

"In 1898 we helped Cuba free herself from Spain, but had we then been a member of a league containing article 10 we would have been bound to stand aside while Spain crushed the Cubans. If, our hearts melted at the sight of suffering inflicted by Spanish tyranny, we had disregarded our treaty obligations and in spite thereof had gone to the aid of the Cuban patriots, then England, France, and every other member of the league would have been bound to attack the United States. For only by attacking us could they have fulfilled their pledge to preserve Spain's territorial integrity from external aggression. Our aid to the Cubans certainly was "external" aggression upon Spain; it resulted in Spain's losing a part of her territory—Cuba. But does any American regret the aid given to the islanders who fought so long for freedom? Does any American wish that in 1898 America had been a member of a league which would have obligated her to preserve Spain's territorial integrity?

"Do the proposers of the Paris plan think the time will never recur when a people may again be as right in fighting for free-

dom as were the American Colonies and the Cubans? And when that time comes again will Americans wish to use their fleet and Army to preserve the territorial integrity of the State, perhaps despotic State, against which the patriots of a future day will be struggling for freedom? Will they not rather wish to do as our fathers did—extend a helping hand to the patriots? The world may well wish to preserve the territorial integrity of a peaceful little State like Belgium when attacked by a military colossus like Germany, but what liberty lover will wish to preserve the territorial integrity of a despotic empire whose people demand liberty? Article 10 does not discriminate between a France helping American patriots, or an America helping Cuban patriots, and a Germany attacking Belgium. Technically, in 1776, France was as guilty of external aggression against England as in 1914 Germany was guilty of external aggression against Belgium. But morally the two cases are as wide apart as the poles, and article 10 ought to recognize that difference instead of regarding them both in the same light, and imposing the same penalties for a French aggression upon England for the noble purpose of helping the American Colonies in 1776 as for a German aggression upon Belgium in 1914 for the wicked purpose of gaining despotic mastery of the world. Article 10 will prevent a future France from helping a future infant nation win liberty from a future kingdom that may be as despotic as the Tory England of 1776.

"Article 10 is further open to the objection of being one-sided. It is as if a bankrupt gambler should say to a man who has prospered because he has worked hard and lived justly: 'You guarantee me and I will guarantee you.'

"Fine, surely, for the gambler, but is it fine for the other man? For centuries Europe's states have fought and persecuted one another in race and religious wars. Our ancestors got so tired of their eternal wars, they quit Europe and founded homes in a new world, where by minding their own business they have grown great and prosperous. But Europe kept on with feuds and fights; in the last century there was a war in Europe on an average of every other year—more than 50 wars in 100 years. Europe became bankrupt. And so now it says to us: 'You guarantee me and I will guarantee you.'

"With colonies all over the world England is liable to get into a row anywhere at any time. The United States, compact and geographically isolated, in all her history has never been attacked except by one power—England—and that was a century ago, when we were small and feeble. There is no reasonable probability that any state will again cross thousands of miles of ocean to attack the powerful people we have now become, and surely America has nothing to fear from Mexico, Costa Rica, or any other of our near neighbors. Therefore, in return for preserving us from dangers which do not exist we are asked to agree to fight in any part of the world where any of England's possessions—loot acquired in the wars of three centuries—may be made the subject of 'external aggression.' Suppose Uncle Sam and Miss Britannia are in a ballroom where people constantly trip over Miss Britannia's long train dress, and Miss Britannia says: 'Sam, if you will fight every man who steps on my long train gown I'll fight every fellow that steps on your pants.' Would that be fair play? Would Sam agree to such an arrangement simply because Miss Britannia called it 'reciprocal'?

SHALL AMERICA NOT ONLY ASSENT TO SHADY, SECRET BARGAINS, BUT ALSO SPEND AMERICAN MONEY AND SACRIFICE AMERICAN LIVES TO MAKE THOSE BARGAINS A PERMANENT SUCCESS?

"In February, 1917, after our diplomatic relations with Germany had been ruptured, when it was certain we soon would be in the war, Japan said to England:

"We will let you take all the islands in the Pacific Ocean south of the Equator if you will let us take all the islands north of the Equator, and also the Chinese Province of Shantung containing 30,000,000 people and rich lands, railroads, and mines."

"England agreed, and so at the Paris peace conference, despite the raw injustice of the deal, despite the fact that President Wilson himself declared it immoral and unjust, it was consummated; and now America is asked not only to sanction the deed but to 'preserve' the spoils of that secret bargain to the two nations who engaged in it. Shantung is as much China's to-day as it was before the Paris peace commissioners gave it to Japan, and while America may not care to fight Japan in order to compel her to return stolen goods, surely it would be infamous were America to help crush China if, as is probable, she should some day seek to drive the Japanese out of China back to Japan where they belong. Article 10 pledges America to do precisely this infamous thing; hence for this reason if no other the Senate should refuse to ratify the league of nations covenant as it now is drawn.

EVEN AMERICA'S RIGHT OF SELF-DEFENSE IS RESTRICTED BY THE LEAGUE.

"Under article 8 of the league covenant the representatives of foreign nations advise America what size fleet and army she may have; and, once the size is agreed on, it can never be increased except by the unanimous consent of those foreign nations.

"Suppose, because of frightful conditions in Mexico, or because of any other reason, an increase in the size of the American Army becomes necessary; as things now are it is the American people who decide that question, and add to their armed forces as they think their dignity and safety require. But under article 8 America must go hat in hand and ask the permission of eight foreign gentlemen sitting in a world capital at Geneva, Switzerland. And if a single one of those representatives of European and Asiatic kingdoms and empires says 'No,' then America must come home again, like a whipped cur with its tail between its legs, powerless to defend itself, powerless to add a single soldier to its Army or a single ship to its fleet because, forsight, one of eight foreign gentlemen in Geneva refuses his gracious consent! Is it possible any red-blooded American can approve this shameful abdication of his country's sovereignty? Can any patriotic American approve a treaty which thus puts our proud Republic of 100,000,000 people at the mercy of any one of eight foreigners, representatives of kingdoms and empires, none of which loves us over well, and some of which would gladly see the American eagle plucked of its feathers?

AMERICA CLASSED BY THE LEAGUE WITH HAITI AND HEDJAZ.

"Article 3 gives Great Britain six votes in the league's assembly, America one. Even in passing on American questions Great Britain will have six votes to our one. We, with a hundred million population, are given only the same voting power as is given the Negro Republic of Liberia, in Africa; the nondescript kingdom of Hedjaz, in Asia; and the semisavage island of Haiti, in the Caribbean Sea! I admire the many splendid pages written in history by England, but why give her, why give any foreign nation six times the voting power in the assembly of the league of nations that is given our own Republic?

"My countrymen, I assert—and I weigh my words as I speak—that it is a shameful betrayal of America's greatness and glory to give England six votes to our one, and to rank our Republic, with its hundred millions of the most civilized, intelligent people on earth, alongside the half-baked, semicivilized black and brown republics, kingdoms and republics on the continents of Europe, Asia, and Africa, and on all the islands of the Seven Seas! But Great Britain is given at the start six votes, and, because of her far-flung Empire, of her influence in all parts of the globe, she will dominate the votes of a number of other nations.

"The vision-voices-in-the-air statesmen answer this in two ways: First, they say India, Canada, New Zealand, Australia, and South Africa will vote as individual entities, not as parts of the British Empire, and not as Great Britain wishes them to vote; and, second, they say it really does not matter how many votes Great Britain has, since everything must be unanimous, and one vote is as good as a dozen to block any move or prevent any policy that a nation does not like. Were this second answer founded on fact, it would mean that this league-of-nations scheme, which is heralded as the greatest achievement of man since Magna Charta was wrung from King John at Runnymede, is in reality an impotent instrument; it would mean that the single voice of a half-savage Asiatic kingdom like Hedjaz or a black Island Republic like Haiti could veto and prevent the efforts of all the great nations of the earth to effect some vital reform. But the answer is not founded on fact.

"On many vital questions a majority of the votes cast in the assembly of the league of nations is sufficient to adopt or reject a given policy. This being so, it is obvious that Great Britain will dominate and control the assembly because of her six votes to start with, and because of her great influence over most of the other nations represented in the league. France could not remain a great power if England were hostile to her; Italy, which projects like a great boot into the Mediterranean, has 1,500 miles of coast line to defend. Were England hostile to Italy the Italian nation's supply of food and coal would be cut off and the people would both starve and freeze. In any controversy between England and the United States, no matter how right Italy and France may believe the United States to be, is it certain they will be willing to incur the enmity of a near-by and powerful nation merely to do abstract justice to a distant country from which they have nothing either to fear or to hope? They may do so, but so may the friend and

neighbor of your opponent in a lawsuit decide the case impartially. But what would be thought of a lawyer who accepted as a juror the son or brother, or even an intimate friend, of his client's opponent? And yet our objection to giving England six votes as against America's one is met with the reply that England's colonies and dominions will vote to suit themselves and not as England wishes them to vote! On matters concerning only themselves no doubt they will vote to suit themselves, but where there is a controversy between England and America that does not affect any of England's dominions, to doubt that those dominions would be partial to England is to ignore the commonest principles which govern men, and which will continue to govern them as long as it is human nature to think of yourself, of your family, and of your friends before you think of strangers whose welfare is less dear to you and whose good or ill will is of less importance to you. Applaud England, if you will, for the great work done by her in the war, but for our own sake and our posterity's sake let us not give back to England the independence we forced from her at the point of Washington's sword. And that, my friends, is what we shall be doing if we accept this English-drawn covenant which gives England six votes at the head of the table, while the great American Republic is seated at the foot of the table alongside Hedjaz, Haiti, Liberia, and the other petty nations of the world.

"When, a few years ago, Japan connived with Mexico to obtain a naval base in Magdalena Bay south of California, our enforcement of the Monroe doctrine caused Japan to withdraw. Had the league of nations been then in force, the matter would have been referred to the council at Geneva, Switzerland, a council dominated by Great Britain, herself anxious to get a footing in Mexico, where there are oil fields capable of furnishing fuel to the British Navy for centuries. Is it likely such a council would respect our Monroe doctrine? But even if a square deal could be obtained from the council, under article 15 either Japan or Mexico would have the right to refer the dispute to the assembly, a body in which Haiti, Siam, Liberia, and the other 'half-baked' backward nations of the earth each have a voting power equal to that of the United States!

"Twenty years ago, when England trumped up a pretext to seize Venezuela, the strong, rugged President then in the White House lost no time asking European and Asiatic nations to make England behave. Grover Cleveland politely but firmly told England to get out of Venezuela, and England got!

"When Germany harbored designs upon South America and sought a footing where her guns might dominate the Panama Canal, Roosevelt did not ask the consent of eight men representing European and Asiatic nations to tell the Kaiser to stay on his own side of the ocean. Roosevelt bluntly told the German ambassador if the Kaiser did not abandon his designs upon South America, Dewey would go with the American Fleet and shoot the Kaiser out of South American waters!

"In 1866, when France installed an emperor in Mexico, America did not seek Europe's and Asia's consent before telling France we did not want an empire set up across our Texas border. We told France to get out or we would put her out!

"If ambitious European and Asiatic potentates again threaten our national safety by such encroachments, shall we settle those vital American questions ourselves, or shall we submit them to an executive council wherein America will have but one vote, and where the other eight votes will be cast by representatives of Old World nations, whose interests are different from and often opposed to ours? The best of European and Asiatic powers love America none too well; the best of them would not be averse to destroying our predominance in the Western Hemisphere; the best of them, if it could, would not hesitate to plant its flag on American soil.

"It is said America need not worry over the fact that opposed to her one vote will be eight votes of European and Asiatic nations, because the Paris plan confers no real power upon the executive council of the league; that the council may only 'advise' and 'recommend.' In several of the 26 articles very specific and very serious powers are conferred upon the executive council. But apart from those articles, and considering only articles 10 and 16, which say the executive council shall 'advise' and 'recommend' what 'effective or naval forces' shall be used to protect the pledges made by the States members of the league, let me observe that a treaty is not needed to confer the power to 'advise' or 'recommend.' Anyone has the right to recommend anything to anybody. If these articles merely confer a right which everybody in the world already has, then they are superfluous. Of course, the fact is that article 10 binds each and every nation in the league, at least morally, to do what the council advises. If

this is not the case, if our promise to preserve the territorial integrity of other States does not mean that American armies and fleets will fight for those States if and when they are attacked; if our pledge will be fulfilled merely by writing a note telling Russia, Germany, or whatever power attacks a fellow State member of the league that such an attack is naughty—if that is all our promise means, then, of course, the Paris plan is not subject to the objection that it may involve America in wars regardless of America's wishes and regardless of the merits of the particular case. But if that is all the plan means, then the pledge to preserve other nations' territorial integrity will not be worth much either to them or to ourselves. And if that is all it means, the fact should be precisely stated, for lack of a precise statement as to whether a State did or did not have a right to secede the Constitution of the United States led to a civil war. But it is absurd to say article 10 would not bind America to fight for foreign nations. The language is too plain to dispute. Moreover, President Wilson himself stated at the recent White House conference with the Senate Foreign Relations Committee that under article 10 the United States will be under the 'strongest possible moral compulsion' to fight for any State member of the league that becomes hereafter the subject of 'external aggression.' What America is morally bound to do America will do. So the question is this: Shall we accept a treaty which means that American boys must fight and die for foreign lands whenever any one of those foreign lands is attacked by another nation? Speaking for myself, I shall always be willing to fight for America, and may sometimes be willing to fight for foreign nations, but when I fight for foreigners I want to be sure their cause is a just one. I do not want to fight on Japan's side if some day China tries to take back from Japan her stolen Province of Shantung. If compelled to fight in a Chinese-Japanese war, I would choose to fight for rather than against China. Article 10, however, leaves America no choice; in advance it pledges America to fight for Japan despite the fact that President Wilson and all of the American peace commissioners have recognized the injustice of giving Shantung to Japan and have protested formally against the wrong.

ARE WORLD CONDITIONS SO CHANGED THAT AMERICA CAN NO LONGER KEEP OUT OF EUROPE'S WARS?

"They who say the world is now so small that America can not stay out of Europe's troubles forget that in the recent war, as in all other wars for a thousand years, the English Channel enabled England's fleet to save England from invasion; and the English Channel is only 20 miles wide. With 3,000 miles of ocean to our east and 8,000 miles of ocean to our west, we, with our great population and resources, are practically invulnerable. Where is there in all the world a nation which has the power, even if it has the desire, to cross thousands of miles of water and conquer 100,000,000 people? There is no such nation, yet in order to escape a danger which does not exist some people urge America to pool its fortunes with the bankrupt States of Europe and Asia. If we follow this advice, America will lose the splendid advantage of her national youth, of her freedom from ancient feuds, of the vast benefits resulting from her geographical position—and gain what? A partnership in the jealousies, in the race and religious hatreds, in the age-long quarrels of the Old World! The world so small that America can no longer keep out of Europe's troubles? Why, for one European war big enough to involve America there were in the nineteenth century 50 European wars into which neither our duty nor our interest required us to enter. In 1812 England dragged us into the Napoleonic wars; in 1917 Germany forced us into the recent World War. But between 1812 and 1917 America enjoyed a profound peace, so far as European wars were concerned. Was this because there were no European wars? No; in the 105 years between 1812 and 1917 Europe had scores of wars. France blazed with revolution in 1830, as did all Europe in 1848. In 1856 England, France, Italy, Turkey, and Russia shed rivers of blood in the Crimea. There were frightful wars in two-thirds of Europe's States in 1864, 1866, 1870, and 1876. In 1897 Greece and Turkey cut each other's throats, and in 1899 England assaulted and crushed two small republics in South Africa. In 1905 Japan and Russia went to war, as did Serbia, Bulgaria, Greece, and Turkey in 1912, and again in 1913.

"If it be said none of these wars would have happened had there been a league of nations, we may admire the sincerity but we will hardly respect the judgment of the man who thus argues. Race antipathies being what they are, nations being so prone to resort to force to grasp what greed suggests, the man who asserts that a paper agreement to be good will make

men good must be either ignorant of history or must have a faith as beautiful and, alas! as groundless as is the faith of a child in Santa Claus.

"A striking illustration of this fact has occurred in our own time. In 1878 the congress of great powers at Berlin decreed, among other things, that the two Balkan States of Bosnia and Herzegovina should be free. Austria was to be their 'mandatory,' but all the powers of Europe solemnly promised to preserve the independence of those two Provinces. Thirty years passed; then without a word of warning Austria annexed Bosnia and Herzegovina and raised above their soil the Austrian flag. I happened to be traveling in those Provinces at the time Austria thus defied the great powers; Austrian soldiers were everywhere; the air was thick with rumors of war; Russia growled, England, France, and the other powers protested, but there was no war. Were it possible to turn an X-ray on the Austrian cabinet just before it decreed the annexation of the two forbidden Provinces we would find some of the more timid, or the more law-abiding, members of the cabinet saying to Baron Burian, the prime minister, 'All the great powers are pledged to protect Bosnia and Herzegovina; Austria can not stand up against all the great powers; therefore your policy, Mr. Prime Minister, will bring us not two Provinces, but a disastrous war.'

"Whereupon Baron Burian answered:

"Gentlemen, much water has passed under the mill since 1878. Since then England and France have stood face to face at Fashoda, in Africa, on the verge of war. Italy has had her hands badly burned in Tripoli. The Russian bear's claws have been clipped by Japan. Do you think those countries have nothing better to do than go to war about a couple of Balkan Provinces? Nonsense. They will not do it. They have too much sense to wage war about a matter that in no way affects their own interests. Now, while they are busy trying to settle disputes that have arisen between themselves, now while they are harassed by domestic problems that have arisen within their own borders—now, gentlemen, is the time for Austria to seize these rich Provinces. We can do so safely. The powers will grumble, but they will not incur the stupendous sacrifices of war merely to keep a foolish pledge made 30 years ago at Berlin."

"The event proved Burian was right. The powers did grumble, but they did not declare war, and Austria retained possession of the two Balkan Provinces. Will not history repeat itself? President Wilson urges that Fiume be denied to Italy and given to the new Slavic nation, but will that lessen by a hair's breadth Italy's conviction that of right Fiume should be Italian? Six hundred years ago, in his 'Divine Comedy,' Dante said the steep mountain chain rising north and east of Fiume is Italy's natural boundary line. For six centuries Italians have believed with Dante that Italy's safety depends upon her control of the Adriatic's eastern shores, that only by such control can Italy safeguard herself. Every now and then during the past dozen centuries Venice, Ravenna, Bari, Brindisi, and other Italian cities have been plundered by the Slavs, the Turks, and the other fierce peoples of the East who poured through the Balkan mountain passes, descended to the Adriatic, crossed its narrow channel, and brought fire and sword to the Italian people. Will a mere paper decree, that hereafter men must be good and not attack their neighbors, convince Italy that she need fear no more attacks by her only half-civilized eastern neighbors? Certainly not; therefore what sensible man believes the decision of the Paris peace commissioners has changed the six-century old conviction of the Italian people that Italy ought to control the Adriatic Sea? If some years hence a future Italian prime minister follows Baron Burian's example—proposes to his colleagues to seize Fiume, which in 1919, according to the Italian view, was so unjustly awarded to the Slavic nation, will not that future cabinet discussion be a duplicate of the 1908 cabinet debate in Vienna? Shall we not hear one of the Italian cabinet say: 'Mr. Prime Minister, the league of nations is pledged to preserve the Slavs from external aggression. To seize Fiume will be external aggression, which according to article 10 means all the world will jump on us. Surely you do not imagine Italy can withstand all the world?'

"And we can hear the future Baron Burian reply:

"Gentlemen, much water has passed under the mill since 1919. Trade disputes have arisen between France and England. Japan is not now pulling England's chestnuts out of the fire; she is too busy digesting the Provinces she stole from China. As for America, she accepted the sacrifices of war in 1917 because a military giant sank her ships and murdered her citizens; also because America knew if the German giant mastered Europe he would next try to master America. Amer-

ica had to get into that war, but America has no interest in Fiume; she is busy with troubles of her own, so you may rest assured, gentlemen, she will not accept the tremendous sacrifices of war merely to preserve Fiume to the Slavic nation."

"When this or some similar crisis occurs will America forswear her promise to protect the Slavs from external aggression? Or will she send her fleets and armies across the ocean to fight Italy and prevent her from realizing her aspiration of 600 years? One of these courses she must pursue if she signs a treaty containing article 10, but the adoption of either course would be extremely unwise, extremely unfortunate for our national honor and for our welfare as a people.

"In 1787 some men feared the Federal Constitution would be a failure; their fears proved unfounded. Therefore fears that the league of nations will not work are unfounded.

"Thus argue the brilliant statesmen who see visions and hear voices in the air. Let us see if this argument squares with common sense. Once, when Uncle Sam proposed a partnership with Tom and Jerry, Mr. Doubting Thomas said all partnerships are doubtful affairs and predicted this one would not work. Uncle Sam said: 'Of course partnerships are uncertain, but Tom and Jerry are friends whom I have known for a long time. They live near me, and the interests we have in common will move us to bear and forbear when differences arise between us.'

"The partnership was formed, and even though they all knew each other and had interests in common it came near failing; in fact, they fell out with one another and fought like cats and dogs for four years. However, on the whole, the venture proved successful. Then, later on, Uncle Sam was invited to form a partnership, not with men he knew or whose interests were identical with his, but with a job lot of fellows who spoke 57 different languages, professed 57 different religions, and lived in remote parts of the world. Some of them were only half civilized, many of them were jealous of Sam's prosperity, and all of them were either anxious to borrow his money or to get a foothold on some part of his big farm. Will Uncle Sam be considered wise; will he be suspected of having even ordinary common sense if to this invitation he replies:

"There is no use for anybody to warn me against entering this partnership. In 1787 Doubting Thomas said a partnership with my friends and neighbors would not work. Well, it did work, so now I believe in being partners with anybody and everybody in the world. I will not even draw the line at fellows like John Bull, who speak my language and have had some experience in business affairs. I mean to tie up with fellows of all races, religions, and languages; with fellows who are civilized, half civilized, and savage. If I can get along with Americans, why can not I get along with the wandering Arabs of Hedjaz, with the black voodoo worshippers of Haiti, with the turbulent Turk, with the inscrutable Japs, with the groveling creatures of all the backward countries of Europe, Asia, and Africa?"

"If Uncle Sam talks like this, no doubt he will thereby qualify as a vision-voices-in-the-air statesman, but what will be said of his sanity? And what will happen to his new partnership? Will he not quickly learn that the success of a partnership depends upon the character of the partners and the mutuality of their interests?

"The dreamers also say: 'Individuals no longer settle their own disputes; they refer them to courts of law. Why, then, may not nations settle their disputes by law instead of by arms?'

"Arbitration between nations is a splendid thing. By all means aim at that ideal; but it would be a fatal fallacy to disarm our Nation, make it as powerless as China, and trust to some untried world court to secure the rights, the happiness, and the prosperity of the American people. Those who, because individuals disarm themselves and settle private controversies in a law court, think, therefore, nations may do the same, lose sight of the limitations of human nature and human capacity. By expanding his plant and employing 40,000 men, Mr. Ford increased his factory efficiency. Because of this will anyone say the greater the plant and the more men employed the greater will be the factory's efficiency? Forty thousand may not be the limit to which man may go without reaching the point where size will be a drawback instead of an advantage, but that there is a limit somewhere can not be doubted. Certainly no man nor set of men can successfully manage a hundred million employees. Just where the limit lies I shall not venture to say, but certainly somewhere between Mr. Ford's 40,000 and a hundred millions there is a point where the plant would break of its own weight, a point where it would be physically and mentally impossible for any finite human in-

select to grasp all the details and coordinate them into a successful whole.

"The American people have succeeded beyond their expectations, and despite the prophecies of Mr. Doubting Thomas, in welding 48 States together. Does it follow that they can weld the whole world together? A citizen of one American State may say, 'The other 47 States are in the same boat with my State. We all speak the same language and have the same general interests; hence there is a good chance that we may get along together.'

"The citizens of the other American States feel the same way about it, and, barring one question which all the courts in America were not able to settle, a question that only four years of bloody civil war were able to settle, the plan has worked well. But because you can get along with friends and neighbors, does it follow that you can get along with a thousand fellows you never heard of, fellows some of whom are only half civilized, many of whom are greedy and grasping, all of whom are remote from you and opposed to you by reason of age-long race and religious passions and prejudices? You are willing to submit your private grievances to a Chief Justice of the United States, because you know him. Because, too, if he proves inefficient or unjust you can impeach him and choose a Chief Justice who will be efficient and just. But what will Americans know of the supreme judges of the world? Who will choose those judges? If they prove inefficient or unjust America can not remove them. Who can? And how can they enforce their decisions? Suppose a question of immigration arises. No country in the world has anything to fear from American immigration, but there is hardly one of the densely populated countries of Europe and Asia that does not look longingly at America's vast expanse of almost virgin land. A dispute arises, say, over the right of Japanese to settle in California. America claims this is a domestic question; Japan says it is not. The supreme court of the world is called on to decide the dispute. The judges of that court are composed of men from European and Asiatic kingdoms as anxious as is Japan to have the right to send emigrants to America. If they decide the dispute in Japan's favor, shall America abide by the result, as an individual abides by a decision of the Supreme Court at Washington?

"My friends, I have not time to make, nor have you the patience to hear, a detailed argument of this phase of the question; what I have said, however, may suffice to indicate the fallacy and the danger of settling great questions of State on lines of pure theory, leaving out of the account the limitations of human nature. The individual does well to throw away his gun and let local courts settle disputes which arise with his neighbors; a county does well to join with other counties and let county disputes be settled by a State supreme court.

"The 48 American States do well to let their disputes be decided by a Supreme Court at Washington. For we are all Americans; we all live in one country; we know one another and have national interests in common. But because these things are so, it does not follow that there is no limit to the principle. I am content that my home State, Missouri, shall be subordinate to the United States, but not in the present state of civilization, or rather lack of civilization, would I be willing to see our proud Republic, with its hundred million of the most intelligent people on earth subject to a world supreme court at Geneva, Switzerland, as Missouri is subject to the decrees of the Federal Supreme Court at Washington. The proposal to let Costa Rica, Siam, Liberia, Hedjaz, and a score of other semicivilized, and even savage, nations have a voice, however small, in the affairs of the American Republic—such a proposal is monstrous and should, and I believe will, be indignantly rejected by the United States Senate.

"Once it was my fortune to walk from one end of Europe to the other. I came to know the hot-blooded men of Spain and Portugal and the peasants of Italy, Bulgaria, Turkey, and Russia. I hobnobbed with the fierce mountaineers of Montenegro. And these experiences over all Europe during nearly two years gave me some understanding of the racial and religious hatreds which sway millions of people in the old world. Antagonisms a thousand years old still divide one State from another; yes, divide one section from another section of the same State. To-day, as for centuries past, the Spaniard of Catalonia hates the Spaniard of Andalusia, and only a few months ago wanted to secede from Spain and was prevented from doing so only by force.

"Since Cæsar threw his bridge across the Rhine French and German have regarded one another with distrust and suspicion. In Greece I have talked with men whose one aim in life seemed to be to cut a Bulgarian's throat, while in Bulgaria men have told me they regarded all Greeks as rascals and rob-

bers. In parts of Dalmatia I noticed many men go armed to the teeth because in a space smaller than Denver is a confusion of tongues like unto that of the Tower of Babel. Each man thinks his race ought to prevail. The Slavs have history to prove they should rule, but the Italians have history to prove that Dalmatia was Italian when Diocletian left Rome to raise cabbages in the palace gardens at Spalato! Against both Slavs and Italians are the German-Austrians, who oppose their history. And so between the lot of them no man feels safe in leaving home unless armed with guns and daggers!

"Looking back upon my life with Europe's common people it is not possible to believe that any mere paper agreement to keep the peace will still the passions and prejudices or eradicate the selfishness of these many-tongued nations. And so this question arises: Is not America to be congratulated on following Washington's advice to avoid permanent foreign alliances? Had we not followed that advice, had we been a member of a league obligating us to intervene in Europe's wars, then instead of a century of profound peace—so far as Europe's wars are concerned—is it not certain America, like Europe throughout the nineteenth century, would have been involved in one war after another?

"In 1815 after Europe had been writhing in war for 20 years, the last three of which found the United States drawn into the turmoil, mankind longed for peace, as it longs now. And then, as now, a league of nations was proposed to abolish war. But the American statesmen of that day, while acknowledging the lofty idealism of the scheme, realized that human nature can not be changed over night, that men can not divest themselves of selfishness merely by adopting a resolution to follow the golden rule. And so our statesmen of that day declined to enter the league formed in Europe at the conclusion of the Napoleonic wars. Thomas Jefferson wrote to Thomas Leiper in 1815:

"The less we have to do with the amities or enmities of Europe the better."

"A few years earlier, in 1795, Washington wrote to Gouverneur Morris that America's policy should ever be to 'maintain friendly terms with, but to be independent of, all nations on the earth.'

"In some quarters it is now the fashion to regard Washington and Jefferson as old fogies, fit to take part in the politics of their day, but not qualified to advise the big country we have become. Those who think thus need to be reminded that fundamental principles are not changed by an increase in census returns, and that it may be as dangerous for us to mix in European intrigues to-day as it was in Washington's time. The leagues and alliances of Europe often change more swiftly than the scenes in a kaleidoscope. The friends of to-day may be the foes of to-morrow.

"England, which dealt a deadly blow to France at Waterloo, soon after Waterloo fought by France's side in the Crimea; Russia, which joined hands with Germany to crush Napoleon, later joined hands with Napoleon's country to crush Germany, and then still later repudiated her alliance with France, raised the red flag, and now stands against the world. Italy, for 20 years Germany's ally, changed front overnight and lined up with Germany's foes. In 1912 Bulgaria and Serbia smote Turkey hip and thigh, but three years later Bulgaria, side by side with Turkey, moved against Serbia, her former ally!

"History repeats itself. Within a few years there may be an entire regrouping of the Old World nations. Russia and Germany may be drawn together. Japan may find it to her interest to line up with the power controlling Siberia. And who can say that China will not awake from her slumber and join hands with the people of her own race and color, the Japanese? When these things come to pass it will be a tragic day for America if she is then a member of a league that will obligate her to submit vital American questions to the decision of eight European and Asiatic gentlemen sitting in Geneva.

"Those who think the world has so changed as to make it necessary for us to look to Europe and Asia for protection overlook the lesson just taught Germany. But if a few timid Americans overlook that lesson, history will not follow their example. Europe's kings and potentates now know our power as they never knew it before. And not in this generation will one of them sink another American ship or murder another American citizen. Future protests against violation of American rights will not be thrown into the wastebasket, as William of Prussia threw the submarine notes of President Wilson. For the whole world now knows the might and majesty of this great Republic.

"And so, having accomplished what we set out to do, having thrashed the insolent autocracy which flouted us, sank our ships, and drowned our women and children, if we now

leave Europe to settle her own affairs while we attend to ours on this side of the ocean, will not that be better alike for Europe and America? Problems await us not only at home but in States to the south of us all the way to the end of South America, and one need not be a pro-German in order to believe that the work cut out for America in the Western Hemisphere is a big enough job for any one nation. Speaking for myself, I confess I am earnestly opposed to fishing for trouble in European waters. And I am opposed to America accepting 'mandatories' for distant lands, such as Syria or Armenia.

WHAT DOES A MANDATORY REALLY MEAN?

"Fine phrases may conceal but they do not change facts, and the cold, costly fact is that acceptance of mandatories will impose upon the American people enormous losses in life and money. International mandates, international decrees do not enforce themselves. Fleets and armies are needed for that; and, in my judgment, if we adopt this policy we shall not only incur grievous burdens of taxes but we shall also sow seeds of discontent which may result in a harvest of radical agitation.

"It is one thing to ask men to leave home and fireside to cross the seas and fight a military empire that has sunk our ships and murdered our women and children. It will be a very different thing to ask men to cross the seas to do police duty in a foreign land whose affairs do not concern us, whose name is hardly known to us, whose people can by no possibility ever be a menace to us.

"We gave our sons freely, we submitted freely to a huge load of taxation, we denied ourselves many comforts of life so as to repel and punish Germany's brutal violation of our national rights. But if, instead of calling on men to fight such a foe for such a reason, the Washington Government goes into our homes, our workshops, our farms, our office buildings and says to our sons:

"Take off that civilian suit. Don this uniform and cross the ocean. You must march over Syria's burning sands. You must fight in Bulgaria, perchance die in Armenia—not because America fears those countries. They do not threaten us, as Germany did; they are too weak ever to threaten us. But we are bound by treaty to police those countries and impose upon them our government."

"If this be said, what will the answer be? Will not discontent reign in homes from which sons are snatched to fight in foreign lands, not to protect America, but for the sole benefit of those foreign lands? Will not a protest arise from the American people when they realize the terrible burden of taxation involved in that word 'mandatory'? The word may sound sweet, but it means that American blood and American money will be spent in trying to compose the quarrels and jealousies of Europe and Asia!

"Has America no problems of her own, that she should devote her time, her energies, her resources to policing distant lands? Without criticizing what has been done as a war measure, without disapproving the aid given during the war to struggling, worn-peoples in Europe, is it not permissible to suggest that the time has come when a halt should be called to Uncle Sam's playing Santa Claus to foreign nations?

"When I think of the army of unemployed in America; of the tens of thousands of children forced by poverty to work in shops and mills, children who should be in school or in God's sunshine; of the deep mud through which American farmers haul their crops to railway stations; when I reflect that France has a hundred miles of rock roads to Missouri's one; that in my home State are swamp lands which might be reclaimed, but are not because we haven't the money to do it; when I think of the vast area of valley lands devastated almost annually by the flooding of the Mississippi River because we haven't the money to build levees; when I think that in the West there is a territory capable of affording comfort and happiness to millions of men, but which is an arid desert because we haven't money enough to build dams and dig irrigating canals—when I think of things like these it is difficult for me to understand how any well-informed man can look on America as a superstate, with no problems of its own, and with unlimited resources from which it can give freely to all the rest of the world.

"A league of nations which would preserve peace without impairing America's sovereignty, without obligating America to intervene in foreign wars, not if and when America thinks it her duty to intervene, but as she may be 'advised' to do by eight European and Asiatic gentlemen sitting around a table in Geneva, Switzerland—such a league might merit approval. But a league which excludes from the planning of its covenant such highly civilized countries as Holland, Norway, Sweden, and Switzerland, while admitting such countries as Haiti, Liberia, and Hedjaz, excites distrust to begin with. When a careful study

of its articles reveals the fact that it is not a league to preserve peace but, on the contrary, is a league to project America into all of Europe's future wars, whether or not American interests and American duty are concerned—when that is proved to be the kind of league we are asked to accept, there must be this emphatic answer:

"America will stand true to the principles of Washington, of Jefferson, and of all her other Presidents down to and including the Woodrow Wilson of April 13, 1916, who said on that day:

"'God forbid that we should ever become directly or indirectly embroiled in quarrels not of our own choosing and that do not affect what we feel responsible to defend.'

"The Woodrow Wilson who said on May 16, 1914, at the unveiling of the John Barry statue:

"'We can not form alliances with those who are not going our way; and in our might and majesty and in the confidence and definiteness of our own purpose we need not and we should not form alliances with any nation in the world.'

"My countrymen, I conclude, as I began, with the reminder that America has grown great and powerful by following the wise advice of Washington—advice that has been given by every one of America's Presidents not excepting our present Chief Magistrate, for not until his return from a long sojourn among the potentates and prime ministers of Europe and Asia did President Wilson repudiate the principles that have made our country peaceful and powerful. Washington and Wilson—(up to 1916). Two great Presidents! Let us continue to stand on the splendid platform they constructed, and so perpetuate the glory and greatness of the American Republic."

President Wilson was reelected in 1916 on a platform denouncing the league of nations.

The following quotations are taken from Democratic campaign textbook of 1916, which was the official organ of the party:

"Gov. Glynn's speech sounds party's battle summons.

"\* \* \* For the America of to-day and for the America of to-morrow, for the civilization of the present and for the civilization of the future, we must hold to the course that has made our Nation great; we must steer by the stars that guided our ship of state through the vicissitudes of a century.

"\* \* \* What the people must determine through their suffrage is whether the course the country has pursued through this crucial period is to be continued; whether the principles that have been asserted as our national policy shall be indorsed or withdrawn.

"\* \* \* The President of the United States stands to-day where stood the men who made America and saved America.

\* \* \*

"If Washington was right, if Jefferson was right, if Hamilton was right, if Lincoln was right, then the President of the United States is right to-day. \* \* \*

"And whom, we ask, will the policy of our opponents (Republicans) satisfy, and for how long? Fighting for every degree of injury would mean perpetual war, and this is the policy of our opponents, deny it how they will. It would not allow the United States to keep the sword in the scabbard as long as there remains an unrighted wrong or an unsatisfied hope between the snowy wastes of Siberia and the jungled hills of Borneo. It would make America as dangerous to itself and others, as destructive and as uncontrollable as the cannon in Victor Hugo's tale of '93. It would give us a war abroad each time the fighting cock of the European weather vane shifted with the breeze. It would make America the cockpit of the world. It would mean the reversal of our traditional policy of government. \* \* \* It would make all the other nations the wards of the United States and the United States the keeper of the world. What would become of the Monroe doctrine under such a policy? How long do our opponents suppose we would be allowed to meddle in European affairs while denying Europe the right to meddle in American affairs? The policy of our opponents is a dream. It never could be a possibility. It is not even advanced in good faith.

\* \* \* In a word this policy of our opponents would make the United States the policeman of Europe. Rome tried to be policeman of the world and went down. Portugal tried to be policeman of the world and went down. Spain tried and went down, and the United States proposed to profit by the experience of the ages and avoid ambitions whose reward is sorrow and whose crown is death \* \* \*.

This reads like the speech of one of the men who has recently been denounced as a "contemptible quitter." Or like one of those who has been called "pygmy-minded." Or "a dream of a man living in a forgotten age."

As a matter of fact, it is the warp and woof of the Americanism plank of the platform upon which President Wilson was elected.

LETTER OF AUGUST 19, 1919, BY ED. E. YATES, OF KANSAS CITY, MO., ON THE LEAGUE OF NATIONS.

"No Democrat can, by any possibility, stand for the league pact and treaty.

"As a document it is distinctly un-American.

"The whole runs flat against the teachings of the fathers, who were never internationalists, but always Americans. Friendship for all, entangling alliances with none, is made to read friendship for some, entanglements world wide—national liberty surrendered and our engagements with foreign powers become the paramount thing in our national life.

"That is not all.

"It is inconceivable that any Democrat can condone, as he must if he indorses the league, every act of spoliation, every rape of peoples, territory, and liberty; every crime that has been committed in the name of civilization, with which the national life of our allies is replete. Yet he must do all these things if he goes in for article 10. If we stand pledged to maintain the status quo of nations, then logically the status quo is right, no matter how much larceny, blood, crime of high and low degree may have been involved in the origin of the thing. Moreover, it annihilates the dream of future freedom for peoples now under dominion of world powers; for how can tributary people or a colony—an underling nation—hope for national life without aggression of some sort from without? And is it not conceivable that such aggression might not only be meritorious, but conditions might impose an obligation to help it along which no liberty-loving citizen would desire to ignore. The wholesale condonation of the national crimes of some of our allies, it is hardly necessary to say, if carried to the conclusion where the advocates of the league of nations should be required to take it, would utterly repudiate the means by which American independence was obtained, as well as the beneficent results.

"Why abandon a national policy always followed that has given virility and esprit to our Republic at all times in favor of one of entanglement, a policy which spells emasculation for all national spirit? Really, to my mind, the only people who give a possibly plausible reason for support of the pact are the remnant of Mr. Wilson's old peace pact. They say, 'Let's try it; if it only averts a war in a decade, it will have benefited mankind immeasurably.' Just so! This reason looked at, however, falls little short of senility, for the kindergarten classes will naturally inquire, 'What greater reason have we to suppose that the league will avert war rather than produce it?' A historic, philosophic investigation of the probabilities of the matter, I think, would justify one in selling pools either way at practically the same price.

"Be this as it may, why should we, the richest, the most powerful, Nation in the world promise subservience to other powers in advance—'sight unseen,' as we used to say? There may be a reason, but to take up the vernacular, 'you may search me'!

"Shall we underwrite the present foreign territorial conditions to the full extent of our boy power and money resources? Mr. Wilson says, 'Yes.' But his reasons are wholly illogical, sentimental, dreamy, and, what is weightier than all, smack too much of Old World greed and selfishness and too little of that which has made us a Nation 'set apart.'

"Mr. Wilson, if he succeeds in this policy, should be deified as the god of fate, for he and his cult teach that world conditions should be left where chance has cracked them. Why should any strive or look up for better things; have not the fatalists headed by this new leader decreed that whatever is right? So kick not against the pricks, but accept the lot fate has allotted and be thankful it is not worse. All islands and continents held in leash cry against so damnable a doctrine.

"This touches but one phase of the question."

Mr. ASHURST. Mr. President, I rise to a question of order. The PRESIDENT pro tempore. The Senator from Arizona will state it.

Mr. ASHURST. I am not stirred by sentiments of envy at the applause these eloquent speeches bring out, but I appeal to Senators like Senator LODGE, Senator HITCHCOCK, and other men who are statesmen and leaders to assist in preserving order in the Senate. No one here could admire more than I do the courageous speech just made by the Senator from Missouri. Whether the occupants of the galleries agree with him or not, whether we agree with him or not, we are bound to agree that he enriches the annals of the Senate when he speaks. Would you, occupants of the galleries, go into the Supreme Court and there applaud a decision? You would not. Yet we are here called upon to pass upon a greater cause than the Supreme Court ever had under its jurisdiction. We are passing upon the destiny of nations and of men. [Manifestations of disapproval in the galleries.] I see that you do not even

agree with these statements. I am simply saying this for the dignity and honor of the Senate. The debates on this subject are going to wax warm. Before this debate is concluded we are going to have scenes here that will call into requisition the coolest nerve of men in order that we may keep order. Let the occupants of the galleries help us. We need their assistance and we need the presiding officer's help. The occupants of the galleries are our guests; they are invited here; they should assist in preserving order.

I have said this much in the hope that the honor of the Senate may be maintained; for what demagogues may say outside and what men may do outside to intimidate a Senator, let there be here a serene atmosphere, unmoved and uninfluenced by the occupants of the galleries, who, I am sure, do not appreciate that it is against one of the oldest rules of the Senate to express approbation or disapprobation of the speakers.

Mr. LODGE. Mr. President, in order that we may return to the serene and calm atmosphere described by the Senator from Arizona, I move, as in legislative session, that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, September 23, 1919, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

MONDAY, September 22, 1919.

The House met at 12 o'clock noon.

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

O Lord God our Heavenly Father, source of every blessing, we thank Thee for the preservation of our lives, a new day with its hopes and possibilities.

Cleanse us, we beseech Thee, from all guile. Imbue us plentifully with heavenly gifts, that we may hallow Thy name in all that we undertake. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, September 20, 1919, was read and approved.

### AMENDMENT OF FOOD-CONTROL ACT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

Mr. CAMPBELL of Kansas, from the Committee on Rules, submits the following report:

The Committee on Rules, to which was referred House resolution 304, submit a privileged report on said resolution with the recommendation that the resolution be agreed to.

### House resolution 304.

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table H. R. 8624, the same being "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, approved August 10, 1917,'" disagree to all Senate amendments, and send the same to conference without intervening motion or debate.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution is for the purpose of getting the bill amending the Lever Act to conference. This bill amending that act has been delayed for some time, and it is thought that in the interest of the public good the matter should be sent to conference at once. This resolution is to accomplish that purpose.

Unless there is request for further debate of the resolution by some one else, I will yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. JOHNSON of Kentucky. I would like to have about 45 minutes if I could get it.

Mr. CAMPBELL of Kansas. I yield to the gentleman from Massachusetts.

The SPEAKER. The gentleman from Massachusetts [Mr. TREADWAY] is recognized for five minutes.

Mr. TREADWAY. Mr. Speaker, the rule that the committee has brought in probably is perfectly in keeping with the program, but I want again to call to the attention of the House the inconsistency of the procedure which we are undertaking.

The bill before us is "To provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel." That is applicable throughout the United States, and was reported by the Committee on Agriculture and passed both branches with various minor amendments. There was

attached to the bill as a major amendment—because it is an absolutely separate and distinct proposition—what is known as the Ball Act, establishing in the District of Columbia a rent commission, applicable solely to the District of Columbia.

Now, I will not take up the time of the House to point out some of the defects in the Ball rent commission bill, but it is full of defects, as is acknowledged by its advocates in the other branch. We are told that the way to correct it is to send it to conference. The conferees are leading members of the Committee on Agriculture. We can perfect a bill, forsooth, establishing a rent commission in the District of Columbia by adding it as an amendment to a food bill, reported by the Committee on Agriculture, and refer this amendment to the agricultural conferees.

A great deal has been said at one time and another as to the defects of our system of placing riders on bills, and if the House saw fit and would accept this opportunity of expressing its dissatisfaction with that method of procedure, it would not adopt the rule which is now submitted by the Committee on Rules. We have a District of Columbia Committee. The distinguished chairman is sitting before us now, ready to deal with District matters.

The simplest thing in the world is to vote out this amendment, refer the Ball bill, if you wish, to the District Committee, let the District Committee hear it, and let it be considered on the floor of this House, and then take such action as we may see fit. The process that this rule makes possible is having a bill which has never been before the House, and which has never been considered by a committee of the House, and never debated on this floor, put onto a bill having nothing to do with the District of Columbia, having nothing to do with the establishment of a rent commission, and heard only by the conferees of the Committee on Agriculture.

If you can get a more inconsistent proposition than that before you in the way of the adoption of a rider, I do not know what it is. Therefore it seems to me that the right course of procedure is to consider the establishment of a rent commission in the District of Columbia purely on its own merits, not through the adoption of an amendment to an agricultural bill. It is the worst illustration of the so-called rider system that I have ever seen brought before the House in my term of service.

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

Mr. TREADWAY. Yes.

Mr. DENISON. I want to ask the gentleman if the only way we can accomplish that now is to vote down the rule?

Mr. TREADWAY. I think that would be the proper method, to vote down the rule.

Mr. DENISON. If you can accomplish it in that way, I agree with the gentleman that we ought to vote the rule down.

Mr. TREADWAY. I am not shaping the procedure of the House, and therefore I do not advocate that procedure too strongly, but it does seem to me that that is the course to pursue.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MASON].

The SPEAKER. The gentleman from Illinois is recognized for two minutes.

Mr. MASON. Mr. Speaker, I rise not to oppose the rule, but to call attention to the first line in the second paragraph of the food-control act, "By reason of the existence of a state of war." I want to call the attention of my colleagues to the fact that that is a statement that is not true. There is no "state of war," except upon paper. The terms of peace have been agreed upon, so far as our enemy is concerned. There is no "state of war," and if an opportunity should come I hope to see an amendment offered to strike out that declaration. The only "state of war" exists by reason of the fact that it is a paper "state of war" and the fact that our troops are being sent all over the world without any act of Congress and without any declaration of war.

Some of my colleagues may remember that during this session I have before called your attention to the fact that 4,000 of my constituents are in Siberia. They are there without a declaration of war. There is no declaration of war, and we have a statement of a Member of Congress to the effect that when he called upon the department as to the sending of our troops to Silesia he ascertained that 5,000 of our troops had been ordered to Silesia without any declaration of war. Our troops are being used all over the world as policemen and guards, and I have offered evidence here which shows that our troops are being employed as track laborers in Siberia.

I call attention to this fact because I intend on every possible occasion to do so whenever I can. There has been no declaration of war against Silesia. The department tried to conceal

from the people and from the Congress the fact that these men were sent there. It was denied to our colleague, Mr. Wood of Indiana. They stated to him that they did not intend to have it known, but the fact came through Coblenz, and that dispatch was published in this country.

The SPEAKER. The time of the gentleman has expired.

Mr. MASON. I would like one minute more, because I had to wait about that long for one or two gentlemen who were standing near me.

Mr. CANDLER. We would like to have some more time over here.

Mr. CAMPBELL of Kansas. I can not yield any more time on this resolution. The purpose of it was not to provoke debate, but to get this very important bill into conference.

Mr. CANDLER. That is all I wanted to insist upon.

Mr. CAMPBELL of Kansas. If gentlemen are interested in getting this necessary legislation passed, there is only one way to do it, and that is to put this bill into conference at once. Therefore I move the previous question on the resolution.

Mr. KNUTSON. Mr. Speaker—

The SPEAKER. The gentleman from Kansas moves the previous question on the resolution.

The previous question was ordered.

Mr. KNUTSON. Mr. Speaker—

Mr. CAMPBELL of Kansas. I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution. Those in favor of agreeing to the resolution will say "aye."

The affirmative vote was taken.

Mr. KNUTSON. I suggest the absence of a quorum, and therefore ask for a call of the House. I call for a division on the vote.

The SPEAKER. The motion would come on the division. Evidently there is no quorum present.

Mr. GARD. A parliamentary inquiry, Mr. Speaker. The negative vote has not been taken.

The SPEAKER. The ayes were called but not the nays. There is obviously no quorum present.

Mr. KNUTSON. I withdraw my point of no quorum and ask for a division.

Mr. WALSH. It is too late to withdraw the point now.

Mr. BLANTON. A point of order, Mr. Speaker.

The SPEAKER. The Chair thinks he has just stated that there is no quorum present, and that can not be withdrawn.

Mr. BLANTON. I was just going to make that point of order.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members. The question is on agreeing to the resolution. The Clerk will call the roll.

The question was taken; and there were—yeas 257, nays 12, answered "present" 2, not voting 158, as follows:

YEAS—257.

Ackerman	Chindblom	Gard	Kitchin
Alexander	Christopherson	Garner	Kleczka
Almon	Clark, Fla.	Glynn	Kraus
Anderson	Coady	Goodykoontz	Lampert
Andrews, Nebr.	Cole	Gould	Lanzley
Ashbrook	Collier	Graham, Ill.	Lanham
Aswell	Connally	Green, Iowa	Lankford
Ayres	Cooper	Greene, Mass.	Larsen
Babka	Crago	Hadley	Layton
Baer	Cramton	Hamilton	Lazaro
Bankhead	Crisp	Hardy, Colo.	Lee, Ga.
Barbour	Crowther	Harrison	Lehlbach
Bee	Currie, Mich.	Hastings	Little
Benham	Dale	Haugen	Longworth
Black	Darrow	Hawley	Luhring
Blackmon	Davis, Tenn.	Hayden	McDuffie
Bland, Mo.	Denison	Hays	McFadden
Bland, Va.	Dewalt	Hernandez	McKenzie
Blanton	Dickinson, Mo.	Hersey	McLane
Boies	Dickinson, Iowa	Hickey	McLaughlin, Mich.
Booher	Dowell	Hicks	McLaughlin, Nebr.
Box	Drane	Hoch	MacGregor
Brand	Dunn	Holland	Mansfield
Briggs	Dupré	Houghton	Mapes
Brinson	Engle	Hull, Iowa	Martin
Brooks, Ill.	Elliott	Hull, Tenn.	Mason
Brooks, Pa.	Elston	Humphreys	Mays
Browne	Esch	Husted	Merritt
Buchanan	Evans, Mont.	Igoe	Michener
Burdick	Evans, Nebr.	Ireland	Minahan, N. J.
Burroughs	Evans, Nev.	James	Monahan, Wis.
Butler	Fairfield	Jeffe	Mondell
Byrnes, S. C.	Fess	Johnson, Miss.	Montague
Byrnes, Tenn.	Fields	Johnson, Wash.	Moon
Caldwell	Fisher	Jones, Tex.	Mooney
Campbell, Kans.	Focht	Juul	Moore, Va.
Campbell, Pa.	Fordney	Kearns	Murphy
Candler	Foster	Keller	Neely
Cannon	Freeman	Kelly, Pa.	Nelson, Mo.
Carss	French	Kendall	Nelson, Wis.
Carter	Fuller, Ill.	King	Newton, Minn.
Casey	Gandy	Kinkaid	Newton, Mo.

Nicholls, S. C.	Ricketts	Stiness	Watson, Pa.
Nichols, Mich.	Riddick	Strong, Kans.	Weaver
O'Connor	Robinson, N. C.	Strong, Pa.	Webster
Ogden	Rodenberg	Summers, Wash.	Welling
Oliver	Romjue	Sweet	Weltz
Osborne	Rose	Swope	Whaley
Overstreet	Rubey	Taylor, Colo.	Wheeler
Padgett	Rucker	Taylor, Tenn.	White, Kans.
Park	Sanders, Ind.	Temple	Williams
Parrish	Saunders, Va.	Thompson	Wilson, Ill.
Phelan	Schall	Tillman	Wilson, La.
Platt	Scott	Tilson	Wingo
Pou	Shreve	Timberlake	Wise
Purnell	Siegel	Tincher	Wood, Ind.
Quin	Sims	Towner	Woods, Va.
Raker	Small	Upshaw	Woodyard
Ramseyer	Smith, Idaho	Venable	Yates
Randall, Wis.	Smith, Ill.	Vestal	Young, N. Dak.
Rayburn	Smith, Mich.	Vinson	Young, Tex.
Reavis	Smithwick	Voigt	Zihlman
Reber	Stedman	Volstead	
Reed, W. Va.	Stephens, Miss.	Stephens, Miss.	
Rhodes	Stephens, Ohio	Watlers	
		Watkins	

## NAYS—12.

Gallagher	Hulings	McAndrews	Tinkham
Griffin	Johnson, Ky.	Oldfield	Treadway
Huddleston	Luce	Thomas	Walsh

## ANSWERED "PRESENT"—2.

## Dunbar Knutson

## NOT VOTING—158.

Andrews, Md.	Fitzgerald	Linthicum	Riordan
Anthony	Flood	Lonergan	Robison, Ky.
Bacharach	Frear	Lufkin	Rogers
Barkley	Fuller, Mass.	McArthur	Rouse
Begg	Gallivan	McClinic	Rowan
Bell	Ganly	McClulloch	Rowe
Benson	Garland	McGlenon	Sabath
Bland, Ind.	Garrett	McKeown	Sanders, La.
Bowers	Godwin, N. C.	McKiniry	Sanders, N. Y.
Britten	Goldfogle	McKinley	Sanford
Browning	Good	McPherson	Scully
Brumbaugh	Goodall	MacCracken	Sears
Burke	Goodwin, Ark.	Madden	Sells
Cantrill	Graham, Pa.	Magee	Sherwood
Caraway	Greene, Vt.	Maier	Sinclair
Carew	Griest	Major	Sinnott
Clark, Mo.	Hamill	Mann	Sisson
Classon	Hardy, Tex.	Mead	Slemp
Cleary	Haskell	Miller	Smith, N. Y.
Copley	Hettin	Moore, Ohio	Snell
Costello	Hersman	Moore, Pa.	Snyder
Cullen	Hill	Moores, Ind.	Steagall
Curry, Calif.	Howard	Morgan	Steele
Dallinger	Hudspeth	Morin	Stevenson
Davey	Hutchinson	Mott	Stevenson
Davis, Minn.	Jacoway	Mudd	Sullivan
Dempsey	Johnson, S. Dak.	Nolan	Summers, Tex.
Dent	Johnston, N. Y.	O'Connell	Taylor, Ark.
Dominick	Jones, Pa.	Olney	Valle
Donovan	Kahn	Paige	Vare
Dooling	Kelley, Mich.	Parker	Ward
Doremus	Kennedy, Iowa	Pell	Wason
Doughton	Kennedy, R. I.	Peters	Watson, Va.
Dyer	Kettner	Porter	Webb
Eagan	Kiess	Radcliffe	White, Mc.
Echols	Kincheloe	Rainey, H. T.	Wilson, Pa.
Edmonds	Kreider	Rainey, J. W.	Winslow
Ellsworth	LaGuardia	Ramsey	Wright
Emerson	Lea, Calif.	Randall, Calif.	
Ferris	Lesher	Reed, N. Y.	

So the resolution was agreed to.

The following pairs were announced:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. BOWERS with Mr. SANDERS of Louisiana.

Mr. FREAR with Mr. O'CONNELL.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. MCPHERSON with Mr. MAJOR.

Mr. McARTHUR with Mr. SISSON.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MADDEN with Mr. MAHER.

Mr. DAVIS of Minnesota with Mr. JOHNSTON of New York.

Mr. COPLEY with Mr. SUMNERS of Texas.

Mr. EDMONDS with Mr. SCULLY.

Mr. ROWE with Mr. CANTRILL.

Mr. COSTELLO with Mr. SULLIVAN.

Mr. KREIDER with Mr. CLARK of Missouri.

Mr. CURRY of California with Mr. STEVENSON.

Mr. WASON with Mr. DAVEY.

Mr. WINSLOW with Mr. CULLEN.

Mr. MORGAN with Mr. HAMILL.

Mr. WHITE of Maine with Mr. CAREW.

Mr. BURKE with Mr. CLEARY.

Mr. GRAHAM of Pennsylvania with Mr. JOHN W. RAINY.

Mr. MOTT with Mr. LONERGAN.

Mr. GREENE of Vermont with Mr. PELL.

Mr. MORIN with Mr. GOODWIN of Arkansas.

Mr. MUDD with Mr. GOLDFOGLE.

Mr. GRIEST with Mr. OLNEY.

Mr. ANTHONY with Mr. WRIGHT.

Mr. BACHARACH with Mr. WILSON of Pennsylvania.

Mr. NOLAN with Mr. GODWIN of North Carolina.

Mr. SNYDER with Mr. DOOLING.

Mr. HASKELL with Mr. MEAD.

Mr. STEENERSON with Mr. DONOVAN.

Mr. VARE with Mr. DOMINICK.

Mr. KAHN with Mr. DENT.

Mr. PAIGE with Mr. GARRETT.

Mr. KELLEY of Michigan with Mr. MCCLINTIC.

Mr. BEGG with Mr. WEBB.

Mr. DALLINGER with Mr. STEELE.

Mr. SELLS with Mr. BARKLEY.

Mr. SLEMP with Mr. DOUGHTON.

Mr. KENNEDY of Iowa with Mr. LESHER.

Mr. BLAND of Indiana with Mr. WATSON of Virginia.

Mr. PARKER with Mr. GANLY.

Mr. KENNEDY of Rhode Island with Mr. LEA of California.

Mr. SANDERS of New York with Mr. BRUMBAUGH.

Mr. SANFORD with Mr. BENSON.

Mr. KIESS with Mr. JACOWAY.

Mr. DEMPSEY with Mr. STEAGALL.

Mr. PETERS with Mr. FITZGERALD.

Mr. BROWNING with Mr. TAYLOR of Arkansas.

Mr. PORTER with Mr. FERRIS.

Mr. ELLSWORTH with Mr. SABATH.

Mr. EMERSON with Mr. ROWAN.

Mr. FULLER of Massachusetts with Mr. RIORDAN.

Mr. DYER with Mr. SMITH of New York.

Mr. RAMSEY with Mr. EAGAN.

Mr. HUTCHINSON with Mr. McKEOWN.

Mr. ROGERS with Mr. CARAWAY.

Mr. SINNOTT with Mr. GALLIVAN.

Mr. LUFKIN with Mr. HUDSPETH.

Mr. McCULLOCH with Mr. HOWARD.

Mr. MCKINLEY with Mr. HERSMAN.

Mr. SNELL with Mr. DOREMUS.

Mr. GARLAND with Mr. RANDALL of California.

Mr. MANN with Mr. HEFLIN.

Mr. GOOD with Mr. HENRY T. RAINY.

Mr. JONES of Pennsylvania with Mr. McGLENNON.

Mr. ECHOLS with Mr. SEARS.

Mr. MOORE of Ohio with Mr. HARDY of Texas.

Mr. WARD with Mr. KETTNER.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD (indefinitely).

Mr. KNUTSON. Mr. Speaker, in view of the fact that I am paired with the gentleman from Georgia, Mr. BELL, I desire to change my vote from "aye" to "present."

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

Mr. HAUGEN. Mr. Speaker, I move to take from the Speaker's table under the rule just adopted the bill H. R. 8624, and disagree to all the Senate amendments.

The SPEAKER. The gentleman from Iowa moves to take from the Speaker's table the bill H. R. 8624, disagree to all the Senate amendments, and send the same to conference without intervening motion or debate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, and Mr. RUBEN.

## CHANGE OF REFERENCE.

Mr. WOODS of Virginia. Mr. Speaker, I ask unanimous consent that the bill H. R. 8658 be changed from the District of Columbia to the Judiciary Committee. I will state that I have asked the chairmen of both committees and there is no objection.

Mr. JOHNSON of Kentucky. Reserving the right to object, I would like to hear a statement from the gentleman of what the bill is about.

Mr. GARD. What is the bill about?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8658) for the repeal of a certain joint resolution passed by the Senate and House of Representatives in Congress assembled.

*Be it enacted, etc.*, That the joint resolution of the Senate and House of Representatives of the United States of America in Congress assembled, No. 21, approved February 28, 1899 (30 Stats. L., p. 1390), be, and the same is hereby, repealed.

Mr. WOODS of Virginia. There is some conflict between this joint resolution and another resolution which ought to be coordinated with the laws now being acted upon by the Judiciary Committee. I introduced the resolution.

Mr. MONDELL. Mr. Speaker, for the present I shall have to object.

## ANNIE R. EMMONS.

Mr. IRELAND. Mr. Speaker, I offer the following privileged resolution.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution 302, authorizing the usual payment of an amount equal to six months' salary and \$250 to defray funeral expenses to the widow of a deceased employee of the House of Representatives, having had the same under consideration, find that Lucius H. Emmons was an employee of the House of Representatives on the soldiers' roll; that he died while an employee of the House; and that Annie R. Emmons is his lawful widow. It being the practice and custom of the House to so provide for the widow, the committee recommends the adoption of the resolution.

House resolution 302.

*Resolved*, That there shall be paid out of the contingent fund of the House to Annie R. Emmons, widow of Lucius H. Emmons, late an employee of the House of Representatives, a sum equal to six months of his compensation as such employee, and an additional amount, not exceeding \$250, to defray the expenses of the funeral of said Lucius H. Emmons.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent to proceed for not exceeding 10 minutes out of order.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for not exceeding 10 minutes out of order. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I trust that after the gentleman has proceeded for 10 minutes out of order he will take a few minutes to explain the purpose of the resolution, as there are one or two questions I desire to ask.

Mr. CANDLER. Mr. Speaker, on what subject does the gentleman desire to speak?

Mr. IRELAND. Mr. Speaker, I just want to submit a brief statement to the House upon the matter that was referred to on last legislative day here, respecting the telegraph bills of Members.

The SPEAKER. Is there objection?

There was no objection.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, on Saturday last the chairman of the Committee on Appropriations, having in charge the deficiency appropriation bill, made some reference to the telegraph bills of Members of the House. I was unfortunately absent at the time, and want now to impose upon your good nature and time for a few moments to correct any possible misapprehension that may exist because of those statements, and to express regret that I was not here to do it on Saturday. Although the Committee on Accounts is perhaps correctly charged with censoring these telegrams as to matter, their audit as to accuracy is clearly a matter solely for the audit department of the Treasury and not for the Committee on Accounts.

For some time—and I shall not say whether from the membership of the House or from outside—complaint has been made to the Committee on Accounts respecting this matter, and we, the committee, have been loath to take up the subject simply because of embarrassment that it might cause because of some unintentional and certainly unconscious abuses of the privilege. I want to present these figures, which I take from the clerk's report, which will give some idea of the necessity for the mention, and the mention alone. Whatever I have to say on the subject is not by way of criticism of any Member of the House or of the House as a whole. Such violations, if any there be, such abuses as have occurred, I repeat, in my own mind, have been highly exaggerated, and have been committed unintentionally, I am sure, and, more often than not, unconsciously.

In 1914 the bills permissible to be paid through congressional frank amounted to \$19,430.18. The figures I give are for the fiscal years ending on the 30th of June. For the fiscal year ending June 30, 1915, they amounted to \$26,042.53. They commendably dropped at the end of the year ending June 30, 1916, to \$11,919.02. In 1917 they amounted to \$24,045.20. In 1918 they amounted to \$44,814.46 and for 1919 they amounted to \$108,947.53. There is great excuse for this seemingly unreasonable figure. There are many Members who have used their franks for cables abroad for the release of soldiers who were very sadly and badly needed at home because of bereavements, illness, and distress of their families, and I am bound to say that if the entire amount expended relieved the heart anguish of one single mother or brought home a single boy to his bereaved or distressed family every cent of it was well spent. [Applause.]

The abuse has not occurred in any respect, with very few exceptions, through the introduction of matter which was not within the purview of the privilege. That is to say, the amounts that I have given you have not been accumulated through direct abuse of the privilege enjoyed by Members of

the House. They have not used the frank for extraneous purposes nearly so much as might have been imagined by many of us from the figures given, but we have, perhaps, become a little lax and, perhaps, have transgressed in the manner in which we have sent out cablegrams and telegrams. One might very well imagine that some Members were trying to fill the CONGRESSIONAL RECORD by writing a speech in their telegrams. As an instance, we took occasion to see how a telegram might be deleted and altered, as it would naturally be done in the severe economy pursued in one's private interest in sending personal telegrams. This is a concrete instance of two cablegrams, which cost, respectively, \$26.30 and \$31.40.

We have figured out that they might have been sent for \$6 and \$8, respectively, without the slightest fear of having them in any way misleading to the one to whom they were addressed. Another feature that might be eliminated is the statement made by many Members "reply at my expense." They usually did that. Ample allowance was made to the Army and the Navy for all telegraphic purposes, and instead of their being charged to our personal expense they were, of course, charged to the House account. Wherever there has been opportunity for comparison between one department and another, the House always gets the worst of it.

The promiscuous use of the frank by secretaries is a thing that should be frowned upon and could be eliminated to a great extent. Many telegrams come in that are difficult of solution as to just to whom they belong and to whom they should be charged.

Mr. Speaker, I have never posed as a reformer, and I certainly am not an informer. I regard the humble position that I hold, and that of my associates on the Committee on Accounts, as a confidential relation with all the other Members. I do not at any time desire to divulge the contents of telegrams or cablegrams that have been sent. I have taken this matter up only generally with the chairman of the Committee on Appropriations, and with him alone. The difficulty in the matter may in some way be appreciated by the membership when I tell you that I am informed that the Treasury Department, very excusably because of the onrush of business, is two years behind in its audit, and that it has taken three men a full week's time of consistent hard work to segregate the telegrams of the membership for the month of July only.

I have heard a great deal about economy from both sides of the House, and one side is just as great an offender as the other. Economy, like charity, might well begin at home. This is a matter that should not be disagreeably saddled upon the Committee on Accounts. It is a matter that each Member should see to himself and settle with himself, censoring his own wires, and thereby relieve us of further disagreeable duties in the performance of a most disagreeable position in the House.

The gentleman from New York [Mr. HICKS], who was referred to through an unprecedented typographical error as chairman of the Committee on Accounts—and I am sure that was a plain error, because I am positive he could not have been held so low in the estimation of his colleagues as to have been chairman of that committee—suggests a method by which these bills should be censored by the Committee on Accounts. It has been the effort of that committee not to ask you for additional clerical help, and we hope to get through with this matter without asking that.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. IRELAND. Mr. Speaker, may I proceed for five minutes more?

The SPEAKER. The gentleman from Illinois asks unanimous consent to speak for five minutes more. Is there objection?

There was no objection.

Mr. IRELAND. We hope to be able to handle this matter as well as we can ourselves and without additional assistance, but it is very tedious and very menial and very hard work. I have done some of it myself simply to familiarize myself with the situation, and I ask you sincerely to take this matter into your own hands and relieve the very delicate and disagreeable situation and responsibility entailed upon our committee.

Mr. HASTINGS. I think the chairman has made a very full and complete statement of the situation, and there is not anything I can think of that I can add to what has been stated. It is a very delicate situation. These telegrams do not reach the Committee on Accounts until some two or three months after they are sent. I might say in the chairman's time there is a very close twilight zone which creates a very delicate situation. It is difficult oftentimes for a Member to state whether the telegram comes strictly within the rule or not, and I want

to join the chairman in asking the Members of the House to help us in this delicate situation.

Mr. KNUTSON. May I suggest to the gentleman from Illinois that at the time he referred to the Government had control of the cables, so we were simply transferring the money from one pocket to another.

Mr. IRELAND. That did not cut down the bills, however, did it? I do not think the gentleman's suggestion is pertinent as a matter of economy.

Mr. RUCKER. Will the gentleman yield?

Mr. IRELAND. I yield to the gentleman from Missouri.

Mr. RUCKER. I want to congratulate the gentleman upon the very frank and considerate statement he has made, and I would like to ask this question if he can answer it. Of course, I am not asking for any name whatever, but assuming that Members have likely made mistakes in the length of telegrams, or in the character of messages to which the gentleman referred, I want to ask this: Is there any marked difference in the amount charged to Members, \$108,000, prorated fairly well among the 435 Members? In other words, does one Member run up a large amount of expense when the rest of us keep within bounds?

Mr. IRELAND. I will say to my good friend from Missouri that the majority of Members are within bounds, and I regret very much to say there is a material difference, and that is as far as I would like to go.

Mr. RUCKER. That is as far as I would want the gentleman to go. I think if some notice was given those of us who have, maybe without being conscious of it, used the wires excessively, it would put the brakes on.

Mr. IRELAND. Yes, sir. I hope that will be the case.

Mr. RUCKER. And relieve the gentleman of the embarrassment which he reports here.

Mr. GARD. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. GARD. Does the Committee on Accounts, or anyone on the Committee on Accounts, audit these telegrams and cablegrams to determine whether they are official or whether they are personal?

Mr. IRELAND. Yes; we are supposed to as to matter, but not as to the amount. As to the aggregate of the amount charged, that is supposed to be cared for by the Treasury Department.

Mr. GARD. I understand it is the business of the Committee on Accounts to determine whether the matter is official or unofficial?

Mr. IRELAND. I regret very much to say the gentleman is correct, and I am sorry it is.

Mr. GARD. Is the committee doing that?

Mr. IRELAND. We are. That is one thing we are endeavoring to correct, and I will say that the committee is doing its best to do its duty in the matter.

Mr. GARD. What is the course of the committee if after the audit you find the matter is unofficial?

Mr. IRELAND. The gentleman will remember that we have been in charge but a short time, and the matter has been so voluminous that we have only been able to segregate and catalogue one month. We will attend to it.

Mr. GARD. I realize the labor involved, but I wished to find out what has been done and the policy of the committee with reference to these unofficial telegrams?

Mr. IRELAND. That will be done.

Mr. POU. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. POU. Why should any of this material be kept confidential. It seems to me it ought to be given publicity. It is public business.

Mr. IRELAND. The gentleman is quite right possibly, but it would only involve us in accusations and recriminations which would come to no real purpose or good.

Mr. POU. I do not see why public business should be kept secret.

Mr. IRELAND. I want to emphasize the fact that alarming as the amount of these telegrams is in a majority of cases, generally the Members have complied with the law and there has been ample excuse for the increase in volume. I do also want to call attention to the fact that the humble chairman does most of this work for the committee in trying to relieve his colleagues of extra work and embarrassment, and I am a fairly modest man—that is, modest for a Congressman [laughter]—and I have no desire to poke my official nose into any gentleman's private business or his domestic affairs.

The SPEAKER. The time of the gentleman has again expired.

Mr. HASTINGS. Mr. Speaker, I ask that the gentleman have two minutes more time.

Mr. WALSH. Oh, well—

Mr. IRELAND. I am sorry.

Mr. HASTINGS. I thought the gentleman wanted some information about the resolution.

The SPEAKER. The gentleman asks unanimous consent that the gentleman's time be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. Now, if the chairman will yield I will say that this resolution that is before us—I believe the gentleman wanted to make some explanation of the resolution that is before us.

Mr. IRELAND. Yes.

The SPEAKER. The gentleman does not require unanimous consent for that purpose.

Mr. HASTINGS. That is all I ask.

Mr. PARRISH. Mr. Speaker—

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

Mr. IRELAND. I yield.

Mr. PARRISH. In reply to the suggestion made by my colleague over at the left, I would say that those telegrams, under the direction of the chairman of the committee, are being segregated down in the office of the Committee on Accounts, and, as I understand it, there is no secrecy at all about them. They may be seen by anybody who desires to see them. I just simply wanted to make that statement so that the House would know there was no secrecy about it, that the public may know it; and, furthermore, the men who send those telegrams and who feel that they are treading upon questionable ground—and some of them have done that, although not so many, so far as I am advised, but some have done so—may know that the matter is being carefully investigated, and they may refrain from any further steps in that direction. I want to be absolutely fair with the House in every way, and at the same time protect the Public Treasury in that regard.

Mr. CONNALLY. Will the gentleman from Illinois yield?

Mr. IRELAND. I will.

Mr. CONNALLY. I was very much interested in the statement the gentleman just made that he did not care to poke his official nose into private business. Does the gentleman regard the Committee on Accounts and these telegrams as private business?

Mr. IRELAND. The gentleman misunderstood me. I was referring to matter that might be contained in some of the wires of Members.

Mr. CONNALLY. Is it not the duty of the committee to sift out those telegrams that relate to personal business and make the Members pay for them, instead of leaving with the House the imputation that we are using telegraph franks for private business?

Mr. IRELAND. Is it in the gentleman's mind that I would do that? There was certainly no intentional imputation against the House or any Member.

Mr. CONNALLY. Does not the gentleman think it would be much more effective to call it to the attention of these individual Members who are abusing these franks than to call it to the attention of the House publicly? Would not that be more apt to correct the abuse?

Mr. IRELAND. I disagree with the gentleman. It would not result in the good we should try to reach.

Mr. CONNALLY. Does not the gentleman think the Members have enough discretion to know what is public and private, and if a Member does not make that distinction it is the chairman's business to call attention to it and correct it?

Mr. IRELAND. If we do that, we will do it privately, and not on the floor of the House.

As to the resolution under consideration, it is the usual resolution making provision for the widow of a deceased employee of the House. This employee was one of the doorkeepers on the soldiers' roll. It is the usual resolution, granting to her not to exceed \$250 for funeral expenses and six months' salary of the employee. If there is no question regarding it, I will move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### COAL-TAR PRODUCTS.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8078, known as the dyestuffs bill.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8078.

Mr. FORDNEY. Mr. Speaker, pending that motion, I want to say to the gentleman from North Carolina [Mr. KITCHIN] that I have requests for considerable more time than I expect to grant. I want to know how much time the gentleman from North Carolina wants to consume on that side of the House.

Mr. KITCHIN. About as much as the gentleman's side will want to consume. I want to be fair. Will the general debate be confined to the bill? If so, we can save an hour or two. If not—

Mr. FORDNEY. With the exception of a very little debate. And if the gentleman will permit the matter to be confined to matters relating to import duties, with the exception of 30 minutes—

Mr. KITCHIN. We either ought to confine it to the bill or let it be open for general debate. The gentleman and myself in controlling the time ought to discourage as much as possible Members talking on other subjects.

Mr. FORDNEY. I will discourage debate, except on the bill, with the exception of 30 minutes on this side. I ask, Mr. Speaker, that one half of the time be controlled by the gentleman from North Carolina and the other half by myself, and that general debate—

Mr. KITCHIN. How much would you say?

Mr. FORDNEY. Give me about three hours and a half on this side.

Mr. KITCHIN. Three hours and a half to the side?

Mr. FORDNEY. Yes.

Mr. KITCHIN. Put it three hours.

Mr. LONGWORTH. I will say to the gentleman, if the Chair will pardon me, that I doubt very much, much as I dislike to trespass on the patience of the House, that I will be able to explain this bill, with the questions I expect to be asked, in less than an hour and a half.

Mr. KITCHIN. As you gentlemen are responsible for the facility with which it is to be passed, I yield.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that the debate be limited to seven hours, one half to be controlled by the gentleman from North Carolina [Mr. KITCHIN] and the other half by myself.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the debate be limited to seven hours, one half of the time to be controlled by himself and the other half by the gentleman from North Carolina [Mr. KITCHIN]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8078, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 8078, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

Mr. RUCKER. Mr. Chairman, will the gentleman from Ohio yield to me for a moment to ask him a question before he begins the discussion?

Mr. LONGWORTH. Yes.

Mr. RUCKER. As I read it and understand it, there is considerable discord and contradiction in the various aggregations of letters found on page 3. Will the gentleman explain, define, and pronounce those words to us?

Mr. LONGWORTH. I will say to the gentleman from Missouri that in due time I will go thoroughly into that.

Gentlemen of the committee, at the outset I am going to make a rather novel request, that the Clerk in my time read the majority report. I do this because I think it is important that the House should get at least a bird's-eye view of the tremendous questions that are involved in this bill. The report is not long, and I think it covers practically the entire subject in a briefer and more succinct way than I could express it on the floor. I desire to have it read by the Clerk, because it is obvious that the condition of my voice is such that I do not desire to inflict either the House or myself with any more words than are abso-

lutely necessary. So I ask unanimous consent that the Clerk read in my time the majority report, and I ask that gentlemen may give attention, as it deals with a subject which I regard as of vital importance to this country.

The Clerk read as follows:

#### IMPORTATION OF COAL-TAR PRODUCTS.

The Committee on Ways and Means, to whom was referred H. R. 8078, "A bill to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled 'An act to increase the revenue, and for other purposes,'" having had the same under consideration, report it back to the House without amendment and recommend that the bill be passed.

This bill amends the present law in four important particulars. In its technical details it follows substantially the recommendations of the Tariff Commission in bringing the phraseology of the law up to date, so as to prevent evasions of its provisions through undervaluation or false designation of articles sought to be imported. Experience in the administration of the existing law has made it clear that it is not so worded as to completely give effect to the intent of Congress, and it is believed that these technical changes will fulfill that purpose. In the second place, it repeals that provision under which the specific duties shall be reduced at the rate of 20 per cent a year for five years. It increases the rates of duty from 15 per cent ad valorem and 2½ cents a pound on the intermediates to 40 per cent ad valorem and 6 cents a pound, and upon the finished product from 30 per cent ad valorem and 5 cents a pound to 45 per cent ad valorem and 7 cents a pound. Expert chemical opinion was unanimous that the rates of duty on the intermediates should be substantially the same as those upon the finished product. In the fourth place, the bill provides that for two years no foreign dyes can be imported except under a license granted by a board created in the bill.

The bill subdivides, as does the present law, the materials used in the dye industry into three classes—the crudes, the intermediates, and the finished product. The process of producing the crudes is comparatively simple, they being actually present in coal tar and only an isolation. Any country which like this has an abundant supply of cheap coal and a great steel industry requiring much coke has an unlimited supply of the raw material, and the crudes therefore require no protection. But with regard to the intermediates the situation is entirely different. Their production requires the most elaborate chemical processes, which can be carried out without the waste of a large proportion of the raw materials used only by men of the most profound chemical knowledge and long experience, and such men are not yet available in sufficient numbers in this country. Under these circumstances, therefore, it is apparent that this industry requires for the present at least a very high degree of protection.

All this is still more true of the finished product, which may take one of six different forms. By further chemical processes, in some cases very simple, these intermediates may be converted into dyes, perfumes, pharmaceuticals, tanning materials, high explosives like T. N. T. and picric acid, or into poison gas. As a class these finished products, requiring as they do further labor and skill of a class plentiful in Germany but still very scarce in this country, need a greater though not much greater measure of protection.

The remarkable interdependence of the dye and the explosive industry is well illustrated by the fact that once having obtained by a long series of elaborate chemical operations a certain intermediate, that intermediate may be converted by one very simple chemical change into sulphur black, one of the most widely used dyes, or into picric acid, one of the most important of high explosives. The technical knowledge and skill, the materials and the apparatus necessary to make high explosives as well, as poison gases and their antidotes are precisely what are to be found in any well-equipped dye works and nowhere else. A nation, therefore, which has a thoroughly complete dye industry capable of supplying its dye needs is always ready for a defensive or offensive war so far as the production of explosives and chemical gases are concerned. If, as seems likely, we are entering upon a period of international disarmament, the possession of such an industry becomes of infinite importance. In a world disarmed a nation possessing such a potential arsenal would be in a position to overwhelm any nation which had none and would be practically immune from attack.

An important, if not the most important, phase of this industry is its bearing upon the advancement of medical and industrial chemistry. It is the one industry which deals on a colossal scale with organic chemistry and it is upon organic chemistry that the progress of modern medicine rests. Salvarsan, for instance, was developed in a dye-works laboratory and is the first known certain cure for one of the most terrible scourges of humanity. It is confidently predicted that upon the further development of organic chemistry will rest the discovery of other cures for such devastating diseases as tuberculosis and even cancer.

This development rests upon the further development in this country of skilled research chemists, and it is only in a dye laboratory that large numbers of such chemists can find a livelihood. Accordingly, a well-developed dye industry in this country will furnish a tremendous reservoir of technically trained men and of scientific knowledge upon which the most important industries of the country may draw in time of peace and the Nation itself in time of war or of threatened war.

The economic importance of the industrial side of this question is illustrated by the fact that industries in this country producing nearly \$3,000,000,000 worth of goods each year are absolutely dependent upon coal-tar dyes and industries producing as much more annually are indirectly dependent upon coal-tar dyes and kindred materials.

For many years before the war we had practically no dye industry in this country. Such dye works as we had were merely assembling plants for German materials and supplied only about one-tenth of the American market. Accordingly all the huge industries requiring dye-stuffs were absolutely at the mercy of Germany, and could have been dealt a crushing blow by Germany at any time the German trust saw fit. That Germany realized this is illustrated by a dispatch sent on March 13, 1915, by Count von Bernstorff to his own Government, as follows:

"Serial No. 432 of March 13, 1915. It is reported to me by Hossenfelder, telegram No. 4, that the stock of dyes in this country is so small that by a German embargo about 4,000,000 American workmen might be thrown out of employment."

As a matter of fact, Germany early in 1915, by the withdrawal of her supplies of dyes, attempted to force this Government into hostile action against Great Britain, and if she had had the power to send

her own textiles into this country she would have inflicted a blow upon our textile industry from which probably it would have never recovered.

The war forced upon America the building up of the dye industry, for a situation arose under which many industries came to a practical standstill, and even the Government itself was in danger of having to cease to function in many important branches. For instance, the difficulty of securing printers' ink, which was entirely dependent upon dyes, brought about a situation under which the closing of the Government Printing Office seemed imminent and the Bureau of Printing and Engraving was in most serious embarrassment. The dyes necessary for even cheap and necessary clothing jumped in price in some cases 5,000 per cent and in other cases were not procurable at all. Fortunately we had in this country an unlimited supply of the raw materials, and patriotic Americans in all branches of industry set to work to remedy the situation by making their own dyes.

Vast amounts of capital were risked, without any assurance that it would not in the end be a total loss, as no one could guess how long the war would last, and as a result to-day we have in this country a dye industry which, although it is a mere baby, is able to supply the country's needs in most essentials, and will undoubtedly be able to supply the missing colors if given a reasonable time to get surely on its feet.

Under such conditions it would seem impossible that any loyal American would not realize the absolute necessity of saving and fostering such an industry as this. Only three methods of legislative assistance have been suggested—a tariff, a tariff supplemented by an antidumping provision, and a tariff supplemented by a licensing system. Your committee believes that only the last of these methods would be effective, and has accordingly recommended its adoption.

The plan as provided in this bill is to form a licensing commission, its members to be designated by associations engaged in and representative of both the producing and consuming industries. This commission will have power to grant licenses for the importation of foreign dyes under certain conditions. It is positively commanded to grant licenses to any applicant to import any foreign dye which is not obtainable in this country from domestic sources, and any dye which, while made in this country, is not obtainable at a reasonable price, of good quality, and within a reasonable time. Thus absolute assurance is given any American consumer of dyes that he can at any time obtain the foreign product where the American industry is unable to supply on favorable terms. Conversely, it will absolutely exclude importation of dyes which are made in this country of satisfactory quality and at fair prices and insure the development and extension of the manufacture of those dyes. Furthermore, the applications for the importation of such dyes as are not made here will promptly stimulate our manufacturers to make the same dyes by showing that a strong demand exists for them, and will thus guide the industry into the development which is really required.

During the life of this system a substantial number of dyes not made in this country will no doubt be imported, and, as they will be subject to the rates of duty provided in this bill, will produce a very substantial revenue for the Government.

Your committee does not suggest a license system as a permanent governmental policy, but feels that nothing else can meet the present emergency. Accordingly your committee recommends the license plan, together with an increased tariff, because as soon as the peace treaty is ratified the new American dye industry will be exposed to competition from an adversary so powerful and so desperate that no practical rate of duty can offer any real defense. The whole huge German dye industry, capable at the time of supplying the entire demand of the world, was combined in 1916 into a single immense trust, organized on purpose to fight its way back to the former German world monopoly. The combination is even now enormously prosperous. Starting with assets of nearly half a billion dollars, invested in the empire's most remunerative industry, plants of the trust have been busy throughout the war making all Germany's poison gases, many of her munitions, and at the same time enough dyes to accumulate a reserve capable of flooding the market of this or any other country. Recent observers report that the working forces have been held together complete and intact throughout the war and since its cessation, and that one at least of the component companies has made large additions to plants since the armistice.

The resources of the trust are therefore colossal, its plants are so huge and organized for such vast production that unless it can regain most of its former world market half its equipment must lie idle and the other half run at low efficiency. It must then recover its world market or cease to exist as a profitable business. Even before the war, when its supremacy was uncontested, the German industry's competition was utterly unscrupulous. It practiced ruthlessly every form of corrupt and unfair competition known to commerce. What can be more certain, then, that in the almost immediate future, when instead of a comfortable and safe supremacy it faces possible destruction, it will attack all competitors with reckless disregard of all considerations of business decency?

This attack, unless Congress acts very speedily, will be concentrated upon us. Great Britain, France, and Japan have protected their own Government-aided dye industries by license laws essentially similar to the one herein recommended. The market of the United States is therefore, except that of China, Germany's last opening. To penetrate it and destroy our domestic producers the trust will surely be glad to spend millions of its surplus. Not many millions would be needed. A very few adroitly used in practically giving away selected dyes would kill the business of even the strongest of our companies and leave us once more at the trust's mercy. Such an onslaught would be dangerous even if Germany's costs of production were as high as ours; but they are not. Even if the prices of labor and material are equal, an old dye industry can always undersell a new one. In making textiles or typewriters or paper or almost any other article that could be mentioned the maker gets practically all of his raw material back in finished product. In making dyes, however, some is lost in each of the many steps in the manufacture. How great each of these successive losses depends on the experience of the manufacturer. The total of his successive losses when the work is done by an inexperienced man is enormous. We, now at the job, lose half our raw material as the work goes on. The Germans, who have been at it for 40 years, lose but a trifling proportion. Their costs are thus far below ours and are likely to remain so, though in a decreasing degree, for a long time. An attempt to meet under such conditions such an assault from such an adversary would require unheard-of tariff rates, and it is highly probable that by undervaluation, rebates, and concessions, coupled with the old German method of full-line forcing and bribery, the German trust could nullify their effect.

No antidumping law yet suggested seems at all likely to meet the conditions in this particular industry on account of its immense complexity

and the ease with which imports can be camouflaged by the skilled and unscrupulous German chemist. It is apparent, then, that any tariff bill which could possibly become law might, and, indeed, probably would, fail to insure the development of this industry, which is so essential to our national defense and well-being. It is equally clear that the proposed license plan, faithfully administered, will certainly furnish the necessary protection and that, too, without sacrificing revenue. Your committee believes that the industry is too important to be risked, and therefore recommends the adoption of this certain though unusual means of defense. Your committee makes this recommendation also as the only suitable answer to the similar British, French, and Japanese license laws. Those laws keep the competition of our dyes out of Great Britain, France, and Japan. Your committee does not believe that we should aid in building up their new subsidized industries by giving them at the expense of our producers, unlimited access to our market. When by this simple expedient we can at the same time make sure of obtaining every foreign product we need and of building up our own vitally important industry, we feel that Congress ought not to hesitate or rest content with any doubtful remedy.

MR. LONGWORTH. Mr. Chairman, I really must apologize for having had read so long and so complicated a report as this. But I desire to bring before your minds en bloc, as it were, the situation that faces the country to-day in regard to these coal-tar chemicals.

The report shows, in the first place, the intimate relation that exists not only between the dyes and explosives, which most of us knew before, but the intimate relation which also exists between these and many other articles such as the modern chemical and poison gases, and above all, medicinal preparations; for, gentlemen, to-day most of the great cures that are being developed for the most dangerous ills and diseases that afflict the people of this country are the direct result of experiments in organic chemistry, which can only be made in a dye works.

Thus this matter is of importance, and vital importance, to the country, not only from the business standpoint but from the purely national standpoint as well. And it will be my particular object to endeavor to impress upon you the need not only for action, but for speedy action, lest our present industry shall absolutely vanish from the face of the earth.

Before proceeding to any extended argument as to why this legislation should be enacted, I will take up the bill section by section and endeavor to explain its provisions, with a view of indicating just what it provides.

MR. HICKS. Mr. Chairman, will the gentleman permit an inquiry there?

MR. LONGWORTH. Yes.

MR. HICKS. As to this commission that is proposed to be created, are their actions subject to any review by any higher authority?

MR. LONGWORTH. If the gentleman will postpone his question until I come to that phase of the subject, I will go into it very fully, and I think I can explain to the satisfaction of the gentleman exactly what the powers of this commission are and that they are not excessive.

In the first place, allow me to say, gentlemen, that this is the third bill dealing with this subject that I have introduced in this Congress. The first bill, House bill No. 2706, dealt only with the tariff phase of this situation. It did not contain that provision which is now contained in the present bill in relation to a regulation of imports through a license system. It only went so far as the present law on the general subject and only changed that law in certain technical details and in the amount of duties to be placed upon these products. But the next bill, House bill No. 6495, contained this so-called license-system provision, not exactly as it is now, because it gave the commission considerably greater powers than are given in this bill. The so-called license system in this bill is the result of long and serious deliberation by the committee on the question of just how far we ought to go in giving any board the right of regulation of importations, and when I come to that portion of the bill I shall elaborate a little more extensively on that subject.

Up to page 9 of the bill before you, gentlemen, there are no changes of policy over the present law except in certain particulars which I shall enumerate. Generally speaking, this bill carries out the suggestions of the Tariff Commission for bringing the law up to date and preventing the evasion both of its letter and spirit that have gone on since the enactment of the present law. The Tariff Commission has given long and exhaustive consideration to this matter and recommends a number of technical changes in order to prevent violations of the law by all sorts of camouflage methods, of which the Germans are masters, in concealing the exact nature of the object sought to be imported.

In the first place, in the present law no items of the existing tariff law are repealed, and it has caused some confusion because these coal-tar chemicals are so infinitely varied in character that the merest change of substance or the merest technicality in construction of the customs law might shift them

over under the general tariff law where the duty is very slight, and thus avoiding the intent of Congress in dealing with coal-tar chemicals as a class.

Another possibility of evasion results from the fact that dyestuffs can be brought in in various states of concentration, thus entirely changing the identity or character of the article. The object of the recommendation of the Tariff Commission is to make the provisions of the law very clear in that regard.

This bill divides the materials, as does the present law, into three groups; what are called the crudes, the intermediates, the finished product. With regard to the first group, the so-called crudes, they still remain on the free list with some additions. No country in the world, gentlemen, is so blessed as is this country in the possession of the raw materials for making all coal-tar chemical products, whether they be dyes, medicines, gases, or high explosives, because we have an unlimited supply of coal, and a practically unlimited demand for coke, owing to our enormous steel industry.

And it is in the process of making coke for the steel industry and other coke consumers that all these substances are derived. For years in this country, when we made our coke in the so-called beehive coke oven, practically all of these materials went up in smoke, and until the by-product coke oven came into being we were wasting at least 90 per cent of the product, all of which is practically saved now, and goes into the production of coal tar and these other so-called crudes. There can be no better way, I think, of conserving the resources of this country than to develop in the greatest possible degree the use of the by-products of the coke oven.

The industry in many of these substances has developed enormously since the war began. Take, for instance, benzol and toluol, two of the main bases of both explosives and dyes. The production of benzol has increased from \$3,000,000 in 1914 to more than \$55,000,000 in 1918, and the production of toluol has increased from \$600,000 in 1914 to more than \$14,500,000 in 1918. It is a most healthy indication of the progress of this vital industry, and for the reason that there is practically no competition in this industry from other countries, certainly none now, it seems proper that these products should remain upon the free list as they now are.

We now come to group 2, which consists of what are generally known as the intermediates, or, as the Germans call them, the derivatives. You will see on page 3 of this bill a list of jaw-breaking names. These are the final chemical refinements of the raw materials that I have just been speaking of, like benzol and toluol, to the stage when you decide what you are going to make out of them. You can make dyes with them, you can make synthetic tanning materials, you can make perfumery, you can make poison gas, you can make T. N. T., or any other form of high explosive. Their production requires very complicated chemical processes. The distinctive feature of the dyestuff industry is that it is really a combination of thousands and thousands of different industries. Practically no two processes are the same. These materials go through a large number of chemical changes, each of which may destroy the identity of the previous article. So you have no opportunity of judging, as you can in most industries, how much you are going to get out of your original raw product.

If you make a steel rail you know approximately how many tons of steel are going into that rail, but if you make a dye you have not the remotest idea how much of your original product will appear in that dye. That is one of the reasons why Germany is so immensely ahead of this country in the making of these materials; not only because her labor cost is very much less, but because by reason of her tremendous chemical staff and her long experience in the matter of these materials she gets an infinitely larger yield from the component materials than we do. For instance, in turning one of these intermediates into a finished dye a skilled German chemist will ordinarily get a yield of about 80 per cent, while even our very best chemists very seldom succeed in getting more than 40 per cent, for lack of practical experience, and we are still under tremendous disadvantage in competing with Germany to-day, not only with regard to our very much higher labor cost but in regard to our less well-developed chemical efficiency.

Mr. HUSTED. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from New York.

Mr. HUSTED. How does this bill protect against newly invented intermediates which may accomplish the purposes now accomplished by the intermediates specifically enumerated in this section?

Mr. LONGWORTH. The only possible way of preventing the flooding of the market with them during the next two years is the so-called license system as contained in this bill.

Now, although many of the materials mentioned on page 2 are difficult to pronounce, as a matter of fact, if you will examine them, you will see they are very simple. Each name represents a grouping of the principal substances which have gone into the product.

Mr. KITCHIN. Will the gentleman mind trying to pronounce and giving us the meaning of the last word in line 3, on page 4?

Mr. LONGWORTH. I will say to the gentleman that I have a very bad throat to-day and was advised by my physician not to try to pronounce any of these names [laughter], but merely to explain what they consist of.

Mr. LAYTON. I will pronounce that word if the gentleman wants me to.

Mr. LONGWORTH. I will be very glad if the gentleman will do so.

Mr. LAYTON. Tol-u-y-le-ne-di'-a-min. [Applause.]

Mr. LONGWORTH. That is exactly the way I should have pronounced it if my throat had been in better condition. [Laughter.] It is a common custom in this body to call a bill after its author, and if there happens to be more than one author the bill is sometimes known by the names of its other authors, like the Payne-Aldrich law or the Esch-Townsend law. Occasionally we hear of a bill with the names of three authors. For instance, if the gentleman from North Carolina, my distinguished friend Mr. KITCHIN, and the gentleman from Illinois, Mr. RAINY, and the gentleman from Texas, Mr. GARNER, should collaborate, each furnishing certain materials for a revenue bill, that bill would probably be known as the Kitchin-Rainey-Garnet bill, which might look queer if spelled out in one word as some of the materials in this bill are. And if they were joined by the other gentleman from Texas, Mr. BLANTON, and his name added, the word would be even more difficult of pronunciation, and certainly the combination would seem to be about as difficult of amalgamation as some of the jawbreakers comprised in this bill. [Laughter.]

With regard to the tariff duties on the substances enumerated in group 2 of these intermediates we have made a substantial change. Under the present law these substances are dutiable at 15 per cent ad valorem and 2½ cents a pound.

As a matter of fact, their manufacture is practically as expensive as the manufacture of the finished dye. There are few processes involved in the turning of these materials into the finished dye and they are comparatively inexpensive, so the committee following expert opinion, which seemed unanimous upon the proposition that duties on the intermediates should be substantially as high as upon the finished dye, has made a much larger relative increase in the intermediates than in the finished dyes.

In this bill, instead of being 15 per cent ad valorem and 2½ cents a pound, the duties are 40 per cent ad valorem and 6 cents a pound. That seems a large increase, but let me quote to you some German authority for the necessity of a high protection on intermediates if we desire to retain them as an industry in this country, and retain them we must if we are to have an industry which can produce dyes, medicinals, chemical gasses, and explosives.

I read from a report submitted to Count von Bernstorff on January 26, 1917, by Dr. Hugo Schweitzer, who was the German expert in this country on this question, the "derivatives" he refers to being what we call "intermediates":

The manufacture of the derivatives offers much greater difficulties for an industry still in the process of development for the reason that such an incredibly large variety of products is necessary. In a well-developed industry like that of the German a technical use is found in the end for all these products. In a less well-developed industry and in an industry which is only in the process of development, great hindrances stand in the way of the utilization of these derivatives.

He says further:

The manufacture of derivatives stands in Germany on such an incredibly high plane that the prices for the manufactured articles are very low. It would take American industry many, many years before the same, even if it will ever be possible at all, could produce these derivatives as cheaply as German industry does. In order to show these differences of price, the following examples may be cited: \* \* \*

Further on he says:

The history of American tariff legislation has shown that, in general, a protective tariff of 30 per cent ad valorem does not afford sufficient protection to create an American industry.

So you see, gentlemen, that unless we provide a very substantial increase in duties over and above what they are now, to the producers of these intermediates, we might as well throw up our hands, because Germany will immediately take the entire business.

MR. BLANTON. Will the gentleman yield?

MR. LONGWORTH. Certainly.

MR. BLANTON. The gentleman seems to give a great deal of credence to the German opinion of reports made to Count von Bernstorff. In view of the fact that those distinguished gentlemen were so badly fooled about matters in America in the recent emergency, can not the gentleman from Ohio take these reports with a little grain of salt?

MR. LONGWORTH. Not such a report as this. Dr. Schweitzer was not romancing; there is no question about that; the Germans were not going about exploiting the American industry by any means. This was a confidential report, and you can be pretty sure that the exact truth was told with relation to the tremendous advantage that Germany had over us in this particular regard. And so, gentlemen, we have increased the duties very largely in this second group.

MR. CALDWELL. Will the gentleman yield?

MR. LONGWORTH. With pleasure.

MR. CALDWELL. I have received a large number, running into the dozens, of letters from manufacturers who are protesting against this bill. I wondered whether the gentleman could tell the House whether the protesting manufacturers have had an opportunity to be heard, and if they have, why is not their protest a good one?

MR. LONGWORTH. I will say to the gentleman that there is a propaganda going on to-day in this country in opposition to this bill. I do not want to say that it is a propaganda induced by purely selfish motives of those engaged in promoting the German dye industry in this country. I will show a little later on that some persons are protesting against this bill who have been for years protesting against any legislation assisting the American chemical industry at all. They protested against any increased duties under the Payne law. The very same persons are opposing this bill, and they may have been able to pull the wool over the eyes of perfectly bona fide manufacturers.

MR. CALDWELL. I will say that none of the parties whom I have known, who have written me letters, can by any far cry be said to be pro-German. I do not believe that a single one is a Democrat; they are all Republicans.

MR. LONGWORTH. I, of course, concede that; but I say that their protest may be the result of propaganda. I do not assert that it is, and I cast not the slightest possible reflection on the patriotism of any one of the gentleman's correspondents. I think they have been unduly alarmed, as for years textile manufacturers have been unduly alarmed as to the possibility of not being able to get dyes necessary to their business and under the impression stimulated by certain propagandists that America can not make them under any circumstances.

MR. ROSE. Mr. Chairman, will the gentleman yield?

MR. LONGWORTH. Yes; I yield to my friend from Pennsylvania.

MR. ROSE. I would like to say, along the line of the statement of the gentleman from New York [Mr. CALDWELL], that I have received dozens of protests and suggestions about this bill that have come from men who I know have no connection whatever with any German propaganda. I regret that some of them are not here to listen to what the gentleman from Ohio [Mr. LONGWORTH] has said about the report made to Count von Bernstorff. He has made the assertion that the Germans are in a position to make these dyes at a much less cost than we can make them in this country, and the man making the report gives an estimate of the cost of producing the dyes in this country and claims that this country is unable to produce them at the low cost which obtains in Germany. If that is true, then it seems to me that the protests against the passage of this bill would fall to a very great extent.

MR. LONGWORTH. I am delighted that the gentleman from Pennsylvania feels as he does. Mr. Chairman, if gentlemen will postpone their questions on this particular feature until I have an opportunity to finally explain the so-called license system and its necessity I shall be glad, because I think I can show that such protests as come from bona fide manufacturers—and mind you, I am not saying for a moment that any protests sent by an American manufacturer of textiles against the passage of this bill is otherwise than absolutely bona fide—will be found to have been induced, whether they realized it or not, by certain propaganda sent out by persons who have for many years been interested in the importation of German dyestuffs into this country.

In the case of the finished dyes and all of the finished products of coal tar we have increased the duty from the present rate of 30 per cent and 5 cents a pound to 45 per cent and 7 cents a pound.

We have made another vital change—or, at least, a very important change—in the present law with regard to a certain

group of materials which are specifically exempted from the duties in the present law, and I read further from the report of Dr. Schweitzer to His Excellency Count von Bernstorff, commenting on the existing law. He says:

Happily, the following dyes are excluded from this specific duty: "Except natural and synthetic alizarin, and dyes obtained from alizarin, anthracene, and carbazol; natural and synthetic indigo and all indigoids, whether or not obtained from indigo, and medicinals, and flavors." This exception may well become the sheet anchor of the German industry. The dyestuffs which are excepted from this specific duty are the so-called vat dyes, and these vat dyes are a comparatively modern achievement of the German dye technique and are in general regarded as the most genuine dyes.

In other words, in the present law those dyes are specifically exempted, dyes in the manufacture of which Germany stands supreme, and in which we have to-day practically no industry whatever. They are the fastest of all dyes for certain purposes, and are used in dying certain classes of cotton goods. In this bill they are restored to the dutiable list and pay the same duty as all other finished dyes, thereby destroying what Dr. Schweitzer calls Germany's "sheet anchor." With regard to the possibility of the manufacture of this class of dyes in this country—and there are practically none manufactured to-day—Dr. Jones, the chemical expert of the Tariff Commission, says, on page 12 of the hearings, speaking of the so-called vat dyes:

There is, however, no question that these dyes will be produced within a short time, provided the companies feel that they have sufficient protection to justify them in making the necessary additional investments required.

Under this bill, if you pass it as it is, we may hope to have added to American production the only portion of the dye industry which is to-day absolutely lacking.

Another important change was made. Under the present law the provision is that five years after its enactment the specific duties proposed in the law shall be decreased by 20 per cent a year, so that after five years they cease altogether. A further provision is that if five years after the passage of the law the President determines that at least 60 per cent of our total consumption is not being produced in this country these specific duties shall no longer be levied or collected, but go on the free list. Both these provisions are eliminated in this bill.

We come now to the so-called license system, the provisions of which I shall endeavor to explain and a little later try to show that it is absolutely necessary for at least two years to make some such provision as this, because no rate of duty, no matter how high, could meet the situation that to-day confronts us.

Section 503 (a) of the bill provides that for the next two years no dyes or other coal-tar chemicals mentioned in the bill can be imported except under a license granted by a commission formed for that purpose. The commission is to consist of 11 men, 10 of them engaged either in producing or consuming dyes, and 1, the chairman, a man not connected with any business either producing or consuming dyes. The members are to be chosen by the industries themselves and their names certified to the Secretary of the Treasury, and they thereupon shall receive their appointment. It will be observed that under this present bill there are six consumers and four producers of dyes on the board, so that it is to be assumed that all points of difference, if such exist, in case of any applications would be decided in favor of the American consumer rather than the American producer.

MR. YATES. Eleven all together?

MR. LONGWORTH. Yes. The 10 appointed by the various associations meet and elect a chairman, the chairman to be the only salaried member of the commission, and the commission is authorized to charge a small license fee in order to pay all expenses. So that there will be no expense attached to the creation or functioning of this commission, so far as the Treasury is concerned. The powers of the commission are simply these: Wherever an application is made to them by any American consumer to import German, English, Swiss, or French, or other dyes, a license must automatically issue if the fact is that that dye is not produced in this country or can not be obtained at a reasonable price. The fear expressed by some textile manufacturers that discrimination might be exercised in favor of some and against others is not warranted because that power is not lodged in the commission. They are commanded to issue licenses in every case where the fact is that these dyestuffs can not be procured within a reasonable time and for a reasonable sum in this country.

MR. HICKS. Will the gentleman yield?

MR. LONGWORTH. I will yield to the gentleman from New York.

MR. HICKS. Speaking of this commission, it states on page 11 that they are allowed to issue this license "on such products only as may be unobtainable from domestic sources on reasonable terms as to price, quality, and delivery." Now, presuming

this commission grants a license on the import of some dyes which come under this item here, of course those dyes coming under that item will pay the duty that is already established in other parts of this bill. Is that so?

Mr. LONGWORTH. Yes.

Mr. HICKS. It merely gives the right to bring those dyes in, and it does not abrogate the duty on those dyes?

Mr. LONGWORTH. Absolutely not. And for that reason, gentlemen, for the two years that this license commission plan is in force it is expected that this bill will produce a very handsome revenue. All vat dyes for the time being will have to be imported. They are not produced here, and a license will automatically issue. They will bear the increased rate of duty provided in this bill and a large revenue will be derived. Another advantage will no doubt result. The mere demand, the mere application for a license to import a certain dye is constructive notice to the chemists and manufacturers of this country that there exists in this country a demand for that dye, and undoubtedly research work will at once begin in the direction of its production here. Because of that you can safely count that if for the next two years you give them a fair chance our producers will be able to show that we can make our own dyes here at home with American capital and with American labor and say to Germany "We do not need you." [Applause.]

Mr. DEWALT. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. DEWALT. I notice in this provision on page 11 that the wording, in line 18, is this:

Domestic manufacture, such of the products covered by section 503 (a) of this act, and such products only, as may be unobtainable from domestic sources on reasonable terms at the price, quality, and delivery.

Now, am I right in construing that to mean this, that this commission of 11, appointed, I believe, by the President—

Mr. LONGWORTH. No; they are appointed by the associations themselves.

Mr. DEWALT. This committee, appointed by these various associations, are also the judges as to the reasonableness of the price and of the quality and of the delivery?

Mr. LONGWORTH. No; I think the gentleman—

Mr. BUTLER. That is what I want to know.

Mr. LONGWORTH. If the gentleman will read that whole section and pay particular attention to the use of the word "shall," in line 16—

Mr. DEWALT. Yes.

Mr. LONGWORTH. It says "shall issue licenses"—

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I yield 30 minutes additional to the gentleman from Ohio.

Mr. LONGWORTH. And if the gentleman will also read the last paragraph—

Nothing herein contained shall authorize the commission to refuse a license to a manufacturer, person, or agent to import for actual use by the manufacturer foreign dye when such domestic dye of equal quality is not immediately available for his use.

He will see that it is not a price-fixing commission by any means. The commission's hands are tied where a dye is not produced in this country or can not be delivered in a reasonable time. They must grant a license.

Mr. DEWALT. Will the gentleman yield for one question more?

Mr. LONGWORTH. With pleasure.

Mr. DEWALT. Conceding that the licensing commission shall issue, that is imperative; but notwithstanding that, is not that imperative order to issue that dependent upon these things, namely, when unobtainable from domestic sources on reasonable terms and as to price, quality, and delivery? Now, does not that import that there is some judgment there, and by whom is that judgment to be exercised as to price, quality, and delivery? And the question is, Is that judgment reposed in this commission?

Mr. LONGWORTH. My construction of that section is this, that exercise of discretion would not extend to a case where the dye could not be secured at all. In a case where the dye was produced here, but could not be secured in a reasonable time and for a reasonable price, some exercise of discretion might lie, but it would tend to be exercised for the benefit of the American consumer, for, mind you, a majority of this commission are manufacturers themselves, they are not producers of dyes.

Mr. DEWALT. They are the men who use the dyes?

Mr. LONGWORTH. They are the men who use them. They always have the majority, and should a question arise such as is suggested by the gentleman from Pennsylvania it is to be assumed that the textile manufacturers, the men who consume

the dyes, are going to see to it that men in the same business receive fair treatment. I can not think of a case where any unfair discrimination could be used against the American consumer.

Mr. DEWALT. One question further.

Mr. LONGWORTH. I will yield to the gentleman, but I would like to proceed.

Mr. DEWALT. Could this be met with an antidumping clause?

Mr. LONGWORTH. I am coming to that. I will say briefly that in my judgment no antidumping clause could be framed that would help out in the situation that immediately confronts us, no matter how strong it was.

Mr. HICKS. Will the gentleman permit one question there? In the first part of his speech I interrupted him and asked a question as to whether or not the decision of this commission, under the term "reasonableness" is subject to a review by any court?

Mr. LONGWORTH. No; it is final, but, as a matter of fact, I can not conceive how, if a bona fide American consumer of dyes asks a license to import dyes after this bill is passed, it could be by any possibility refused to him if he could not procure those dyes here under reasonable terms and immediately.

Let me call your attention to this fact, too, gentlemen. Under the present regulations which provide that the War Trade Board shall issue licenses—as they have absolute authority to do—licenses have been granted within the last 10 days to import the next six months' supply of all necessary dyes. They have given licenses to everybody who applied for permission to import the dyes not produced here, and, I am told, though I have not seen the final figures, that the amount asked for is relatively insignificant, showing conclusively that America can produce practically all the dyes, except some of these specialties like vat dyes, that are necessary for American consumption at the present time.

Now, the commission proposed in this bill has a very much lesser authority than that now exercised by the War Trade Board.

Mr. HUSTED. Will the gentleman yield?

Mr. LONGWORTH. I will yield to the gentleman.

Mr. HUSTED. I am very much interested in the success of this proposition, and I want to see the bill meet every situation. I do not see how your licensing provision protects you under its language against the importation of newly invented German derivatives, for example, or newly invented dyes which have not been specifically enumerated, because your language distinctly says that your commission must grant a license where the dyes or derivatives are not manufactured in this country. Assume that in Germany they develop a lot of derivatives under different names by changing the process slightly, and those derivatives will accomplish the same purpose as the derivatives specifically enumerated in this bill, how does your licensing provision stop Germany from flooding our market with those derivatives that are not enumerated?

Mr. LONGWORTH. It would not prevent the importation of a given quantity if any bona fide American needed it for his own use and could not get it here. But it is not to be assumed that there will be a flood of importations, because we are to-day able to produce probably four-fifths of the American demand. I believe the average demand of the American market has run for a good many years at about 900 different colors, and we are now producing in this country about 400. At any rate, the fact is we are able, in most of the basic dyes, to supply the American demand to-day. The trouble would be that, without this licensing system, and under a tariff only, no matter how high, the accumulated stores of Germany would be dumped here regardless of cost. The immediate object of Germany is not to sell dyes for the next year or so in this country at a profit. They will be willing to give them away if only they can destroy the American chemical industry, the baby industry which was created by this war, and then they can sell their dyes and dye-stuffs when American competition is removed, as they did before, at any profit they may see fit.

Mr. DEWALT. Possibly by yielding we can get the information more succinctly than we can in any other way. What I would like to know is this: This is not considered as a war measure, is it?

Mr. LONGWORTH. The gentleman, when he asks that question—

Mr. DEWALT. It was not in the minds of the framers of this bill?

Mr. LONGWORTH. In my opinion it is a necessary war measure, or perhaps it would be more accurate to say a necessary measure for war preparedness. Now, if the gentleman will let me go on—

Mr. DEWALT. All right.

Mr. LONGWORTH. So far I have been speaking mainly of the business side of this question, but as a matter of fact I subordinate it entirely to the national side.

The outstanding feature of this whole question is that it has two distinct sides, a business side and a national side, a peace side and a war side.

On the business side we find in this country an industrial production of \$3,000,000,000 a year directly dependent upon dyestuffs and as much more dependent indirectly. On the national side we find that not only are we dependent upon dyestuffs for certain absolutely necessary materials for war, either defensive or offensive, like explosives and poison gases, but for many modern medicinal preparations in which the health of the community is bound up irrevocably. It is this mutual interdependence of these two widely different branches of human endeavor upon one industry which makes its study so fascinating and its importance to the Nation so vital. It is this that has caused one like myself, for instance, who has no practical skill in or erudite knowledge of chemistry to interest himself, as I have for the past four years, in endeavoring to bring it about that this country shall have a well-developed and permanent coal-tar chemical industry, sufficient at the very least to supply the needs of the American people both in time of peace and in time of war, and to for all time obviate the necessity that we should be dependent upon Germany or any other country for that which is vital not only to the welfare of the American people but to the safety of the Nation itself.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. LONGWORTH. Yes; I yield.

Mr. EVANS of Nebraska. I think I understood the gentleman to say that we had not been and were not now able to produce the vat dyes. What is the explanation of that, since there has been practically inhibition against free importation for the past two years, or during the war?

Mr. LONGWORTH. Because they are a comparatively recent development, and our chemists have not learned how to make them. We now have all the German patents. We did not know the methods before. It is certain if you will give our men two years they will make them all.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. GREEN of Iowa. I think there is a slight misunderstanding on the part of the gentleman from Nebraska. These dyes are for coloring certain materials like cotton.

Mr. LONGWORTH. They are not used in clothing at all.

Mr. EVANS of Nebraska. Were not our manufacturers permitted to use those patents during the war period?

Mr. LONGWORTH. Not at the beginning. We never got hold of them until quite recently. The Government has acquired all the German patents in this country, and it is only very recently that our chemists have had access to them.

Mr. BURROUGHS. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. I wish, gentlemen, to go on.

Mr. BURROUGHS. Just a question along that line.

Mr. LONGWORTH. Very well.

Mr. BURROUGHS. Will the gentleman state what our manufacturers have been using in place of these vat dyes during the war, when the German dyes were inhibited from being used?

Mr. LONGWORTH. They have had a hard time getting any, and that is the reason why our big textile manufacturers, almost to a man, who first opposed this legislation, are now for it, because when they were cut off from the German dyes and we had no industry of that kind in this country they were in great embarrassment, and they want at all hazards to avoid it again.

If this question had only its business side my interest in it would be far less intense than it is. In fact, I might hesitate to advocate any method outside of the protective tariff for a solution of the difficulty. But when I look upon the national side, both as it relates to the national defense and to the health and happiness of the people of America, I say to you with deliberate conviction that the need for this legislation is vital, and that this bill, notwithstanding the novelty of some of its features, ought to be passed substantially unamended.

In taking up the business side of this question I want first to very briefly review the history of the dye industry in the United States. Up to the 1st of August, 1914, it was an industry of practically no importance whatever. Congress every now and then had made spasmodic efforts to do something for it, but without any real success. The big textile manufacturers were almost a unit in opposition to any substantial increase in tariff duties on dyes and dye materials, as were, of course, the

professional dye importers, almost all of whom were agents of the German trusts, and every effort was used to induce the belief that it was impossible for us ever to compete with Germany. Most of the concerns which produced dyes at all in this country were mere assembling plants for German materials, and there were only two or three, like Schoolkopf Co., at Buffalo, and the Beckers Co., in Brooklyn, who really made dyes. At best, our industry produced only about a dozen different colors, out of the eight or nine hundred odd used in the American market, and was supplying only about 10 per cent of the American demand.

On the other hand, Germany controlled close to 90 per cent of the American market, in addition to being in practical control of the dye market of the world. As against the American production of some dozen or so different colors Germany produced in one concern alone more than 11,000 different colors.

Under these circumstances it is not difficult to imagine what happened here when the regular German supply was suddenly shut off. When Great Britain and the Allies assumed control of the seas, dyes in common use shot up by thousands per cent, and many of them were unobtainable at any price. Not only the consuming public but the Government found itself in serious embarrassment, for lack of colored inks used in the Bureau of Printing and Engraving and other bureaus.

Here is an example—and I take this from a very large number of cases that came to my attention when I was advocating the passage of the so-called Hill bill, which was in substance the present law but with a higher rate of duty. We had hundreds of instances submitted to us of the tremendous increase in the price of dyes in this country, and I am now going to read you this letter, received from a manufacturer of cotton:

NEW YORK, February 23, 1916.

Mr. NICHOLAS LONGWORTH,  
Room 319, House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: I have just read the copy of Congressman HILL's speech before Congress on the dyestuff bill, H. R. 702, and on page 11 I read that yourself and Mr. HILL discussed the writer's statement before the Ways and Means Committee regarding our recent dye-stuff purchases in China.

In order to have the matter entirely correct in your mind, I would say that you will find, on page 119 of the printed hearing before the Ways and Means Committee on the dyestuff bill, that the writer answered your question as to exorbitant cost of dyestuffs, stating that my company had just paid \$5.75 a pound for aniline black (made by Badische, in Germany), which we had purchased from China.

These identical goods in normal times would have cost us 20 cents per pound, or a total of \$1,748, whereas we are now compelled to pay more than \$52,000.

Since that time we have made another purchase of same goods from Shanghai, paying \$7.50 per pound instead of \$5.75, and on February 14 last we were quoted \$12 a pound for exactly the same material from China.

This latest quotation means an advance of 6,000 per cent over the normal before-the-war figure of 20 cents per pound.

Yours, very truly,

R. H. COMEY CO.,  
GEO. W. WILKIE,  
For the Company.

In other words, here was a manufacturer of cheap cotton goods who, for goods that had cost him before the war 20 cents a pound, had to pay \$12, for the reason that we had no industry of that kind in this country. We had never built it up and had allowed Germany to control our own markets. Of course, something was bound to happen the moment Germany was unable to ship her goods in.

Here was an instance of goods shooting up in a few months over 6,000 per cent. There are cases where they shot up 10,000 per cent, and in many cases the dyes were not obtainable at all, textile mills were shutting down, and Germany knew what the situation was. You remember in the report the telegram of Hossenfelder, the German consul in New York, to Bernstorff, saying that the total cutting off of German dyes would throw 4,000,000 men in America out of employment. That may come again if we do not do something for this industry. Here is an instance of the way it affected the Government of the United States. It is contained in a letter from Byron R. Newton, Acting Secretary of the Treasury, addressed to the Speaker of the House and referred to the Committee on Ways and Means. I will read it. He says:

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, March 9, 1916.

SIR: Owing to conditions arising out of the European war, the Bureau of Engraving and Printing, which prepares all Government notes and other securities, national-bank notes and Federal reserve notes, postage and revenue stamps, and currency of the Philippine government, has found it impossible to purchase colors for inks in sufficient quantities in the United States to carry on its work. It has been compelled for over a year to use cheap and unsatisfactory substitutes for some of the colors, and as time has gone on even these substitutes have become more and more difficult to purchase, and it seems to be only a question of a short time until the supply of them will be exhausted.

At present the Bureau of Engraving and Printing has only two weeks' supply of reds and blues, which are the most important colors used by it.

Some time ago an order for 145,000 pounds of blues and reds was placed in Germany, and through the assistance of the State Department permission was granted for the exportation of these colors. The first of several consignments has just reached this country. Under the tariff act some, if not all, of these colors are dutiable, and it seems to me it is proper at this time and under these conditions for Congress by joint resolution to authorize the importation of all of these colors free. It is impossible to buy these colors here. The prices that are now paid for them in Germany are higher than the prices before the war plus the duty. The duty will be approximately \$12,000, and it will be necessary to go to Congress for a deficiency appropriation if this duty is paid. There can be no question of this importation injuring in any manner any American industry.

I therefore have the honor to request that a joint resolution authorizing the admission free of duty of approximately 145,000 pounds of dry colors, valued at \$40,000 to \$50,000 (the exact amount not being determinable at this time owing to the fluctuations of exchange), from Germany for the use of the Bureau of Engraving and Printing, the same having been ordered December 10, 1915, and shipment being made to and in the name of the Secretary of the Treasury, said colors to be exclusively for the use of the Bureau of Engraving and Printing, may be passed by Congress. As part of these colors has already been shipped and some of them are now in this country, I request that immediate action on this resolution may be taken, if possible.

I inclose herewith a suggested form of resolution.

Respectfully,

BYRON R. NEWTON,  
Acting Secretary.

Hon. CHAMP CLARK,  
*Speaker of the House of Representatives.*

Mr. HULINGS. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. HULINGS. What proportion of these dyes that are now so greatly needed have they been able to produce in American factories?

Mr. LONGWORTH. They are making them all now—all these dyes.

Mr. WALSH. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from Massachusetts.

Mr. WALSH. Who will represent the consuming public upon this commission?

Mr. LONGWORTH. No one will represent the consuming public directly, because the consuming public has no direct interest whatever in this matter. I will be glad to explain to the gentleman what I mean.

Mr. WALSH. I wish the gentleman would do that.

Mr. LONGWORTH. I had intended to take that up later in my remarks, but since the gentleman has asked that question I will be glad to answer it now.

Mr. YATES. Before the gentleman does that—

Mr. LONGWORTH. I wish the gentleman would let me answer this question first.

Mr. YATES. Certainly.

Mr. LONGWORTH. The gentleman from Massachusetts [Mr. WALSH] has asked me a question which ought to be vital in any discussion involving the tariff or legislation favoring industry. That is the question of what effect may it have upon the cost of living.

I will begin, first, with the question of the price of silk goods, where dyes form a more important item than they do in any other article of clothing of any kind. Silk requires a more expensive dye than any other fabric. The testimony before the committee shows that the highest estimate given by anyone as to the cost of the dye in a yard of silk selling for \$5 a yard is between 4 and 5 cents a yard, so that even in the case of silks the cost is relatively nothing and would never be passed on to the customer. Think of it! In silk selling for \$5 a yard, the total cost of the dye is only between 4 and 5 cents a yard.

In the cheaper articles—cotton goods—in which the poorer people are interested, the cost is much less. I will ask the Clerk to read this letter, to give my voice a rest for a moment. This is written by the treasurer of the United States Finishing Co., which is, I believe, the largest consumer of these cotton dyes. It is with regard to the cost of the dyes in the goods.

The Clerk read as follows:

THE UNITED STATES FINISHING CO.,  
320 Broadway, New York, N. Y., June 25, 1919.

Hon. JOSEPH W. FORDNEY,  
*Chairman Committee on Ways and Means,*  
*House of Representatives, Washington, D. C.*

DEAR SIR: I wish to supplement the statement which I made on June 18 at the dyestuff hearing before your committee in behalf of the National Association of Finishers of Cotton Fabrics. At that time I did not have with me the figures given below.

In order to emphasize the fact that the actual cost of dyestuffs, apart from the cost of other materials, such as chemicals, is a relatively small proportion of the total cost of finishing cotton goods, I submit the following information:

During the 12 months from July 1, 1913, to July 1, 1914, immediately preceding the outbreak of the European war, the average cost of dyes used by the United States Finishing Co. in its three plants at Pawtucket and Providence, R. I., and Norwich, Conn. (engaged in the

dyeing and printing of colored cotton fabrics of a total yardage of 204,009,507), was one-eighth of 1 cent per yard of goods finished. Practically all of the dyes used at that time were imported from Germany.

During the 12 months of the year 1918, at the same mills, and upon a yardage of 180,525,317, the average cost of dyes used was one-half of 1 cent per yard of goods finished. A large majority of the dyes used in 1918 were made in the United States.

The costs of dyes at the present time, and especially during the year 1918, are admittedly high. They are higher than it is confidently expected that American dyes will be with the expected decline in the cost of raw materials and with the increase in the range of colors which progress in the dyestuff industry will certainly develop. In other words, I feel that our average cost of one-half of 1 cent per yard for colors is a maximum figure, which is likely to be less from now on.

The point I wish to make, therefore, is that, even with a protective duty added, the cost of dyes per yard of cotton goods finished is a relatively small portion of the total cost of finishing. Consumers of dyes, like ourselves, are very much more anxious to see a permanent and self-contained dyestuff industry established in this country than they are to obtain such relatively slight reductions in cost as would result from the unrestricted competition of foreign dyestuff manufacturers.

As consumers of dyes, upon whom the burden of taxation would necessarily fall, we are willing to bear such a burden as a measure of insurance against a recurrence of the demoralized situation in the dyestuff market we experienced in the early years of the war.

A protective tariff, coupled with a well-administered licensing system, such as has been proposed by the Chemical Foundation, would, in my judgment, meet the situation adequately and be satisfactory alike to the manufacturers and consumers of dyes.

Yours, faithfully,

ANDREW C. IMBRIE, *Treasurer.*

THE CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. I dislike very much to inflict myself on the committee, but I have not nearly finished what it is necessary to say.

Mr. FORDNEY. I have applications for more time than I have left, but I will yield 10 minutes to the gentleman from Ohio, if that will do. We have either got to have an extension of time or else cut out some of our friends, because we have applications for more time than we have.

Mr. LONGWORTH. I doubt whether I can cover this subject at all in less than half an hour.

Mr. FORDNEY. I will yield to the gentleman 20 minutes, and let him see how near he can come to it.

Mr. BUTLER. I suggest that the gentleman from North Carolina [Mr. KITCHEN] will yield the gentleman some time.

Mr. KITCHEN. I yield the gentleman 10 minutes.

THE CHAIRMAN. The gentleman is recognized for 30 minutes.

Mr. LONGWORTH. I am taking no particular pleasure in making this speech under the circumstances, because of my physical discomfort, but I feel that I ought to explain this bill fully.

Mr. WALSH. Will the gentleman yield further?

Mr. LONGWORTH. Yes.

Mr. WALSH. Does the gentleman care to venture the prediction that this dye-licensing commission will not be required after two years from the approval of this act?

Mr. LONGWORTH. I will say to the gentleman frankly that if I had my way, I would like to make it three years. I think three years would be the ideal time, but I think two years will settle the question that America can produce these things.

Mr. ANDERSON. On this commission proposition—

Mr. LONGWORTH. Will the gentleman let me postpone the discussion of the commission proposition for a little?

Mr. ANDERSON. Of course, if the gentleman desires it.

Mr. LONGWORTH. I will answer the question when I come to it.

Mr. ANDERSON. Very well.

Mr. LONGWORTH. I am discussing now what happened at the time of the war. In the first place, as I have said, the question of the cost of these dyes is immaterial, so far as the consuming public is concerned, because it will not know whether you increase the duties on dyes or not, for the cost of the dye in the goods the public buy is absolutely insignificant, only one-eighth of 1 cent a yard. It is too small to talk about. Even the figures given by the silk manufacturers refer to the present high cost of American dyes. Dyes to-day are higher than before the war, but they are going down all the time. For instance, one of the most important dyes used in this country, methyl violet, has gone down from \$12 a pound in 1916 to \$2.65 a pound in April, 1919. It is safe to assume that if you give American industry a chance to have competition all these present prices will be very speedily reduced.

The situation I have endeavored to describe to you when Germany went into this war called for drastic action. Congress endeavored to meet the situation to some extent by passing a bill which put a fairly protective duty on dyestuffs. This was the first time, so far as my knowledge goes, that a Democratic Congress ever used the tariff for the encouragement of an

American industry without any thought of revenue. The overwhelming necessity of the situation compelled them to ignore, to this extent at least, their time-honored political tenets, and they are to be congratulated for their patriotic action. Even though the rates of duty were plainly inadequate and by no means measured the difference in cost of production here and in Germany, at least they afforded some encouragement to men here to risk the investment of great quantities of capital to produce the dyes which were absolutely necessary for the needs of the Government and the consuming public, and gave ground for hope that whichever political party was in control of the Government when the war came to an end, it would be seen to that their investment was not a total loss. And so a great number of American business men made large investments in dye production, until on the day the armistice was signed the industry had grown in this country to such an extent that the major demand of the American market was amply provided for.

But it must be frankly admitted that it was not the rates of duty provided in the act of September 8, 1916, but the fact that the war itself acted as an unsurmountable barrier to the importation of German dyes that has so far saved this baby industry.

To my mind, those Americans who have risked the investment of probably somewhere near three hundred millions to turn out those substances of which not only the people but the Government itself were in dire need deserve the support of the Government. They took tremendous risks, and we should see to it that their property is not swept away. They had not only to construct, but to learn to construct. They built crudely, perhaps, at the beginning, but more effectively as time went on. It is not a hard matter to build a brick wall if you have the bricks handy, but if you have not only to make the bricks but to learn how to make them it is a different matter, and that was just the sort of problem that our dye producers had to meet.

Without an extension of the legal safeguards now in force it would be only a question of a few months, with foreign competition, and particularly German competition restored, when this wall would be completely undermined and would topple to the ground. It is the object of this bill to see to it that this industry is not undermined; that it is given an opportunity to flourish and to grow until the time shall come, and that within a very few years, when we can say to Germany and the rest of the world, "We don't need your dyes. All we need are being made in American factories and by American working-men."

So much for the business side of this question. I submit that it is one of vast and far-reaching importance, and yet I subordinate it entirely to the other or national side of this question, which I will discuss for a moment, and that first with that portion of it which relates to the public health. Your committee had some very valuable information on this phase of the question from Dr. Charles Steiglitz, head of the department of chemistry of the University of Chicago, Chicago, Ill., expert advisor of the Federal Trade Commission during the war, and former president of the American Chemical Society, and a world authority on modern organic chemistry. Without commenting on his testimony in detail, I commend it to your most thoughtful attention. Generally speaking, it shows that the development of most of the modern cures for some of the most dreaded diseases are made from materials obtained from a coal-tar base and directly involved in this bill.

As he says:

We use some materials which in the hands of the skilled organic chemist can be converted either to the production of dyes, explosives, poison gases, or to medicinals.

And again:

The dye industry is the sole industry from which we can get our materials and our chemists and which can support the type of work which we have in mind.

In other words, gentlemen, unless we are to have a complete and self-sustaining dye industry in this country we will have to depend upon the chemists of foreign lands to make and to invent the remedies to make American life more secure and happy.

And now I come to the side of this question which relates to preparedness for the national defense. This consists of the relation of the dyestuffs industry to modern high explosives and to chemical gases. I shall not dwell at length upon the explosive question, because it has been a known fact for a long time that dyes and explosives bear the same relation as the Siamese twins. They are inextricably bound together. You can not make one without having the materials at hand to make the other. The fact is that in the same plant, with the same equipment and the same men, you can make either dyes or high explosives as you choose.

The relation between dyes and chemical gases, however, is of very recent development, and upon that point we had most interesting enlightenment from Gen. William L. Sibert, Chief of the Chemical Warfare Service, and from Col. Amos A. Fries, chief of the Chemical Warfare Service of the American Expeditionary Forces. A few quotations from their testimony will, I think, illuminate the situation.

Gen. Sibert, after having alluded to the enormous sums of money spent toward building of chemical and nitrate and other plants, and the fact that they probably cost at least twice as much as they would have cost if built in time of peace, said:

If nitrate and dyestuff plants were built in time of peace, such plants would be a most essential preparation for war.

And further along he said:

The dyestuff industry is the one peace-time enterprise which will furnish us with the plants and equipment which can be hurriedly converted to essential uses in time of war. If such plants do not exist in time of peace, they will have to be hastily constructed and equipped in time of emergency, and we will have the same situation arising as confronted us at the outbreak of this war.

And again:

There is another point which is worthy of especial emphasis. We are not only concerned with plants and equipment, but also with the trained personnel needed. This war has shown that it takes two or three times as long to prepare the material of war as it does to train the personnel for war.

This latter point that Gen. Sibert makes, as it seems to me, strikes at the very root of the whole question. We have in this country in unlimited quantities the raw materials necessary for the manufacture of all these coal-tar products, whether they be dyes, tanning materials, medicinal preparations, high explosives, or poison gases; but we have not, as has Germany, the trained chemical force necessary to produce them in quantity and cheaply. Such a force can only be developed in time of peace, and then only in an industry which with proper legislative assistance can be conducted profitably, namely, the dye industry. Can it be questioned that the further development of poison gases and their antidotes will be of vital importance to the future of this Nation, both for preparedness for or insurance against war?

Col. Amos Fries went into the matter in even more detail. While at the start, when the Germans began to use these poison gases, it seemed to be a most barbarous and inhuman method of warfare, it has turned out that properly used it may be the most humane. Certain it is that while at the beginning, when these gases came as a surprise and no method of combating them was known, the casualties were very large, toward the end of the war they were comparatively insignificant.

You can make these gases of almost any strength, from the tear gases up. As Col. Fries says:

The tear gases can be used against savages if we want to, or against any unprepared peoples, to drive them out of places without loss of life. If we had had it in the Philippines in times past we would not have needed to have lost our boys in taking those places, because there is no escape from it except in a mask.

I recall when I was in the Philippines some years ago that an uprising had just taken place in one of the southern islands. A lot of insurgents had gathered together in the bottom of an old dead crater, and we lost hundreds, I believe, of our men in trying to dislodge them. The only way our men could do was to climb up the sides of the crater and try to shoot the insurgents below. If we had had gas bombs fired over into the crater we might have captured every one of these men and not lost one of ours. That only shows what the possible future of chemical-gas warfare is. So far as its development in this country is concerned, it is dependent solely on the creation of a permanent, self-sustaining dyestuff industry.

Germany did not win the war, thank God, but it was not because of failure upon the chemical side of it. From the beginning to the end she had an unlimited and apparently inexhaustible supply of the bedrock of modern warfare—explosives and chemical gases. For 40 years she had planned for the exact situation that confronted her in the summer of 1914. Cut off from all her outside sources of supply, she at once turned over her huge chemical plants to the production of explosives and poison gases, and if her morale and her man power had not fallen down she might have been fighting yet, and perhaps for years to come. In this particular, if in no other, let us take pattern by Germany to the end that come what may we shall never again find ourselves deficient in at least the adequate potential supply of those materials which stand first as necessities for our national defense. Above all, let us see to it that for this supply we shall never again be dependent upon Germany.

I have attempted to sketch very briefly and very inadequately the reasons why the dyestuff industry is of such vital importance to the United States. I shall not even ask the question, Is it

worth saving? I believe that there is in this country to-day an extraordinary and unprecedented unanimity of opinion that this industry is absolutely essential and must be preserved at all hazards. I take it for granted that the membership of this House is united in the belief that we must preserve it somehow. I take it, too, that upon both sides of the House there exists the conviction that it must be done by some sort of tariff legislation. The President, in his message on the 20th of last May, said:

Nevertheless there are parts of our tariff system which need prompt attention. The experiences of the war have made it plain that in some cases too great reliance on foreign supply is dangerous and that in determining some parts of our tariff policy domestic considerations must be borne in mind which are political as well as economic. Among the industries to which special consideration should be given is that of the manufacture of dyestuffs and related chemicals. Our complete dependence upon German supplies before the war made the interruption of trade a case of exceptional economic disturbance. The close relation between the manufacturer of dyestuffs on the one hand and of explosives and poisonous gases on the other, moreover, has given the industry an exceptional significance and value. Although the United States will gladly and unhesitatingly join in its program of international disarmament it will nevertheless be a policy of obvious prudence to make certain of the successful maintenance of many strong and well-equipped chemical plants. The German chemical industry, with which we will be brought into competition, was and may well be again a thoroughly knit monopoly capable of exercising a competition of a peculiarly insidious and dangerous kind.

I think that you, my colleagues on the Democratic side, under the circumstances, will be willing to go very far to carry out these recommendations of your party leader. I think that you, my colleagues on this side, would be willing to go to the very limit of tariff protection, if by protection alone, as we generally understand it, we could solve this problem. For myself I wish it could be solved by a protective tariff. That is the natural, easy, old-fashioned Republican way, but I think that it would be only a very reactionary party which would decline to go further in a case so vitally important as this, not only to American industry, but to the national safety as well, merely because the remedy suggested is new. I confess that when this so-called license system was first proposed it rather hit me in the eye. I do not like licensing boards very much in time of war, still less in time of peace, but a thoroughly conscientious and pretty exhaustive study of this situation has absolutely convinced me that this situation can only be met by some such system as proposed in this bill, and that without it it would be practically ineffective. I would never think of advocating it as a permanent governmental policy. I would never propose it except as a purely temporary expedient to prevent what is bound to occur, namely, the dumping of a tremendous mass of dye materials into this country, regardless of price, regardless of cost, regardless of any tariff rates that Congress might fix.

As a matter of fact, the term "licensing system" is a misnomer. It does not mean "licensing" as we ordinarily comprehend it. It does not mean a license to do business. It means a regulation of importation. All that we propose is that no dyes shall be imported when the same dyes are now being produced here at a reasonable price. The proposed board in the vast majority of cases will act automatically and will have no power to interfere with legitimate American business.

We are proposing this system in addition to the increased tariff, because as soon as the peace treaty is ratified the new American dye industry will be at once exposed to the competition of an adversary so powerful, so fierce, and so desperate that no practicable rates of duty will offer a really effective defense.

Mr. ANDERSON. Mr. Chairman, before the gentleman leaves the question of the commission proposing a license, I should like to ask him where the committee found any legislative precedent or any constitutional warrant for the designation of a commission of this kind by purely unofficial, commercial organizations.

Mr. LONGWORTH. Mr. Chairman, I am not myself by any means convinced that that is the best way of dealing with the question—that is, to have the industrial bodies themselves name the commission—but I can not see myself any constitutional difficulty in the way. This is a prohibition of importation except under certain conditions.

Mr. ANDERSON. But this is the exercise of a governmental function, is it not?

Mr. LONGWORTH. Yes; it is a governmental function to prohibit the importation of goods.

Mr. ANDERSON. And the Constitution provides that the officials of the Government shall be appointed by the President and in other specified ways. I do not see where the Ways and Means Committee could get around that proposition.

Mr. LONGWORTH. Is the gentleman distinguishing between the war power and the peace power now?

Mr. ANDERSON. I was assuming that this legislation would not be passed as a part of the exercise of the war power.

Mr. LONGWORTH. The reason I asked that is that there is a board now exercising precisely the functions proposed to be exercised by this commission, except that its powers are very much larger.

Mr. ANDERSON. That may be true. I am not questioning the power of a commission properly appointed to exercise these functions, but what I am questioning is the power of Congress to say that this commission shall be designated by 11 or 9 or 10 wholly unofficial bodies which have no connection with the Government whatever.

Mr. LONGWORTH. I would not care to hazard my reputation as a constitutional lawyer that this method of appointment is constitutional, but in my opinion it is. I confess that I have not examined the precedents to any extent.

Mr. ANDERSON. Did not the committee make an investigation, or was there no testimony before the committee on this question?

Mr. LONGWORTH. There was no question raised as to the constitutionality of this method of dealing with the question. It was the method suggested by certain members of the committee who were opposed to the proposition that the President appoint this board or commission.

Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman has eight minutes remaining.

Mr. LONGWORTH. Mr. Chairman, let me see if I can picture to you the German dye industry to-day. As we all know, its six great component companies controlled and produced all the dyestuffs necessary for practically the entire world's market. It employed more than 50,000 men and had assets of more than half a billion dollars. To-day those six concerns have been absorbed into one gigantic, Government-aided trust, formed in 1916, for the avowed purpose of fighting its way back, so soon as the war should be over, to the former German world monopoly.

Its plants have been busy throughout the war making all Germany's poison gases, most of her munitions, and, at the same time, enough dyes to establish a reserve which could not only overwhelm our market, but the markets of any other country in the world. This is the reason why England, France, and Japan, the principal dye-consuming and producing countries, have protected their own Government-aided dye industries by license laws substantially similar to the one proposed by this bill.

Did these plants suffer during the war, either by deterioration or loss of their trained personnel? On the contrary. From the beginning they were cherished and protected in every way by the German high command, because they were the sole source of supply of Germany's bedrock military necessities.

Consider the problem that the German dye trust has to face. With resources so colossal, with plants so huge and organized for such vast production, it must regain most of its former world market unless a part of its equipment is to lie idle and another part run at low efficiency. Without enormous production, it would cease to be a profitable business. Unless a profound change has come over German civilization and business methods it is unreasonable to suppose that its competition will be less unscrupulous than it was in the past, when it practiced every form of corrupt and unfair competition known to commerce. What can be more certain than when, instead of being in safe control of the world market, this industry faces destruction, that it will attack all competitors with ruthless disregard of any considerations of business decency. Where will this attack center? Not upon England, because England bars all importations of German dyes except under a license. Not France or Japan, because they similarly protect themselves. It is our market, therefore, that is Germany's real opening, and it is upon it that Germany's attack will be concentrated. Do you question that to penetrate it and destroy our budding chemical industry the German trust would hesitate for a moment to spend millions of its surplus, would use any method, fair or unfair, to gain its ends?

From all this it seems perfectly apparent that without further legislative assistance our coal-tar chemical industry is doomed to destruction, and that right speedily. Let me impress upon you that time is of the essence of this matter. The moment the peace treaty is ratified the various war boards which have exercised certain powers with regard to licensing importations of dyestuffs cease to operate and our only barrier against world competition will be our present entirely inadequate tariff protection. To double the duties, as this bill does, substantially, will not avail. To triple them or quadruple them will fall short of meeting the conditions that will soon be upon us.

The German trust would laugh at a duty of 500 per cent, for its immediate object is not so much to sell its vast accumulated store of dyes at a profit but to overwhelm and destroy our baby industry so that in a few years it may sell its goods here at whatever profit it pleases. If we can preserve our in-

dustry from this kind of cutthroat competition for the next two years we believe that it will have then expanded to the extent that the duties provided in this bill will insure its continued growth and expansion.

But these duties by themselves will fail immeasurably to meet the situation that immediately confronts us. We must go further or confess defeat in advance. We must provide a remedy, heroic if you please, but one which will do the job. England, France, and Japan have realized the situation and have met it in the only way it is possible effectively to meet it by prohibiting all importations of dyestuffs except under a Government license. Leaving Germany out of the question, are we justified in throwing open our markets to nations who close theirs to us? Such a policy, I think, would sound altruistic to even the most advanced internationalist. The policy we advocate can hurt no one except the German trust and its agents here. On the other hand the great mass of the American people are bound to receive substantial benefit and the country will be made secure for all time in the bedrock necessities for adequate national preparedness. Pass this bill, my colleagues, substantially as it is and we shall have removed forever the odious condition by virtue of which we have been dependent upon others for the supply of things vital not only to the welfare of our people but to the integrity of the Nation. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. DEWALT. Mr. Chairman, has the gentleman any time left?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. DEWALT. Will the gentleman yield for a question?

Mr. LONGWORTH. I will.

Mr. DEWALT. The framer of this bill or the committee framing the bill, when they did so, did they consider it as a revenue measure or did they consider it as a measure regulating foreign commerce, or both?

Mr. LONGWORTH. As I have explained, incidentally it will produce considerable revenue, but, of course, our purpose is to keep out German importations, except those that are temporarily necessary for the convenience of the American textile manufacturers.

Mr. DEWALT. Granting that it is a measure to regulate foreign commerce, and granting also that the power to regulate foreign commerce is in the Congress of the United States, did the framer of the bill or the committee itself take into consideration that there was a delegation of the power of Congress to this commission?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DEWALT. I ask that the gentleman's time be extended one-half minute to answer the question.

Mr. FORDNEY. I yield one-half minute to the gentleman to answer the question.

Mr. LONGWORTH. I attempted to answer the gentleman from Minnesota [Mr. ANDERSON]. I think there is no question in the world that the Congress has the right to prohibit the importation into this country of any article or provide an agency by which the question should be determined.

Mr. DEWALT. That is, to delegate the power to a commission of this kind?

Mr. LONGWORTH. That is, in so far as the importation of a certain article is concerned.

Mr. FORDNEY. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, after the very full and illuminating description of the bill before us presented by our colleague, the gentleman from Ohio [Mr. LONGWORTH], possibly extensions and explanations are almost unnecessary, because he certainly has given us a very able and full description of the bill. I can not expect to add to your information through anything that I may say, but it is a very big subject, and possibly I may bring to you a little different viewpoint on certain of its features than has the gentleman from Ohio.

The bill under consideration, H. R. 8078, entitled "A bill to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled 'An act to increase the revenue, and for other purposes,'" offers one of the most interesting problems for consideration of this House that has come to my attention during my membership in this body. It may not be as far-reaching as some general bills from the Ways and Means Committee, such, for

instance, as the revenue acts, but the subject with which it deals has the broadest ramifications. It is not my purpose to go into the tariff features of the bill in detail, other members of the committee with more experience and more intimate knowledge of the subject being much better qualified to explain to the House these sections. I am in hearty accord, however, with the tariff provisions and believe that it is in accordance with sound doctrine and Republican principles to provide the necessary protection to such an industry. Particularly is this true, as it is a well-known fact that dye manufacturing comes absolutely within the province of an infant industry, needing the support and assistance that a protective tariff provides. But the subject is much greater and broader than simply one of a protective duty.

#### IMPORTANCE OF DYE INDUSTRY.

The Committee on Ways and Means gave extended hearings on the original bill introduced by Mr. LONGWORTH, and supplemented by two further bills. The first, H. R. 2706, did not contain the section providing for the appointment of a licensing commission. The second, H. R. 6495, did contain this provision, and the bill now before the House, H. R. 8078, is the committee revision of the second Longworth bill. The hearings very clearly developed the principal interests of the proponents of the measure. It was early shown that the great textile interests of the country, which abound in New England, and particularly in Massachusetts, were not primarily the subject of solicitude, but rather the development of the manufacture of coal-tar products from the viewpoint of the scientist, the chemist, and the philanthropist. While having every sympathy with the altruistic purposes of the gentlemen interested, as the Massachusetts representative on the Ways and Means Committee, I for one could not overlook the claims of the textile people and the thousands of wage earners in their employ. The industries of Massachusetts and New England are very vitally interested in the use of dyes, and from my viewpoint these interests take precedence over the other questions involved in the pending legislation.

Illustrating the importance of this industry, I beg to insert the tables which are printed in the hearings before the committee. Table A is a list of the industries directly dependent on dyestuffs, showing the number of establishments to be 11,037; the number of persons employed, 1,070,460; the capital invested, \$2,530,207,000; value of products, \$2,631,390,000. I might add that nearly every one of these industries is represented in Massachusetts or New England and the same statement would apply to Table B. The tables are here given:

TABLE A.—*Industries directly dependent on dyestuffs.*

Industry.	Number of establishments.	Number of people employed.	Capital invested.	Value of products.
Dyeing and finishing textiles...	507	48,467	\$139,194,000	\$109,292,000
Cotton textiles.....	1,287	385,964	678,809,000	688,094,000
Hosiery and knit goods.....	1,022	150,520	215,826,000	258,913,000
Silk goods.....	902	108,170	210,072,000	254,011,000
Woolen and worsted goods.....	799	158,692	399,653,000	379,484,000
Felt goods and wool felt hats.....	83	5,284	22,893,000	15,638,000
Carpets and rugs.....	97	31,309	85,154,000	69,128,000
Shoddy.....	64	2,145	6,421,000	7,707,000
Linen goods.....	21	3,567	8,810,000	6,900,000
Mats and matting.....	12	869	3,055,000	2,236,000
Fur felt hats.....	224	21,318	39,401,000	37,359,000
Leather industry.....	741	55,936	332,180,000	367,202,000
Paint and varnish industry.....	800	16,083	129,534,000	145,624,000
Printing inks.....	70	1,391	11,943,000	13,880,000
Paper industry (paper alone).....	495	42,481	177,413,000	158,427,000
Blacking, stains, etc.....	197	1,766	4,986,000	9,882,000
Bluing.....	66	254	712,000	1,184,000
Perfumery and cosmetics.....	496	2,897	9,647,000	16,890,000
Inks, writing.....	54	512	2,464,000	2,754,000
Artificial flowers.....	217	4,808	3,349,000	7,014,000
Buttons.....	517	14,511	19,075,000	20,712,000
Feathers and plumes.....	239	4,483	5,396,000	11,451,000
Fur goods.....	1,322	9,030	29,677,000	43,633,000
Hair work.....	205	1,193	2,543,000	3,335,000
Total.....	11,037	1,070,460	2,530,207,000	2,631,390,000

TABLE B.—*Industries indirectly dependent on dyestuffs.*

Industry.	Number of establishments.	Number of people employed.	Capital invested.	Value of products.
Clothing, men's.....	4,830	173,747	\$224,051,000	\$458,211,000
Shirts.....	792	51,972	50,944,000	95,815,000
Suspenders, garters, etc.....	216	9,646	16,344,000	24,433,000
Hats and caps.....	580	7,322	6,847,000	18,593,000
Clothing, women's.....	5,564	165,907	153,549,000	473,888,000
Millinery.....	2,079	45,274	53,101,000	114,160,000

TABLE B.—*Industries indirectly dependent on dyestuffs*—Continued.

Industry.	Number of establishments.	Number of people employed.	Capital invested.	Value of products.
Awnings, etc.	888	5,073	\$9,958,000	\$18,138,000
Horse clothing.	37	1,669	4,482,000	5,150,000
Flags and banners.	87	1,495	1,843,000	3,601,000
Regalia and badges, etc.	138	2,010	4,122,000	5,025,000
Oilcloth and linoleum.	31	5,651	28,041,000	25,598,000
Imitation leather.	10	795	6,020,000	6,097,000
Finished products of leather.	6,017	251,124	411,167,000	737,393,000
Manufactures of paper.	1,711	74,630	138,888,000	174,681,000
Printing and publishing.	33,471	272,062	720,232,000	901,534,000
Hat and cap materials.	98	1,775	6,417,000	6,929,000
Total.	56,549	1,073,182	1,836,006,000	3,069,246,000
Directly dependent.	11,037	1,070,460	2,530,207,000	2,631,390,000
Grand total.	67,585	2,143,642	4,366,213,000	5,700,636,000

## AUTHORSHIP OF BILL.

With due deference to my distinguished colleague, whose name is associated with this bill, it probably is fair to say that at least he had collaborators in its preparation. The eminent counsel who appeared before us did not desire to assume the entire credit for the preparation of the bill, nor did the representative of the Federal Trade Commission acknowledge authorship. Likewise, the Alien Property Custodian showed a disposition to sidestep. But it was very apparent that its introduction did not come as a surprise to any one of these persons.

## THE CHEMICAL FOUNDATION (INC.).

The hearings were conducted by Hon. J. Harry Covington and Joseph H. Choate, Jr., as counsel for the Chemical Foundation and the American Dyes Institute. The Chemical Foundation is a recently formed organization of gentlemen in no way connected with previous manufacture of dyes for commercial purposes, but are gentlemen of high standing who evidently have become interested in the philanthropic side of the manufacture of coal-tar products. The president is Hon. Francis P. Garvan, until recently Alien Property Custodian, but, I believe, at the present time Assistant Attorney General. Hon. A. Mitchell Palmer, former Alien Property Custodian, disposed of practically all important German chemical patents which had been seized through him to the Chemical Foundation, reserving, however, to the Government itself the most important one, namely, the patent for the manufacture of salvarsan. Whether or not it is good ethics for the Alien Property Custodian to sell at a comparatively nominal price such enormously important and valuable rights as are contained in these patents to a company of which he himself is president I will not discuss. The only redeeming feature about the transaction is that neither he nor his associates in the Chemical Foundation need the financial benefit which certainly might accrue through this opportunity.

It will, therefore, be plainly seen that so far as the use of German patents is concerned the Alien Property Custodian has placed in the hands of a group of gentlemen a monopolistic control, which we are told by them will be used to the advantage of the general public. It is to be sincerely hoped that this promise is made in absolute good faith. Personally I have no reason to doubt but that it is. These patents will undoubtedly be made the basis of the future manufacture of dyestuffs in this country, as they have been very generally used during the period of the war, and the experimental work that is now being carried on by certain large manufacturers in this country is, I infer, largely based on their rights to use these seized German patents.

The personnel of the trustees of the Chemical Foundation amply demonstrates that the mercantile use of dyestuffs is absolutely subservient and secondary to the other interests involved. The people promoting the Chemical Foundation found it convenient to make use of names of prominent citizens rather than men interested in the commercial side of the question. That the names have been used in the above manner is evidenced by the fact that one of the trustees, at least, acknowledged in a letter to the clerk of the committee that he did not have sufficient knowledge to add anything to the information submitted to the committee. We can fairly criticize the form of the contract submitted by the Chemical Foundation to manufacturers desiring to use the German patents. This license agreement ties the hands of the manufacturers and in every way keeps the control within the reach of the Chemical Foundation. There is no possible loophole, and the manufac-

turer is entirely within the power of an organization in no way interested in the commercial feature of the use of the patents.

## DEVELOPMENT OF DYESTUFF INDUSTRY.

The future of the dyestuff industry in this country is one of the most important developments following the war. It is important because of its threefold connection. Coal tar is the key and basis of dyestuffs, important chemical compounds, and high explosives, and the interrelation between the three is the interesting and very material feature of the bill before us. The production of dyes for world use previous to the war is another illustration of the keen perception of the German Government in cooperation with their business men. We, as Americans, would not admit that American genius and industry could not have perfected the use of coal-tar products in this country to the same extent as any other set of citizens. But the fact remains that we were lulled to sleep by the easy method of securing same through importation from Germany. Germany was glad to continue to supply the soporific influence, as her authorities realized the importance of the control of coal-tar products as a source of national defense, and the helplessness of the nation entering into war without the opportunity of quickly transferring the commercial factory for dyestuffs into a powerful war energy in the manufacture of high explosives. As an illustration of our dependence on Germany for dyestuffs previous to the war period, we only need to cite the instance that the cargo of the submarine *Deutschland* was practically entirely made up of dyestuffs or intermediates. It is safe to say that aside from a few students of chemistry at that time very few of our citizens realized the interrelation and the narrow separation between coal-tar products for commercial purposes and their use for high explosives. With the alertness displayed by our students of war problems and our manufacturers, it was but a short time after the declaration of war before this country was manufacturing dyestuffs and at the same time the necessary explosives to help win the war. The question confronting us to-day is, Shall such legislation be passed as will protect that infant industry and continue to have available for the future factories where a quick transfer can be made if occasion should require?

## FUTURE DYE SUPPLY OF THIS COUNTRY.

We therefore face two problems, absolutely distinct and separate of themselves, but closely interwoven with each other, namely, the manner in which our manufacturers needing dyes will procure them in the future, and the chemical and explosive products from coal tar. I shall address myself principally to the first subject.

Owing to the intricate method of the manufacture of dyes and their easy change from one quality or color to another by chemical processes, it is claimed, and perhaps with some degree of truth, that it is almost impossible to exclude German dyes at this time, either through a high tariff or a stringent antidumping clause. The proponents of the licensing system hold out as a source of great fear to American interests the quantity of the German dyes probably now on hand and ready for shipment to this country at prices below market value. This scare is well answered in a recent address by one of the recognized authorities on tariff matters, Col. John P. Wood, of Philadelphia, from which I quote the following:

By the time all the other countries that to-day want dyes have received their share of that present value \$20,000,000 stock, and when from what is left is eliminated, those dyes that can not be sent here in competition with domestic products which can now be successfully sold in the world's markets, the remainder must be vastly less than normal.

It will therefore be seen that the quantity probably now on hand in Germany need not be a serious menace and that important manufacturers are not anticipating an undue supply. If it is so absolutely wrong at this time to use dyes of Germany, what explanation is offered of the announcement that the President has sent abroad an agent authorized to secure a six months' supply for use in this country? Reliable information has recently been received that the association of shirt makers of the country secured the appointment of this agent through the influence of the Alien Property Custodian, who is president of the Chemical Foundation.

Further, our manufacturers, being obliged to compete with goods of foreign production, must be in a position to secure those dyes best adapted to their immediate needs without regard to their cost and with as little delay as possible. In this connection it may be stated that, although the aggregate volume of dyes used in this country is enormous, the actual increase of the price of a yard of goods on account of the cost of the dye itself is very small. There are two large producers in this country who have entered the business as a result of

the war and who, it is claimed, will be the principal beneficiaries under this act, namely, the National Aniline & Chemical Co. and the Du Pont interests.

PRESENT LARGEST PRODUCERS IN AMERICA.

The National Aniline & Chemical Co. is a combination of those formerly interested in the German importations, but are now manufacturing upon a comparatively large scale in this country. The Du Ponts are also manufacturing a large quantity of dyes and we are informed are conducting very extensive experiments in their factories and laboratories. Neither of these companies submitted testimony before the committee, but their representatives were constantly in attendance and showed keen interest in the proceedings. It is fair to assume that in the three names to be submitted by the American Dyes Institute in the formation of the licensing board these two large concerns will not be unrepresented. What reason is assigned for the intense interest of the above organizations but failure to openly state their attitude before the committee and submit themselves to questions by the committee? If the American Dyes Institute is not actively controlled by these two concerns, their influence within it is sufficiently powerful to practically direct its action. If they are only looking to the greatest good for the greatest number and have no selfish motives to further, there would appear to be no reason for their remaining in the background during the time the hearings were held on the bill.

THE LICENSING SYSTEM.

The real crux of the bill is the proposal of a licensing system, as it is the only new suggestion under consideration. The tariff rates are largely augmented, as it is right they should be, but adoption of this system, other than as a positive war emergency, is a new departure and accompanied with dangerous possibilities. In addition to the direct interest of those forming the Chemical Foundation, the proponents placed their arguments before various prominent men in the textile industry and secured considerable support. Some of this support was afterwards qualified, but at the time of the hearings it is fair to state that the majority of the textile interests from whom the committee heard was evidently favorable to the licensing system.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. YOUNG of North Dakota. I am satisfied that the gentleman from Massachusetts offered amendments to this bill in the committee which improved it very greatly, and I know that he was very fearful that the licensing feature of this bill would be dangerous to the manufacturing interests of the country. Is not that correct?

Mr. TREADWAY. I think that is correct.

Mr. YOUNG of North Dakota. Now, coming as I do from the Northwest, where we have no manufacturing to speak of, but are customers buying the cloth, and so forth, manufactured in the East, my thought is our interest in this legislation is just as great as that of the manufacturers. We are both interested in and must look to the quality, and I am satisfied, and I think the Members of Congress who are here to-day are satisfied, that the quality of the dyes that have been used during the past couple of years is very inferior and very much below the standard.

Mr. TREADWAY. I think the gentleman is correct in that statement, and it is a very interesting subject. The testimony the committee received can perhaps be explained something in this manner: The quality of the dyes as made in Germany appears as the result of many years of actual work in their preparation as regards their chemical analysis and the articles going to make them up. They have been able through this long period of years to perfect their methods so that the same quantity of the crudes will actually produce under their system a larger quantity of the intermediates or the finished dyes.

The testimony before the committee seemed to indicate that, dye for dye, so far as our efforts have gone during the brief period we have been making them, our chemists and manufacturers are perfecting the products so that they can compete successfully in quality now with the imported dyes. One reason probably for the poor quality to which the gentleman from North Dakota [Mr. YOUNG] refers, during the past two years, is the result of the great haste that has been necessary to get any dyes in this country to take the place of those we could not import. Further than that, the first concern of the manufacturers during this past two-year period, the time we were actually engaged in the war, was the necessary production of high explosives. The dye industry was secondary, of course, to the

manufacture of high explosives. But looking to the future, giving chemists of this country the opportunity for study and labor in the preparation of dyes, there is absolutely no reason why, dye for dye, we eventually are not going to be able to compete with any product of any foreign country.

Mr. BURROUGHS. Will the gentleman yield right there?

Mr. TREADWAY. I will.

Mr. BURROUGHS. Right along that line, did not the testimony before the committee show that American dyes are already in a position to compete successfully and are competing successfully?

Mr. TREADWAY. A great many of them, but not all. We are not making in this country the so-called vat dyes.

Mr. BURROUGHS. Are we not exporting successfully any dyes we are not using to foreign countries and selling them?

Mr. TREADWAY. I am not able to give the gentleman much information on the export feature. But it is certainly true that with the intricacy of dye manufacture and thousands of different grades made by the chemical mixtures, we are making to-day comparatively few of the aggregate of those actually used in the manufacture of goods.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. DICKINSON of Iowa. Was there any testimony taken before your committee showing the conditions under which any independent company could get from this Chemical Foundation the use of the formulas for making these dyes?

Mr. TREADWAY. The conditions will be referred to a little further on in my remarks, but if I do not answer the gentleman's question I shall be glad to be interrupted on that point.

Resuming in reference to the licensing system, it now appears evident that some of this support was the result of adroit arguments being laid before the business concerns and the support obtained without the parties thoroughly familiarizing themselves with the details of the bill or the effect upon their business the licensing system might have. Members of the committee, and I assume the Members of the House, have been hearing from representatives of the industries affected, and there evidently has been considerable change in public sentiment on the measure in the past few weeks. In my own district, where there are very large consumers of dyes, there was a great difference of opinion. The licensing sections as originally submitted were far from satisfactory, and I should have been opposed to the bill had not these sections been rewritten by the committee. Let me briefly note the changes. Originally the period of the life of the dye-licensing commission was to have been for five years. This has been reduced to two. In the first draft the commission was to have been appointed by the President. This was revised so that the commission was to be appointed by various organizations interested in the industry, but would have been controlled by the manufacturers of dyes rather than the industries using the dyes. In other words, the power to grant licenses would have been practically in the hands of the American Dyes Institute. The present draft, section 503 (b), forms the commission of six users of dyes and four manufacturers chosen from various organizations directly affected, so that the users will control the organization. Even with these changes in the personnel it has been found that the board does not meet the approval of the manufacturers, as evidenced by numerous protests reaching the members of the committee since the new draft was made public.

Another extremely important change is the removal of the decision to issue the license upon the judgment of the commission whether or not the dye can be procured in this country. It is now obligatory on the commission to issue the license for importation, provided it be shown that the person applying for the license can not procure the same dye through domestic markets.

Mr. YOUNG of North Dakota. I would like to ask my colleague this question: He has made the statement either that the users of dyes would control, or it is claimed that the users will control, the board. Granting a majority of the board is made up of manufacturers who use the dyes—

Mr. TREADWAY. There are to be six members, my colleague understands.

Mr. YOUNG of North Dakota. Let us assume, then, that six manufacturers are selected who will have that responsibility, and we will say that you are a manufacturer but that you do not happen to have a membership on that board; that you were not appointed, and you come to that board believing that you can not get a dye in the United States that will enable you to make a cloth that you can sell in South America in competition

with goods dyed, say, in Great Britain—now, I think we found during this war that men who served on these boards are human and they are not always alert to do their duty, and possibly from lack of interest or failure to attend a meeting, or possibly even because they envy the big business you have, or out of some old antagonism to you, one of the members of the board may suggest that they refuse to give the license to you, and thereby can compel you to buy that dye in this country against your judgment, when your judgment tells you you must get that dye in Germany or the quality of your product will suffer so much that you will lose business in South America. Now, then, in that case the board either might flatly refuse to give you that license or it might be suggested they let it go over until the next meeting, and by the next meeting you have lost your business or it has been seriously injured. Do you not think it is fair to assume that this licensing proposition involves discretion on the part of the board and it may be used against your interest?

Mr. TREADWAY. The latter part of the gentleman's inquiry brings up the question of delay in granting licenses, which was a very serious argument against the system. I think rather than saying that the granting of a particular license, to which he refers, should go over until the next meeting of the board, perhaps it would be fair to say that feature might be overcome by the general rules that undoubtedly will be laid down by the commission in granting licenses, and that as a matter of actually obtaining a license the manufacturer will not necessarily have to make his application to the full membership of the board. In other words, the chairman, who is the executive officer, and the only man under salary, will, of course, have a wide latitude of power in the use of authority granted to the commission. I think that is fairly safeguarded in the bill. The board will be allowed to make its own rules and regulations, and it is natural to assume that these people will be interested in the development of the industry, and in the industry itself, and in the use of the dyes, and the manufacture of the finished goods, because they themselves are manufacturers. It is hard to conceive that men big enough to represent these large organizations on such a board as this would be petty and small to a business competitor and bring forward the matter of a delay in order not to grant a license to a competitor. I do not think that would be an American proposition.

The rest of the gentleman's inquiry being directed to the question as to whether a manufacturer himself wants a foreign dye or not, that was thrashed out so fully that I think the committee were fairly agreed that the man applying for the license is the one whose judgment will actually be the decisive factor.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. May I have 10 minutes more, Mr. Chairman?

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes more.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield for a question?

Mr. TREADWAY. Certainly.

Mr. FORDNEY. Does the gentleman from Massachusetts believe that the committee will issue a license to each merchant that comes along and asks for a license?

Mr. TREADWAY. Well, I think from the method of the formation of the board if a man says that a dye is not suitable for the kind of goods he wants to use it in, his word is the deciding factor rather than the judgment of the commission.

Mr. FORDNEY. Then why have the licenses made at all?

Mr. TREADWAY. I am not a keen supporter, as the gentleman knows, of the original proposition to establish this system.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. HULINGS. I understood the gentleman from Ohio [Mr. LONGWORTH], in answer to the question I asked of him, to say that we were now making these dyes in America. Did I understand him aright?

Mr. TREADWAY. We are making a great many of them, but as I explained in answer to the gentleman from North Dakota [Mr. YOUNG], we are not making all of them. I can not begin to say how many there are. I will ask the gentleman from Ohio [Mr. LONGWORTH] how many kinds and styles of dyes are there actually in use, and how many are made in this country? I would like the gentleman from Ohio to answer in detail that question.

Mr. LONGWORTH. The reports show that there are about 900 different colors that are in use.

Mr. HULINGS. Some of them we can not yet make?

Mr. LONGWORTH. Some of them we can not yet make, but a very few.

Mr. HULINGS. Why should we not protect the American dye makers by a tariff on these that we do not now make, so that any manufacturer can take up these imports that are brought here under that tariff, and at the same time be protecting the development by American manufacturers of these dyes that we do not yet make?

Mr. TREADWAY. That is exactly the claim of the proponents of the licensing system, that by establishing the license system we are protecting those dyes that are made in this country and giving them a chance to develop.

Mr. HULINGS. This Chemical Foundation owns these German patents. Nobody can use them except at their will?

Mr. TREADWAY. At the license of the Chemical Foundation, which, it seems to me, is a pretty powerful weapon that we are placing in the hands of a board in no way connected with dye manufacturing.

Mr. HULINGS. Why would it not be just as well if the Government should take up those patents and make them free to the use of any manufacturer, and then establish a tariff to protect them without any license?

Mr. TREADWAY. The gentleman from Ohio [Mr. LONGWORTH] answered very fully in his statement regarding what he considered to be the absolute need of the licensing system. As one of the members of the committee I am free to say that I have not followed quite so far as the gentleman from Ohio along the line of the imperative need of the licensing board. Probably the gentleman will see, from the nature of the remarks I have made, that I am not a very keen advocate even of the present licensing feature of the bill.

Mr. LONGWORTH. The German patents cover only a very small number of dyes now being made in America. A number of them have expired, and a number of them are about to expire, so that it does not involve the bedrock of the American production.

Mr. HULINGS. What is the relation of the Chemical Foundation that has these patents and the licensing commission?

Mr. LONGWORTH. There is none whatever. The Chemical Foundation has these patents, and this license commission deals only with importers of dyes, and has nothing to do with the manufacture of dyes in this country.

Mr. HULINGS. In that case I really can not see why there is any use in introducing this licensing system.

Mr. TREADWAY. I am afraid the gentleman from Pennsylvania has not been convinced by the argument that the gentleman from Ohio has made for two hours here.

I believe the gentleman from Iowa [Mr. DICKINSON] asked with reference to the form of the license to be issued by the Chemical Foundation?

Mr. DICKINSON of Iowa. And the conditions under which they are issued.

Mr. TREADWAY. The Chemical Foundation absolutely keeps control of the license it grants to any licensee. For further confirmation of that I would refer the gentleman to page 513 of the hearings, where the form of the license appears and the statement issued by the Federal Trade Commission. It is a very powerful and strongly drawn license. The gentleman may be interested in section 13 particularly: "This license may be canceled and terminated in the following manner." It proceeds to tell how the Chemical Foundation can cancel the license and give no reason whatever why it should do so. I fear that the form of the license will give unbounded authority.

Mr. DICKINSON of Iowa. The thought I had in mind was this: That with your license system in this bill and the necessity of procuring a license from the Chemical Foundation Co. you would practically say to an independent man that wanted to get into the dye business, "You can not get in unless you can get inside the combination of one organization or the other."

Mr. TREADWAY. Absolutely, if you doubt the altruistic intentions of the people who are bringing this legislation before us. They represent they are bringing this legislation before us, as I stated in the beginning of my remarks, for the broadest development of the industry, without any financial interest. But they are getting power and authority under this bill which, if lodged in the wrong hands, would be the most powerful agency for monopoly ever established in this country. The bill presents a method of controlling importations through the

license system, while the Chemical Foundation controls the local manufacture through ownership of German patents. You must believe in the men back of it in order to believe in the bill itself.

Mr. DICKINSON of Iowa. Will not the gentleman admit that danger?

Mr. TREADWAY. I do not hesitate to admit it. I have admitted it all along.

Mr. LONGWORTH. If the gentleman will pardon me, this bill in no way affects the Chemical Foundation. It has nothing to do with the Chemical Foundation. It gives them neither rights nor privileges.

Mr. EVANS of Nebraska rose.

Mr. TREADWAY. Does the gentleman from Nebraska desire to ask me a question?

Mr. EVANS of Nebraska. Yes. Then you separate the two? Are they not connected absolutely together in the ultimate result?

Mr. LONGWORTH. They are not connected together in any possible way, as the gentleman from Massachusetts explained. The Chemical Foundation owns some of these chemical patents, which it licenses to American manufacturers, who themselves are manufacturing dyes here in America. The licensing commission simply grants licenses to persons to import dyes to be used in America, not to manufacture dyes. The two things are as far apart as the poles. This bill affects the licensing commission and has nothing whatever to do with the Chemical Foundation.

Mr. TREADWAY. In conjunction with what the gentleman from Ohio [Mr. LONGWORTH] has just suggested, may I say that this fact appears that the Chemical Foundation controls, as we both have endeavored to explain, the use of the seized German patents, 4,500 of them here in the United States, which are in the hands of the Chemical Foundation. That is for dyes made in this country. Now, the Licensing Board is to permit the manufacturer desiring to import dyes to secure them by importation. The Chemical Foundation is domestic, the Licensing Board is for foreign products. But this fact is very distinct and plain, that the Chemical Foundation and the American Dye Institute are sufficiently closely allied so that the same counsel appeared before our committee for both organizations, and three members of the Licensing Board are to be members of the American Dye Institute, as provided in the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. I shall have to ask for 10 minutes more.

Mr. FORDNEY. I yield to the gentleman five minutes more.

Mr. KITCHIN. Would the gentleman like five minutes from this side?

Mr. TREADWAY. I would.

Mr. KITCHIN. I think gentlemen on that side are so much in need of enlightenment and information on this question that I am glad to yield five minutes more to the gentleman. [Laughter.]

Mr. FORDNEY. I thank the gentleman.

Mr. TREADWAY. As I started to explain, there are to be three members of the American Dye Institute on the Licensing Board. The Dye Institute and the Chemical Foundation are practically one. They are interrelated in such a way that as I say the same attorney appeared for both organizations. Consequently I can not agree to the statement of the gentleman from Ohio [Mr. LONGWORTH] that there is no relation between the two bodies, because there is. While the Chemical Foundation deals with one subject, there will be in the Licensing Board three members of the American Dye Institute, so that there is a very close relation between the two bodies, although they are for different purposes.

Mr. LONGWORTH. If the gentleman will pardon me, so that we may get this thing exactly straight—

Mr. TREADWAY. Certainly.

Mr. LONGWORTH. My statement was that there was no relation between their duties, and that this bill has no effect whatever one way or the other upon the Chemical Foundation.

Mr. TREADWAY. Not at all. I corroborate the gentleman's statement in that respect, that the Chemical Foundation has to do with domestic licenses and the Licensing Board has to do with foreign licenses, so that so far as their duties are concerned there is no connection.

#### LICENSES ONLY FOR WAR EMERGENCIES.

In general I am not a believer in the licensing system. As a war emergency it may have been necessary, but even during the strenuous period of the past two years its power has been seriously abused. Our manufacturers were willing during the stress of wars to submit to delays incident to control by licens-

ing boards and the necessary governmental red tape. That condition is entirely removed at the present time. Both domestic and foreign competition will enter into and become a part of the successful carrying on of business. Customers of big manufacturing plants will not accept the reasons given for non-delivery during the war. While the proponents of the bill, men lacking in experience in the dye business, claim this licensing system would not delay the manufacture of goods, I prefer to weigh against this evidence that now being submitted by men to whom are intrusted the carrying on of the business itself. Again, I have in mind Col. Wood's address. We are told this is practically the only industry that will need the support of a license system. I fear the moment this is adopted other excuses, perhaps as valid as this one, will be presented for our consideration and the horrible example of adoption of this one will come back to trouble us.

I am absolutely opposed to any autocratic, departmental authority being granted over business, and I have with great reluctance consented to support the license system as finally drafted in this bill. I do this only in view of the fact that departmental authority has been completely eliminated. In its present form the licensing board does not recognize any governmental connection, and if we are to have licenses issued for any purpose in connection with business the method under which this one is constituted has as few objectionable features as any that have been suggested.

#### PERMANENCY OF DYE INDUSTRIES.

There is no industry so important in all its ramifications as the one we are considering. It must be fostered and made permanent in this country. The threefold purposes of coal-tar products are separately or collectively of sufficient importance to warrant almost any exception being made to what would be regarded as the general policy of legislation. The dyestuffs industry in this country must be put on a footing absolutely independent of Germany and able to compete in every way with German products in the near future. Never again must such a sword hang over this Nation as our prewar dependence on Germany for coal-tar products. We are therefore justified in adopting extraordinary and exceptional methods of both excluding German products and fostering our own industry in this country. [Applause.]

Unless some gentleman desires to ask me a question, I yield back the remainder of my time.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2972) to extend the cancellation-stamp privilege for the Roosevelt Memorial Association.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GRONNA, Mr. NORRIS, and Mr. SMITH of Georgia as the conferees on the part of the Senate.

#### COAL-TAR PRODUCTS.

The committee resumed its session.

Mr. FORDNEY. I yield one-half minute to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman, I ask unanimous consent to extend my remarks upon this bill by inserting in the RECORD an address upon this subject recently made by Mr. Culberson, a member of the Tariff Commission.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. KITCHIN. I yield 20 minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Chairman and gentlemen of the House, to-day, under a special rule brought before the House, the rent antiprofiteering bill was sent to conference with only five minutes' debate. I had hoped to be able to say something at that time in criticism of what is known as the Ball rent bill, a bill introduced by Senator BALL, of Delaware, and which was put as a rider upon one of the agricultural bills.

Not having had an opportunity this morning to address myself to that bill, I am compelled to take advantage of this opportunity, when another bill is under discussion, for the purpose of discussing that bill.

It is my desire to take what is known as the Ball rent bill section by section and invite attention to what I think are unwise provisions in it. If I should say anything which might bear the construction in the least as reflecting upon its author I want to say at the outset that, if done, it will be thoughtlessly and unintentionally done, because I believe he has been actuated only by the very best motives.

I saw in the Washington Star of yesterday a short history of the life of the Senator whose name this bill bears. In that he describes himself as "a country doctor." I believe that since that is true, and since he has devoted his life to writing prescriptions instead of bills which must stand the constitutional test, accounts for some of the provisions in the bill which I deem to be quite unwise. In addition to that, I think I see all through this bill the voice of Jacob and the hand of Esau. This Congress is quite familiar with what I think of the successful attempts which defeated rent legislation in the last Congress.

This bill really was not considered in the Senate. As evidencing that I will read from the CONGRESSIONAL RECORD when the bill was under discussion. I read from the RECORD of September 12, 1919:

Mr. SHIERMAN. There is a condition of that kind existing, and I think a section ought to be added to cover it, if it is not already covered. I had understood that there was a provision of that kind in the bill. I have not seen the print. I am just running through it now. The Senator has prepared a section of that kind.

Immediately after that Senator JONES from the State of Washington said:

Mr. JONES of Washington. I submitted a rough draft of a proposition of that kind to the chairman of the committee on yesterday. I have been busy myself, and I understood that it had been turned over to the drafting expert to be put in proper shape, and understood that it was going to go in the bill, but the only provision I see is the provision limiting it to September 15. I have not here the draft that I prepared. I will ask the Senator this question: Does the Senator think the commission that is provided for here could, to use a common expression, over-haul a lease of that kind?

A little further along in the debate this colloquy occurred:

Mr. ROBINSON. Mr. President, I have been unable to follow very accurately the amendments which have recently been adopted to this provision, and I want to ask some one who has charge of the measure whether, under the amendment last agreed to, the owner of a property or the purchaser of it can recover possession of his house if he desires to occupy it himself, but in order to recover possession of it he must occupy it, and will not be permitted to lease it or rent it to another? Is that the policy of the legislation that is proposed here?

The PRESIDING OFFICER. The Senator from Ohio can answer that question.

Mr. POMERENE. My mind was occupied with another question, and I was not following the query of the Senator from Arkansas.

Then a little later on Senator POMERENE undertook to answer the question. The Senator who is the author of the bill was absent. We have the Senator, the chairman of the Committee on the District of Columbia, offering it as an amendment to the agricultural bill when he had not read it.

Then we have the Senator from the State of Washington, Senator JONES, saying that he prepared an amendment and submitted it, and that it was to go into the bill, but that he could not find it in the bill. Then when the various Senators—and as far as I can ascertain there were only seven present—were discussing the proposition, Senator ROBINSON asked somebody to tell him something about it, and the presiding officer immediately referred to the Senator from Ohio, Senator POMERENE.

The bill first provides a commission to stop profiteering in rents, and before it concludes it takes away that means.

In the beginning of the bill we find this term:

The term "rental property," as defined in the bill, means "any building or any part thereof in the District of Columbia rented or hired for dwelling purposes and the furniture or furnishings therein, but does not include hotels or apartments."

Let me invite the attention of the House to the word "building" in that sentence. The term "rental property" means buildings.

Anybody who knows anything about rent profiteering in the District of Columbia knows that the United States Government is suffering terribly at the hands of the rent profiteers. It is suffering through the renting of vacant land. The United States in the District of Columbia to-day is paying an annual rent equal to one-half of what the vacant real estate is worth. Is it an accident that the bill was drawn so as to cover "buildings" alone and not real estate that the United States Government is renting? I will leave the answer to you.

Another definition in the bill is this:

The term "true value" is defined in the bill as meaning the "actual market value" of the property at the time in question.

In the body of the bill it provides that the rent shall be based on the "true value" of the property. Then under the definition clause it defines the "true value" to mean the "actual market value." For years it has been accepted by the courts that the real value is that fixed in a voluntary sale to a purchaser who is not compelled to buy. The "market value" in the District of Columbia to-day is the price realized by one who voluntarily sells to one who is compelled to buy or go out into the streets. Nobody can make me believe that that definition slipped into this bill by accident only. In my opinion it was put there by somebody, I know not by whom, for the purpose of getting rents not upon the real value but upon this compulsory market value.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. KING. Does the gentleman not want to state who injected that into the bill?

Mr. JOHNSON of Kentucky. I do not know who. If I knew I would unhesitatingly state.

The bill provides that a commission to be known as the rent commission of the District of Columbia be appointed by the President and confirmed by the Senate. Upon former occasions I have said, and I repeat it now, that it is next to impossible to find a man in the District of Columbia who amounts to anything who will take a position of that kind and do his duty. If he be a lawyer, as I have said on former occasions, he must get out of the practice of the law after he has done his duty to tenants. If he be a doctor, he must do the same thing, and if he be a merchant he must do the same thing. I said that before anybody was appointed in the District of Columbia to take care of the rights of tenants. The War Department took a lawyer here in town for that task. By and by he was made a captain, and he was sent to the courts every day to prevent the ejection of war workers. He himself told me only a few days ago that just as he was retiring from that position one of the most prominent real estate dealers in the town came to him and tauntingly said, "What are you going to do when you get out of this Army position?" Clearly, he tells me, implying thereby that he had to go out of the practice of law. Following that his law firm put him out. We have now presented the same proposition, that you are to have a commission of three men, pay them \$6,000 a year each, and that each must live in the District of Columbia and must be confirmed by the Senate. If, after they are selected, the United States Senate does not confirm them any quicker than it has granted relief to the oppressed war-worker tenants of the District of Columbia, God knows that their confirmation will be long deferred.

I wish to now direct attention to another feature of the bill, and that is that no complaint can be made to the rent commission until the relation of landlord and tenant exists, and no complaint can be made after the relation of landlord and tenant ceases to exist. If no complaint can be made to the rent commission before the relation of landlord and tenant commences, then when is it to be made? Not until after the tenant is in the house, the apartment, or the room of the landlord, getting heat, light, elevator service, or the linen changed on his bed. Do you tell me that that tenant, even though he be one of our most oppressed war workers, is going to this commission and make complaint against the landlord, who under the terms of the bill can not put him out but who can make things so disagreeable around the house that the tenant can not remain? I predict that if this bill becomes a law there will never be a complaint, and in the meantime this commission of three men will be getting \$6,000 a year each, another getting \$2,000, with a secretary getting \$3,000, a commission with carte blanche to employ whomsoever it pleases, including an attorney, at salaries to be fixed by the commission. The money will be absolutely thrown away, because, as I say, there will never be a complaint. The man who is able to pay the extortionate rent is going to pay it in silence, and the one who is unable to pay it is never going to complain, because the only remedy is a long-drawn-out lawsuit.

During the last Congress, when a rent antiprofiteering bill had passed this House and gone over to the other body, a hearing was held. In that hearing a man named Bates Warren appeared as a spokesman for the real estate people, and this colloquy appeared in the hearings:

Senator HOLLIS. Are you familiar with any place where they do have a rent administrator?

Mr. WARREN. Not in rents.

Senator HOLLIS. Is that an invention of your own, Mr. Warren?

Mr. WARREN. I will not claim it as my own. We all discussed it, and it comes out. I drafted the bill.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

MR. KITCHIN. Mr. Chairman, I yield five minutes more to the gentleman.

MR. JOHNSON of Kentucky. Mr. Chairman, it is hardly worth while for me to proceed, because I can not discuss the matter in so short a time, but I ask unanimous consent to extend and revise my remarks in the RECORD.

THE CHAIRMAN. The gentleman asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

There was no objection.

MR. JOHNSON of Kentucky. Mr. Chairman, before I conclude I wish to present, so that it may be published in the RECORD, some figures obtained by me from the departments here in Washington which kept them from March 11, 1918, down to and including the 4th of November, 1918. This paper which I shall insert in the RECORD gives the number of clerks called to Washington by the Government in our recent emergency. It is not picked out for a particular time. It is all the record they have on the subject. It is made up from the time they commenced to keep the record until they ceased to keep it. During that time there were called here by the Government 68,694 clerks. Out of that number there were driven away from the District of Columbia by extortionate practices the enormous number of 31,962, which left to the Government a net gain in clerks of 36,732. In other words, in order to get 36,732 clerks 31,962 were driven away.

That list is as follows:

WEEK OF MAR. 11, 1918.

Name of department.	Appoint-ments.	Separations.	Net ad-ditions.
Food Administration	71	16	55
Fuel Administration	5	13	-8
Library of Congress	8	7	1
Government Printing Office	43	42	1
Interior Department	74	37	37
Justice Department	5	1	4
Commerce Department	61	42	19
Interstate Commerce	7	3	4
Department of Agriculture	76	27	49
Department of War	551	124	427
Federal Trade Commission	13	6	7
Smithsonian Institution	6	7	-1
The Navy Department	60	18	42
Department of State	10	4	6
Emergency Fleet Corporation	116	15	101
United States Shipping Board	23	3	20
Civil Service Commission	27	—	27
District government	8	15	-7
American Red Cross			
Department of Labor	34	12	22
Treasury Department	437	88	349
United States War Trade Board	69	69	0
Council National Defense	2	—	2
Federal Reserve Board			
The Panama Canal			
Director General of Railroads			
Alien Property Custodian			
Total	1,706	480	1,226

WEEK OF MAR. 18, 1918.

Name of department.	Appoint-ments.	Separations.	Net ad-ditions.
Food Administration	45	27	18
Fuel Administration	4	9	-5
Library of Congress	9	4	5
Government Printing Office	64	19	45
Interior Department	67	41	26
Justice Department	4	4	0
Commerce Department	62	44	18
Interstate Commerce	6	5	1
Department of Agriculture	46	32	14
Department of War	528	176	352
Federal Trade Commission	8	9	-1
Smithsonian Institution			
The Navy Department	51	18	33
Department of State	7	—	7
Emergency Fleet Corporation	115	14	101
United States Shipping Board	21	—	21
Civil Service Commission	8	4	4
District government	21	28	-7
American Red Cross			
Department of Labor	35	8	27
Treasury Department	437	88	349
United States War Trade Board	69	69	0
Council of National Defense	2	—	2
Federal Reserve Board			
The Panama Canal			
Director General of Railroads			
Alien Property Custodian			
Total	1,609	530	1,079

WEEK OF MAR. 25, 1918.

Name of department.	Appoint-ments.	Separations.	New ad-ditions.
Food Administration	53	45	8
Fuel Administration	16	9	7
Library of Congress	6	5	1
Government Printing Office	43	45	-2
Interior Department	58	61	-3
Justice Department		1	-1
Commerce Department	74	61	13
Interstate Commerce	2	2	0
Department of Agriculture	89	62	27
Department of War	557	263	294
Federal Trade Commission	4	8	-4
Smithsonian Institution			
The Navy Department	44	19	25
Department of State	6	3	3
Emergency Fleet Corporation	190	31	159
United States Shipping Board	19	1	18
Civil Service Commission	10	—	10
District government	11	14	-3
American Red Cross			
Department of Labor	18	8	10
Treasury Department	437	88	349
War Trade Board	69	—	69
Council of National Defense	3	—	3
The Panama Canal	1	2	-1
Federal Reserve Board			
Alien Property Custodian			
Director General of Railroads			
Total	1,710	728	982

WEEK OF APR. 1, 1918.

Name of department.	Appoint-ments.	Separations.	New ad-ditions.
Fuel Administration	10	23	-13
Food Administration	53	26	27
Library of Congress	1	3	-2
Government Printing Office	57	31	25
Interior Department	72	52	20
Department of Justice		3	-3
Commerce Department	77	40	37
Interstate Commerce	11	10	1
Agriculture Department	70	65	4
Department of War	527	329	198
Federal Trade Commission	4	13	-9
Smithsonian Institution			
The Navy Department	37	13	24
Department of State	5	2	3
Emergency Fleet Corporation	189	30	159
United States Shipping Board	19	—	19
Civil Service Commission			
District government	11	13	-2
American Red Cross			
Department of Labor	31	10	21
Treasury Department	287	48	239
War Trade Board	78	—	78
Council of National Defense	3	—	3
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
Total	1,542	712	830

WEEK OF APR. 8, 1918.

Name of department.	Appoint-ments.	Separations.	New ad-ditions.
Food Administration	32	62	-30
Fuel Administration	33	7	26
Library of Congress	1	5	-4
Government Printing Office	45	72	-27
Interior Department	38	42	-4
Department of Justice	4	2	2
Commerce Department	68	58	10
Interstate Commerce	11	10	1
Agriculture Department	53	84	-31
Department of War	772	288	501
Federal Trade Commission	5	6	-1
Smithsonian Institution	6	6	0
The Navy Department	44	27	17
Department of State	5	1	4
Emergency Fleet Corporation	377	67	310
United States Shipping Board	25	2	23
Civil Service Commission	5	4	1
District government	9	8	1
American Red Cross			
Department of Labor	11	7	4
Treasury Department	603	96	507
War Trade Board	77	31	46
Council of National Defense	3	2	1
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
Total	2,227	867	1,360

WEEK OF APR. 15, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	43	17	26
Fuel Administration	36	16	20
Library of Congress	1	2	-1
Government Printing Office	41	72	-31
Interior Department	68	41	27
Department of Justice	7	1	6
Commerce Department	77	33	44
Interstate Commerce	6	9	-3
Agriculture Department	58	54	4
Department of War	769	230	519
Federal Trade Commission	5	5	-
Smithsonian Institution			-
The Navy Department	75	7	68
Department of State	7	4	3
Emergency Fleet Corporation			-
United States Shipping Board	18	5	13
Civil Service Commission	1	2	-1
District government	19	20	-1
American Red Cross			-
Department of Labor	88	18	70
Treasury Department	485	87	398
War Trade Board	103	23	80
Council of National Defense	3	2	1
Federal Reserve Board			-
Alien Property Custodian			-
The Panama Canal			-
Director General of Railroads			-
Total	1,910	668	1,242

WEEK OF MAY 6, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	48	61	-13
Fuel Administration	13	3	10
Library of Congress	0	2	-2
Government Printing Office	28	39	-11
Interior Department	43	46	-3
Justice Department	0	0	0
Commerce Department	55	44	11
Interstate Commerce Commission	19	16	3
Department of Agriculture	60	77	-17
Department of War	335	202	133
Federal Trade Commission	4	10	-6
Smithsonian Institution	1	2	-1
The Navy Department	44	17	27
Department of State	7	5	2
Emergency Fleet Corporation			-
United States Shipping Board	17	0	17
Civil Service Commission	8	1	7
District government	9	7	2
American Red Cross			-
Department of Labor	26	10	16
Treasury Department	695	119	576
United States War Trade Board	39	21	18
Council of National Defense	41	4	37
Federal Reserve Board			-
Alien Property Custodian			-
The Panama Canal			-
Director General of Railroads			-
Total	1,512	687	825

WEEK OF APR. 22, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	20	29	-9
Fuel Administration	7	19	-12
Library of Congress	7	2	5
Government Printing Office	61	47	14
Interior Department	44	40	4
Justice Department	10	2	8
Commerce Department	92	72	20
Interstate Commerce	6	5	1
Department of Agriculture	50	56	-6
Department of War	720	249	471
Federal Trade Commission	6	15	-9
Smithsonian Institution	1	2	-1
The Navy Department	50	15	35
Department of State	9	9	-
Emergency Fleet Corporation			-
United States Shipping Board	21	3	18
Civil Service Commission	2	3	-1
District government	12	9	3
Department of Labor	36	18	18
American Red Cross			-
Treasury Department	532	102	430
War Trade Board	31	32	-1
Council of National Defense	49	8	41
Federal Reserve Board			-
Alien Property Custodian			-
The Panama Canal			-
Director General of Railroads			-
Total	1,766	728	1,038

WEEK OF MAY 13, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	32	34	-2
Fuel Administration	11	26	-15
Library of Congress	10	5	5
Government Printing Office	41	38	3
Interior Department	55	55	-
Justice Department	4	6	-2
Commerce Department	47	20	27
Interstate Commerce Commission	19	16	3
Department of Agriculture	77	97	-20
Department of War	785	266	519
Federal Trade Commission	2	8	-6
Smithsonian Institution	9	7	2
Navy Department	25	22	3
Department of State	7	1	6
Emergency Fleet Corporation			-
United States Shipping Board	27	3	24
Civil Service Commission	5	2	3
District government	24	20	4
American Red Cross			-
Department of Labor	37	14	-23
Treasury Department	245	131	114
United States War Trade Board	59	23	36
Council of National Defense	25	4	21
Federal Reserve Board	4	2	2
Alien Property Custodian			-
The Panama Canal			-
Director General of Railroads			-
Total	1,589	802	778

WEEK OF APR. 29, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	65	17	48
Fuel Administration	36	9	27
Library of Congress	2	2	2
Government Printing Office	43	52	-9
Interior Department	52	46	6
Justice Department	4	3	1
Commerce Department	74	44	30
Interstate Commerce	19	16	3
Department of Agriculture	62	44	18
Department of War	374	309	65
Federal Trade Commission	9	4	5
Smithsonian Institution		6	-6
The Navy Department	28	14	14
Department of State	10	7	3
Emergency Fleet Corporation	450	96	354
United States Shipping Board	22	22	-
Civil Service Commission	7	2	5
District government	11	9	2
American Red Cross			-
Department of Labor	42	16	26
Treasury Department	288	82	206
United States War Trade Board	11	9	2
Council of National Defense	25	4	21
Federal Reserve Board	3	3	-
Alien Property Custodian			-
The Panama Canal			-
Director General of Railroads			-
Total	1,637	789	878

WEEK OF MAY 20, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	44	17	27
Fuel Administration	33	24	9
Library of Congress	7	6	1
Government Printing Office	38	64	-26
Interior Department	73	65	8
Justice Department			-
Commerce Department	70	27	43
Interstate Commerce	9	6	3
Department of Agriculture	77	79	-2
Department of War	568	307	261
Federal Trade Commission	4	10	-6
Smithsonian Institution	22	8	14
Navy Department	41	15	26
Department of State	5	2	3
Emergency Fleet Corporation			-
United States Shipping Board	27	2	25
Civil Service Commission	3	3	-
District government	10	11	-1
American Red Cross			-
Department of Labor	48	19	29
Treasury Department	446	125	321
War Trade Board	43	31	12
Council of National Defense	45	7	38
Alien Property Custodian			-
The Panama Canal			-
Director General of Railroads			-
Total	1,613	828	785

WEEK OF MAY 27, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	66	36	30
Fuel Administration	16	12	4
Library of Congress	6	3	3
Government Printing Office	31	72	-41
Interior Department	70	49	21
Justice Department	7	2	5
Commerce Department	70	30	40
Interstate Commerce	3	10	-7
Department of Agriculture	85	57	28
Department of War	303	276	87
Federal Trade Commission	7	4	3
Smithsonian Institution	4	1	3
The Navy Department	51	21	30
Department of State	2	2	0
Emergency Fleet Corporation	420	191	238
United States Shipping Board	23	5	18
Civil Service Commission	6	6	0
District government	9	11	-2
American Red Cross			
Department of Labor	42	15	27
Treasury Department	196	98	98
United States War Trade Board	40	25	15
Council National Defense	41	8	33
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
Total	1,567	934	633

WEEK OF JUNE 17, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	43	38	5
Fuel Administration	45	32	13
Library of Congress	15	9	6
Government Printing Office	75	39	36
Interior Department	112	64	48
Justice Department	2	3	-1
Commerce Department	60	36	24
Interstate Commerce	16	15	1
Department of Agriculture	99	67	32
Department of War	486	264	222
Federal Trade Commission	15	6	9
Smithsonian Institution	3	2	1
The Navy Department	27	19	8
Department of State	14	4	10
Emergency Fleet Corporation			
United States Shipping Board			
Civil Service Commission	3	4	-1
District government	14	9	5
American Red Cross			
Department of Labor	98	49	49
Treasury Department	333	60	278
United States War Trade Board	52	27	25
Council National Defense	78	12	66
Federal Reserve Board			
The Panama Canal			
Director General of Railroads			
Alien Property Custodian			
Total	1,595	759	836

WEEK OF JUNE 3, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	18	29	-11
Fuel Administration	19	3	16
Library of Congress	7	7	0
Government Printing Office	60	46	14
Interior Department	22	52	-30
Justice Department	8	1	7
Commerce Department	45	26	19
Interstate Commerce	15	30	-15
Department of Agriculture	59	47	12
Department of War	399	234	165
Federal Trade Commission	14	17	-3
Smithsonian Institution	12	6	6
The Navy Department			
Department of State	11	6	5
Emergency Fleet Corporation			
United States Shipping Board	8	8	0
Civil Service Commission	3	7	-4
District government	20	29	-19
American Red Cross			
Department of Labor	64	29	35
Treasury Department	483	148	335
United States War Trade Board	28	58	-30
Council National Defense	49	4	45
Federal Reserve Board	3	0	3
The Panama Canal			
Director General of Railroads	15	0	15
Alien Property Custodian			
Total	1,362	797	565

WEEK OF JUNE 24, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	44	55	-11
Fuel Administration	74	18	56
Library of Congress	11	8	3
Government Printing Office	44	50	-6
Interior Department	54	38	16
Justice Department	2	3	-1
Commerce Department	65	18	47
Interstate Commerce	19	13	6
Department of Agriculture	74	72	2
Department of War	60	204	399
Federal Trade Commission	17	6	11
Smithsonian Institution	5	7	-2
The Navy Department	132	42	90
Department of State	15	1	14
United States Shipping Board	84	13	71
Civil Service Commission	8	4	4
District government	20	19	1
American Red Cross			
Department of Labor	50	20	30
Treasury Department	616	160	456
United States War Trade Board	50	23	27
Council National Defense	10	2	8
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
War Industries Board	29	2	27
Total	2,026	778	1,248

WEEK OF JUNE 10, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	57	45	12
Fuel Administration	31	23	8
Library of Congress	8	5	3
Government Printing Office	65	32	33
Interior Department	140	71	69
Justice Department	6	5	1
Commerce Department	67	19	48
Interstate Commerce	10	9	1
Department of Agriculture	108	83	25
Department of War	298	342	-44
Federal Trade Commission	10	3	7
Smithsonian Institution	1	12	-11
The Navy Department	56	6	50
Department of State	23	7	16
Emergency Fleet Corporation			
United States Shipping Board	40	4	36
Civil Service Commission	9	7	2
District government	17	12	5
American Red Cross			
Department of Labor	36	22	14
Treasury Department	72	103	569
United States War Trade Board	40	29	11
Council National Defense	77	12	65
Federal Reserve Board	9	1	8
The Panama Canal			
Director General of Railroads	18	5	13
Alien Property Custodian			
Total	1,798	857	941

WEEK OF JULY 1, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	51	64	-13
Fuel Administration	156	27	129
Library of Congress	8	15	-7
Government Printing Office	38	37	1
Interior Department	84	57	27
Justice Department	3	2	1
Commerce Department	73	46	27
Interstate Commerce	11	4	7
Department of Agriculture	164	79	85
Department of War	392	247	145
Federal Trade Commission	9	2	7
Smithsonian Institution	11	4	7
The Navy Department	68	28	40
Department of State	21	8	13
United States Shipping Board	53	12	41
Civil Service Commission	6	1	5
District government	14	9	5
American Red Cross			
Department of Labor	70	3	31
Treasury Department	266	148	118
United States War Trade Board	71	26	45
Council National Defense	16	3	13
Federal Reserve Board	3		3
Alien Property Custodian			
The Panama Canal			
Director General of Railroads	31	2	29
War Industries Board	99	5	94
Total	1,718	835	833

WEEK OF JULY 8, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	33	44	-11
Fuel Administration			
Library of Congress	5	0	5
Government Printing Office	18	33	-15
Interior Department	67	60	7
Justice Department	12	6	6
Commerce Department	53	45	8
Interstate Commerce	30	31	-1
Department of Agriculture	138	82	56
Department of War	445	324	121
Federal Trade Commission	10	12	-2
Smithsonian Institution	3	3	0
The Navy Department	33	12	21
Department of State	19	4	15
United States Shipping Board	16	7	9
Civil Service Commission	3	5	-2
District government	6	6	0
American Red Cross			
Department of Labor	21	18	3
Treasury Department	852	119	733
United States War Trade Board	52	15	37
Council National Defense	15	4	11
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
War Industries Board	51	7	44
Total	1,882	837	1,045

WEEK OF JULY 29, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	25	36	-11
Fuel Administration	155	35	120
Library of Congress	4	2	2
Government Printing Office	77	51	26
Interior Department	51	39	12
Justice Department	4	4	4
Commerce Department	34	40	-6
Interstate Commerce Commission	5	6	-1
Department of Agriculture	95	106	-11
Department of War	948	274	674
Federal Trade Commission	15	6	9
Smithsonian Institution	1	3	-2
Navy Department	47	30	17
Department of State	16	6	10
United States Shipping Board			
Civil Service Commission	5	4	1
District government	8	11	-3
American Red Cross			
Department of Labor	131	51	80
Treasury Department	512	97	415
United States War Trade Board	61	14	47
Council National Defense	11	7	4
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
War Industries Board	5	3	2
Total	50	22	28
	2,260	847	1,413

WEEK OF JULY 15, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	31	20	11
Fuel Administration	114	22	92
Library of Congress	3	7	-4
Government Printing Office	52	46	6
Interior Department	110	60	50
Justice Department	4		4
Commerce Department	42	26	16
Interstate Commerce	6	12	-6
Department of Agriculture	145	64	81
Department of War	644	190	454
Federal Trade Commission	5	3	2
Smithsonian Institution	11	3	8
The Navy Department	70	17	53
Department of State	7	5	2
United States Shipping Board	10	12	-2
Civil Service Commission	6	5	1
District government	5	3	2
American Red Cross			
Department of Labor	98	49	49
Treasury Department	627	87	540
United States War Trade Board	46	17	29
Council National Defense	6		6
Federal Reserve Board	5		
Alien Property Custodian			
The Panama Canal			
Director General of Railroads	25	4	21
War Industries Board	57	12	45
Total	2,129	664	1,465

WEEK OF AUG. 5, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	26	33	-7
Fuel Administration	47	4	43
Library of Congress	8	5	3
Government Printing Office	47	37	10
Interior Department	51	56	-5
Justice Department	4	1	3
Commerce Department	65	37	28
Interstate Commerce	10	10	10
Department of Agriculture	71	90	-19
Department of War	610	306	304
Federal Trade Commission	20	5	15
Smithsonian Institution			
Navy Department	66	37	29
Department of State	13	7	6
United States Shipping Board	18	12	6
Civil Service Commission	2	1	1
District government	22	11	11
American Red Cross			
Department of Labor	100	35	65
Treasury Department	539	125	414
United States War Trade Board			
Council National Defense	15	2	13
Federal Reserve Board			
Alien Property Custodian			
Panama Canal			
Director General of Railroads	152	27	125
War Industries Board	52	26	26
Total	1,938	867	1,071

WEEK OF JULY 22, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	27	24	3
Fuel Administration	3	7	-4
Library of Congress	3	4	-1
Government Printing Office	96	30	66
Interior Department	80	42	38
Justice Department	3	3	
Commerce Department	82	48	34
Interstate Commerce	5	6	-1
Department of Agriculture	94	99	-5
Department of War	826	253	573
Federal Trade Commission	30	2	28
Smithsonian Institution	2	4	-2
Navy Department	61	22	39
Department of State	9	3	6
United States Shipping Board	18	10	8
Civil Service Commission	5	3	2
District government	24	19	5
American Red Cross			
Department of Labor	96	42	54
Treasury Department	884	81	803
United States War Trade Board	71	34	37
Council National Defense	10	10	
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads	11	1	10
War Industries Board	25	4	21
Total	2,465	751	1,714

WEEK OF AUG. 12-19, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	15	62	-47
Fuel Administration	65		65
Library of Congress	3	4	-1
Government Printing Office	51	35	16
Interior Department	50	50	
Justice Department	4	6	-2
Commerce Department	83	39	44
Interstate Commerce	5	14	-9
Department of Agriculture	100	89	11
Department of War	527	149	378
Federal Trade Commission	15	5	10
Smithsonian Institution	5	18	-13
Navy Department	38	23	15
Department of State	8	4	4
United States Shipping Board	34	22	12
Civil Service Commission	4	5	-1
District government	23	12	11
American Red Cross			
Department of Labor	70	30	40
Treasury Department	436	229	207
United States War Trade Board	89	23	66
Council National Defense	4		4
Federal Reserve Board	1		1
Alien Property Custodian			
Panama Canal			
Director General of Railroads	65	34	31
War Industries Board	49	10	39
Total	1,744	833	881

WEEK OF AUG. 19-26, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	48	35	13
Fuel Administration	42	8	34
Library of Congress	7	3	4
Government Printing Office	109	37	72
Interior Department	36	29	7
Justice Department	20	8	12
Commerce Department	55	45	10
Interstate Commerce	6	11	-5
Department of Agriculture	94	105	-11
Department of War	821	599	312
Federal Trade Commission	15	3	12
Smithsonian Institution	4	5	-1
The Navy Department	75	10	65
Department of State	9	3	6
United States Shipping Board	22	32	-10
Civil Service Commission	3	6	-3
District government	27	13	14
Department of Labor	70	30	40
Treasury Department	807	116	691
United States War Trade Board	84	33	51
Council National Defense	5	2	3
Federal Reserve Board			
Director General of Railroads	29	6	23
War Industries Board	53	29	24
Panama Canal			
Total	2,441	1,078	1,363

WEEK OF SEPT. 9-14, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration	27	63	-36
Fuel Administration	80	18	62
Library of Congress	7	9	-2
Government Printing Office	85	46	39
Interior Department	53	33	15
Justice Department	9	7	2
Commerce Department	44	54	-10
Interstate Commerce	13	14	-1
Department of Agriculture	96	131	-35
Smithsonian Institution	2	5	-3
The Navy Department	36	49	-13
Department of State	23	6	17
United States Shipping Board	41	22	19
Civil Service Commission	6	9	-3
District government	63	23	40
Department of Labor	76	30	46
Treasury Department	971	160	811
United States War Trade Board	33	31	2
Council National Defense	12	10	2
Federal Reserve Board	1		
Director General of Railroads	25	9	16
War Industries Board	93	19	74
Department of War	987	402	585
Federal Trade Commission	20	7	13
Panama Canal	(1)	(1)	(1)
Total	2,803	1,162	1,641

WEEK OF AUG. 26-31, 1918.

Food Administration	19	38	-19
Fuel Administration	67	14	53
Library of Congress	1	10	-9
Government Printing Office	90	50	40
Interior Department	62	52	10
Justice Department	8	8	0
Commerce Department	144	66	78
Interstate Commerce	12	16	-4
Department of Agriculture	85	87	-2
Department of War	753	367	386
Federal Trade Commission	11	4	7
Smithsonian Institution	4	2	2
Navy Department	82	50	32
Department of State	8	2	6
United States Shipping Board	30	16	14
Civil Service Commission			
District government	27	13	14
Department of Labor	82	46	36
Treasury Department	465	94	371
United States War Trade Board			
Council of National Defense	18	2	16
Federal Reserve Board	0	0	0
Director General of Railroads	7	2	5
War Industries Board	4	2	2
Panama Canal			
Total	1,979	941	1,038

WEEK OF SEPT. 16-21, 1918.

Food Administration	25	43	-18
Fuel Administration	29	86	-57
Library of Congress	5	18	-13
Government Printing Office	74	55	19
Interior Department	57	43	14
Justice Department	22	4	18
Commerce Department	85	53	32
Interstate Commerce Commission	19	24	-5
Department of Agriculture	98	113	-15
Smithsonian Institution	8	10	-2
Navy Department	56	52	4
Department of State	34	17	17
United States Shipping Board	68	34	34
Civil Service Commission	4	1	3
District government	21	12	9
Department of Labor	107	21	86
Treasury Department	738	229	509
United States War Trade Board	70	57	13
Council of National Defense	24	5	19
Federal Reserve Board	2	2	...
Director General of Railroads	12	2	10
War Industries Board	88	38	50
Department of War	530	461	69
Federal Trade Commission	8	12	-4
Panama Canal	(1)	(1)	(1)
Total	2,184	1,392	792

WEEK OF SEPT. 2-7, 1918.

Food Administration	33	23	10
Fuel Administration	105	66	39
Library of Congress	6	5	1
Government Printing Office	115	48	67
Interior Department	51	76	-25
Justice Department	5	3	2
Commerce Department	67	67	...
Interstate Commerce	7	7	...
Department of Agriculture	82	102	-20
Department of War	912	468	444
Federal Trade Commission	13	9	4
Smithsonian Institution	7	8	-1
The Navy Department	71	36	35
Department of State	14	2	12
United States Shipping Board	56	36	20
Civil Service Commission	5	7	-2
District government	11	16	-5
Department of Labor	67	25	42
Treasury Department	970	159	811
United States War Trade Board	54	23	31
Council National Defense	5	2	3
Federal Reserve Board			
Director General of Railroads	4	2	2
War Industries Board	82	18	64
Panama Canal			
Total	2,742	1,208	1,534

Food Administration	43	61	-18
Fuel Administration	39	42	-12
Library of Congress	14	8	6
Government Printing Office	71	77	-6
Interior Department	56	61	-5
Justice Department	1	5	-4
Commerce Department	35	68	-33
Interstate Commerce	4	19	-15
Department of Agriculture	70	147	-77
Smithsonian Institution	3	8	-5
Navy Department	37	35	2
Department of State	15	12	3
United States Shipping Board	26	28	-2
Civil Service Commission	4	12	-8
District government	60	22	38
Department of Labor	67	40	27
Treasury Department	1,568	303	1,265
United States War Trade Board	36	38	-2
Council National Defense	10	2	8
Federal Reserve Board	1		1
Director General of Railroads	69	15	54
War Industries Board	83	31	52
Department of War	905	484	421
Federal Trade Commission	6	8	-2
Panama Canal (month of September)		3	-3
Total	3,214	1,529	1,685

\*Monthly report only.

WEEK OF SEPT. 30-OCT. 5, 1918.

WEEK OF OCT. 21-26, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration.....	0	25	-25
Fuel Administration.....	32	25	7
Library of Congress.....	20	12	8
Government Printing Office.....	42	45	-3
Interior Department.....	52	40	12
Justice Department.....	14	12	2
Commerce Department.....	18	36	-18
Interstate Commerce.....	3	18	-15
Department of Agriculture.....	76	110	-34
Smithsonian Institution.....	2	5	-3
Navy Department.....	33	20	13
Department of State.....	30	11	19
United States Shipping Board.....	28	26	2
Civil Service Commission.....	3	5	-2
District government.....	21	17	4
Department of Labor.....	82	35	47
Treasury Department.....	1,313	411	902
War Trade Board.....	41	36	5
Council of National Defense.....	20	5	15
Federal Reserve Board.....	4	0	4
Director General of Railroads.....	66	60	6
War Industries Board.....	88	13	75
Department of War.....	970	453	517
Federal Trade Commission.....	16	8	8
Panama Canal.....			
Total.....	2,974	1,428	1,546

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration.....	33	62	-29
Fuel Administration.....	30	45	-15
Library of Congress.....	6	1	5
Government Printing Office.....	28	35	-7
Interior Department.....	37	33	4
Justice Department.....	3	12	-9
Commerce Department.....	12	14	-2
Interstate Department.....	10	9	1
Department of Agriculture.....	106	86	20
Smithsonian Institution.....	3	2	1
The Navy Department.....	19	13	6
Department of State.....	20	9	11
United States Shipping Board.....	41	19	22
Civil Service Commission.....	1	5	-4
District government.....	37	41	-4
Department of Labor.....	53	39	14
Treasury Department.....	543	287	256
United States War Trade Board.....	52	18	34
Council of National Defense.....	17	4	13
Federal Reserve Board.....			
Director General of Railroads.....	36		36
War Industries Board.....	60	37	23
Department of War.....	265	226	39
Federal Trade Commission.....	14	2	12
Panama Canal.....			
Total.....	1,426	999	427

WEEK OF OCT. 7-12, 1918.

WEEK OF OCT. 28-NOV. 2, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration.....	49	46	3
Fuel Administration.....	95	68	27
Library of Congress.....	4	4	.....
Government Printing Office.....	49	37	12
Interior Department.....	54	38	16
Justice Department.....	17	7	10
Commerce Department.....	38	23	15
Interstate Commerce.....	26	18	8
Department of Agriculture.....	102	108	-6
Smithsonian Institution.....	1	5	-4
Navy Department.....	37	17	20
Department of State.....	17	5	12
United States Shipping Board.....	30	24	6
Civil Service Commission.....	1	4	-3
District government.....	21	26	-5
Department of Labor.....	64	20	44
Treasury Department.....	870	987	-117
United States War Trade Board.....	51	29	22
Council of National Defense.....	6	7	-1
Federal Reserve Board.....	3	1	2
Director General of Railroads.....	24	1	23
War Industries Board.....	60	10	50
Department of War.....	360	293	67
Federal Trade Commission.....	14	4	10
Panama Canal (monthly report only).....			
Total.....	1,993	1,782	211

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration.....	31	19	12
Fuel Administration.....	15	37	-22
Library of Congress.....	7	9	-2
Government Printing Office.....	74	29	45
Interior Department.....	27	88	-61
Justice Department.....	14	10	4
Commerce Department.....	24	24	.....
Interstate Commerce.....	6	32	-26
Department of Agriculture.....	105	125	-20
Smithsonian Institution.....		1	-1
The Navy Department.....	35	26	9
Department of State.....	19	11	8
United States Shipping Board.....	33	21	12
Civil Service Commission.....	3	3	.....
District government.....	25	33	-8
Department of Labor.....	110	74	36
Treasury Department.....	352	72	280
United States War Trade Board.....	55	52	3
Council of National Defense.....	6	2	4
Federal Reserve Board.....			
Director General of Railroads.....	19	6	13
War Industries Board.....	52	37	15
Department of War.....	726	93	633
Federal Trade Commission.....	11	3	8
Panama Canal (month of October).....	11	8	3
Total.....	1,760	815	945

WEEK OF OCT. 14, 1918.

WEEK OF NOV. 4-9, 1918.

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration.....	23	23	-1
Fuel Administration.....	27	18	9
Library of Congress.....	8	4	4
Government Printing Office.....	51	26	25
Interior Department.....	34	35	-1
Justice Department.....	5	4	1
Commerce Department.....	28	38	-10
Interstate Commerce.....	18	10	8
Department of Agriculture.....	116	135	-19
Smithsonian Institution.....	5	2	3
The Navy Department.....	32	31	1
Department of State.....	13	5	8
United States Shipping Board.....	46	13	33
Civil Service Commission.....	4	7	-3
District government.....	14	13	1
Department of Labor.....	75	21	54
Treasury Department.....	930	223	707
United States War Trade Board.....	82	30	52
Council of National Defense.....	5	2	3
Federal Reserve Board.....	2	1	1
Director General of Railroads.....	16		16
War Industries Board.....	69	21	48
Department of War.....	662	495	167
Federal Trade Commission.....	15	8	7
Panama Canal.....			
Total.....	2,279	1,165	1,114

Name of department.	Appoint- ments.	Separations.	New ad- ditions.
Food Administration.....	16	60	-44
Fuel Administration.....	5	25	-20
Library of Congress.....	6	7	-1
Government Printing Office.....	25	36	-11
Interior Department.....	29	60	-31
Justice Department.....	4	2	2
Commerce Department.....	32	37	-5
Interstate Commerce.....	8	18	-10
Department of Agriculture.....	93	112	-19
Smithsonian Institution.....	4	7	-3
The Navy Department.....	38	32	6
Department of State.....	10	5	5
United States Shipping Board.....	22	30	-8
Civil Service Commission.....	7	1	6
District government.....	9	11	-2
Department of Labor.....	79	24	55
Treasury Department.....	688	131	557
United States War Trade Board.....	70	26	44
Council of National Defense.....	15	2	13
Federal Reserve Board.....	2		2
Director General of Railroads.....	15	4	11
War Industries Board.....	44	18	26
Department of War.....	376	173	203
Federal Trade Commission.....	6	4	2
Panama Canal.....			
Total.....	1,603	825	778

\* Monthly report only.

† Monthly report only.

Just in the few minutes I have remaining let me invite your attention to another provision, which was shown by the testimony of Mr. Charles Shreve, a real estate man, who appeared before the Senate hearing. He said:

The real estate men's bill, in that their bill states that the rent administrator may fix rentals on the application of any person in interest.

That is found in Senate hearing, part 2, page 92.

It developed in that hearing that the real estate people insisted, until they got it, that there should be an appeal to the courts. Take one of these girls in one of the departments here and compel her to go before the rent administrator, quitting her work to do it, and losing her compensation. After the rent commission has determined the "reasonable" rent to be paid, the landlord can appeal to the court, and we are told every day that the courts are two and a half years behind with their docket, and this bill goes on to specify that these appeal cases shall take the course of all other civil suits. Was that put in accidentally?

It was put in so that the act itself would say that those cases had to take their course, notwithstanding the fact that the courts are two and a half years behind with their dockets. But that is not all on that score. It provides that if the court determines the findings of the rent commission not to be what they should be, that it goes back to the rent commission, and then the landlord can again appeal it to the court, which is two and a half years behind. In other words, they can get five years of appeal, when the law only lasts for four years. Where is your tenant during all that time? First, your tenant has got to employ a lawyer to prepare the charges that go to the rent commission, and, next, as the bill itself says, the appeal shall be by filing a petition in court. That, of course, means that a petition, which is made necessary, has to be filed, and the tenant can not do that without a lawyer. So I say, as I said in the beginning, that this bill itself provides the means, and then before it concludes takes away every reasonable means.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JOHNSON of Kentucky. May I ask the gentleman from Michigan to give me five minutes?

Mr. FORDNEY. Yes; I yield the gentleman five minutes.

Mr. JOHNSON of Kentucky. I thank you, sir. The bill undertakes to say to A that if he leases premises to B that he shall not charge B more than the amount fixed by the rent commission. I am afraid that is not constitutional, and if this whole proceeding is based upon premises that are unconstitutional, all that follows it must be. The penalty in this bill for anything that may be done in violation of its provisions is a fine of \$5,000 or imprisonment for not exceeding one year, or both.

If the rent commission fixes the rate of rental not agreed to by the tenant and the landlord before the contract was commenced, but fixed by the commission afterwards, and that tenant should take sick or any other misfortune happen to her, and she be unable to pay that rent, what is the penalty? There is only one penalty in the bill, and it is fine and imprisonment. That is reviving the old law of imprisonment for debt. The bill further provides that if any section or any provision of the bill is held to be unconstitutional it shall relate to that provision only. Therefore, it is a clear, clean-cut proposition that the penalty clause must go out as unconstitutional; and if it goes out, then there is no penalty in the bill, and then you have exactly what the real estate men want.

They pretend to be opposed to this bill, and on several occasions the lady has come pretty nearly protesting too much. But the Star is the official organ for the real estate people and you do not find the Star attacking that bill as it has attacked other bills that would really stop rent profiteering. The realtors are opposed to this bill only to the extent that they are opposed to any bill upon the subject. They would rather be left without any bill; but if they are to have any bill they are not opposed to this one. The last section of the bill provides:

That it is hereby declared that the provisions of this section are made necessary by emergencies growing out of the war with the Imperial German Government, resulting—

Listen, please—

in a scarcity of housing facilities in the District of Columbia—

And so forth.

So they undertake, by putting that last sentence in, to destroy the bill. That says to the court where these appeals are to go that this much be done because there is a scarcity of housing facilities in the District of Columbia. Then, those who will contest the bill will say that we undertake to do away with the law of supply and demand. [Applause.]

Mr. Chairman, I believe I have asked leave to revise and extend my remarks, but I will not so extend. Instead, I will await another opportunity to say more on this subject.

Mr. FORDNEY. Mr. Chairman, I yield 12 minutes to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID. Mr. Chairman and gentlemen of the committee, in view of the consideration being given to the pending bill, the purpose of which is to develop and conserve an American dyestuff industry, and likewise in view of several bills reported by the Ways and Means Committee intended to develop and protect American industries, especially those that were initiated by reason of our extremity in the war, I trust it may not be regarded as an abrupt departure for me to propound to you, Why not protect potash? And have we not reached a legislative stage midway this session when it becomes permissible to inquire, Why not preserve our infant domestic potash industry from the illegitimate competition of the German potash monopoly? Our domestic industry does not seek any special or exceptional privilege or advantage not usually accorded infant industries. It does seek economic equality with other American industries of a similar character and in like condition.

But let me make it clear, it is not my intention to complain, but it is my purpose to appeal, which I do very earnestly, for relief for our domestic potash industry. It is very exigent that relief be had and that it come soon.

But first I heartily congratulate the membership of the Ways and Means Committee on what they have so far accomplished in the advancement of measures for the development, preservation, and prosperity of home industries, and I feel that they deserve the commendation of the House and of the public generally for the faithful and arduous services they have performed. The policy thus evinced to encourage and develop American industries, wisely carried out, as it will be, is bound to promote our material progress and general prosperity. Such of these bills as have already been passed in the House have received my support. The favorable reports made upon these industrial bills reasonably warrants and forecasts like favorable action of this committee on H. R. 4870, introduced by the able chairman of the committee, entitled "An act to provide revenue for the Government and to safeguard, by a license control of imports of potassium salts and by imposing an import duty thereon, the interests of domestic potash producers."

But investors in the potash industry are not seeking legislative relief merely because it is being accorded to other mineral, metal, and other kinds of industries, brought into existence or advanced by the exigencies of the war. The potash industry is willing to submit its case on its own merits, which are second to none of the several industries for which protection in some form is now in contemplation, and stand or fall thereby. It seeks only the justice which should be granted by the Government under similar circumstances.

When war was imminent and after it had commenced, the same appeals were made and the same inducements held out by the President, the Secretary of the Interior, the Secretary of Agriculture, the chairman of the War Trade Board, and like sanctions given by the Director of the Bureau of Geological Survey, the Director of the Bureau of Mines, the Director of the Bureau of Soils, and by other proper officials, for the production of potash as for other minerals, ores, and metals essential to the prosecution of the war.

Mr. Chairman, so grave had become the situation on account of the meager supply of potash that, in accord with the recommendation made by the President, the Congress promptly passed the act "to authorize exploration for and disposition of potassium"—potash—which was approved October 2, 1917. This act provides specifically for the giving of leases on the alkaline waters of Searles Lake, Calif., for the operation of potash plants, and also provides specifically for leases on the public lands in Sweetwater County, Wyo., for potash production. On the whole, the act was intended to stimulate the production of potash in the United States by every feasible means.

Further, in behalf of the increased production of potash, the President by his proclamation delivered February 25, 1918, by authority of the act "to provide for the further national security and defense by encouraging the supply of foods, fuel, and so forth," approved August 10, 1917, declared fertilizers and their ingredients, including potash, to be essential to food production. Naturally this gave a further stimulus to the efforts made for the discovery and development of potash.

Again, on October 5, 1918, the President approved the act "to provide further for the national security and defense by encouraging the production" of numerous minerals, ores, and

chemicals, including manganese, pyrites, tungsten, and potassium—potash—and certainly this act contributed materially to efforts made for the production of potash and other things specified.

In the Agricultural appropriation bill for the fiscal year 1917 an appropriation of \$175,000 was granted for the investigation and demonstration in the United States, for obtaining the best method of producing potash on a commercial scale from kelp, and to establish a plant or plants for that purpose. Again, in the Agricultural appropriation bill for the fiscal year of 1919, it was provided that so much of that appropriation of \$175,000 as remained unexpended be reappropriated for a continuance of the experiment. But I should state that the experiments with kelp commenced in 1911 and have since continued.

Many more inducements were offered and appeals made in behalf of the production of potash and other war essentials, but I shall not now further specify what they were.

Mr. CHAIRMAN, what was the result of all these governmental appeals made and legislative acts passed to promote and increase the production of potash? The answer is, the effect was most gratifying, both in new discoveries made of potash resources and in the quantity produced. Geologists, mineralogists, miners, prospectors, and citizens generally promptly responded, to the end that a famine in potash and other minerals and materials useful in peace and essential in war might be averted.

Mr. CRISP. Will the gentleman yield?

Mr. KINKAID. I will.

Mr. CRISP. Did not these same patriotic gentlemen charge from \$4 to \$6 a unit when before the war the farmers got potash at 75 cents a unit, and will not the fact we increase the tariff on potash increase the cost of producing vegetables and food supplies and increase the cost of living to people living in the cities rather than reduce it?

Mr. KINKAID. I answer the gentleman by saying that the high price of potash was brought about directly by the course of the German potash monopoly and the indulgence extended to it for years when America was sleeping on its opportunity to itself develop the industry. That was the reason that potash sold for \$6 when it should have been sold for \$1.50, or perhaps \$1, and it is just a recurrence of such an extremity as that which the Fordney bill would prevent.

Mr. CRISP. Will the gentleman yield to another question?

Mr. KINKAID. Certainly.

Mr. CRISP. The gentleman has held up the bugaboo about wanting to stop the German from coming in. Is it not true that the former German field—Alsace-Lorraine—is now the property of France, and if we thought sufficiently well of France to send our money and soldiers over there to assist her, would it not be a friendly act to have some commercial dealings with her?

Mr. KINKAID. I will answer my friend that, unfortunately, it is not true that the Alsace-Lorraine potash belongs to France.

Mr. CRISP. I will take issue with the gentleman. It does.

Mr. KINKAID. The owners are German, and it is under their individual control. My latest information is, and I think it is up to date, that it belongs to Germans, and that they boast that they will still control these mines. Germany is now trying to throttle development of the potash industry in the United States, just as it has always done, and just as it diligently tried to prevent the development of the industry for years previous to the war.

Mr. GARNER. Would the gentleman mind? There is a diversity of controversy here as to the ownership of the Alsace-Lorraine mines. The Ways and Means Committee have had hearings on the subject, and a man who has returned from there inside of 40 days gave us information. Would the gentleman mind giving the source of his information to the House?

Mr. KINKAID. My informant is the former chief of the fertilizer branch of the Department of Agriculture, Mr. Brown.

Mr. GARNER. Has he been over in France and did he secure this information there?

Mr. KINKAID. No; but he is about as up to date as anybody can be, because that is his calling, and he is up on potash questions.

Mr. GARNER. The Department of Commerce sent a man over there, and he reported back that those mines were under control of the French people, and that potash could be shipped from Alsace-Lorraine as cheaply as it could from Germany or any other place.

Mr. KINKAID. However, I regard that as wholly immaterial. The United States, having boundless resources of potash, would be untrue to its own interest if it did not develop that industry and keep itself self-sustaining and independent, as far as potash is concerned, of foreign countries. [Applause on the Republican side.]

Mr. GREEN of Iowa. Will my friend yield?

Mr. KINKAID. I yield.

Mr. GREEN of Iowa. In the first place, I am unable to agree with the gentleman from Texas as to the information in the hearings. It did develop there that the French had legal control over the mines, and I do not remember that anything was stated in the hearings as to just what capital was operating them. But still more important than that, as the gentleman is well aware, there is still in German territory, as left to Germany at the present day, very large and extensive deposits of potash that are claimed to be richer than those of Alsace-Lorraine.

Mr. KINKAID. I prefer American potash to French potash, if they may have it to spare, and especially do I prefer it to German potash, and in general in preference to the potash of any other country. And I prefer the American industry and the interests of American labor to that of any other country. [Applause on the Republican side.]

Mr. CRISP. Will my friend yield?

Mr. KINKAID. I will.

Mr. CRISP. The gentleman prefers Nebraska potash to California potash, does he not?

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. KINKAID. May I have a few minutes more?

Mr. FORDNEY. I yield five minutes more to the gentleman.

Mr. KINKAID. This is not a Nebraska question, a California question, a Georgia question, a down-South or up-North question, but it is an American question; and if we are true to the welfare of our country, when we have this great resource lying dormant, if we are true to the future of our country and the welfare of all of our citizens, we will do what we can in a reasonable way to develop and preserve the industry. [Applause on the Republican side.] And we will prevent a recurrence of that extremity which the gentleman from Georgia [Mr. Crisp] has referred to, namely, potash at \$6 a unit.

Resuming, the testimony of Mr. W. E. Sharp, president of one of the largest potash companies, shows that "6,000 of the Nebraska citizens poured in their money to hasten quantity production of potash." "Great hordes of men worked feverishly day and night to erect mammoth plants and thereafter to operate them."

The reports of the hearings further show that nearly \$50,000,000 has been invested in the potash industry in America. (See committee hearings on H. R. 4870, p. 271.) Of this \$50,000,000, from \$12,000,000 to \$15,000,000 has been invested in plants and the development of the industry in the sand hills of western Nebraska.

In the United States there were more than 150 plants and factories manufacturing potash when the armistice was signed, which includes all the sources of potash. In Nebraska there were 9 large plants and from 15 to 20 smaller plants. These plants have 260 miles of 8 and 6-inch pipe line which have 26,000 wells connected up. These fine plants cost all the way from \$600,000 to \$1,500,000 each, and the 16 smaller plants all the way from \$15,000 to \$20,000 up to \$100,000 each, according to statements made by Mr. Sharp, of Lincoln, Nebr. (Hearings before the Committee on Mines and Mining, Senate on S. 5557.)

At Searles Lake, Calif., are two very large plants and a third partly constructed. Utah has five large plants, and there are plants in Colorado, Georgia, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, Tennessee, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. In all, there are more than 150 plants for the production of potash from American sources.

In Nebraska, the origin of the towns of Hoffland and Antioch, with a population of about 1,500 each, was due wholly to the establishment of potash plants on their sites. Likewise, the growth of the hitherto crossroads town of Lakeside to a population of 1,000 is due wholly to the development of the potash industry there.

The Great Western Sugar Co. has expended almost \$500,000 in its plants at Gering and Scottsbluff, Nebr., in equipping to produce potash from Steffens water, a by-product of sugar beets. This company has also similarly equipped plants in some of its Colorado sugar-beet factories, and while it produced at the rate of 6,000 tons of pure potash in 1918, it is prepared to greatly increase this amount in the near future. There are more than 100 sugar-beet factories in the United States, which if properly equipped might produce potash in the same proportion.

The production of potash in the United States in 1918 was 60,000 tons of pure potash. The estimated consumption for the next few years is 100,000 tons, for fertilizer purposes.

So far the Nebraska plants have yielded the largest potash production. For the first six months of 1918 the Nebraska lakes yielded 43,219 tons of potash salts, equivalent to 10,232

tons of actual potash, which shows progressive and rapid development.

Mr. Chairman, notwithstanding the generous, energetic, and loyal responses to the appeals of the Government for an increased production of potash in the United States, notwithstanding the large amounts of money invested, and notwithstanding the rapid developments made, both in the discoveries of potash resources, and especially in its increased production, the industry and the investors therein now confront bankruptcy unless legislation be granted to safeguard them against the illegitimate competition of the German potash monopoly. Besides expending their own money the investors have found it necessary to borrow large sums, and must now meet the obligations they have incurred.

Contemporaneously with the signing of the armistice the demand for our domestic potash ceased because of the prospects that the importation of German potash into the United States would soon be resumed, as had been the practice before the war, when there was no domestic product.

For a time the stronger companies tried to stem the difficulty, hoping to survive until relief could be afforded by the Congress, but several months ago even these stronger companies, who were running with very heavy expenses for production without being able to make sale of any of the product, found themselves obliged to give up further expenditures and operations and shut down their plants.

Mr. Chairman, why depend upon Germany for potash when we have an abundance at home? The reports of the hearings on the Fordney bill show that it is the opinion of experts that enough potash can be derived from the leucite rock in the State of Wyoming alone for home consumption for the next 800 years. Adding to this what may be said to be in sight in other geological resources, it is fair to say there is enough potash recoverable from the earth to last 2,000 years without counting on probable new discoveries. Then adding to geological sources the great by-products resources and the kelp resources, we are fully warranted in assuming that all these combined potash resources are abundantly adequate to meet the wants of home consumption interminably.

Mr. Chairman, I think it will be patent to all who have given the question attention that the potash industry in the United States can not be possibly resumed and continued without being safeguarded against unfair competition with the German product. Both German and Alsatian potash are now being offered in America at from \$1.50 to \$1.70 per unit. Before the war the importations were sold at about 80 cents per unit, but it is estimated that due to the higher cost of labor and increased railway freight rates in Germany, as well as an increase of ocean freight rates, that the German potash is not likely to fall back to prewar prices. In fact, it is probable that prices will be maintained for an indefinite time at a higher level than that which prevailed before the war.

As all know, the American potash industry has been developed on a war-price basis for all necessary materials and labor required, with the result that during the war the production of pure potash cost about \$4 per unit. The consequence is the American producers can not hope to break even on any surplus remaining in their hands after the signing of the armistice.

But the showings are conclusive that potash can now be produced in the United States and put on the market at \$2.50 per unit, and accordingly American producers have proposed to the Ways and Means Committee, as the hearings will show, that the legislation they seek may provide that the maximum price to be paid per unit for their potash for the next year shall not exceed \$2.50 per unit; but the act will leave it in the discretion of the Government officials or commission, as the case may be, to fix a lower price than \$2.50 per unit when it may seem reasonable to do so.

Mr. Chairman, as an admission of the existing moral obligation of the Government to preserve those who so generously responded to the appeals made for the increased production of minerals, metals, ores, and other things necessary to the winning of the war, I cite the act of Congress approved March 2, 1917, "to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes." The act authorizes the Secretary of the Interior—

to adjust, liquidate, and pay such net losses as have been suffered by any person, firm, or corporation by reason of producing or preparing to produce either manganese, chrome, pyrites, or tungsten in compliance with the request or demand of the Department of the Interior, the War Industries Board, the War Trade Board, the Shipping Board, or the Emergency Fleet Corporation to supply the urgent needs of the Nation in the prosecution of the war, said minerals being enumerated in the act of Congress approved October 5, 1918, entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported or of which there is or may be an inadequate supply.

Eight million five hundred thousand dollars is appropriated by this act from which to reimburse for such expenses and losses in producing the minerals, metals, and ores specified, also expenses and losses sustained by those who contracted with the Government for the manufacture of equipment, material, supplies, etc., for war purposes. Adjustments of the claims under this act are now in progress, and the awards being made are to be paid out of the \$8,500,000 appropriation. The producers of potash laudably and courageously have not sought governmental relief in the form provided by this act; but by reason of the phenomenal success they have made in the disclosures of potash resources and increased production they are convinced that the industry can be made permanent and profitable by the enactment of legislation which will preserve them from illegitimate German competition for but the short period of two years. They therefore seek the safeguarding of this infant industry in some form for this short time, and the license scheme provided in the Fordney bill will be acceptable to them.

In accordance with this commendable attitude of producers there was introduced in the Senate during the last session of the Sixty-fifth Congress Senate bill 5557 by Senator HENDERSON, and the Hon. Franklin K. Lane, the Secretary of the Interior, on February 12, 1919, wrote the chairman of the Committee on Mines and Mining a letter giving the provisions of this bill his unqualified indorsement. The letter from Secretary Lane to Senator HENDERSON reads as follows:

THE SECRETARY OF THE INTERIOR,  
Washington, February 12, 1919.

MY DEAR SENATOR HENDERSON: In reply to your letter of February 8, requesting an opinion with regard to the Senate bill No. 5557, for the encouragement of the domestic production of potash. The need for such legislation lies in the fact that national necessity and high prices have led to the investment of a very large amount of capital (a minimum of at least twenty-five to thirty million dollars) in the development of this new industry.

Before the war potash salts were the most bulky of all overseas mineral imports, amounting to approximately 1,000,000 tons a year. It was the most important world mineral entirely controlled by Germany. The supply for fertilizer uses in this country was practically entirely cut off at the beginning of the European war. No adequate substitute for potash has been developed during this period of shortage.

The possible sources of potash supply in the United States were not very promising from a commercial standpoint in normal times. However, exploration of deposits, the development of new processes for treatment, and the investment of large amounts of capital have now brought the industry to a state which is more encouraging for the commercial production of a large part of our requirements. Potash can be produced from a wide variety of sources, including natural deposits and as a by-product in many industries. The supply of raw materials is practically unlimited. Some of the possible sources could supply the entire requirements of the United States for many years. The natural deposits at Searles Lake, Calif., the saline lakes of Nebraska, leucite rock in Wyoming, alumite in Utah, greensands, potash-bearing shale and feldspars in the Eastern United States; the potash recoverable from the dust in cement plants and blast furnaces, and from the wastes in beet-sugar plants, and from other industries represent a wide variety of important sources. Production from many of these sources is just emerging from the experimental stage, and the dumping on the market of cheap potash from foreign sources would tend to kill an industry which with a reasonable amount of encouragement may become a large and permanent one.

I believe that the proposed bill is necessary to insure a market for the domestic product for a sufficient period of time to give an opportunity for the improvement of processes, the recovery of by-products, and the reduction of costs which will ultimately permit competition with foreign sources of supply. If such action is not taken the large amount of invested capital and the experimental work which has been done may be largely lost.

The method proposed to insure a market for the domestic output by licensing imports imposes the least financial burden on the country by permitting the import of as much foreign material as is required at the cheapest prices obtainable, while at the same time providing for the distribution of the domestic material at higher prices. The average price from the two sources should not represent any undue burden.

I believe that there are many factors which make the situation with regard to potash peculiar, and especially deserving of such action. In the case of potash the resources in the natural deposits and by-products are sufficient as a basis for a permanent industry. This is not true of many of the other war minerals. More complicated methods and more extensive plants are required for the production of potash than in those minerals where the operation is purely of a mining character, following well-known and accepted methods. The chances are better for the improvement of methods and the reduction of costs to a basis where competition with foreign material is possible. The amount of capital invested is probably greater than in any other new "war mineral" industry. The transportation problem, while an important factor, is not so acute as in many of the other minerals, and may be partially overcome by the concentration of the material into a high-grade product. Furthermore, the development of potash is important now, not as a war measure but as a peace measure for the primary purpose of increasing agricultural production as well as affording a supply for other domestic uses in the future. I am clearly of the opinion that this measure should be confined exclusively to potash.

I direct particular attention to the memorandum prepared in the Geological Survey covering the potash situation and the importance of legislation for its encouragement.

I wish to express my approval of the bill and hope that favorable action will be taken with regard to it.

Cordially yours,

FRANKLIN K. LANE, Secretary.

HON. CHARLES B. HENDERSON,  
United States Senate.

That same Senate bill also received the indorsement of the Secretary of Agriculture and the chairman of the War Trade Board, as well as the official sanctions or indorsements of the directors of the Geological Survey, the Bureau of Mines, and the Bureau of Soils.

I desire to call attention to the contents of a letter written Col. Myron M. Parker, Washington, D. C., attorney for the National Potash Association, by Hon. Willis L. Moore, for 18 years Chief of the United States Weather Bureau, and once Assistant Secretary of Agriculture, but now a farmer and fruit raiser on a large scale, with his post office at Rockville, Md. This letter expresses his firm support of the conservation of our domestic potash industry. The letter reads as follows:

MOORELAND FARM,  
Rockville, Md., June 27, 1919.

Col. MYRON M. PARKER,  
Washington, D. C.

MY DEAR COLONEL: The National Grange comes closer to the farmer than any other organization of farmers. It is composed of real farmers, and its organization is extensive. I am a member of the grange at Alvey, Md.

For 18 years I was Chief of the United States Weather Bureau, and also an Assistant Secretary of Agriculture, and for 13 years I have owned and personally operated a large fruit, grain, and stock farm at Rockville, Md. My interests are therefore wholly with the betterment of the agricultural conditions of the Nation.

One of the things that seems to me to be imperative is that the beginning that the United States has made as a necessity of war in the manufacture of potash should continue until this country becomes independent of Germany or any other nation in the supplying of this absolutely necessary fertilizer. Every farsighted farmer will willingly pay whatever price is necessary to protect this new American industry, to the end that we may become independent of other countries and ultimately get the American product cheaper than it can be shipped to us from abroad. No doubt the Germans will sell to us as soon as trade relations are resumed at less than the cost to the manufacturer in this country, but, as a farmer, I know that as soon as the American manufacturer is driven out of business and his plants destroyed the price of the foreign potash will go to an altitude beyond that which is now necessary to protect the American producers of this farm necessity. The price of food is not only high, but it will stay high for years to come, and I know that I and other farmers can use potash at the present price at a profit to ourselves, and the home industry of manufacturing potash be developed to the time when a healthy American competition will give us this commodity as cheap as it can be produced and shipped to us from over the seas.

Above all we should not adopt any shortsighted policy that will ever again put this country at the mercy of a foreign country for our supply of this plant food, especially if that country is now an enemy or is ever likely to become one.

Very respectfully,

WILLIS L. MOORE.

The New York Sun, in its issue of June 11 of this year, contained an article earnestly advocating the preservation of our domestic industries developed by the war, including potash. It reads:

ONCE WAR, NOW PEACE, INDUSTRIES.

The Congress hearings have begun on tariff questions, which should be settled straightway. While the war was on hundreds of millions of American capital went into the manufacture of dyestuffs, because this country was destitute of them and could not obtain them in any other way. Hundreds of millions likewise went into potash, nitrate, manganese, and magnesite products. These, at the time, were war industries pure and simple. Some of them were as essential to our victory abroad and to our safety at home as shells from the munition plants and ships from the shipbuilding plants.

But, with the war over, unlike shrapnel, bayonets, and torpedoes, they still are indispensable to our national security and national welfare. Whether by war of arms or by war of trade or by whatever circumstances this Nation of 110,000,000 people, in 48 State groupings, some of them bigger, richer, and more populous than kingdoms and republics of the Old World, must never again be caught unprepared to supply itself out of its vast resources with the basic needs of industries and the basic needs of foods as imperatively required by our national life as the water we drink and the air we breathe.

If, with our tariff laws and with whatever other action may be necessary, we do not preserve forever the industries which we did not possess before the war, but which we do now possess in almost full perfection, it will not be merely political ingratitude, it will be national lunacy.

Mr. Chairman, I have used the term "illegitimate German competition," meaning in the sale of German potash in our American market. I desire to say I have so used the words advisedly, for I do not regard it as fair and just to our domestic potash industry, having been brought into existence by the circumstance of war with Germany, provoked by its own hostilities, followed by its own embargo placed upon the exportation of potash into the United States and other countries, as a war measure, coupled with the further circumstance, very repellent, that the identical potash which Germany would now ship into the United States was produced in the German mines by prisoners of war. Who dare say that competition under such circumstances would be legitimate? Unrestricted German competition is repulsive for the additional reason that, in a legal sense, Germany has maliciously endeavored to stifle the development of the potash industry in the United States by intrigue, intimidation, and dumping. The great Kali Syndicate, composed of German stockholders, with the German Government itself interested, in order to save the sacrifice incident

to a dumping policy, has tried to intimidate American investors from making developments of potash.

Mr. Harry O. Tucker, a representative of the American Trona Co., at Searles Lake, Calif., has made affidavit to the visit of one Paul Freudrichsen upon his company several times in the direct interests of this German Kali Syndicate for the Western States and Hawaii. These visits were made during the three or four months immediately preceding the declaration of war.

The affidavit further describes, in substance, the persistent efforts made by this agent of the German syndicate to both discourage and intimidate the Trona Co. from its undertaking to produce potash. I shall not take time to here read the affidavit, but it will be copied with my remarks.

[See p. 201 of committee hearings H. R. 4870.]

I, Harry O. Tucker, being first duly sworn, depose and say that I am a resident of Los Angeles, Calif., and the traffic manager of the American Trona Corporation, which owns and operates a potash reduction plant at Trona, Searles Lake, Calif., with an investment of approximately \$5,000,000; that Paul Freudrichsen, whose official title is propaganda manager for the German Kali Syndicate for the Western States and Hawaii, came into the office of the Trona Corporation at different times during the three or four months immediately preceding the United States entering the World War, and stated in the presence of Mr. Ernest Gordon, assistant secretary and assistant treasurer of the American Trona Corporation, also in the presence of the affiant, that the stockholders of the American Trona Corporation were foolish and unwise to invest their money in a potash-reduction enterprise in the United States for the reason that the German Kali Syndicate and the Imperial German Government would after the conclusion of the war absolutely destroy the American potash industry by marketing the German potash in the United States at such low figures as to absolutely preclude and bar any and all competition; that the German Kali Syndicate and the Imperial German Government absolutely controlled the potash production and market of the world, and pictured in great detail the immensity and strength of the German Kali Syndicate, governmentally controlled, and stated that it was useless and futile for any potash-reduction enterprise in the United States to undertake to compete with the German potash, for said syndicate and the Imperial German Government intended to destroy all competition; that said Freudrichsen had no apparent reason for coming to the American Trona Corporation offices except to communicate above statements on behalf of the German Kali Syndicate; that the affiant was personally present and heard above statements in at least one of the said interviews, and personally knows of said Freudrichsen making other visits to said offices for the same purposes, it being at that time freely discussed by Mr. Gordon, the affiant, and other officers and employees of the American Trona Corporation; that said Freudrichsen was, by his statements aforesaid and his general conduct and bearing and ostentation endeavoring to dishearten, discourage, threaten, and intimidate the officers and stockholders of the American Trona Corporation in the matter of their proceeding with the development of potash production from the almost inexhaustible potash deposits of Lake Searles, Calif.; that the German Kali Syndicate maintains five offices in the United States as centers of propaganda work, and that the said Freudrichsen was connected with and operated from the San Francisco office, the other offices being at New York City, Chicago, Atlanta, and New Orleans, respectively; that in affiant's judgment the aforesaid conduct, attitude, tactics, threats, and intimidations were but a part and parcel of a general, insidious, and subtle program and system of propaganda carried on and conducted by said syndicate over the United States during the war and for the purposes aforesaid.

HARRY O. TUCKER.

Sworn and subscribed to before me this 7th day of February, 1919.  
[SEAL.]

MYRON M. CADY, Notary Public.

One Emery, at Bradford, Pa., as far back as 1902, engaged in the manufacture of oxalic acid from potash. His production was sold in 1902 at 16 cents per pound, but dumping from Germany forced the price down to less than 5 cents per pound. Emery persisted in his efforts to survive this competition, with the result that he lost in 1902, \$28,692; in 1910, \$45,278.53; in 1911, \$12,897.18; in 1912, \$84,047.48; in 1913, \$36,936.11; and in 1914, \$56,465.67. These losses resulted in the Emery factory being sold at sheriff's sale.

In the testimony given by Witness Dow, of the Dow Chemical Co., of Midland, Mich., manufacturers of pure pharmaceutical potassium carbonate, he stated as follows:

In the one particular instance where we did fight the German 10 or 12 years ago we were making it very much cheaper than they were making it in Germany, but they sold it in the United States for not only less than the cost, but for practically the cost of bringing it from Hamburg and distributing it in the United States. It was not a question of realizing any price at all in Germany.

But the adjustment of railway freight rates to the exigencies of the German expenses of potash transportation have helped to make competition with them disadvantageous and unequal. The report of Thompson, of Chicago, on railway statistics shows that Germany, owning 95 per cent of her railroads, has given cheaper freight rates for the export of German productions than on products for home consumption to seaboard points. Their railway policy has been to operate for the protection of German industries, both to discourage imports and encourage exports.

In the report of the committee hearings on page 129 is contained the admission of Herr Schneddekopf, director general of the potash syndicate, that the question of forestalling or stifling the development of the potash industry in the United

States was given consideration by the German potash syndicate eight years or more ago. His statement reads:

Over eight years ago the German Kali Works definitely decided not to do anything to interfere with the development of any legitimate potash industry in the United States. This plan has been strictly adhered to. (See pp. 129, committee hearings, H. R. 4870.)

I quote next the statement made by the eminent German scholar, Mr. Wilhelm Ostwald, winner of the Nobel prize in 1909:

America went into the war like a man with a rope around his neck, which is in the enemy's hands and is pretty tightly drawn. With its tremendous deposits, Germany has a world monopoly in potash, a point of immense value, which can not be reckoned too highly when once this war is going to be settled. It is in Germany's power to dictate which of the nations shall have plenty of food and which shall starve. Germany is in the position often realized by Bismarck, to handle the long arm of the lever. The dearth of potash as well as the ever-increasing results of the U-boat war is working in Germany's favor.

From the showings made and much more that we know besides it seems clear that it has been and will be the purpose of Germany to stifle the potash industry in the United States.

Mr. Chairman, it ought to be self-evident that the development of the potash industry in America will be competition making. In fact, that is just what Germany would prevent and what America needs. But some seem to fear that with our domestic product gaining the ascendancy over that imported from foreign countries a monopoly in the industry may be created here at home. I am frank to say, for my part, if a monopoly in the industry is to occur anywhere I should rather patronize an American than a foreign monopoly. But my purpose is to call attention to the strong improbability that any monopoly in the production of potash would ever develop in the United States, even with foreign importations wholly shut out.

The difficulty in the way of monopoly in the United States is that the resources of this mineral are so widely distributed geographically over the United States. The mineral has been found in the East, Northeast, Southeast, West, Southwest, Northwest, and on the Pacific coast. The differences in the distances for transportation to consumers afford bases for competition. But another feature is the variety of sources from which potash salts are derived. Hitherto it has been extracted principally from the alkaline waters in the Nebraska and California lakes, but later large contributions will come from what is taken from potash mines. Besides this, sugar-beet factories, cement plants, and blast furnaces will make their contributions from their by-products, and last, but not least of any, we have overlooked the kelp source, which is being developed by Government appropriations. Now, is it not plain that this great variety of conditions must constantly preserve a strife to excel respectively?

Mr. Chairman, America's neglect to promote development of a variety of its mineral resources before the war was the less excusable because of the magnificent results achieved by the policy of fostering in their infant stage the manufactures of steel, tin-plate, beet sugar, and other industries.

Long since America became the greatest producer, both of steel and tin plate, of any nation, and its home market for both is admittedly the greatest of any in the world.

Due to the start given the production of beet sugar by fixing a bounty, paid by the National Government, also by some of the States for its production, and subsequently by a duty imposed by Congress upon its importation from foreign countries, the growing of beets and their manufacture into sugar, after an unsuccessful struggle of from 60 to 70 years, gained a permanent foothold in the United States.

Without these three industries thus developed America would have been placed at a still greater disadvantage in the World War than what proved to be the case. It is plain that without our great steel factories we could not have constructed for war purposes, as we did, so many miles of railways in France, equipped with the best quality of steel rails and the highest class of rolling stock for freight. Without our tin-plate manufacturers we could not have commanded the tin plate required for the manufacture of receptacles with which to carry meats, vegetables, and other foods to our soldiers overseas.

And while passing we should not forget those large pay rolls of the steel and tin-plate manufacturers and the relatively smaller, though yet large, monthly or weekly pay rolls in the aggregate of the more than 100 sugar-beet factories in the United States. Such productions and such pay rolls contribute to the contentment of labor, happy homes, and national prosperity.

Mr. Chairman, it is plain that the same fostering policy accorded to potash must produce the same rich results.

It is reliably estimated that the United States for the next year would be able to produce about one-third of the potash required for our domestic consumption, and the Fordney bill contemplates that licenses would be granted under the act for the importation of the remaining two-thirds, conditioned that

the importer be required to buy of the American product an amount equal to 50 per cent of the amount imported at a reasonable price, to be ascertained by the representative of our Government.

In other words, that two units of the foreign potash at the price of \$1.50 per unit be combined with one unit of American potash at \$2.50 per unit and the potash then be sold to the American consumer at the average price of the three units, which would be \$1.83 per unit. Figuring on this present basis of prices of foreign potash at \$1.50 and domestic potash at \$2.50, both of which prices will be inevitably reduced before long, the American industry can be preserved and become permanent. This means that it would cost the American consumer 33 cents more per unit for the time being than if permitted to buy imported potash at \$1.50 per unit.

Mr. Chairman, is it not to the financial interest of every consumer of potash to pay a price therefor adequate to protect our own infant industry in order that we may become independent of foreign countries, and thus in a short time buy the home product cheaper than it would be shipped to us from abroad? Of course, with the American industry effectually strangled, the price of the foreign product will be as high as our consumers will stand.

But under the license scheme provided by the Fordney bill, the price of the combined American and German productions will gradually become reduced, and if the same should start upon the enactment of the measure at the price of \$1.83 per unit, that price is sure to be gradually reduced, and it might be at the end of a year reduced to \$1.50 per unit, and at the end of two years to possibly \$1 per unit. It is plain that the enforced commercial combination of the American and German products would not tend to promote effort for a joint monopoly. The strife for a survival of the fittest would yet exist, with the hope in each for ultimate ascendancy in the American market.

I here quote from an impartial authority in the form of an excerpt taken from a report made by the Bureau of United States Geological Survey. It is headed "Statement showing the almost inexhaustible American potash deposits by processes recently developed will in two years enable American producers to successfully compete with German potash syndicate."

New and more economical methods of potash reduction recently developed have revolutionized the American potash production, which is now in the transitional stage from the old to the new processes, and if the industry be safeguarded temporarily it can in two years successfully compete with the German potash syndicate.

I submit this is a very encouraging statement. The fact that it is purely official and not prepared for the occasion should give it great weight. This same paper further shows that the total American potash production in 1918 was about 60,000 tons of pure potash, or one-fourth of the total prewar importation of 240,000 tons, of which 180,000 tons were used with fertilizers. But it must be remembered that the production was greatly reduced by reason of many plants shutting down after the expiration of the first six months of 1918, due to the prospects of early importations of German potash.

Lower prices will be promoted of our domestic product, both by increased productions, improved processes, and better economies in every detail. For instance, it has been argued to the Ways and Means Committee that one reason why the American product can not compete with foreign importations is because of the greater cost in railway rates from the interior of the United States to the consumer than the amount of short-distance railway rates in Germany and France to the seaboard, thence low ocean rates to Atlantic seaboard points. It is true the cost per ton in the shipment of potash salts in Nebraska to the terminal market points in the East has been \$13 per ton; but, surprising as it may seem, 75 per cent of this freight cost can be eliminated, and this will be accomplished by the separation of the pure potash from the gross potash salts, which pure production will weigh but one-fourth of the gross. Lower-priced coal and oil used as fuel, and lower-priced machinery and materials of all kinds, will contribute to a lowering of the price of the domestic product. The authority can be invoked under the license system to reduce the price as often and as fast as the cost of production may warrant. All competent authorities who have investigated the subject concur that by increasing productions and improving modes of operation in general and with lower cost of freight and materials, the American product can be made to compete successfully with the foreign product.

Mr. Chairman, it is a regrettable fact that when the war began there was no American production of potash, and it required almost two years before a single American plant passed beyond the experimental stage to a commercial basis.

It is plain that while the deft hand of Germany had been insidiously at work securing a strong grasp on our industrial pursuits, America was asleep to its own opportunity and wel-

fare while its birthright was being stolen by the country then and thereby preparing to be its enemy in the most gigantic and dreadful war the world has ever known. It will be patent to everyone that the American money paid for German potash constituted a contribution to the purchase of guns, munitions, and submarines wherewith to wage war, and that the United States became correspondingly less prepared for war by having no domestic potash industry of its own.

Mr. Chairman, while America may be pardoned in a measure on account of its ignorance of its potash resources for not developing the industry before the war, to now with knowledge of its extensive potash resources refuse to preserve the industry would constitute unpardonable economic folly and prodigality.

If the home industry by reason of ruthless German competition is to be shut out of our American market, the effect is to favor German labor at the expense of American labor. All the millions paid to Germany for its potash will be promotive of idle labor in America and greater prosperity in Germany.

Mr. Chairman, in my judgment the United States has become thoroughly committed to the development and manufacture of potash as a permanent industry by what it has done therefor during the war, but I urge that we had equally pledged our country to make the production of potash permanent before the war, and before war with Germany was expected. In 1911 we began in earnest to make explorations for potash in its natural form in the earth through the Bureau of Geological Survey, making annual appropriations of \$20,000 for the direct search of potash alone. At the same time annual appropriations were made for investigations to be conducted by the Bureau of Soils how to ascertain the best mode of producing potash upon a commercial basis, including experiments in extracting potash from kelp. Appropriations for these two bureaus for this purpose have continued to be made annually since 1911 to the present time, including \$175,000 appropriated for experiments with kelp by the Bureau of Soils made in 1917, with a reappropriation made this session of the unexpended portion of this \$175,000 for further experimenting with kelp.

Mr. Chairman, how would it look, what kind of a record would it make, after all of these investigations, experiments, and many expenditures, to now yield up to Germany the production of the potash America is to consume? Why make all this great effort and large expenditure to discover how the industry may be developed and "put upon a commercial basis" if it was not the purpose to utilize the ascertainment? Why learn how to do it if it is not going to be done?

Mr. Chairman, I maintain the Government is morally obligated to now safeguard the industry, developed and advanced pursuant to the appeals made and the inducements held out by the administration so to do that we might win the war, including the appeals made by Cabinet officers, the heads of bureaus, the three acts of Congress which I have already specified, and the proclamations of the President made in accordance with the same. The act passed to provide relief in cases of contracts connected with the war, and authorizing the Secretary of the Interior to liquidate and pay net losses suffered by persons by reason of producing manganese, chrome, pyrites, and tungsten, and providing \$8,500,000 therefor, is in point in principle.

Mr. Chairman, the alternatives are, on the one hand, adequate restrictions upon importations from Germany to permit of the development of the industry in America, or, on the other, that we permit Germany to reestablish and enjoy a perpetual potash monopoly in the United States.

Will not America preserve its national self-respect by emancipating its agriculture, now involved, from slavery to Germany? Shall we prefer the prosperity of labor in Germany to the welfare of labor in America? Shall we have potash "made in Germany" or potash made in America? Shall we prefer the profit of the German merchant marine rather than to sustain our present unprofitable American railways, with their employees now asking an increased wage or a lower cost of living? Shall we stand for American industrial independence or for slavery to Germany?

Mr. Chairman, protection of our domestic potash industry is bound to be sooner or later afforded in some form. To prevent the loss of millions, relief should be afforded now. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Chairman, there have been in the history of the world three great and memorable speeches made and all at certain crises. One was the speech of Mark Anthony over the dead body of Caesar; the other was the famous speech by Patrick Henry, wherein he evolved and brought forth the beautiful idea of liberty or death; the third speech I am about to read in the time granted to me by the chairman of the committee.

I read:

A WORD OF WARNING FROM THE DEMOCRATIC SOUTH.  
[Speech on league of nations by Hon. Thomas Watson, of Georgia, before 10,000 people at Harlem, Ga., reported in Columbia Sentinel, Harlem, Ga.]

"In the league, the great charter is engulfed, the sovereignty of the people disappears, and a universal monarchy is at last established.

"The council of the league will absorb within itself judicial power, legislative power, and executive power.

"It will be a supreme court of the world, a supreme legislature of the world, a supreme executive of the world.

"It will evolve its own army, its own treasury, its own system of finance, its own civil service.

"It will have in its hands both the purse and the sword, and nowhere on earth will there be a power to veto its measures or resist its usurpations.

"It will be another Venetian council of ten, meeting in secret, and despotically ruling not one small State but every State.

"It pretends to assimilate the yellow race, the brown race, the black race, and the white race.

"It pretends to harmonize democracy with imperialism, the kings with the republics.

"It pretends to reconcile the Buddhist with the Confucianist, the Mohammedan with the Christian.

"It pretends to make a seamless garment out of 33 variegated pieces.

"It pretends to expect international melody out of 33 discordant national notes.

"If its real purpose is to put an end to just such disorder as the American colonists created, and the French created, and the South Americans created when they broke the yoke of tyrannical kings, then the league will be a success.

"If the real purpose is to create an international guaranty and collection agency for the great bankers and bondholders of indebted nations, then the league will be a success.

"If the real purpose is to permanently fasten the yoke of the conquerors upon Egypt, Asia Minor, Africa, India, Oceanica, and the greater part of China, then the league will be a success.

"The President of the United States had no authority to make a new government for this country—but so far as his signature and official conduct could commit you to it he has done so.

"Sworn to defend, protect, and preserve your supreme law, he has usurped the authority to make a new law which your supreme law must obey, which your Government must obey, and which the people must obey.

"He, your agent, sells you into foreign bondage.

"He, the representative of your Government, signs away your Government into subordination to foreign Governments.

"The President admits that we will lose our independence in the league. Therefore he himself admits that he went to France and surrendered the very thing that our soldier boys fought and died to maintain. The martyrs of the Revolutionary War died in vain; the 50,000 martyrs of the Great War of 1914 died in vain. One man has betrayed everything that those martyrs won!

"The President says he will appeal to the country against the Senators who are battling to save our constitutional liberties and our national independence.

"An appeal to the country is just what the country wants.

"The country wants just such an appeal to it as Washington and Madison made in 1787, when they asked authority to amend the articles of the old confederation.

"The country wants such an appeal to it as was made when the present Constitution was referred to the States for discussion and ratification.

"The country wants an appeal to it similar to those made when each of the amendments were adopted by the votes of the people.

"Give the people a chance to vote on this league!

"The question can't be settled by speeches; it must go to the polls!

"The President says he will appeal to the country by making 50 speeches.

"Dadburn his 50 speeches!

"The whole world is sick and tired of his everlasting speeches.

"What the people want is a fair chance to make some speeches themselves.

"They've been bulldozed and gagged so long that they have an accumulated surplus of speeches to dispose of.

"Plague on this eternal flow of presidential rhetoric!

"We want to vote!

"Why is President Wilson afraid to refer this change of government to the people whose vital interests are involved?

"Let him divide the questions, because they are two different propositions.

"Let him separate the league from the treaty!

"The two have no business together.

"It was an artifice, and a very dishonest one, to so entangle the peace treaty with the league that they can hardly be separated except by the men who entangled them.

"Let the treaty stand on its merits in the Senate, and let the league go before the people as a separate proposition.

"What objection can be urged?

"They may say a popular vote on the league would delay the treaty; but one answer to that is that our Government went swiftly into the war, on a congressional resolution; and if it wants to it can quickly come out in the same way.

"Besides, American independence, which cost a war of seven years, ought not to be surrendered as hurriedly as though it were never worth the Revolutionary struggle.

"It is high time the voters of this Republic were allowed to take a hand in their governmental affairs.

"We have never had an administration whose methods were so full of secrecy, duplicity, favoritism for the lords of special privilege.

"No other administration ever showed such a fixed purpose to shut out the people from knowledge of what was going on behind the scenes, and to shut them off from any real influence over the policies of the Government.

"The people are now told that they shall have no chance to vote on the league, no right to self-determination, and no opportunity to effectively antagonize the men who propose to transfer our independence to a supreme council seated in Europe.

"Already Wilson has bound us to keep an army on the Rhine for 15 years. Already he has sent America to the Danube. Already he has sent an army into Silesia and another into Siberia.

"Already President Wilson is spreading the American Army over Europe and into Asia.

"In the name of the Creator that made us, when and where is this Wilsonian madness to stop?

"Never before in the history of the human race has any one man arrogated to himself the right to revolutionize the government of a people, unless he came as a foreign conqueror with a sword in his hand.

"It is an amazing thing, a monstrous thing, an almost incredible thing, that a President of the United States should appoint himself a minister to a European peace conference, should leave the country and be gone seven months, should secretly spend a hundred million dollars of the people's money while secretly juggling with foreign politicians, and should then come home bringing what he calls a peace treaty, but which is in reality another government to be imposed upon this people.

"It is the most astounding betrayal of trust that history records.

"Suppose President Wilson should tell you that during his private conferences with the kings and the capitalists of Europe he became convinced that the American colonists made a huge mistake when they fought to free themselves from European control.

"Suppose he should tell you that his Tory kinsfolk in England were right in opposing our Whig kinsfolk in America!

"Suppose he should say that we must undo what our Revolutionary forefathers did, surrender to foreign control the Government they established, and renounce the principles for which they sacrificed their lives!

"Suppose he should declare that the most dramatic and conclusive evidence of our sudden change of heart on this subject would be to make a public bonfire of the Declaration of Independence!

"Suppose he should declare that the most emphatic proof we can offer Europe of the fact that we have repudiated the time-honored policy of our Government would be to let the British ambassador publicly burn Washington's Farewell Address at the foot of the Washington Monument!

"Should he say such things as these, he would create a tempest of indignation throughout this Union, and his impeachment would be demanded.

"But his deeds since his second election can not be translated into any other words.

"What he has done is immensely more than equivalent to the destruction of the documents which contain the Declaration and the Farewell Address.

"He has signed away independence itself; he has signed away the Americanism of the Farewell Address; he has surrendered what our forefathers gained under the shadow of a European crown.

"We, the people, are the sovereign. We, the people, wear the crown.

"That crown shall pass on to the next generation untarnished in its luster and radiant with every gem of Anglo-Saxon liberty.

"We can read our titles clear! By the light of the Revolutionary camp fires we can read our titles clear!

"Usurpers have moved our land lines and seized upon field after field that is ours; but by the God that made us, we will drive out the trespassers and regain full possession of our blood-bought inheritance."

[Applause on the Republican side.]

Mr. Chairman, I yield back the remainder of my time.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EAGAN, for three days, on account of important business.

To Mr. SANDERS of Louisiana, for 10 days, on account of important business.

To Mr. STEENERSON, indefinitely, on account of duties in connection with the Post Office Commission.

To Mr. OLIVER, for five days, on account of important business.

#### PERMISSION TO ADDRESS THE HOUSE.

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

Mr. COOPER. Mr. Speaker, I ask unanimous consent that after the reading of the Journal next Wednesday and the disposition of the business on the Speaker's table I be permitted to address the House for not to exceed 30 minutes on the industrial unrest in our country to-day.

The SPEAKER. The Chair would suggest to the gentleman from Ohio that the rule requires that on Calendar Wednesday business can only be suspended by a two-thirds vote. The Chair is disposed to think that it is necessary, first, to dispense with the regular business on Calendar Wednesday. It has been the uniform policy of the Chair—not this Speaker but previous Speakers—to so rule. Can the gentleman make it some other day?

Mr. KITCHIN. Mr. Speaker, can you not do anything by unanimous consent? Can you not dispense with Calendar Wednesday by unanimous consent?

Mr. WALSH. No; you can not.

The SPEAKER. You can dispense with Calendar Wednesday by unanimous consent.

#### HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn until 11 o'clock to-morrow morning.

Mr. LONGWORTH. Reserving the right to object, Mr. Speaker, let me ask the gentleman from Wyoming if he expects to have Calendar Wednesday stand this week?

Mr. MONDELL. I think we will probably take up Calendar Wednesday business. I can not say positively at this time, but it occurs to me if we meet at 11 o'clock to-morrow morning the gentleman from Ohio could submit his request and have his time to-morrow morning, and then the gentleman could go on with the dye bill.

Mr. LONGWORTH. The reason why I asked that question is it is probable that we shall not complete the consideration of the dye bill to-morrow.

Mr. MONDELL. Mr. Speaker, is my request objected to?

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE.

Mr. COOPER. Now, Mr. Speaker, I ask unanimous consent that after the routine business to-morrow morning I may be permitted to address the House for not to exceed 30 minutes on the industrial situation.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for 30 minutes to-morrow immediately after the reading of the Journal and the disposition of the business on the Speaker's table. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6410. An act authorizing the city of Boulder, Colo., to purchase certain public lands.

The SPEAKER announced his signature to joint resolutions and bills of the following titles:

S. J. Res. 75. Authorizing the appointment of an ambassador to Belgium;

S. J. Res. 95. Authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919;

S. 276. To amend sections 4 and 5 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916;

S. 277. To authorize absence by homestead settlers and entrymen, and for other purposes; and

S. 2624. To provide travel allowances for certain retired enlisted men and Regular Army reservists.

ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that on September 20 the committee had presented to the White House for the approval of the President of the United States the following joint resolutions:

H. J. Res. 175. Joint resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917; and

H. J. Res. 211. Joint resolution tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing and to the officers and men of the American Expeditionary Forces.

ADJOURNMENT.

Mr. FORDNEY. Now, Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned, pursuant to the order, until to-morrow, Tuesday, September 23, 1919, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NICHOLS of Michigan, from the Committee on the Public Lands, to which was referred the bill (H. R. 202) to authorize the Secretary of the Interior to issue patent in fee simple to the county of Huron, in the State of Michigan, for a certain-described tract of land for public-park purposes, reported the same without amendment, accompanied by a report (No. 329), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 1694) providing for the refund of taxes collected for stamp tax on certain policies under the emergency-tax act of October 22, 1914, under the proviso to which act such policies were exempt, reported the same without amendment, accompanied by a report (No. 330), which said bill and report were referred to the Private Calendar.

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. 9394) granting a pension to William Merritt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8044) granting a pension to Samuel L. Lilly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6388) granting a pension to Oma Durham; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. KAHN: A bill (H. R. 9412) to authorize the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 9413) making available additional moneys for the reclamation fund, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. HICKS: A bill (H. R. 9414) authorizing the Secretary of War to donate to the village of Bellmore, in the State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 9415) making available additional moneys for the reclamation fund, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. LUFKIN: A bill (H. R. 9416) prohibiting the issuance of papers of declaration of intention to become citizens or final papers of citizenship to certain aliens who claimed exemption from military service in the present war, and providing for the deportation of certain aliens who surrendered their first papers of citizenship in order to escape military service; to the Committee on Immigration and Naturalization.

By Mr. KING: A bill (H. R. 9417) to change the school system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FRENCH: A bill (H. R. 9418) to amend an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes"; to the Committee on Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 9419) providing for the recording of mortgages on vessels and notation thereof on certificates of registry or enrollment and license; creating jurisdiction in the district courts of the United States for the foreclosure of such mortgages, and providing procedure in connection therewith; also providing for maritime liens upon vessels for necessities, etc., and their enforcement, and subordinating the same to the liens of mortgages; repealing all conflicting acts, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of Ohio: A bill (H. R. 9420) for the construction, erection, maintenance, and protection of guideposts on rural post roads; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN (by request): A bill (H. R. 9421) to authorize the construction of the Lower Colorado River reclamation project, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS: Resolution (H. Res. 303) for the relief of James A. Duffy and Louise Harris; to the Committee on Accounts.

By Mr. RODENBERG: Resolution (H. Res. 305) for the appointment of James Clark as special messenger in the House of Representatives; to the Committee on Accounts.

By Mr. CAMPBELL of Kansas: Resolution (H. Res. 306) authorizing the printing and binding of a synopsis of procedure in the House of Representatives, by Clarence A. Cannon; to the Committee on Rules.

By Mr. BUTLER: Joint resolution (H. J. Res. 213) continuing temporarily certain allowances to officers of the Navy; to the Committee on Naval Affairs.

By Mr. HUDSPETH: Joint resolution (H. J. Res. 214) authorizing the Secretary of War to loan the city of Marfa, Tex., cots and blankets and to give to said city authority to purchase sufficient wood from the Government for barbecue purposes for their celebration from October 2 to 3, 1919, in honor of returning soldiers who participated in the late war with Germany; to the Committee on Military Affairs.

By Mr. DRANE: Memorial of the Legislature of Florida, requesting passage of laws for deportation of foreigners who evaded military duty by claiming to be subjects of foreign countries; to the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of Florida relative to the postal-zone system; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of Florida, relative to return of cotton tax, collected by the United States Government, 1860 to 1867; to the Committee on Claims.

Also, memorial of the Legislature of Florida, relative to the centennial celebration of the purchase of the Territory of Florida; to the Committee on Industrial Arts and Expositions.

By Mr. CLARK of Florida: Memorial of the Legislature of Florida, asking Congress to participate and to invite foreign nations to participate in celebration of the centennial of the purchase of Florida; to the Committee on Industrial Arts and Expositions.

Also, memorial of the Legislature of Florida, advocating construction of a canal from Cumberland Sound through the St. Marys River and Suwannee River to St. Marks, on the Gulf of Mexico; to the Committee on Railways and Canals.

Also, memorial of the Legislature of Florida, asking repeal of postal zone law; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of Florida, asking for the deportation of aliens who, although enjoying the blessings of this Government, at the outbreak of the World War refused to fight for the United States; to the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of Florida, asking refund of taxes levied and collected on cotton from 1863 to 1868; to the Committee on War Claims.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9422) granting an increase of pension to Jackson Vail; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 9423) granting an increase of pension to John L. B. Breighner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9424) for the relief of Aaron Schmulovitz; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 9425) granting a pension to Walter E. Crackel; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 9426) granting an increase of pension to John C. Leonard; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 9427) granting an increase of pension to Walker Anderson; to the Committee on Pensions.

Also, a bill (H. R. 9428) granting a pension to Esther M. Openshaw; to the Committee on Pensions.

Also, a bill (H. R. 9429) granting a pension to John A. Shaw; to the Committee on Pensions.

By Mr. HOUGHTON: A bill (H. R. 9430) granting a pension to Stephen L. Tobey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9431) granting a pension to Charles E. Cortright; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 9432) granting a pension to Mary L. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9433) granting a pension to William L. Meister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9434) for the relief of John E. Ramsden and Mary D. Ramsden; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: A bill (H. R. 9435) granting an increase of pension to John Wilson; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 9436) granting a pension to William Bays; to the Committee on Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 9437) granting a pension to William C. Scott; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9438) granting an increase of pension to Warner L. Cole; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 9439) granting a pension to Kate Bressler; to the Committee on Invalid Pensions.

By Mr. REBER: A bill (H. R. 9440) granting an increase of pension to Susanna Noll; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Ohio: A bill (H. R. 9441) granting a pension to Mary Sheridan; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 9442) granting a pension to Mary M. Dillier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9443) granting a pension to Laura Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9444) granting an increase of pension to John W. Skiff; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 9445) granting a pension to John F. Ritter; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 9446) granting an increase of pension to Henry Stahl; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9447) granting a pension to Margaret P. Black; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

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

By Mr. BURKE: Petition of 300 members of St. Michael's congregation, of South Side, Pittsburgh, Pa., opposing the passage of the Smith-Towner educational bill; to the Committee on Education.

By Mr. CAREW: Petition of Northwest Daily Press Association, of Minneapolis, Minn., protesting against the repeal of the present postal-zone system; to the Committee on the Post Office and Post Roads.

Also, petition of Retail Dry Goods Association, of New York, protesting against Senate bill 2904 and House bill 8315; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Iowa: Petition of Jefferson County Community Club, of Fairfield, Iowa, opposing the Plumb plan for railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Jefferson County Community Club, of Fairfield, Iowa, opposing bills introduced into Congress in their present form, bills proposing universal military service and augmenting the Regular Army; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of John R. Given and Albert J. Shields, of Baltimore, Md., favoring a bonus of \$360 to all ex-service men; to the Committee on Military Affairs.

By Mr. LONERGAN: Petition of Knights of Pythias Domain of New York, pledging earnest support of the Government against Bolshevism and anarchy; to the Committee on the Judiciary.

By Mr. MANSFIELD: Petition of retail merchants of southern Texas, favoring the passage of the Kenyon bill for the regulation of packers; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of D. E. Hemley Co., of New York, favoring the amendment of Senate bill No. 641, submitted by the New York Board of Trade and Transportation; to the Committee on Interstate and Foreign Commerce.

Also, petition of War Camp Community Service of New York City, favoring the enactment of Senate bill 2535; to the Committee on Military Affairs.

Also, petition of Corrugated Bar Co. (Inc.), of Buffalo, N. Y., favoring the enactment of House bills 5011, 5012, and 7010; to the Committee on Patents.

By Mr. VARE: Petition of National Association of Hosiery and Underwear Manufacturers, protesting against the passage of the Longworth bill; to the Committee on Ways and Means.

By Mr. YATES: Petition of the Springfield Commercial Association, Springfield, Ill., containing protest against the Jones bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dan Williams Beckwith, Danville, Ill., protesting against the Jones bill, S. 2904; to the Committee on Interstate and Foreign Commerce.

Also, petition of Hon. J. H. Kimble, Port Deposit, Md., urging the early passage of House bill 7348; to the Committee on Interstate and Foreign Commerce.

Also, petition of Stewart-Warner Speedometer Corporation, Chicago, urging the early passage of House resolutions 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of Everett J. Buswell, Kewanee, Ill., urging the early passage of the Gronna-Baer bill; to the Committee on Military Affairs.

#### SENATE.

TUESDAY, September 23, 1919.

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

Almighty God, we have built up a great spiritual democracy out of the precepts of Thy holy Word. The entering in of Thy Word giveth light. We pray that as we face the problems of this day we may be enabled to apply those unchanging principles of divine truth, and that the outcome of it all may be for the permanency of our institutions and the blessing and welfare of all the people. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.