REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GOOD, from the Special Committee on Budget, to which was referred the resolution (H. Res. 324) to provide changes in the rules of the House in connection with the establishment of a national budget, reported the same with amendment, accompanied by a report (No. 373), which said resolution and report were referred to the House Calendar.

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. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the bill (S. 2867) authorizing the President, when Maj. Gen. Crowder retires, to place him on the retired list of the Army as a lieutenant general, reported the same without amendment, accompanied by a report (No. 374), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. KINCHELOE: A bill (H. R. 9878) granting additional pay to the enlisted personnel of the Army, Navy, and Marine Corps; to the Committee on Ways and Means.

By Mr. MOTT: A bill (H. R. 9879) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, as amended; to the Committee on Ways and Means.

By Mr. KING: A bill (H. R. 9880) granting recognition to certain female employees of the War Department who served abroad; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 9881) changing the time of day in March and October of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: A bill (H. R. 9882) to further provide for the presidential succession; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. GODWIN of North Carolina: Joint resolution (H. J. Res. 228) authorizing the establishment of a free port at Wilmington, N. C.; to the Committee on Ways and Means.

By Mr. JOHN W. RAINEY: Joint resolution (H. J. Res. 229) requesting the President of the United States to proclaim demobilization of the Army; to the Committee on the Judiciary.

By Mr. BYRNES of South Carolina: Joint resolution (H. J. Res. 230) authorizing and directing the Secretary of Agriculture to prepare and issue a supplemental report on the condition of the cotton crop; to the Committee on Agriculture.

By Mr. TIMBERLAKE: Joint resolution (H. J. Res. 231) providing for the loan of Army tents, tarpaulins, and other means of protection to certain States of the Union; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills, and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 9883) granting a pension to James Phelps; to the Committee on Pensions.

Also, a bill (H. R. 9884) granting a pension to Henry Blankenship; to the Committee on Pensions.

Also, a bill (H. R. 9885) granting a pension to Albert N. Oakleaf; to the Committee on Pensions.

By Mr. EMERSON: A bill (H. R. 9886) granting a pension to John B. Lang; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 9887) granting a pension to George J. Molloy; to the Committee on Pensions.

By Mr. GANLY: A bill (H. R. 9888) for the relief of Mary Ginsberg and Abram Ginsberg; to the Committee on Claims.

By Mr. GLYNN: A bill (H. R. 9889) granting an increase of pension to Julia A. Birge; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS: A bill (H. R. 9890) to reimburse Hugh J. McKane for property destroyed by fire in the District of Columbia; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9891) granting an increase of pension to Tillie Wester; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 9892) granting an increase of pension to Minnie Nordyke; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9893) granting an increase of pension to Hester A. Phillips; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9894) granting an increase of pension to Walter J. Shelley; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 9895) to correct the military record of Patrick Kennedy; to the Committee on Military Affairs.

By Mr. MOON: A bill (H. R. 9896) to remove the charge of desertion from the military record of A. K. Ball; to the Committee on Military Affairs.

By Mr. STRONG of Kansas: A bill (H. R. 9897) granting a pension to Mirtie Hudson; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 9898) granting a pension to Hodges W. Drayton, alias Lawrence G. Sommers; 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. BLAND of Missouri: Petition of the American Legion of Kansas City, relating to the unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces; to the Committee on Military Affairs.

By Mr. ELLIOTT: Petition of the American War Mothers, in national convention assembled in Washington, D. C., favoring the return to this country of all the American dead; to the Committee on Military Affairs.

By Mr. McGLENNON: Petition of Patrick J. Long and others, of New Jersey, protesting against the ratification of the proposed league of nations; to the Committee on Foreign Affairs.

By Mr. MOON: Papers to accompany bill to remove desertion charge from record of A. K. Ball; to the Committee on Military Affairs.

By Mr. RAKER: Letter from the Engineer and Architects' Association of Los Angeles, Calif., inclosing copies of two resolutions relative to the General Staff bill for reorganization of the Army and an all-American canal in Imperial County, Calif.; to the Committee on Military Affairs.

Also, petition of John R. Lyle & Co., of Susanville, Calif., protesting against the passage of the Siegel bill (H. R. 8115); to the Committee on the Judiciary.

Also, letter from the California Metal Producers' Association of California, San Francisco, Calif., protesting against Senate bill 2896, known as the revenue explosive act of 1919; to the Committee on the Judiciary.

By Mr. REED of West Virginia: Petition of Messrs. S. M. Levinstein, J. H. Fisher, J. H. Asper, and 30 other merchants of Buckhannon, W. Va., protesting against the provisions of the Siegel bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: Petition of John R. White and 91 other voters and taxpayers of Waitsburg, Walla Walla County, Wash., favoring the enactment into law of Senate bill 1017, known as the Smith educational bill; to the Committee on Education.

SENATE.

MONDAY, *October 13, 1919.*

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

Almighty God, we seek Thy gracious favor. Thou dost hold the nations in the hollow of Thy hand. Thou art our king. Thou art our father. We look to Thee for Thy command. We look to Thee for Thy gracious voice calling us to the larger fields of life and service. Fit us to-day for the responsibilities that are upon us. Grant us Thy gracious favor. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. SMOOT. I ask unanimous consent that the further reading of the Journal may be dispensed with.

Mr. JONES of Washington. I rather think the Journal should be read.

Mr. SMOOT. I have no objection if any Senator wants to have it read.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The Secretary resumed and concluded the reading of the Journal.

Mr. JONES of Washington. I wish to ask a question with reference to the Journal. I tried to observe the reading closely, but was interrupted. I want to know whether the Journal shows that a motion was entered to discharge the Committee on Commerce from the further consideration of what is known as the free-port bill.

The VICE PRESIDENT. It does not.

The Journal was approved.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 129).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation in the sum of $2,000 required for additional employees for the courthouse for the fiscal year 1920, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

KANSAS CITY SOUTHERN RAILWAY CO. (S. DOC. NO. 130).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting a copy of the report of the commission in valuation docket No. 4, the Kansas City Southern Railway Co. et al. The communication will be printed and, with the accompanying paper, referred to the Committee on Interstate Commerce.

SHORTAGE OF SUGAR.

The VICE PRESIDENT. The last paragraph of clause 5 of Rule VII reads:

No petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received unless the same be transmitted to the Senate by the President.

This devolves upon the part of the Presiding Officer the sending of every paper from a citizen or subject of a foreign power to the President of the United States for the purpose of a determination as to whether it shall be handed down by the Senate.

The Chair has a communication which has nothing whatever to do with the foreign relations of the United States of America, which the Chair believes conveys certain information that the Senate is not advised of, and the Chair asks unanimous consent that the rule may be suspended in order that he may lay it before the Senate. Is there any objection? The Chair hears none. The Secretary will read the communication.

The Secretary read as follows:

[Telegram.]

SANTIAGO, CUBA, *October 11, 1919.*

HON. PRESIDENT OF THE SENATE
OF THE UNITED STATES OF AMERICA,
Washington.

In the name of the Association de Hacendados y Colonos de Cuba—that is to say, the manufacturers and sugar planters' association—I beg to inform you respectfully that no person is authorized to legally negotiate the sale of the coming Cuban sugar crop.

ALEJO E. CARRENO,
President of the Association.

Mr. GAY. Mr. President, in connection with the sugar shortage, I have a newspaper article published in the Washington Star of yesterday on the subject, which I ask to have inserted in the RECORD.

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

[From the Washington Star, Oct. 12, 1919.]

"DEMAND FOR SUGAR IN UNITED STATES IN EXCESS OF PRODUCTION—PRESENT SHORTAGE BELIEVED DUE TO ECONOMIC MISTAKE—CALL FOR BRINGING THE CONSUMPTION BACK TO NORMAL.

(By Sidney Ballou.)

"The facts in regard to the sugar shortage are fortunately undisputed, whatever may be the difference of opinion with regard to what should or should not have been done. These facts, as established before the Senate Committee on Agriculture, are as follows:

"1. There has been no shortage of actual supplies of sugar available in this country for this year. On the contrary, more sugar is being furnished and consumed in the United States this year than ever before.

"2. The shortage is caused by an excessive demand and the effort to supply sugar enough to meet that demand. Our prewar consumption averaged about 83 pounds per capita and our war-time consumption 75 pounds. This year the consumption is running at the rate of 92 pounds per capita.

"3. For the first nine months of the year there has been furnished and passed into consumption—that is, sold by producers and refiners to the trade—3,263,000 long tons, as against last year's figure to the same date of 2,661,000 long tons. Our total consumption for the whole of last year was 3,500,000 tons.

"4. The world production of sugar is about 2,000,000 tons short of the prewar average, and this year's production is nearly a million tons short of last year's.

"5. In the midst of this world shortage the American consumer has been furnished sugar at a price substantially lower than that prevailing in any other country, and very low in comparison with the increase in price in other basic food commodities.

"VARIANCE IN VIEW.

"As to the deductions to be drawn from these facts, there is a difference of opinion. The Sugar Equalization Board takes great pride in having thus furnished this sugar to the American consumer at this price in the midst of a world's shortage. It is open to question, however, whether they have not made an economic mistake in so doing, for which we are about to pay in the shape of a shortage and of extraordinarily high prices.

"It would be an ideal arrangement if the price of sugar could be fixed at a point which would yield a fair profit to the producers, the refiners, and the distributors, and could be supplied to the consumers indefinitely at the resulting price. Such an arrangement, however, omits one important factor, and that is the law of supply and demand.

"In ordinary times the price of sugar fluctuates and is constantly maintained at a point at which the country is just consuming the available supply as it comes to the market. If the demand increases or the supply is diminished, the price rises until the consumption is checked accordingly. If the contrary happens, a decrease in price stimulates the consumption.

"When a price is fixed based solely upon cost of production and distribution plus a fair profit, it may happen that the resulting price is such that the consumer will proceed to do as he has done this year—that is, eat up a normal year's supply in nine months. When this happens, one of two things must be done—either the price must be increased or the sugar must be rationed. Failure to do either will inevitably result in a shortage. During the war Hoover administered sugar upon the basis of cost plus a fair profit for all concerned. The costs of the producers and refiners were carefully and impartially determined, the figures in most cases being checked up by the Tariff Commission. The Food Administration never fixed the price of a commodity without first calling the producers together, examining their costs, and finally agreeing on a price. This avoided the most dangerous pitfall of price fixing, which is the discouragement of production.

"HOOVER'S DRASTIC RATIONING SYSTEM.

"At the other end of the line, in order to overcome the natural working of the law of supply and demand, Hoover adopted a drastic system of rationing. Manufacturers who used sugar were put on a particularly strict allowance, so that a fair proportion of sugar was reserved for table consumption. Individual consumers were appealed to to restrict their consumption and responded to an extraordinary degree. Offenders against the regulations of the Food Administration were haled before perfectly illegal tribunals and fined for the benefit of the Red Cross, all of which was approved and sustained by public sentiment.

"The present Sugar Equalization Board is a corporation which was formed by the Food Administration for the purpose of assisting in the control of the sugar situation. It purchased the entire Cuban crop for this year—two-thirds on our own account and one-third on account of our allies. Added to our domestic sugars, this seemed an adequate provision of supplies for the present year.

"With the cessation of hostilities, however, the consumption of sugar began to increase enormously. Physical workers, who particularly need sugar, were being paid high wages and could indulge in the luxury of sweets. Prohibition added to the demand. By July 1 it was established that the country was consuming sugar at an unparalleled rate of 92 pounds per capita, and at the same time the revised estimates of the world's production were published, showing a shortage of a million tons even, as against last year's war-time production.

"It was evident that the law of supply and demand was making itself felt and should be reckoned with. Nevertheless neither alternative for checking consumption was adopted. An increase in the price would have been unpopular, and even at present the Equalization Board insists that it will maintain the present price on all sugar still within its control until the close of the year. Rationing would have been still more unpopular, even if it were still practicable after the relaxation of war tension.

"RENDERS SHORTAGE INEVITABLE.

"Failure to adopt either expedient rendered a shortage inevitable. The Sugar Equalization Board apparently proceeded on the theory that this shortage could be post-

poned until after the end of the year, when it expected to go out of business. It began to borrow against the future. First it instructed the refiners to fill no more export orders, thereby practically placing an embargo on exports. All our so-called exports, however, were merely our allies' one-third of the Cuban crop, which was being refined in this country, so that this amounted to a temporary stoppage of their supplies, doubtless on the expectation that it could be repaid without inconvenience in the future. Like so many borrowers' expectations, this has been disappointed. For the balance of the year the Equalization Board is depending upon the domestic beet-sugar crop to relieve the situation. This again would involve a marketing of an unusually large percentage before January 1, and even if the limits of railroad equipment permitted this to be done it would be more borrowing against the future.

"In August there arose the question of the desirability of purchasing the Cuban crop for next year. The Cuban committee opened the subject by professing its readiness to negotiate, though no price was mentioned. The Equalization Board requested authority from the President, who is nominally its only stockholder, to begin negotiations, but received no reply to its communications other than formal acknowledgments. On September 23 the Cuban offer to negotiate was withdrawn, and President Menocal stated that it would no longer be possible to control the Cuban producers sufficiently to effectuate the sale at a fixed price. Nevertheless this question is still being agitated, and a bill has been introduced in the Senate to give the Equalization Board the necessary authority.

"ONLY ONE STEP IN PROBLEM.

"In considering the advisability of this purchase, even if it was still possible, it must be remembered that this is only one step in the problem. It must not be assumed that even if the whole crop were available it could be passed on to the American consumer in unrestricted amounts at a price below that dictated by a world shortage. This can not be done. Either the price must be fixed at a level which will check consumption or some central body must be given authority to say who shall have sugar and who shall not. Otherwise the big manufacturers will get their quota, and the entire shortage will be turned upon the portion destined for table consumption, while in this field the big man will have the advantage in the scramble over the small one, with endless inequalities and charges of favoritism.

"Another feature which is apparently to be introduced is the Department of Justice. Attempts to regulate prices by penal statutes have failed at all times, in all places, and in all countries. Mr. Hoover testified that such attempts in England frequently resulted in the entire commodity disappearing from the visible market. If left to the initiative of individual district attorneys the first effect will be that sellers of the commodity will avoid the chances of indictment, and the more vigorous the prosecution on the ground of excessive prices the less sugar will be found in that particular district.

"RESULT IS HIGHER PRICES.

"It looks as though we had already overstayed our limit in the contest with the law of supply and demand. It is already evident that there will be a shortage during the remaining months of this year, and that the price, whether it escapes from control now or after January 1, will reach a point which it would not have reached had it been allowed to conform more nearly to economic law. The longer that regulation is continued upon the present policy, with no adequate provision for bringing consumption back to normal, the more acute will be the shortage."

VOTING POWER OF GREAT BRITAIN IN LEAGUE OF NATIONS.

Mr. NELSON. Mr. President, I have a short article here from a prominent attorney of Minneapolis, Mr. Bright, one of the ablest attorneys, upon the question of the voting power of England and her colonies, which I ask may be printed in the RECORD.

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

"THE ENGLISH DOMINIONS AND THE LEAGUE OF NATIONS.

"*To the Editor of The Tribune:*

"Some misapprehension is manifest in the discussion of this subject. In the first place, the notion has been fostered that Great Britain secured membership in the league for the Dominion so that her power would be enlarged, whereas membership was conceded to the dominions as a recognition of their independent dignity and worth as free, self-governed peoples. No one, upon cool judgment, would say that Cuba, Haiti, and Panama should be members and Canada, Australia, New Zealand, and South Africa should be excluded on their merits. India with her 300,000,000 is not, to be sure, as self-governed as the others, but she is looking that way and will be more and more self-governed as time goes on.

"The question has been raised as to whether these dominions may be represented on the council, and Mr. Wilson has been sharply criticized because he said they could not, although in Paris he agreed with Lloyd-George and Clemenceau that they were eligible. Now the object of this criticism was not so much to show Mr. Wilson's inconsistency as to create the impression that there was danger of Great Britain and the dominions all being represented on the council and thus have control or an overpowering influence. Mr. Wilson was right when he said the dominions were eligible because four of them could be chosen to take the place of Belgium, Brazil, Greece, and Spain, and the fifth might be represented if the number of league members having the right to representation on the council were enlarged as provided in article 4 of the covenant. If, then, everything was done as provided by the covenant to the end that Great Britain and the dominions should all be represented on the council they would be. On the other hand, Mr. Wilson was also right when he said that it was impossible for that to occur, because in the first case it would require a unanimous consent of the whole assembly to choose the four, and, in the second, the unanimous consent of the council with a majority approval of the assembly to enlarge the council.

"Now, when a thing is practically impossible, it is impossible in a very real sense. There would be no reason in objecting to the result apprehended if all were agreed that it was desirable and should give their consent, but it would then cease to be apprehended or considered a menace. In such case the United States would have consented and could not complain. But it is nothing short of an absurdity to suppose that such overwhelming representation of the English-speaking peoples on the council would find that unanimous support which would be necessary to accomplish it. You could not get a majority of the assembly to support such a proposition, and you must have unanimous consent to admit one dominion in place of Belgium or Brazil or Greece or Spain. And think of the quadruple absurdity of putting a dominion in the place of each of them. Before there would be any place for the fifth you must secure the unanimous consent of the council and a majority of the assembly to an enlargement of the council as provided in article 4, and the unanimous consent to elect India instead of some other State to a seat on the council. It may be stated with great certainty that such result is a practical impossibility.

"UNEQUAL REPRESENTATION.

"It must be conceded that many people sincerely believe that the United States will suffer a serious disadvantage in comparison with Great Britain and her dominions because of the basis of representation in the assembly of the league. But if this disadvantage is sentimental and not practical, then it is not serious and we can well afford to bear it rather than hinder for an hour the ratification of the treaty. Our consolation should be ample in the reflection that if the English-speaking peoples are all members of the league on an equal footing, and, without jealousy or rivalry, looking not to control of the league, but rather cooperating in the interest of peace, the league will be worth while. If, however, at the very threshold that harmony is broken by childish protests of a sensational nature, and which carry a suggestion of distrust and antagonism between the United States and the other English-speaking State, a cloud passes over the league. There can be no successful league of nations without the harmony of the English-speaking nations, and the demagogic cry that this covenant is a pro-British covenant because of the representation on the assembly of these self-governing peoples on an equal footing with all others is made by those who would defeat the treaty, and is repeated by many honest men who accept what Senators or editors say instead of reflecting upon what the covenant provides and making their own conclusion.

"It is perfectly clear that the United States has greater protection in a dispute between it and Great Britain in the assembly than would be enjoyed if the dispute were in the council, concerning which no alarm has been sounded, because a decision or conclusion could only be reached by the unanimous vote of the seven nations represented on the council outside the disputants, and by a majority of all the other members of the league excluding the disputants. We would be better protected notwithstanding the votes of the dominions because it would be no easy thing for Great Britain, simply as matter of influence, to get a majority of the assembly. It would have to appear pretty clearly that she was in the right. Whatever disadvantage there might be in the votes of the dominions in such a dispute, or any other, the United States may well accept it in order that the dominions shall have representation in the assembly as fully self-governing States, with the same standards, the same language, and the same great purposes in entering the league that we have. It has been said that it is not demanded that they be excluded, but that the United States have

six votes; but it is plain enough that where the United States is a party to a dispute six votes would be no better than one, as they would all be silent or excluded. In all other cases we can well afford to take our chances on an equal and friendly footing with the dominions.

"ALFRED H. BRIGHT."

Mr. McCORMICK. I have here a copy of the official record of the debates in the Canadian Senate of September 30. I ask to have printed in the RECORD so much of it as deals with the representation of the British Empire and colonies in the league of nations.

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

"Hon. HEWITT BOSTOCK. Honorable gentlemen, we are now asked to deal with a bill which is for the purpose of supplementing the treaty which we approved of by resolution the other day. It is not my intention to go into a discussion of the treaty itself, because I think it was fully discussed before, and I should be only repeating what was said at that time. But, with the permission of the house, I desire to bring to your attention some papers that have been brought down to Parliament since the adjournment and which I think have considerable bearing on the way in which this matter has been dealt with and show the reason why we have been asked to deal with this question in what, on a previous occasion, I termed a rather hurried and unsatisfactory way, inasmuch as the honorable members of this house had the official copy of the treaty placed in their hands on the 2d of September and were asked to approve of it, and did approve of it, on the 4th of September. Considering that the treaty contained some 440 articles, it was rather a large order to ask honorable gentlemen to deal with the various questions and express an opinion upon them in that short time.

"I think I drew attention to the fact that on this side of the house we did not consider that the approval of the treaty by Parliament was absolutely necessary; that Parliament approved of a treaty by passing, as we are asked to pass now, a bill that provides that the Government shall do certain things in order to carry out the terms of the treaty; that the practice that we were asked to follow was entirely new for Parliament; and that we were establishing a precedent.

"I am afraid that I shall have to take up a little of the time of the house in reading the correspondence; I think it is of interest, and I hope honorable gentlemen will not object. It reads as follows:

"[Telegram from the prime minister of the United Kingdom to the prime minister of Canada.]

"LONDON, *October 27, 1918.*

"Sir ROBERT BORDEN, *Ottawa:*

"October 27, 1918. I think that you ought to be prepared to start without delay for Europe, if the Germans accept the terms of the armistice, which we shall propose after our meeting at Versailles this week, as the peace conference will in that event probably open within a few weeks, and this will have to be preceded by interallied conferences of at least equal importance. It is, I think, very important that you should be here in order to participate in the deliberations which will determine the line to be taken at these conferences by the British delegates.

"LLOYD-GEORGE.

"[Telegram from the prime minister of Canada to the prime minister of the United Kingdom.]

"OTTAWA, *October 29, 1918.*

"Right Hon. DAVID LLOYD-GEORGE,
"10 Downing Street, London:

"October 29. There is need of serious consideration as to representation of the dominions in the peace negotiations. The press and people of this country take it for granted that Canada will be represented at the peace conference. I appreciate possible difficulties as to representation of the dominions, but I hope you will keep in mind that certainly a very unfortunate impression would be created and possibly a dangerous feeling might be aroused if these difficulties are not overcome by some solution which will meet the national spirit of the Canadian people. We discussed the subject to-day in council, and I found among my colleagues a striking insistence which doubtless is indicative of the general opinion entertained in this country. In a word, they feel that new conditions must be met by new precedents. I should be glad to have your views.

"BORDEN.

"[Telegram from the prime minister of the United Kingdom to the prime minister of Canada.]

"LONDON, *November 3, 1919.*

"Sir ROBERT BORDEN, *Ottawa:*

"November 3. Your telegram reached me while in Paris. I fully understand the importance of the question that you raise. It makes me impressed all the more with the importance of your coming immediately to Europe, for practically it is impossible to solve by correspondence the many difficult problems which it raises and which you fully appreciate. Also, on many questions now coming under consideration I should value your advice greatly. It will, I earnestly hope, be possible for you to sail at once.

"D. LLOYD-GEORGE.

"I think that date should be November 3, 1918.

"[Telegram from the secretary of state for the colonies to the governor general.]

"LONDON, *July 4, 1919.*

"It is hoped German treaty may be ratified by three of the principal allied and associated powers and by Germany before end of July.

"[Telegram from the Governor General to the Secretary of State for the Colonies.]

"OTTAWA, *July 9, 1919.*

"Following from prime minister: 'Your message July 4 respecting ratification of peace treaty with Germany. I am under pledge to submit the treaty to Parliament before ratification on behalf of Canada. No copy of treaty has yet arrived and Parliament has been prorogued. Kindly advise how you expect to accomplish ratification on behalf of whole Empire before end of July.'

"[Telegram from the Secretary of State for the Colonies to the Governor General.]

"LONDON, *July 23, 1919.*

"Following for your prime minister. Begins:

"'I have now consulted with prime minister and the cabinet with reference to your most secret telegram of July 9. Our view is that early ratification, especially now that Germany has ratified, is of the highest importance. In the British constitution there is nothing which makes it necessary for the King to obtain the consent of Parliament before ratifying treaty. With perfect constitutional propriety the King can ratify on the advice of his ministers. For a treaty of this far-reaching importance, and one embracing the whole Empire, the King certainly ought not to act at the instance of all his constitutional advisers, the Dominion ministers as well as that of the United Kingdom—

"I think the word 'not' is a mistake—

"'But inasmuch as Dominion ministers participated in peace negotiations, and side by side with ministers of the United Kingdom sign preliminaries of treaty, we hold that His Majesty, if he now ratify the treaty for the whole Empire, would have the same constitutional justification in doing so in respect of dominions as he has in respect of the United Kingdom. The King by a single act would bind the whole Empire, as it is right he should so, but that act would represent the considered judgment of his constitutional advisers in all self-governing States of the Empire, because it would be merely giving effect to an international pact which they had all agreed to. We realize at the same time the difficulty in which you are placed by your pledge to Parliament. We are willing, in order to meet this difficulty, to delay ratification (which if we alone were concerned we would desire to effect immediately) as long as we possibly can in order to give you time to lay treaty before your Parliament. The question is how long will this take. At an early date could you not have a special meeting of Parliament solely for the submission of the treaty; and if so, how soon might its approval be expected? It would be impossible, in our opinion, without the gravest consequences to delay ratification until the late autumn.

"'I am communicating with the Governments of South Africa, New Zealand, and Australia, explaining urgency and begging them to submit treaty to their Parliaments without delay, if they feel bound to do so before assenting to its ratification. Ends.'

"(Sgd.) MILNER.

"[Telegram from the Governor General to the Secretary of the Colonies.]

"OTTAWA, *July 29, 1919.*

"Following from my prime minister. Begins:

"'Your secret telegram of July 23 has been carefully considered by cabinet, and it seems to us that there is considerable doubt whether under modern constitutional practice the King should ratify without first obtaining the approval of Parliament. We think that in accordance with recent practice and authorities such approval should be obtained in the case of treaties imposing any burden on the people or involving any change in the law of the land, or requiring legislative action to make them effective, or affecting the free exercise of the legislative power, or affecting territorial rights.

"'On the other point, we fully agree that the King in ratifying the treaty ought only to act at the instance of all his constitutional advisers throughout the Empire, but we do not entirely understand the suggestion that in the case of the Dominions the signature of the Dominion plenipotentiaries is equivalent to the tendering of advice to ratify. Do you regard this as holding good in the case of the signature of United Kingdom plenipotentiaries?

"'We propose to call special session on September 4 for purpose of presenting treaty to Parliament, and I am confident we can ratify within a week thereafter. Please cable whether this meets your views.'

"[Telegram from the Governor General to the Secretary of State for the Colonies.]

"OTTAWA, *August 1, 1919.*

"Following from my prime minister. Begins:

"'As we have to give 30 days' notice of summoning Parliament, I hope we have immediate reply to my telegram of July 29 respecting ratification of peace treaty.'

"[Telegram from the Secretary of State for the Colonies to the Governor General.]

"Summoning of Parliament. I strongly advise your giving notice to summon immediately in view of severe pressure being put upon us from Paris to ratify at earliest possible moment. It is impossible to promise that we shall be able to keep back ratification till the 11th of September. But I will certainly do my best, and I feel pretty confident that the argument for that amount of delay would be irresistible if we could count on Canadian approval by that date.

"(Sgd.) MILNER.

"[Telegram from the Governor General to the Secretary of State for the Colonies.]

"Following message from prime minister for you:

"'Your message reached me yesterday afternoon and this morning Parliament has been summoned for Monday 1st September. I can not emphasize too strongly the unfortunate results which would certainly ensue from ratification before Canadian Parliament has had an opportunity of considering treaty.'

"[Telegram from the Secretary of State for the Colonies to the Governor General.]

"Urgent.

"Re your cipher telegram of August 4. The Government of Union of South Africa has convened special session of Parliament to consider peace treaty with Germany. They are of opinion that it will be very desirable to secure uniformity in dealing with this question, and have asked me to submit suggestions as to form in which peace treaty should receive in Dominions parliamentary approval; that is, whether motion should be submitted to Parliament for that purpose or whether approval should take form of bill on lines of that submitted to Parlia-

ment here. I have answered to the effect that matter is, of course, one for decision of local government, but that best course, in my opinion, would be to obtain approval of treaty by resolution of both houses; and that if, as is probable, legislation on lines of British bill is required in order to give effect to treaty, this could follow later.

"British bill, it is important to bear in mind, is not a bill to ratify treaty, but to empower the Government to take necessary steps to carry out those provisions of treaty which require legislative authority.

"Paris is putting severe pressure upon us to ratify at the earliest possible date, and ratification by the French expected September 2 or 3.

"I should be grateful if you will inform me that procedure will be adopted by your Government. My reason for suggesting resolution of both houses is that this procedure might enable ratification to take place without delay that might be involved in obtaining parliamentary powers for carrying out treaty.

"If, as I hope, procedure by resolution will be adopted, I will assume that on receiving cable to the effect that such resolution has been passed there will be no objection to His Majesty immediately ratifying.

"Other dominions I have telegraphed in the same sense.

"(Sgd.) MILNER.

"[Telegram from the Governor General to the Secretary of State for the Colonies.]

"OTTAWA, *August 23, 1919.*

"Your telegram of August 12 respecting parliamentary approval of treaty of peace with Germany. Canadian Government propose to proceed by way of resolution of both houses, in order to expedite the matter. Legislation giving effect to the treaty will be introduced later.

"[Telegram from the Governor General to the Secretary of State for the Colonies.]

"OTTAWA, *September 12, 1919.*

"Most urgent.

"Following order in council approved to-day. Begins:

"'AT THE GOVERNMENT HOUSE AT OTTAWA,

"'*12 September, 1919.*

"'Present: The Governor General in council:

"'Whereas at Versailles, on the 28th day of June, 1919, a treaty of peace (including protocol annexed thereto) between the allied and associated powers and Germany was concluded and signed on behalf of His Majesty for and in respect of the Dominion of Canada by plenipotentiaries duly authorized for that purpose by His Majesty on the advice and recommendation of the Government of the Dominion of Canada;

"'And whereas the Senate and House of Commons of the Dominion of Canada have by resolution approved of the said treaty of peace;

"'And whereas it is expedient that the said treaty of peace be ratified by His Majesty for and in respect of the Dominion of Canada:

"'Now, therefore, the Governor General in council, on the recommendation of the secretary of state for external affairs, is pleased to order and doth hereby order that His Majesty the King be humbly moved to approve, accept, confirm, and ratify the said treaty of peace for and in respect of the Dominion of Canada Ends.'

"(Sgd.) DEVONSHIRE.

"[Telegram from the Secretary of State for the Colonies to the Governor General.]

"LONDON, *September 19, 1919.*

"Most satisfactory to know that treaty of peace with Germany has been approved by Canadian Parliament. As matters have turned out, and owing to unforeseen delays on the part of other powers, British Empire will probably be in position to ratify as soon as any other two of the principal allied and associated powers. Parliaments of the Union of South Africa and New Zealand have also approved, and I hope soon to receive telegram announcing that Australian Parliament has approved.

"(Sgd.) MILNER.

"That is all the correspondence on this file. I thought it was of such interest that probably the house would not think I had taken up too much time in reading it. It shows that we were right in the contention which we made when we were asked to approve of the resolution in the first instance—the contention that it was not really necessary, inasmuch as Canada had plenipotentiaries in Paris at the time the treaty was signed; it was not really necessary, according to the custom followed in England heretofore, that the treaty should be formally approved by Parliament. But, apparently, from this correspondence, it has been arranged between the Government of the Dominion and the Government of Great Britain that this method of approving of the treaty be carried out, and in doing so we have established a new precedent in constitutional matters of this kind.

"With regard to the bill itself, honorable gentlemen who have read it will notice that we are asked by legislation to approve of the governor in council passing orders in council. We had a tremendous amount of legislation by order in council during the war, and we had hoped that when the war was over this class of legislation would be to a large extent done away with; but under this bill we are asked to give the Government power to deal by order in council with different matters arising under the treaty. If I understand the bill aright, it will give the Government the power to appoint their representatives in the assembly of the league of nations by order in council.

"Hon. Sir JAMES LOUGHEED. That is not intended.

"Hon. Mr. BOSTOCK. I think the minister of justice stated in another place that it could be done.

"Hon. Sir JAMES LOUGHEED. I think his statement was that it was not the intention in framing the bill that power should be exercised in that direction at all.

"Hon. Mr. BOSTOCK. The point I was wanting to make was that it can be done.

"Hon. Sir JAMES LOUGHEED. Oh, yes; I suppose it might be done even without that.

"Hon. Mr. BOSTOCK. It may not be the intention of the Government so to do; but, if I read this clause aright, the Government would have the power to do so if they wished.

"It would also, I think, allow the Government to appoint the representatives that are provided for in the clauses of the treaty that deal with the labor situation. Under article 388 it is declared:

"The permanent organizations shall consist of:

"(1) A general conference of representatives of the members, and

"(2) An international labor office controlled by the governing body described in article 393.

"Then, in article 389 it is declared:

"The meetings of the general conference of representatives of the members shall be held from time to time, as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the members.

"I think that honorable gentlemen looking at that will see that those members can also be appointed by order in council under this bill as it is at present drafted.

"Then I would draw attention to this, that in the first subsection of clause 1 there is no provision that those orders in council shall be laid before Parliament. The second subsection reads:

"Any order in council made under this act may provide for the imposition by summary protest or otherwise of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made and shall have effect as if enacted in this act, but may be varied or revoked by a subsequent order in council.

"These orders in council, apparently, it is intended shall be laid before Parliament as soon as they are made; but the orders in council that are provided for in the first subsection of that clause would apparently not necessarily be laid before Parliament under the act. I think it would be very desirable that it should at any rate be understood that in both cases the orders in council would be laid before Parliament as soon as possible after they are passed, so that Parliament may at least be seized of what has been done by the Government in regard to these matters.

"We can quite understand that, in order to carry out the terms of the treaty, it may be necessary to provide in this way for the Government making appointments and doing other things by order in council, but I would express the hope that this power of enacting legislation by order in council may be limited as much as possible.

"I do not intend taking up the time of the House any longer in dealing with this matter. The other points that arise could probably be better discussed when the bill is in the committee stage. But I think it is only fair to point out that in dealing with this matter we have been more expeditious than almost any of the other nations that have been concerned in the making of the treaty. Our neighbors to the south are still discussing the treaty, and, as far as we on the outside know, they have not come to any conclusion as to what they will do about it. In France itself, where the people are very much more concerned with the immediate results of the treaty than we are ourselves, they have taken considerable time in discussing it, and, according to accounts that one sees in the papers, they are likely to take considerably longer time before they are in a position to ratify the treaty. Therefore I think that we have been expeditious, and that in this matter it might have been possible for the honorable leader of the Government in this House to have given us a little more time before asking us, in the first instance, to approve of the treaty by resolution.

"Hon. Mr. DAVID. Will the honorable leader of the House be kind enough to say what interpretation he places upon this subsection 2:

"Any order in council made under this act may provide for the imposition by summary protest or otherwise of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made and shall have effect as if enacted in this act, but may be varied or revoked by a subsequent order in council.

"Does the latter part of that subsection mean that any order in council may be varied or revoked without Parliament being consulted?

"Hon. Sir JAMES LOUGHEED. I would think so.

"Hon. WILLIAM ROCHE. Honorable gentlemen, I have read the bill which has been presented. It is in very simple language, conveys a vast amount of liability, and is far-reaching, under apparently explicit and plain limitations, and I have heard the exposition of it given this evening by the honorable leader of the Government. He very wisely, I think, referred to the speech which he made on presenting the resolution, and made that his preamble.

"I want to know where we are. By the correspondence which has been read it is plain that the Dominion of Canada is, like Mahomet's coffin, between heaven and earth. A gentleman very high in the councils of Canada announced that we were a nation, and that we had the attributes of nationality. Now, we know that we have been a Dominion of the British Crown, that our status was secured under the British North America act, that we have the governor general here representing His Majesty, and that all our laws are subject to the surveillance of the British Government. Therefore we were a dependency, and I would like to know by what act, by what public declaration or sanction, we have been made a nation. It is vain to have declamations about the achievements of our boys at the front as entitling us to nationality and many other considerations which have been advanced. But what is the plain fact? What are we here? Are we here as an independent nation of Canada, or are we here as a dependency of the British Crown? If, on the one hand, we are still, as it is said, attached by leading strings to Downing Street and rejoice to be subjects of His Majesty King George, or if, on the other hand, we are a dependent nation, we ought to know it, and we want to know it.

"For my part, I am not prepared to argue—I have never thought of it—which would be the better condition—whether we should be a dependency of the Crown, or whether we should be an independent nation. I have not thought of that myself; neither have I heard it argued out. I know this, that if this war had not occurred, and if Canada had had 20 years of peaceful progress she would have been a nation, alongside the British nation, the best ally of the British nation, with all hearts in one—a buttress and defense for the great British nation to which we belong. I do not know what has been the reason for desiring this change. I never heard it expressed in any official quarter. I never knew that our people were disloyal or were dissatisfied with their relations with the British Crown or were inveighing against Downing Street or against the leading strings, or anything of that kind. It is quite a novelty, and it appears to me that those who were so anxious on previous occasions to unfurl the British flag and wave it are the people who now are looking for independence and desire to throw aside the British flag. So it appears to me.

"This council of the league of nations is erected for the purpose of suggesting to the various powers—and we are to be one of them apparently—what armaments we shall provide, how much soldiery, how much fleet, and how much money. It seems always to come back to that question—how much money we will provide for the general fund. This bill provides for an elaborate panorama of officials and negotiations and banking institutions and clearing houses and ambassadors, I dare say, and all the paraphernalia of nationhood; and, on the other hand, all this is to be done through the governor general and through the British Government. On which side are we? This council of the league of nations ought to have authority to summon certain powers to carry out the mandates of the council, but it appears not to have that; it has only a recommendatory power. I take it for granted that the council is the central power and should have the authority to constrain the various governments and nations that are parties to this league to summon these forces to execute the mandate of the council, which is the voice of the powers in general and in combination. But apparently it is a rope of sand. The council has power to recommend and suggest, and that is all. Unless there is a unanimous vote in the assembly, wherein the council makes its recommendations, nothing can pass and nothing will come of it.

"The various great nations have not totally disarmed. At its own option each one can retain so much military and naval force as that power thinks necessary. Certain large divisions of the armies have been disbanded, but large forces have been retained by all the great nations. On the other hand, several of the nations are still at war. Peace has not actually been obtained. Apparently the whole of Europe is convulsed still, and only the dependencies of the British Government have signed. Apparently other nations have held aloof. It occurs to me that the view is held by a great many thinking people that the league of nations will never mature, because the objects of the nations are dissimilar, and each one of the great powers wishes to carry out its own objects. I think that is the reason why great powers like France, the United States, and Italy—leaving Germany and Russia out of the question—have not signed and obligated themselves to this treaty. Each one wishes to carry out its own designs of aggrandizement. It is true that a great force is to be provided and that the nations shall contribute soldiers and navies and whatever is necessary, and shall endeavor to coerce inferior powers by refraining from trade arrangements with them and by bringing to bear all those forces and compulsions outside of actual war; but sign the treaty and obligate themselves to it—they have not done it.

"That is one side of the question. If the rulings of this council have no binding force, look at the responsibility we incur under this treaty. We shall be bound to take part in all wars in Europe, in wars the world over, and will be compelled to contribute to the expense of those wars; while the treaty lasts we shall be forced to contribute beyond our resources to the maintenance of the views of aggrandizement of some of the powers. It is true that Great Britain has signed, and we on this side of the House contended that that was all that was necessary. It has been proved now that that was correct, and I hope that Canada in her relations with the British nation will remain in the same position that she occupies to-day, and that we will have a governor general and will have King George on the throne and will be good, loyal British subjects."

ADDRESS BY JAMES M. BECK.

Mr. BORAH. Mr. President, I ask leave to have printed in the RECORD an address by Hon. James M. Beck, delivered on Constitution Day in Philadelphia, on the Constitution and its framers.

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

A RISING OR A SETTING SUN.

(An address delivered at the invitation of the Allied Patriotic Societies of Philadelphia, in Independence Hall, Constitution Day, Sept. 17, 1919, by James M. Beck, formerly Assistant Attorney General of the United States; officier de la Légion d'Honneur.)

"My fellow citizens, 132 years ago to-day there was finished within these walls the greatest written work of statecraft in the annals of man.

"Such was the oft-quoted estimate of the most scholarly statesman of the nineteenth century. The world, by word and act, has confirmed Gladstone's judgment that this Constitution is 'the most perfect work of statecraft ever struck off by the brain and purpose of man at a given time.' Another prime minister of England, and a greater than Gladstone, said, when he first read this wonderful charter of government, 'It will be the wonder and admiration of all future generations and the model of all future constitutions.'

"Time has verified this remarkable prophecy of William Pitt, for not only have the nations paid to it the sincere tribute of imitation, but, tried by the arduous test of permanence, it remains to-day the oldest written form of government in the world. The stream of time, which ceaselessly erodes the sandy substance of other governments, has left untouched the adamant of the Constitution.

"It is, therefore, no mean event that we are met to commemorate to-day. But how impotent are words to voice the significance of the occasion! This place speaks to us with an eloquence unattainable by mortal man. In the silent presence of the epic past, of which these walls are eloquent, it were better that the living be mute, if gratitude to the dead and a duty to the unborn did not require us at this crisis in the world's history to voice again the spirit of this sacred place.

"This is the floor the fathers trod, thereafter to be forever sacred to the cause of freedom. These walls echoed their voices. Through that doorway they entered on the 25th day of May, 1787, to begin their sessions, and through that portal—their great work nobly done—they departed 132 years ago to-day. Where we now sit they sat during the long period of their momentous session. There sat James Madison, quill in hand, to record their deliberations, only to be revealed in detail 50 years later. Somewhere near the platform sat the sage and Nestor of the Revolution, Benjamin Franklin, the very genius of common sense and the most versatile intellect of the eighteenth, and possibly of any, century. Seated well to the front, by reason of his intellectual preeminence, was that divine boy, the 'Admirable Crichton' of his time, Alexander Hamilton. Among others were James Wilson, Gouverneur Morris, Thomas Mifflin, Robert Morris, Jared Ingersoll, and the two Pinckneys. Verily 'there were giants in those days,' when an assemblage of 55 men could number so many who had a title clear to immortality. Not less amazing is the youth of many delegates. Gouverneur Morris, to whom the unequaled lucidity of the text was so largely due, was barely 35; Madison was only 36; and Hamilton but 30.

"Above all, upon this platform, through the long sessions of the convention, sat 'the noblest man that ever lived in the tide of time,' of whom it can be said, quoting the incomparable orator of our centennial period, Henry Armitt Brown—alas! too soon forgotten, except by those who heard the music of his golden voice:

"Modest in the midst of pride, wise in the midst of folly, calm in the midst of passion, cheerful in the midst of gloom, steadfast among the wavering, bold among the timid, prudent among the rash, generous among the selfish, true among the faithless, greatest among good men, and best among the great—such was Washington.

"The task which these men had essayed to accomplish was a seemingly impossible one. Their high purpose was to unite a discordant congeries of jealous commonwealths, divided by many conflicting interests, against their will. Like all true master builders, they 'builded better than they knew'; for, when they left this hall, 132 years ago, it was not with elation in their hearts, but rather in the spirit of the deepest depression. For nearly four months they had labored in secret, but only to multiply and accentuate their differences. Again and again, it seemed that they had reached an impasse, and nothing further was possible, except the dissolution of the convention with resultant chaos in the infant Nation.

"On one occasion especially, a powerful minority, after many days of weary and at times acrimonious debate, had threatened to leave the convention unless their view prevailed, and to this challenge the majority had interposed an equally uncompromising negative. It was at that critical moment that Washington, the masterful spirit of the convention, looked significantly at Dr. Franklin, and the 'grand old man' arose and moved an adjournment for a few days, and suggested with his characteristic sagacity that in the interim the delegates should fraternize not with those with whom they agreed but with those with whom they disagreed. What happened in that interval of 48 hours history does not record; but it can readily be imagined that the great soldier, Washington, who had led the colonists to final victory, and the honored sage, Franklin, who had worked for the unification of the Colonies from his earliest days, influenced the dissenting delegates to meet again with the result that another of the great compromises of the Constitutional Convention was effected.

"Even on this last day of the convention it was Franklin's wonderful tact and inimitable wit which secured for the final action of signing the Constitution an appearance of unanimity. Of the 55 delegates who had originally met, 16 had left before the final day. Of those who remained, a number refused to sign as individuals, and at least 3 were outspoken in their criticism. Franklin then brought into play that which has always had its appeal to the American character, namely, humor. It is the great solvent of common sense. The two most typical Americans, Franklin and Lincoln, knew that in a wholesome laugh the bitterest acrimony would often dissolve. With the most ingratiating wit and in a manner that must have brought many smiles to the stern and set faces of the delegates, this wisest man of his generation reminded them of their fallibility in modestly suggesting his own.

"Thirty-nine delegates, representing 12 States, finally agreed to sign the document which was to confer immortality upon them all.

"The long suspense had ended, the crisis had passed, and it was then that Franklin, pointing to the half-disk of the sun painted on the chair of the president of the convention, made the prophetic remark that, while he had often in the weary and arduous months of the convention wondered whether that sun was a symbol of a rising or a setting sun for that America, to which he had already given more than half a century of his noble life, concluded:

"That now at length I have the happiness to know that it is a rising and not a setting sun.

"What better benediction than from him who, 33 years before, had first suggested a Union of the Colonies, and who on that day saw the fruition of his great labors.

"On this day, when the sun, whose rising Franklin so clearly saw, is seemingly in its noontide splendor, with its rays illumining the whole world, we can see the full realization of the sage's prophecy. That sun is still ascendant in the constellation of the nations, for who can ignore the momentous shifting of the world's center of gravity which recent events have evidenced? It does not require the gift of prophecy to realize that the future destinies of the world will be determined not alone along the Tiber, the Danube, the Rhine, the Seine, and the Thames, but also—and perhaps predominantly—from the Hudson and the Mississippi.

"The present organic unity of the United States serves, however, to blind us to the terrible conditions out of which the Constitution grew, and this notwithstanding the fact that there is a remarkable similarity between world conditions in 1787 and those of the present hour. Then, as now, a world war had just ended. Then, as now, there had been a swift and terrible reaction in the souls of men from the nobility of purpose and the divine spirit of self-sacrifice that had animated the nations in their fierce struggle for existence. As Washington said, 'The whole world was in an uproar,' and again he said the difficulty was 'to steer between Scylla and Charybdis.' Especially deplorable were the conditions in the Colonies in the years that had intervened between the treaty of peace and the meeting of the Constitutional Convention.

"The days that followed Yorktown were as truly the times 'that tried men's souls' as the period of bitter struggle, when the fortunes of Washington's little army found their lowest ebb at Valley Forge. In fact, the times were graver, for a nation can always resist external aggression better than internal dissension.

"The spirit of anarchy, or, as we would now say, Bolshevism, had swept a people who had already been gravely tried in the fiery furnace of war.

"Credit was gone, business paralyzed, and lawlessness rampant. Not only between class and class, but between State and State, there were acute controversies and an alarming disunity of spirit. The currency of the little Nation was valueless. It had shrunk to a nominal ratio of 1 cent on the dollar. Even its bonds were sold at one-fourth their value. The slang expression, 'not worth a continental,' is a surviving evidence of the contempt for the financial credit of the country. Tradesmen derisively plastered the walls of their shops with worthless bills.

"The armies were unpaid, and only their love for their great leader kept them from open revolt. The property class, who largely held the Nation's certificates of indebtedness, were not averse to an uprising of the Army to put an end to the social chaos which prevailed. Even the higher officers, led by Gen. Gates, then second in command, were conspiring in secret meetings to bring about a strong government through the Army. At one of these meetings Washington suddenly appeared unbidden. Although he, a shy and diffident man, rarely spoke, on this occasion he denounced the conspirators in fervid phrases and so shamed them that many left in tears. Due to their love of their heroic leader the soldiers went home, as Washington said, 'without a farthing of money in their pockets.' A few, however, resisted his great influence. Some marched to Philadelphia to threaten Congress, which appealed to the Pennsylvania Council of State, only to receive the reply that that body did not care to call out the militia lest they, too, should join the mutineers. Congress then fled to Princeton, in the fear of a military coup d'état. 'Chaos had come again.'

"It seemed to many—and to Washington himself—that the heroic struggle for independence would end in a general fiasco, which would confound the lovers of liberty in every land and again enthrone autocracy. To weld 13 jealous and dicordant States, inhabited by men of different races, creeds, and classes, into a unified and efficient nation was a seemingly impossible task. Its final accomplishment blinds us to the difficulty of the problem.

"In those trying times it was to Washington that a distracted people turned. Without him all was lost. He repaid that confidence as he had at Trenton, Valley Forge, Monmouth, and Yorktown. To quote the words of the great poet of American democracy, he—

"Stood serene, and down the future saw the golden beam incline
To the side of perfect justice, mastered by his faith divine,
By one man's plain truth to manhood, and to God's supreme design.

"Having surrendered his commission as Commander in Chief, he had retired to Mount Vernon, believing that 'the noon-tide of life was past' and that all that remained was 'to glide quietly down a stream which no human effort can ascend.' He felt that his life work was over, but viewed with acute apprehension the growing anarchy. At times even his brave spirit was discouraged. Writing in 1786 he said:

"I think often of our situation, and view it with concern. From the high ground we stood upon, from the plain path which invited our footsteps, to be so fallen, so lost, is mortifying; but everything of virtue has, in a degree, taken its departure from our land.

"When invited to attend the proposed Constitutional Convention in Philadelphia, he at first declined. Suddenly the news of Shay's rebellion in western Massachusetts came to his startled ears. It was esssntially, as we would now say, a Bolshevist movement, an uprising of debtors to prevent the collection of debts or of taxes. Courts of law were seized to subvert order and destroy property rights. The revolution spread from Massachusetts to adjoining States and threatened to strangle the infant Republic at its birth. Only an army of 5,000 men and an actual battle sufficed to end it. Civil war had come.

"Washington saw this in his retirement at Mount Vernon. With acute anguish of spirt, he wrote:

"What, gracious God, is man that there should be such inconsistency and perfidious in his conduct? It was but the other day that we were shedding our blood to obtain the constitutions under which we now live, and now we are unsheathing our swords to overturn them. The thing is so unaccountable that I hardly know how to realize it or to persuade myself that I am not under an illusion of a dream.

"Once again the father of his people came to their rescue. Turning his back upon the sweet retirement of Mount Vernon, which he had thought would be his solace for the nine years of absence during the great struggle, Washington again accepted

the call of his country, and was hailed on his journey to Philadelphia to attend the Constitutional Convention as the savior of his people.

"So little was the interest in the project and so weak the faith in the possibility of any favorable result, that only a few delegates had arrived on the day set for the beginning of the convention, and for many days it was impossible to secure a quorum, but when it became known that Washington had come from Virginia, it had the same inspiring effect as when he galloped down the Freehold road and rallied his retreating army of the Battle of Monmouth.

"While waiting for enough delegates to form a bare quorum of the proposed convention, Washington gathered the faithful few about him and, as Gouverneur Morris narrated years afterwards, he said:

"It is too probable that no plan that we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and just can repair. The event is in the hand of God.

"How splendidly his faith was vindicated! By appealing to the best in men, and not the worst, a work was wrought which has hitherto endured and which is the admiration of all men.

"In this noble declaration, which should be written in letters of gold over our legislative halls, we have not only a valued lesson, but a potent inspiration at this critical hour, when the very foundations of society are cracking.

"When the terrible conditions out of which the Constitution arose are remembered one can paraphrase the words of St. Paul:

"It was sown in corruption, it is raised in incorruption; it was sown in disbonor, it is raised in glory; it was sown in weakness, it is raised in power; it was sown a natural body, it is raised a spiritual body.

"Yes; it is indeed a spiritual body, for the Constitution is something more than a written formula of government. It is a great spirit, the most quickening that now exists in the world. It is the highest assertion, and, indeed, vindication of the morality of government that the science of politics has yet given to the world. Underlying its formal provisions is a profound moral philosophy, and it is this fact which gives to its perpetuity a deep ethical significance. Should the Constitution now be undermined by the inundating waves of socialism and Bolshevism not only would the best hope of man in political institutions perish but the cause of righteousness would suffer in the destruction of some of its basic principles. The great purpose of the Constitution is to reconcile the authority of government with the rights of the individual as a responsible moral being. It not merely 'renders unto Cæsar (the political state) the things that are Cæsar's,' but in safeguarding the fundamental moral rights of the individual it 'renders unto God the things that are God's.'

"It must not be understood, however, that the Constitution was formulated in a spirit of political doctrinarianism. Nothing was further from its purpose. Its simplicity and brevity alike repel the suggestion. Read as a mere legal document, it is as dry and passionless as a manual of parliamentary law. Although it represented the concrete thought of more than 50 exceptionally able men, who had labored upon it for nearly four months, it contains little more than 4,000 words, 89 sentences, and about 140 distinct provisions. No document ever set forth more simply and briefly a comprehensive scheme of government.

"None of its provisions even remotely suggests a speculative political philosophy or theoretical abstractions. The men who framed it were very practical men, and they were never more practical than when they formulated this wonderful instrument of government. They saw no visions and heard no voices in the air. I say this in no invidious sense, for there is a time for abstractions and a time for the concrete, a time for the ideal and a time for the practical. Columbus had a vision, and he discovered America. Jeanne d'Arc heard voices in the air, and she saved France.

"Within this same hall there had been adopted, 11 years before the Constitution, a Declaration which, especially in its noble preamble, did see visions and did hear in the air the voices of a new day. The generous and noble abstractions with which Thomas Jefferson prefaced the immortal Declaration not only developed the sentiment of independence and nerved the infant Colonies to their terrible task, but gave a definition of liberty which, although it is not now and never has been fully realized, is to men a 'pillar of cloud by day and a pillar of fire by night.' Seventeen hundred and seventy-six was a time for visions and voices in the air, when the appeal had to be made to the profoundest emotions of men, which are always best stirred by generous, even if unattainable, ideals. In such crises it is well to 'hitch your wagon to a star.' Seventeen hundred and eighty-seven was a different time. Only stern realities then had any value. The same men who had framed the Declaration of Independence then attempted to give it concrete expression in a workable form of government.

"In 1776 the task was to make America safe for democracy; in 1787 it was to make democracy safe for America. The latter was the more difficult task.

"The fathers worked with a sad and terrible sincerity, begotten of the awful necessities of their situation. In 1787 they did not 'hitch their wagon to a star,' to be whirled through the ethereal spaces of the stellar universe. They preferred to walk on Mother Earth's hard ground of reality, over which they painfully struggled with bleeding feet until they had reached the eminence of a marvelous achievement.

"They were plain men, and their unequaled success owes much to their simplicity in thought and action, for the great things of life are always simple and sincere. Their manner of life differed but little from that which had prevailed for 2,000 years. They plowed the fields as their ancestors had for countless generations before them. The age of machinery, with its infinite complexity and diversity, had not arrived. They knew few things, but they knew them well, the more so because their minds and souls were concentrated upon a few things rather than dissipated, as the modern mind, between myriads of ideas.

"Washington could not talk a thousand miles, but what he said, notably in the Farewell Address, will outlive all the lengthy utterances of contemporary statesmen.

"Franklin had only a hand press, but the few hundred books that he could print more powerfully affected the mind of the America of his day than all the printed pages, thick as the leaves of Vallombrosa, cast off each day by uncounted millions from Hoe presses affect the mind of the American people to-day.

"It took Alexander Hamilton as many days to travel from New York to Philadelphia as it now takes hours, but who shall say that any living statesman travels with results comparable to those which he achieved?

"The age of machinery has infinitely complicated and diversified human life, but it has been at the cost of the simplicity and sincerity of which supremely great men are born and epoch-making deeds are accomplished. The stage of Shakespeare had the ground as a floor and the sky as a ceiling, and yet what dramatic literature is comparable with that of the 'specious days' of Queen Elizabeth?

"While the Constitution apparently only deals with the practical and essential details of government, yet behind these simply but wonderfully phrased delegations of power was a broad and accurate political philosophy, which constitutes the true doctrine of America and, indeed, the 'whole law and the prophets' of free government. Its principles are of eternal verity. They are founded upon the inalienable rights of man. They are not of the day or of temporary circumstances. If they are destroyed in principle, then the spirit of our Government is gone, even if the form survive.

"The essential principles of the Constitution, which form its political philosophy and which at least at one time constituted the American doctrine of free government, may be summarized as follows:

"The first is representative government. In the discussions before the Constitutional Convention all speakers made a distinction between that which they called 'democracy' and that which they called 'republicanism.' By the former they meant direct legislative action by the people, or, as we would say, a pure democracy. By 'republicanism' they meant representative government.

"However much the fathers disagreed upon other questions, they were substantially of one accord in the opinion that wise, direct legislative action was impossible without conference, and that, in a Commonwealth of many scattered communities, such a conference was impracticable, especially in cities where the size of the population made a town meeting impossible.

"Even in New England, the home of the town meeting, it was provided as early as 1635 that wherever a community had more than 5,000 inhabitants legislation should be committed to representatives, to whom they gave the title 'selectmen.' The fathers had in mind the weakness of former republics, such as those of Greece and Italy, where the peoples attempted themselves to enact laws in tumultuous assemblies with only one result—disunion, civil strife, and final anarchy.

"Our fathers did not accept the idea that every one was equally qualified to determine the destinies of their country by the ballot. Universal manhood suffrage was unknown to them and woman's suffrage would have been to them an unthinkable possibility. They little appreciated that their work would one day be subjected to the arduous test of an immense electorate of both sexes and of all races, classes, and conditions.

"The second principle of the Constitution was our dual form of government. The Thirteen Colonies were most reluctant to surrender even a portion of their sovereignty to the Federal Government. They were widely scattered communities and varied greatly in racial origin and local habits and customs. They were tenacious of the great principle of home rule, and even when our country did not extend beyond the Alleghenies there was, on the part of the local communities, a deep-rooted objection to being governed by a central power. Only the immense influence of Washington triumphed over this feeling of local independence, and success could only be secured by confining the Federal Constitution to those matters of general concern which required of necessity a common rule and which each State was incompetent to determine for itself. For this reason the tenth amendment, without which the Constitution would not have been ratified, was formulated, providing that all rights not expressly delegated to the Federal Government should be reserved forever to the States and the people thereof.

"The third principle was the guaranty of individual liberty through constitutional limitations. This marked the great contribution of America to the science of government. In all previous government building, the State was regarded as a sovereign, which would grant to individuals or classes, out of its plenary power, certain privileges or exemptions, which were called 'liberties.' Thus the liberties which the barons wrung from King John at Runnymede were virtually exemptions from the power of government. Our fathers did not believe in the sovereignty of the State in the sense of absolute power, nor did they believe in the sovereignty of the people in that sense. The word 'sovereignty' will not be found in the Constitution or the Declaration of Independence. They believed that each individual, as a responsible moral being, had certain 'inalienable rights' which neither State nor the people could rightfully take from him.

"This conception of individualism was wholly new and is the distinguishing characteristic of American constitutionalism. As to such reserved rights, guaranteed by constitutional limitations and largely by the first 10 amendments to the Constitution, a man, by virtue of his inherent and God-given dignity as a human soul, had rights, such as freedom of the press, liberty of speech, property rights, and religious freedom, which even 100,000,000 people could not rightfully take from him. The fathers did not believe that the oil of anointing that was supposed to sanctify the monarch and give him infallibility had fallen upon the multitudinous tongue of the people to give it either infallibility or omnipotence. They believed in individualism. They were animated by a sleepless jealousy of governmental power. They believed that the greater such power the greater the abuse. They believed that that people was best governed which was least governed. They felt that the individual could generally best work out his own salvation, and that his constant prayer to government was that of Diogenes: 'Keep out of my sunlight.'

"The worth and dignity of the human soul, the free competition of man and man, the nobility of labor, the right to work, free from the tyranny of state or class, this was their gospel. Socialism was to them abhorrent. To the abuses of power their reply was that of Ajax on the plains of Troy:

> "Dispel this cloud. The light of heaven restore.
> Give me to see, and Ajax asks no more.

"This theory of government gave a new dignity to manhood. It exalted the human soul as no previous governmental institution had ever done. It said to the State: 'There is a limit to your power. Thus far and no further, and here shall thy proud waves be stayed.'

"Closely allied to this doctrine of limited governmental powers, even by a majority, is the fourth principle of an independent judiciary. It is the balance wheel of the Constitution, and to function it must be beyond the possibility of attack and destruction. Our country was founded upon the rock of property rights and the sanctity of contracts. Both the Nation and the several States are forbidden to take away life, liberty, or property 'without due process of law.' This is the very palladium of our liberties. It is as old as Magna Charta, for 'due process of law' is but a paraphrase of 'the law of the land,' without which no freeman could be deprived of his liberties or possessions.

"'Due process of law' means that there are certain fundamental principles of liberty not defined or even enumerated in the Constitution but having their sanction in the free and enlightened conscience of just men, and that no man can be deprived of life, liberty, or property, or of his right to the pursuit of happiness, except in conformity with these fundamental decencies of liberty. It is the contradiction of Bolshevism, which means the unrestrained rule of a class. To protect these even against the will of a majority, however large, the judiciary was given unprecedented powers. It threw about the individual the solemn circle of the law.

"The fifth fundamental principle was a system of governmental checks and balances, whereby it was sought to divide official authority and responsibility in order that power should never be concentrated in one man, or even in one branch of the Government. The founders of the Republic were not enamored of power. They had just thrown off the tyranny of a king. They were as little disposed to accept the tyranny of a Parliament or Congress. As they viewed human history, the worst evils of government were due to excessive concentration of power, which, like Othello's jealousy, 'makes the meat it feeds on.'

"The sixth fundamental principle was a concurrent power of the Senate and the Executive over the foreign relations of the Government.

"Nothing, excepting the principle of home rule, was of deeper concern to the framers of the Constitution, and in nothing did they make a more radical departure from all existing forms of government. When the Constitution was framed, nearly every government of Europe was a monarchy, and it was the accepted principle that whatever control parliaments or other legislative bodies had over domestic concerns, the right to determine the foreign relations of the government, including the issues of peace and war, was the exclusive prerogative of the sovereign. In England, the freest of all Governments at that time, the only check on the power of the King to select the diplomatic representatives of the Government, to make treaties, and generally to determine the issue of peace and war was the power which the House of Commons had over the purse of the nation. If the King had the necessary means to make war without a parliamentary grant, he was free to do so. But, as he rarely had sufficient means, he was generally dependent upon Parliament for the necessary grants. Many of the greatest struggles for English liberty concerned the attempt of the King to exact money without parliamentary grant, in order to carry on wars in which his dynasty was engaged.

"When the Constitutional Convention met, it was at first resolved that the power to appoint ambassadors, ministers, and consuls, and to make treaties should be vested exclusively in the Senate, as the body that most directly and equally represented the constituent States. It was, however, recognized by these practical men that the Senate was not always in session, and that it was not easy for a body, consisting originally of 26 men, to negotiate treaties with advantage; and, therefore, it was finally resolved that the President should, 'with the advice and consent of the Senate,' appoint ambassadors, ministers, and consuls, and make treaties; but that, if a declaration of war was contemplated, only the concurrence of both Houses of Congress could authorize such a declaration.

"The language of the Constitution was drawn with the greatest precision. It is a model of literary style. In it there is no tautology, not even a wasted word; and when, therefore, the Constitution made necessary the 'advice and consent of the Senate,' something more than a mere ratification of an appointment or of a treaty was in contemplation. The word 'advice' clearly meant cooperation with the Executive in an advisory capacity before a conclusion was reached and the Nation, to some extent, morally committed.

"It was the undoubted intention of the fathers to make the Senate the final and principal treaty-making power, and as such to enable it at any stage of the negotiations either to propose a treaty, to express disapproval of treaties in contemplation, to determine the suitability of those who were appointed to negotiate a treaty, to advise with the President at any stage of the negotiations, and finally to consent to or reject, or to amend, any tentative draft.

"The President was thus the agent of the Senate in negotiating a treaty; but, through usage, which may have some justification, he has been freely given in practice the initiative to such an extent that precedent no longer requires him to discuss preliminarily with the Senate the terms of a treaty before he tentatively offers it to another nation. The fact is that by innovating precedents the dominating power over foreign relations has been slowly shifted to the Executive. This may be wise—the slow changes of an orderly development of the Constitution generally are—but it is clearly not what the fathers intended. As we become more and more involved in the maelstrom of world politics we may find that they were right.

"As America is now the first power of the world, and is destined to play the most potential part in shaping its destinies, it is vitally important that any decision which affects the future relations of this Government with the rest of the world should have the consideration and approval not merely

of the Chief Magistrate but of that body of Congress which in a peculiar way represents the sovereign Commonwealths of the Federal Union.

"In this connection the present crisis suggests an interesting question. In all countries there has always been a ceaseless war between the executive and legislative departments for dominating power. Our fathers sought to avert this by their system of checks and balances. On the one hand, they did not desire to make a king of the President, and, on the other, they were equally averse to parliamentary tyranny. Their own experience with both the Crown and Parliament had not made them partisans of either branch of government. Unfortunately, the tides of popular action do not always run in the channels of constitutional theories. It is as difficult for two planets to continue in one orbit without collision as it is for two branches of government who are theoretically equal. Each is jealous of its power and ambitious for more.

"Until recent years the predominance of the legislature was regarded as the great ideal of democracy.

"In this country the opposite tendency has been observable for over 50 years. The Executive, in the person of the President, appeals more to the imagination of men than a many-headed body like the Congress. Thus the attitude of the popular mind has been marked by an ever-increasing appreciation of the presidential office, and an ever-decreasing respect for the legislative branch of the Government.

"In the last 50 years the President has largely determined the policy of the Nation, and when any difference arises between the Executive and the Congress, generally the sympathy of the people is with the President. He is regarded, rightly or wrongly, as more representative of the popular will.

"Now, if the experience of the past teaches us anything, it is that nations gradually lose their freedom by the undue exaltation of the Executive. When the President's prestige becomes so great that the popular mind will not brook any opposition to his wishes by the legislative branch, then America will be a Republic only in name.

"Moreover, nothing adds so much to the prestige of the Executive as the foreign relations of the Government. When they become the dominating subject of popular solicitude, then differences as to internal policies yield to the exigencies of foreign relations, and thus the office of President becomes of overshadowing importance.

"The stupendous part which America is invited to play on the stage of the world by the league of nations may compensate for this possible change in the structure of our Government. Upon that I express no opinion, as I would not willingly offend the susceptibilities of any; but on this Constitution Day, I trust I may without impropriety call attention to a fact, which has been proved by the experience of history, that if America is to become a dominating element in the proposed superstate of the world, it will so enhance the dignity and power of the presidential office that the equilibrium of power between the Executive and the legislative branches of the Government may be seriously disturbed. This may be for the best. Time will tell. The genius of our people will best determine that question, and with their instinct of freedom the decision can be best left to them.

"These are the six fundamental principles of the Constitution and constitute the great contribution of its framers to the ordered progress of mankind. In essence they are unchangeable, for they are fundamental verities. Destroy these one by one, and the Constitution will one day become a noble and splendid ruin like the Parthenon—useless for practical purposes and only an object of melancholy interest.

"Let me not be misunderstood as suggesting that the Constitution is too rigid to permit of adaptation to changed conditions. It is not static. It changes from generation to generation, sometimes by formal amendment, more frequently by judicial interpretation, and sometimes by mere usage. It contains many administrative details which need expansion to meet the changed needs of the most progressive Nation in the world. Without such changes the Constitution would soon be as an ocean bulkhead, which stands for a time, but, sooner or later, is destroyed by the invincible waves of the ocean. The Constitution is neither, on the one hand, a sandy beach, which is slowly destroyed by the erosion of the waves, nor, on the other hand, is it a Gibraltar rock, which wholly resists the ceaseless washing of time and circumstance.

"Its strength lies in its elasticity and adaptability to slow and progressive change.

"While this is true, yet, in the fundamental principles above suggested, it asserted certain basic verities which 'time can not wither nor custom stale.' These are eternal truths, and if these are subverted the spirit of our Government is gone, even if the form survive.

"Were Franklin again to revisit the glimpses of the moon and enter this hall to-day, would he, with his unequaled prescience, still regard the sun as a rising one? Would he, if he knew the developments of the last quarter of a century, regard this great luminary of the nations as in the noontide of its splendor, or would he regard it as slowly disappearing behind a dark cloud of socialism—only to set some day in the flaming West, which would write its irrevocable sentence upon this as it has upon so many strong governments that have preceded?

"The pitiless judgment of history discloses an unending cycle of industry, wealth, corruption, decay, and death.

"What would Washington say if, clad in brown velvet and with sword by his side, he entered that doorway and again took his place upon this platform? We can know his thoughts from those which he expressed in the Farewell Address—the noblest political testament that any founder of a State ever gave to a people whom he had led to high achievement. Let me quote the significant words which he, as 'an old and affectionate friend,' addressed, not only to his own generation, but to all that were to follow, and therefore to this generation:

> "It is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness. * * * Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown.

"Washington well saw that the Constitution could be more easily undermined from beneath than overthrown from without. If this were true in the day of our weakness, it is more true in this the day of our overshadowing strength. We need not fear external aggression. This great, self-sustaining Nation is probably invincible to any attack that could be made upon it. Another civil war between the sections seems equally improbable, for the 48 States of the Union are seemingly indissolubly bound together by the potent agencies of steam and electricity.

"But we can not speak with equal optimism of the processes which, as Washington so sagaciously pointed out, might 'undermine what can not be directly overthrown.'

"Thirty-two years ago it was my privilege as a citizen of Philadelphia to participate in the centennial celebration of the adoption of the Constitution. Who that participated in that festal celebration will ever forget that memorable week of September, 1887, when the representatives of the Nation met in Philadelphia to acclaim the great work of the fathers?

"The guns of the new Navy of the United States awoke joyous echoes from the banks of the Delaware from their bronze throats. Down our chief highway marched the veterans of the Civil War headed by Phil Sheridan, the 'boys in blue,' who with immortal valor had saved the Union in the dark days of the Civil War.

"Within the shadow of the belfry which crowns this building and from which the old bell, 143 years ago, proclaimed 'Liberty throughout the land and unto all the inhabitants thereof,' there met this day 32 years ago the President of the United States, the leading officials of the Government, the representatives of many nations, and a great body of American citizens, to thank God that a full century had attested the splendor of the fathers' achievement. Through the cathedral arches of the trees of Independence Square there sounded in noble song the faith of a people that 'ages upon ages' would be the happy lot of America.

"This joyous io triomphe of a proud and exultant people had then no minor chord of doubt as to the future. In all the public utterances that marked that noted celebration there was undoubted faith that the ship of state had weathered its hardest storms, had escaped the rocks and shoals which had wrecked other governments, and that in the unlimited future there were before it only smooth seas and cloudless skies.

"If any of us who took part in that celebration had then anticipated the portentous changes of the next 25 years, I think the note of exultation would, like Macbeth's 'Amen,' have stuck in our throats. Little we then realized that before another quarter of a century had passed every fundamental principle of the Constitution would be challenged by great political parties and responsible leaders of thought, and that within that time there would be Americans who would openly proclaim their belief that the Constitution was an antiquated and reactionary document and an obstacle to the progress of the American people.

"If anyone questions my statement, I beg to refer them, in order to avoid any reference to contemporary events, to the political platforms of the three great parties in the year 1912, when each of them contained statements of party principles

which were a direct negation of one or more of the fundamental principles of the Constitution.

"Possibly party platforms may be dismissed as causes of apprehension on the ground that they are merely 'springes to catch woodcock'; but if you will consider the events of the last 25 years you can hardly fail to see an alarming departure from the principles upon which this Government was founded.

"In measuring the force of constitutional changes it is necessary to note the changes in the constitutions of the States, as well as in that of the Federal Government. Together they form the real constitutional system of the American Commonwealth.

"The representative principle has been challenged in 22 States of the Union by the initiative and the referendum.

"The principle of home rule has been subverted by a steady submergence of the States, which has now made of them little more than glorified police provinces. The latest illustration is the prohibition amendment, whereby Congress is given power to prescribe the habits of the people. At such an abuse of power over personal liberty Washington, Franklin, Jefferson, and Hamilton would have stood aghast.

"The guaranty of individual liberty has been violated by many socialistic measures, while property rights are destroyed from time to time by confiscatory legislation.

"The independence of the judiciary is menaced by many provisions for the recall both of judges and of judicial decisions.

"The system of governmental checks and balances has been disturbed by the persistent subordination in the practical workings of the Government of the legislative to the Executive, while the concurrent power of the Senate over the foreign relations of the Government has been so weakened that more than one responsible leader of thought has boldly asserted that this power is more nominal than real. Contemporaneous events show that the power of the Senate has not yet been wholly destroyed.

"The taxing system has been perverted to redistribute property.

"The commercial power of the Union has been utilized to attain unconstitutional results which were clearly outside of the sphere of the Federal Government.

"The fifth and fourteenth amendments have largely broken down as bulwarks against confiscatory legislation.

"Under more than one administration the control of the Senate in the election of diplomatic representatives of the Government has been nullified by the appointment of extra-constitutional diplomats.

"Even the concurrence of the Senate in the treaty obligations of the country has been impaired under many administrations by protocols, informal treaties, and latterly by methods of treaty making which make the free decision of the Senate difficult, if not impossible.

"I am not now referring solely to contemporary events or to any one party or President, for in the last 25 years, under both parties, there has been a steady encroachment of the Executive upon the sphere of the legislature, until it has sometimes seemed that the only function of the former was to register the edicts of the latter.

"Alarming as are these tendencies, infinitely more portentous is the shifting of power from the Government to organized classes—and this tendency of our time is so grave that it threatens the very existence of organized society. When any class becomes so numerous or powerful that it can force its will upon the Government, not through the ballot box but through its control over the necessities of life, then the Government exists in form and not in name, and such a nation has been Bolshevised. Bolshevism means the rule of the majority, but in its practical operation, as seen in Petrograd, Budapest, Vienna, Munich, and Berlin, it is the rule of a class. Of all oligarchies, that of a class is the most hateful.

"Even in England, once preeminently the land of authority and law, there is manifest danger at this hour of a Soviet government—in fact if not in form. There the miners, railroad employees, and the dock laborers have united in a trinity of power, not to impose their views upon their employers but to compel the Government to take political action, under the threat that otherwise the people of England will freeze and starve. This they have called 'direct action,' meaning thereby that they are not content to assert the legitimate demands of their class through the ballot box, which is thus impliedly stigmatized as indirect. It is a time for plain words. 'Direct action' is civil war, and unless it be checked there is an end of free government.

"A week ago the trade unionist congress of England, with an unprecedented approach to unanimity, demanded the nationalization of the mines as a preliminary to the nationalization of all industries and added a scarcely veiled threat of 'direct action' by starving and freezing the English people if their Parliament did not submit. This is revolution. If successful, it is the end of free government in the land of its birth. The 'mother of democracies' will be led in chains by a new soviet and the cause of free government everywhere will be in peril.

"Verily there are again the 'times that try men's souls.' None more portentous since Luther nailed his thesis on the door of Wittenberg Cathedral. That mighty impulse of the sixteenth century was for the emancipation of the individual, but this movement is for his enslavement.

"Our own land has not been exempted from similar exhibitions of class tyranny. No one questions the right of labor to organize and to strike to compel the employer to recognize the demands of the employee. This is inherent in the liberty of man to work or to refuse to work, as he thinks proper. But when labor organizations, the nature of whose work enables them to strangle the industries of a country, use this power to coerce the Government to compel the employer to surrender his equal liberty, then the nation which tolerates such a spirit of anarchy exists only in name and the freedom of its people has been effectually destroyed.

"On the eve of the last presidential election the organization which represents the labor engaged in transportation—as essential to the life of a nation as the circulation of the blood is to the life of an individual—arrogantly served notice upon the President and Congress that their wages must be raised by statute. With a stop watch in their hands they demanded immediate compliance with their imperious demands; and not only did the President and the Congress yield, but even the Supreme Court bent to the storm in sustaining as constitutional an unprecedented exercise of the legislative power. 'Can such things be and overcome us as a summer cloud without our special wonder?'

"It is gratifying to add that when a second attempt was very recently made to turn this free Republic into a Soviet form government and the same labor leaders demanded the passage of an act which would largely take from the owners of railway securities their own property, both the President and the Congress, without division of party and with a gratifying unanimity, refused to surrender to the arrogant demand. In America, thank God, the spirit of constitutional government is not yet dead.

"Who, however, can underestimate the peril? If the labor leaders who control mining and transportation can deny to the people coal and food unless their demands for legislation are met, there is an end of free government.

"Such attempted subversions of constituted authority recall the solemn warning of George Washington in the Farewell Address, and, as I quote them, perceive the extraordinary aptness of his language to present conditions:

"All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency * * *.

"However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

"Who can deny that in recent years our country has witnessed such 'obstructions to the execution of the laws,' such 'combinations and associations' designed 'to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities'?

"Let us recall the extraordinary prediction made more than a half century ago by one of the most sagacious students of history of his or any time. In a letter written to the biographer of Thomas Jefferson, Lord Macaulay ventured the prediction that the Constitution of the United States would prove workable as long as there were large areas of undeveloped land. He added, however, that when our country became one of great cities—when we, too, had our Birminghams, Manchesters, and Liverpools—that then the real test of our institutions would come. He added:

"I believe America's fate is only deferred by physical causes. Institutions purely democratic will sooner or later destroy liberty or civilization, or both. In Europe, where the population is dense, the effect would be instantaneous. The poor would plunder the rich, and civilization would perish, or prosperity would be saved by a strong military government and liberty would vanish. The American Constitution is all sail and no anchor.

"I can not share Macaulay's view that our Constitution 'is all sail and no anchor,' for hitherto it has proved a very effective anchor; but it may be true that the anchor is dragging and the ship of state is slowly swinging away from its ancient moorings. Certainly the danger was never greater than in this

hour, when in every country there is a revolt against accepted principles of government. Indeed, the future historian may say that the first quarter of the twentieth century was marked by a revolt against the past in all departments of human life. One can see this tendency in literature, art, music, sociology, and political government. Everywhere there is a craze for innovation, everywhere hostility to that which has the sanction of the past.

"This question is of vital importance, for there is no greater error than to suppose that the Constitution has some inherent vitality to insure its perpetuity. The breath of its life is public opinion, and, when that public opinion ceases to support any or all of its fundamental principles, they will perish. Its continued vitality must depend upon the continued and intelligent acceptance of its political philosophy by the people.

"Human institutions gather no strength from pieces of parchment or red seals. In a democracy the living soul of any human institution must be the belief of the people in its wisdom and justice.

"It is true of all human institutions, ecclesiastical or political, that the form may often survive the substance of the faith, and while the Government, which the Constitution brought into being, might for a time survive the destruction of its vital spirit, even as a dead oak stands for a while after the sap has failed, yet if the fundamental principles of the Constitution cease to receive popular support, the whole edifice will slowly crumble.

"This Nation has spent its treasure like water and, what is infinitely more, the blood of its gallant youth to make 'the world safe for democracy.' The task is accomplished; but, in the mighty reaction from the supreme exertions of the war, it is now apparent to thoughtful men that a new problem confronts mankind, and that is to make democracy safe for the world.

"Kaiserism has been haled to the bar of civilization and has been convicted and sentence of execution pronounced. And now the world is slowly perceiving that democracy is also on trial, charged by its foes with unduly restraining the will of the majority to inflict their will upon the inalienable rights of the individual and by its friends with inefficiency.

"In this period of popular fermentation, the end of which no man can predict, the Constitution of the United States, with its fine equilibrium between efficient power and individual liberty, still remains the best hope of the world. If it should perish, the cause of true democracy would receive a fatal wound and the best hopes of mankind would be irreparably disappointed.

"These are 'the times that try men's souls.'

"The situation is strikingly similar to that April morning of 1787, when Washington entered the city of Philadelphia to gather about him a few faithful adherents to restore law and order.

"Can we do better than to imitate his spirit?

"Shall we not raise the standard that he then raised?

"Ought not men of all parties who love this country and believe in its past as well as its future unite in the same spirit to which Washington gave utterance at the beginning of the great convention, when he so nobly said:

"It is too probable that no plan that we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and just can repair. The event is in the hand of God."

TREATY OF PEACE WITH GERMANY.

Mr. HENDERSON. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Nevada Woman's Christian Temperance Union in favor of the ratification of the treaty of peace with Germany.

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

NEVADA WOMAN'S CHRISTIAN TEMPERANCE UNION,
Reno, Nev., October 6, 1919.

Hon. CHARLES B. HENDERSON,
United States Senate, Washington, D. C.

DEAR SIR: The Woman's Christian Temperance Union passed the inclosed resolution to-day and instructed the same to be sent to you.

"Whereas we believe the league of nations aims to promote international cooperation and to achieve international peace and security; and

"Whereas we recognize that the covenant of the league of nations can not be separated from the peace treaty, since the latter was founded upon the assumption that the league of nations would be formed; and

"Whereas we believe that delay on the part of the United States Senate to ratify the peace treaty will seriously jeopardize the peace of the world: Therefore, be it

"*Resolved*, We, the Woman's Christian Temperance Union of Nevada, do most earnestly urge the United States Senate to ratify the treaty of peace, including the covenant, without reservation or amendment, as soon as possible."

(Signed) WOMAN'S CHRISTIAN TEMPERANCE UNION,
By BESSIE R. EICHELBERGER, *Secretary*.

OWNERSHIP OF WATER CARRIERS.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent that there may be printed in the RECORD a document which comes to me from the Chamber of Commerce of the State of New York, being the action of that body upon the recommendation of one of its committees favoring the repeal of the legislation which was passed in the Panama Canal act prohibiting the ownership of water carriers by railroads. The pamphlet, which is very brief, embracing only three or four pages, contains the rulings of the Interstate Commerce Commission upon the applications of all the railroads which have made application under that legislation for continuance of ownership by them of their steamboats, and the decisions of the commission upon that point. The pamphlet is very interesting, and I ask that it may be printed in the RECORD.

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

[Chamber of Commerce of the State of New York.]

"At the regular monthly meeting of the Chamber of Commerce of the State of New York, held October 9, 1919, the following report and resolution, submitted by the executive committee, were unanimously adopted:

"'*Ownership of water carriers by railroads recommended.*

"'*To the Chamber of Commerce:*

"'Your executive committee respectfully submits the following report:

"'PANAMA CANAL ACT.

"'The act of Congress known as the Panama Canal act, approved August 24, 1912 (37 Stat., 566, ch. 390), included, as a rider, an amendment to the interstate-commerce law which effectively deprives railway companies of the right to own or operate or have any interest, however slight or indirect, except with the permission of the Interstate Commerce Commission, in any water carrier with which the railway does or might compete. The commission's conclusions as to the existence or possibility of competition are, in terms, made final. The prohibition was made to take effect on July 1, 1914.

"'A copy of this portion of the Panama Canal act is attached hereto marked "Exhibit A."

"'Thirty-three decisions under this provision were rendered by the commission between the effective date of the prohibition and the middle of May, 1918, the earliest being rendered on February 1, 1915 (32 I. C. C., 690), and the latest on May 13, 1918 (49 I. C. C., 737). The applications respectively affected were wholly granted by 26 of these decisions; wholly denied by 3; granted in part and denied in part by 4. One of these decisions, rendered on March 3, 1917 (43 I. C. C., 286) was on rehearing and granted an application that had been denied on May 7, 1915 (33 I. C. C., 699). Of the first 4 decisions 2 were incomplete and 1 was in part denial of the applications affected; since May 7, 1915, no application has been wholly denied. Yet some of the decisions adverse to the joint relation are important and far-reaching.

"'1. The Southern Pacific Co. was required to dispose of its interest in the Pacific Mail Steamship Co. (32 I. C. C., 690).

"'2. The Spokane, Portland & Seattle Railway was required to dispose of its interest in Dalles, Portland & Astoria Navigation Co. (33 I. C. C., 462).

"'3. The Associated Oil Co. (controlled by the Southern Pacific Co.) was forbidden to operate its boats between ports in California and those in Washington and Oregon (34 I. C. C., 77).

"'4. All trunk-line railways were required to dispose of their interests in boats operating upon the Great Lakes (33 I. C. C., 699), although this requirement was later withdrawn as to the Grand Trunk Railway of Canada (43 I. C. C., 286).

"'5. The Pennsylvania Railroad and affiliated corporations were required to dispose of certain of their interests in boats operating on Chesapeake and tributary rivers (35 I. C. C., 692); and

"'6. The Norfolk & Western Railway was required to dispose of its interest in Old Dominion Steamship Co. and Virginia Navigation Co. (41 I. C. C., 285).

"'A synopsis of the decisions under this amendment is attached hereto marked "Exhibit B."

"'Your committee finds:

"'A. That the relatively few decisions adverse to the joint relations affected by the act have produced no benefit, but, on the other hand, and particularly those operating upon the Pacific Mail Steamship Co. and the boat lines on the Great Lakes, have resulted in reduction and deterioration of service and in general public protest.

"'B. That the later decisions of the commission, probably in recognition of these results, seem to indicate a desire to strain the terms of the statute as far as possible in order to save rela-

tionships that are plainly essential to the perpetuation of necessary and efficient services.

"'C. That the prohibitions of this portion of the Panama Canal act are based upon an erroneous conception of the economic principles involved and tend to restrict the investment of capital in facilties for water transportation and to impair the efficiency in the public service of such capital.

"'D. That railway carriers ought not to be interfered with or prevented when, in the sound discretion of their owners and managers, they see fit to extend their services to water routes.

"'E. That in any degree in which such relations between railway and water carriers tend to control competition between the rail routes and the water routes, any otherwise possible injury to the public interest can be prevented by the exercise of the power already existing to regulate the rates and practices of the railway and water routes.

"'F. That the prohibitions added to section 5 of the interstate commerce law by the Panama Canal act ought, in the public interest, to be forthwith repealed.

"'Your committee therefore offers the following resolution:

"'*Resolved*, That the Chamber of Commerce of the State of New York approves the above report and the findings of its executive committee and directs that copies of the report and appendices be sent to the President and to the Members of Congress.

"'Respectfully submitted.

"'Welding Ring, chairman; Alfred C. Bedford, Delos W. Cooke, Irving T. Bush, Leonor F. Loree, Charles L. Bernheimer, Howard C. Smith, Alfred E. Marling, William H. Porter, A. Barton Hepburn, John Claflin, E. H. Outerbridge, of the executive committee; Alfred E. Marling, president.

"'Attest:

"'CHARLES T. GWYNNE, *Secretary*.

"'NEW YORK, *October 10, 1919*.'

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"Exhibit A.

"SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"'From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce, to own, lease, operate, control, or have any interest whatsoever—by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner—in any common carrier by water operated through the Panama Canal or elsewhere with which such railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision, each day in which such violation continues shall be deemed a separate offense.

"'Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may, on its own motion or the application of any shipper, institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

"'If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission, and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.' (37 Stat., 566, ch. 390.)

"Note.—The above is part only of the section. The next paragraph prohibited passage through the Panama Canal of boats owned, operated, chartered, or controlled by any company doing business in violation of the antitrust acts. The balance of the section is the amendments to section 6 of the interstate commerce law.

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"Exhibit B.

"2–1–1915. Upon application of Southern Pacific Co. for extension of time during which applicant may retain ownership of the Pacific Mail Steamship Co. Application denied, unless the applicant would limit it to service not beyond Balboa. (32 I. C. C., 690.)

"3–22–1915. Upon application of Lake Tahoe Railway & Transportation Co., to retain ownership of a boat line on Lake Tahoe. Application granted. (33 I. C. C., 426.)

"3–22–1915. Upon application of Spokane, Portland & Seattle Railway Co. to retain ownership of Dalles, Portland & Astoria Navigation Co., operating on the Columbia and Willamette Rivers between Portland and The Dalles, and all the capital stock of which was owned by the applicant. Application denied. (33 I. C. C., 462.)

"3–30–1915. Upon application of the Southern Pacific Co. to continue its interest in and operation of steamer schooner *Pasadena*, principally operated between Albion and San Francisco, and owned by the Albion Lumber Co., all the capital stock of which is owned by the applicant. Application granted as to interest in and as to operation between Albion and San Francisco, but denied as to operation between San Francisco and San Pedro and Redondo. (33 I. C. C., 476.)

"4–27–1915. Upon application of Georgia, Florida & Alabama Railway Co. to continue to own and operate a steamboat between Carrabelle and Apalachicola. Application granted. (33 I. C. C., 632.)

"4–27–1915. Upon application of the Oregon-Washington Railroad & Navigation Co. to continue operation of boats which it owns and operates on the Columbia, Willamette, and Snake Rivers and on Lake Coeur d'Alene. Application granted. (33 I. C. C., 658.)

"4–29–1915. Upon applications of Pennsylvania Co. and Canadian Pacific Railway Co. to continue their interest in and joint operation of the Pennsylvania-Ontario Transportation Co., owning and operating a car ferry between Ashtabula and Port Burwell, one-third of the capital stock of the ferry company being held, respectively, by each of the applicants and by James W. Ellsworth & Co. Application granted. (34 I. C. C., 47.)

"4–29–1915. Upon application of the Grand Trunk Railway Co. of Canada to continue its interest in and joint operation of the Ontario Car Ferry Co. (Ltd.), of Canada (see statement as to next previous case). Application granted. (34 I. C. C., 49.)

"4–29–1915. Upon application of the Buffalo, Rochester & Pittsburgh Railway Co. to continue its interest in and joint operation of the Ontario Car Ferry Co. (Ltd.), of Canada, applicant owning 2,497 shares of its 5,000 shares of capital stock, and the Grand Trunk Railway Co. owning an equal number (the balance being directors' shares), and the Ontario Car Ferry Co., operating a car ferry between Charlotte and Coborg. Application granted. (34 I. C. C., 52.)

"4–29–1915. Upon application of Grand Trunk Western Railway Co. to continue its interest in the Grand Trunk Milwaukee Car Ferry Co., operating car ferries between Grand Haven and Milwaukee, and, like the applicant, an integral part of the system of the Grand Trunk Railway Co. Application granted. (34 I. C. C., 54.)

"5–7–1915. Upon application of Southern Pacific Co. and Associated Oil Co. for authority to retain ownership in oil steamers operated between California ports and those of Oregon, Washington, Alaska, and the Hawaiian Islands, these boats being owned by the latter applicant which is controlled by stock ownership by the applicant first named. Application granted as to boats operating to and from Alaska and Hawaiian Islands and denied as to the others. (34 I. C. C., 77.)

"5–7–1915. Upon applications of (1) Pennsylvania Railroad Co. and Northern Central Co. to continue interest in and operation of Erie & Western Transportation Co., operating steamboats on the Great Lakes serving the ports of Buffalo, Erie, Cleveland, Detroit, Mackinac Island, Milwaukee, Chicago, Sault Ste. Marie, Marquette, Hancock, Houghton, Superior, and

Duluth; and (2) Lehigh Valley Railroad Co.; (3) New York Central & Hudson River Railroad Co.; (4) Rutland Railroad Co.; (5) Erie Railroad Co.; and (6) Grand Trunk Railway Co. of Canada, to continue interest in boat lines also on the Great Lakes and, respectively, performing services of a kind similar to or identical with those of Erie & Western Transportation Co. Application denied, but on rehearing that of Grand Trunk Railway Co. of Canada was subsequently granted. (33 I. C. C., 699; 43 I. C. C., 286.)

"5-11-1915. Upon application of the Ann Arbor Railroad Co. to continue its ownership and operation of car ferries between Frankfort and Manistique, Menominee, Kewaunee, and Manitowoc. Application granted. (34 I. C. C., 83.)

"5-11-1915. Upon application of Pere Marquette Railroad Co. to continue its interest in and operation of its car ferries on the Detroit River between Detroit and Windsor, on the St. Clair River between Port Huron and Sarnia, and on Lake Michigan between Ludington and Milwaukee, Manitowoc, and Kewaunee, and upon the joint application of the Pere Marquette Railroad Co. and the Bessemer & Lake Erie Railroad Co. to continue their interest in and joint operation of the Marquette & Bessemer Dock & Navigation Co., one-half of the capital stock of which is owned by each of the applicants, owning and operating a car ferry between Conneaut and Port Stanley. Application granted. (34 I. C. C., 86.)

"5-25-1915. Upon application of the Oregon-Washington Railroad & Navigation Co. for authority to continue to operate the San Francisco & Portland Steamship Co., operating on the Columbia and Willamette Rivers and between Portland and San Francisco and San Pedro, on the Pacific Ocean, the capital stock of the steamship company being owned by the applicant. Application granted. (34 I. C. C., 165.)

"5-25-1915. Upon application of the Southern Pacific Co. and the Central Pacific Railway Co. to continue to operate boats on the Sacramento River, these boats being owned by the latter and leased to the former applicant. Application granted. (34 I. C. C., 174.)

"5-29-1915. Upon application of the Erie Railroad Co. to continue its interest in and operation of the Lake Keuka Navigation Co., operating boats on Lake Keuka. Application granted. (34 I. C. C., 212.)

"5-29-1915. Upon application of the Erie Railroad Co. and the Chicago and Erie Railroad Co. to continue their interest in and operation of certain tugboats, barges, and other equipment used on the Chicago River. Application granted. (34 I. C. C., 218.)

"5-29-1915. Upon joint application of the Duluth, South Shore & Atlantic Railway Co., Grand Rapids & Indiana Railway Co., and the Michigan Central Railroad Co. to continue their joint interest in and operation of the Mackinac Transportation Co., owning ferryboats plying between St. Ignace and Mackinaw City. Application granted. (34 I. C. C., 229.)

"7-2-1915. Upon application of Southern Pacific Co. and Central Pacific Railway Co. to permit continued operation by the Sacramento Transportation Co., which owns and operates steamboats on the Sacramento River and in which petitioners own stock. Application granted. (34 I. C. C., 648.)

"7-30-1915. Upon application of the Pennsylvania Railroad Co. and certain of its subsidiary companies for authority to continue the operation of steamers on Chesapeake Bay and tributary waters; the Maryland, Delaware & Virginia Railway Co., which directly owns some of said steamers being controlled through stock ownership by the Baltimore, Chesapeake & Atlantic Railway Co., which directly owns and operates the rest of said steamers and the Baltimore, Chesapeake & Atlantic Railway Co., being controlled through stock ownership by the Pennsylvania Railroad Co. Application granted as to the boat lines between (1) Baltimore and Claiborne and (2) Baltimore and Love Point and denied as to the other lines. (35 I. C. C., 692.)

"4-11-1916. Upon application of Florida East Coast Railway Co. and the Atlantic Coast Line Railroad Co. to continue joint ownership of the Peninsular & Occidental Steamship Co., a corporation owning and operating three steamboats between Miami and Nassau, Key West, and Habana, and Port Tampa and Habana, and sometimes chartering additional boats for freight service. Application granted. (37 I. C. C., 432; 38 I. C. C., 662.)

"6-21-1916. Upon application of Michigan Central Railroad Co. to institute a service by boats on Lake Erie between Ashtabula, Ohio, and Port Maitland, Province of Ontario, such boat line to be owned and operated by an Ohio corporation in which applicant will have an interest. Application granted. (40 I. C. C., 143.)

"6-22-1916. Upon application of the Maine Central Railroad to continue to operate the Bath Ferry and its boat lines on Frenchmans Bay and Penobscot Bay. Application granted. (40 I. C. C., 272.)

"6-22-1916. Upon application of the Delaware & Hudson Co. to continue to operate and have an interest in the Lake Champlain Transportation Co. and the Lake George Steamboat Co., operating on Lake Champlain and Lake George. Application granted. (40 I. C. C., 297.)

"6-29-1916. Upon applications of the Southern Railway Co., the Chesapeake & Ohio Railway Co., the Norfolk & Western Railway Co., the Seaboard Air Line Railway, and the Atlantic Coast Line Railroad Co. for an extension of time during which they may operate the Old Dominion Steamship Co., the Virginia Navigation Co., the Chesapeake Steamship Co., and the Baltimore Steam Packet Co. Application granted, except that of Norfolk & Western Railway Co., which was denied. (41 I. C. C., 285.)

"7-3-1916. Upon application of Boston & Maine Railroad to continue service by its steamers on Lake Winnepesaukee and Lake Memphremagog. Application granted. (40 I. C. C., 565.)

"7-5-1916. Upon application of Central Vermont Railway Co. to continue existing service by boats between New York City and New London and to install similar service between New York City and Providence. Application granted. (40 I. C. C., 589.)

"3-3-1917. Upon rehearing of application of Grand Trunk Railway Co., of Canada, for permission to continue operation of Canada Atlantic Transit Co., a boat line which owns and operates on the Great Lakes, such permission having been originally denied. (33 I. C. C., 699.) Application granted. (43 I. C. C., 286.)

"5-12-1917. Upon application of the Southern Pacific Co. for an extension of time during which applicant may operate and have an interest in its Atlantic Steamship lines, operated between New York and Galveston and between New Orleans and Habana. Application granted. (43 I. C. C., 168; 45 I. C. C., 505.)

"7-13-1917. Upon joint application of Southern Pacific Co. and Morgan's Louisiana & Texas Railroad & Steamship Co. for extension of time during which they may operate or have an interest in the Direct Navigation Co., a Texas corporation owning three tugs, six barges, wharves at Houston, and other property, and operating on Buffalo Bayou between Houston and Galveston: *Held* that (1) the Southern Pacific Co., through its subsidiary, the Galveston, Harrisburg & San Antonio Railway Co., does and may compete with the Direct Navigation Co., but (2) under present conditions the service of the Direct Navigation Co. is in the interest of the public and of advantage to the commerce and convenience of the people, (3) and such continued ownership by applicants will neither exclude, prevent, nor reduce competition on the water route. Application granted. (46 I. C. C., 378.)

"5-1-1918. Upon commission's own motion: *Held* that Nashville, Chattanooga & St. Louis Railway neither does nor may compete with the boats and barges which it operates on the Tennessee River between Hobbs Island and Guntersville. (49 I. C. C., 737.)"

STATE EX REL. MULLEN V. HOWELL.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD and also as a public document the majority opinion of the Supreme Court of Washington in the case of State ex rel. Mullen *v.* Howell. The opinion will be found in the advance sheets of the Pacific Reporter, dated Monday, July 28, 1919, and was handed down May 24 last. It relates to the ratification of amendments to the Federal Constitution, and is particularly interesting at this time with reference to the pending amendment for Federal suffrage. It is not generally available, and I take this means of making it so. I would like to have bracket 7, which appears in the second column, on page 924 of the Pacific Reporter, printed in blackface type. This announces the controlling principles.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

STATE EX REL. MULLEN V. HOWELL, SECRETARY OF STATE.
(No. 15313. Supreme Court of Washington. May 24, 1919.)

"1. Statutes—Referendum—Construction of constitutional amendment: Constitutional amendment 7, article 2, section 1, providing for a referendum in all cases 'except such laws as may be necessary for the immediate preservation of the public peace, health, or safety, support of the State government and its existing public institutions,' by specifying the things not reserved, is an expression of a reservation to pass upon all things not so specified.

"2. States—Police powers of States—Federal interference: The Federal Government has no power to control the police power of the States, except as such power may have been expressly granted or as it may be necessary to maintain the acknowledged powers of the Federal Government.

"3. Constitutional law—Validity of statutes: A law will not be held unconstitutional if it is within the spirit of the policy enunciated by the constitutional provision under consideration.

"4. Constitutional law—Amendment to United States Constitution — Resolution of legislature — Referendum — 'Law': Under constitutional amendment 7, article 2, section 1, providing for referendum of 'acts, bills, or laws,' joint resolution of State legislature ratifying constitutional amendment for national prohibition proposed by Res. Dec. 19, 1917, 40 Statutes, 1050, is subject to referendum, the amendment to the United States Constitution being a law within the seventh amendment of the State constitution.

"[Editor's note: For other definitions, see Words and Phrases, first and second series, Law.]

"5. Constitutional law—United States Constitution—Amendment—Method of ratification: The authority to act in the matter of a proposed amendment to the Constitution of the United States does not arise in or out of the constitution of the State, but arises out of the Federal Constitution; and any act, whether by resolution or bill, on the part of the State legislature, is a sufficient expression of the legislative will, unless Congress itself challenges the method or manner of its adoption.

"6. Constitutional law—United States Constitution—Amendment—Legislative and judicial powers: In mandamus to compel submission of joint resolution ratifying amendment to United States Constitution, the contention that the legislature has no power to act by resolution is nonjusticiable, the power to question the manner of adoption being in Congress, and not the courts.

"7. Constitutional law—United States Constitution—Amendment—Ratification: Congress has no concern of the manner in which the people of the several States pass upon proposed amendments to the United States Constitution.

"8. Constitutional law—Amendment to United States Constitution—Referendum—'Legislature': Constitution of United States, Article V, providing that proposed amendment shall be valid 'when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof,' does not preclude submission of joint resolution of State legislature ratifying proposed amendment to a referendum, the words 'legislatures' and 'conventions' not having present-day meanings, the former referring to legislative authority, including all its branches, and not merely the legislative assembly.

"[Editor's note: For other definitions, see Words and Phrases, first and second series, Legislature.]

"9. States—Federal Constitution—Reservation of powers—To States: Constitution of United States, amendment 10, providing that 'the powers not delegated to the United States * * * are reserved to the States, respectively, or to the people,' is a declaration that the people of the several States may function their legislative power in their own way, especially in view of the ninth amendment.

"Parker, Mitchell, Tolman, and Fullerton, JJ., dissenting.

"En Banc.

"Mandamus by the State of Washington, on the relation of Frank P. Mullen, against I. M. Howell, secretary of state of the State of Washington. Writ ordered to issue.

"P. C. Sullivan, of Tacoma; John F. Murphy, of Seattle; and Turner, Nuzum & Nuzum, of Spokane, for appellant.

"L. L. Thompson and Glenn J. Fairbrook, both of Olympia, for respondent.

"CHADWICK, C. J. At the general election held in 1912 the people of the State of Washington adopted as a principle of government the power to initiate laws, and to review at the bar of popular opinion all acts, bills, or laws passed by the Legislature of the State of Washington.

"[1] The right so to do is emphasized as a power reserved, and the terms of the amendment imply in the strongest possible way that the intention of the people was to reserve a right to review every act of the legislature which might affect the people in their civil rights, or limit or extend their political liberties; for they wrote an exception, saying that a referendum may be ordered in all cases 'except such laws as may be necessary for the immediate preservation of the public peace, health, or safety, support of the State government and its existing public institutions.' (Amendment 7, art. 2, sec. 1.) The writing of an exception specifying the things not reserved is an expression, within sound rules of construction, of a reservation to pass upon all things not so specified.

"The court in passing directly upon the amendment, and in other cases arising under city charters, has held firmly to the principle of the referendum, and has consistently refused to limit it by construction.

"In December, 1917, Congress proposed an amendment (Res. Dec. 19, 1917, 40 Stat., 1050) to the Federal Constitution, providing that:

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

"[2] It will be noted that the amendment does not pertain to matters within the original concept of the Constitution, to the definition, or distribution of powers of public officers, but by its terms assumes to cover matters that are purely legislative, and which have hitherto been a subject of legislation by the several States under the police power. We understand that the Federal Government has no power to control the police power of the States except as such power may have been expressly granted, or as it may be necessary to maintain the acknowledged powers of the Federal Government.

"This amendment was submitted to and ratified by the Legislature of the State of Washington by joint resolution passed January 13, 1919. On March 20, 1919, relator tendered a petition for a referendum to the respondent secretary of state; he asked that it be filed and a ballot title be supplied. Respondent refused to receive it upon the grounds (a) that the amendment having been adopted by a joint resolution, and not by an act, bill, or law, it was not within the terms of the seventh amendment; and (b) that it was not a subject for referendum under Article V of the Constitution of the United States.

"Addressing ourselves to the first contention of the respondent, Is the resolution an act, bill, or law within the meaning of those terms as employed in our constitution—whether the people intended an act, bill, or law to be statutes enacted by the legislature, or whether they meant action by the legislature which affected them as law?

"[3] No cases have been cited, and we may confidently say that there are none, holding to a rule of strict construction where the power of the whole people is in question. It is a rule, become axiomatic by long-continued reiteration, that no court will hold a law to be unconstitutional unless such holding is compelled; that a law will not be held to be unconstitutional by construction; that is to say, the power of the legislative body, or the people if exercising that function, will not be abridged by the courts, or suffered to be abridged by others, if the thing sought to be done is within the spirit of the policy enunciated in the provision under consideration. To this end the courts of the country have so addressed themselves that, without resort to the tedium of limitless authority, we may well adopt the language of Judge Cooley, who was an acknowledged master in the field of constitutional law, that constitutional provisions must be interpreted with reference to—

"the times and circumstances under which the state constitution was formed—the general spirit of the times and the prevailing sentiments among the people. Every constitution has a history of its own which is likely to be more or less peculiar, and unless interpreted in the light of this history, is liable to be made to express purposes which were never within the minds of the people in agreeing to it. (People *v.* Harding, 53 Mich., 48; 19 N. W., 155; 51 Am. Rep., 95.)

"The safe way is to read its [the Constitution's] language in connection with the known condition of affairs out of which the occasion for its adoption may have arisen, and then to construe it, if there be therein any doubtful expressions, in a way, so far as is reasonably possible, to forward the known purpose or object for which the amendment was adopted. (Maxwell *v.* Dow, 176 U. S., 581, 602; 20 Sup. Ct., 448, 456 (44 L. Ed., 597).)

"The courts are not bound by mere forms, nor are they to be misled by mere pretenses. They are at liberty—indeed, are under a solemn duty—to look to the substance of things, whenever they enter upon the inquiry whether the legislature has transcended the limits of its authority. (Mugler *v.* Kansas, 123 U. S., 623, 661; 8 Sup. Ct., 273, 297 (31 L. Ed., 205).)

"The people, too, have directly charged us with a duty to be mindful of their sovereign rights.

"A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government. (Constitution of State of Washington, art. 1, sec. 32.)

"Wherefore the purpose of the people in adopting the seventh amendment is a proper subject to be considered. Did they intend to grant any exceptions other than those enumerated in the seventh amendment? If this were an ordinary case of statutory construction, we have no doubt that we could all agree that we would look first to the old law, the mischief, and the remedy. It is more important in considering a question involving, the first of all, the sovereign rights of the citizen—the right to speak ultimately and finally in matters of political concern—that we should measure the power reserved by the former condition.

"It is well known that the power of the referendum was asserted not because the people had a willful or perverse desire to exercise the legislative function directly, but because they had become impressed with a profound conviction that the legislature had ceased to be responsible to the popular will. They endeavored to, and did—unless we attach ourselves to words, and words alone, reject the idea upon which the referendum is founded, and blind ourselves to the great political movement that culminated in the seventh amendment—make reservation of the power to refer every act of the legislature, with only certain enumerated exceptions.

"Guided by these considerations, we are satisfied that the people used the words 'act, bill, or law' in no restricted sense, but in a sense commensurate with the political evil they sought to cure.

"[4] And why should not the amendment be a law within the meaning of the seventh amendment? No reason is assigned other than that 'law' as there used is synonymous with 'bill' or 'act.' We may well argue, and be within sound rules, that if the people had so intended they would not have used the word 'law' at all, as was done in the State of Oregon. We can conceive of no more sweeping law than the proposed amendment. Certainly no amendment has ever been proposed that goes deeper into the vitals of the American idea of government. It surrenders pro tanto the sovereignty of the State, gives to the Federal Government a right to enact laws and to enforce them through the Federal courts, and it will deny the citizen the protection of some of those guaranties that we have written out of the travail of time into our own Bill of Rights. Upon construction we hold that the amendment to the Constitution of the United States is a law, within the meaning of the seventh amendment, and is subject to referendum.

"But it is contended that, whereas the legislature ratified the amendment by joint resolution instead of by act of bill, as it might have done, the resolution, being not eo nomine an act, bill, or law, is not subject to a referendum. This argument defeats itself, for if we are to be literal and exact in terminology, and so insistent upon 'scholastic interpretation' as to admit this premise, we must hold that the legislature had no power to ratify the amendment except by act or bill; for we find no power granted in the constitution to that body to act in matters legislative other than by act or bill.

"This reasoning would lead to two consequences, equally absurd: Either the amendment being ratified by resolution, the act of ratification is void as a thing done in a manner not provided; or, if sustained, would permit the legislature to defeat the power of referendum by acting, in matters purely legislative, by resolution instead of by bill. The latter is the consequence in the instant case if the argument of the learned attorney general is to be sustained. But we are not put to the extremity of holding that the legislature may not in matters of ratification act by resolution, for there is a high road of reason leading down to a true result.

"The contention that a resolution, although it may have the force and consequence of a formal legislative enactment, and affect the people in their civil and political rights, can not be referred, arises from a misconception of the term. This case sounds in fundamentals, not in definitions. It is not the resolution, but the act of the legislature in adopting it, that is to be referred. A resolution, like all acts of the legislature, is to be measured by the end accomplished. It is true that we have no provision in our constitution providing for the passage of resolutions even in the formal matters in which the legislature has throughout the entire history of our territory and State been wont to act, but it is just as evident that there is no limitation upon the power of the legislature to act by resolution.

"The constitutions of some of the States and the Constitution of the United States (sec. 7, Art. I) permit or recognize the practice of acting by resolution, and some of them limit its uses. It has been held if the Constitution is silent, as ours is, that legislation can not be effected by that method. Boyers *v.* Crane (1 W. Va., 176), State ex rel. Attorney General *v.* Kinney (56 Ohio St., 721, 47 N. E., 569), Barry *v.* Viall (12 R. I., 18).

"[5] And were we considering a matter involving private right, arising in or out of the laws of this State, we could not question the authorities just cited; but they are not applicable for the reason that the authority to act in the matter of a proposed amendment to the Constitution of the United States does not arise in or out of the constitution of the State, but arises out of the Federal Constitution, and any act, whether it be by resolution or by bill, on the part of the State legislature must be held to be a sufficient expression of the legislative will, unless Congress itself challenges the method or manner of its adoption. It is upon this principle that the Supreme Court of the United States has held that the question whether the referendum does violence to the Constitution of the United States is nonjusticiable, holding that the question whether it deprives the government of a State of its representative character, thus violating the guaranty of a republican form of government, is a question for Congress and not for the courts.

"[6] The power to question the manner of adoption being in Congress, and not in the courts, the contention that the legislature has no power to act by resolution is nonjusticiable, but this holding does not foreclose an inquiry as to the legislative character of the thing done.

"It may be that my argument is not entirely clear. If so, we may profitably resort to an illustration. The people of the State of Washington have, by expression of their reserved right to legislate upon all proper subjects of legislation, declared the policy of this State to be against the barter and sale of intoxicating liquor within the State, and by subsequent laws that we, as citizens of a sovereign State, are opposed to the use of intoxicating liquor by any of our citizens. The original law, by its accretions, has become what is popularly called, in the nomenclature of the Anti-Saloon League, 'bone dry.' This the people did of their own free will and accord and by the assertion of a hitherto unused power. Let the question occur. Can their act be undone by any plan, power, or authority less or other than the power that established the present state of the law? Keeping in mind our present 'bone-dry' condition, or plight, if that term be preferred, suppose the Congress of the United States should propose an amendment to the Federal Constitution providing that it shall hereafter be lawful to ship and sell in all of the States of the Union wines and beers containing not to exceed a certain minimum of alcohol—that it has the power so to do will not be denied; then suppose that the State legislature did by resolution, as in the present instance, ratify the amendment, and that it was ratified by a sufficient number of States only, including our own, to meet the demands of the Federal Constitution. We would then have a law that was not a law before; that would wipe out pro tanto the present law; that would work such an exception to it that, so far as the policy of our citizens had been expressed by their direct vote, would defeat its purposes. In such event—and it is a reasonable postulate—would it be urged for one moment that the people of this State could be denied a right of referendum to determine for themselves, under their reserved powers, whether they desired their own law to be thus overcome? Would they have to stand by helplessly, while the fruits of their victory were swept away and their sovereignty surrendered in degree by resolution of the legislature?

"I opine that we would find some way to declare that the right to refer the matter to the people, who had theretofore exercised their reserved power upon the very subject of the proposed legislation, could not be thus defeated. It is no argument to say that a referendum in that event would operate to promote a good cause, while this demand comes from those who would defeat all liquor legislation. We are here to declare the law, not to maintain or defend policies; and it is enough to say that the relator is within the law as declared by the whole people, and as such his right should not in conscience be denied. We can not fit a rule to meet a particular case; it must apply to all alike, whatever the cause and whatever the character of those who invoke it.

"The final, and, as we believe, the principal, ground of opposition is that the amendment, being submitted under Article V of the Constitution of the United States, is a Federal question in the sense that State laws and State constitutions have no bearing upon or relation to the issues.

"It is argued that inasmuch as Article V of the Constitution of the United States provides that a proposed amendment 'shall be valid, to all intends and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof,' and so forth, the people have hitherto fixed the manner and form of ratification, against which the reserved power of the people of a sovereign State may not prevail. If we are to stand upon the word 'legislatures'; if that word, and that alone, is the Alpha and Omega of our inquiry, it follows that the controversy is at an end; but we are cited to no instances where a great question involving the political rights of a people has been met by such technical recourse; where any court has so exalted the letter or so debased the spirit of the law.

"In Noble State Bank *v.* Haskell (219 U. S., 104, 31 Sup. Ct. 186, 55 L. Ed., 112, 32 L. R. A. (N. S.), 1062, Ann. Cas., 1912A, 487) Justice Holmes frowned upon a like invitation, saying:

"We must be cautious about pressing the broad words of the fourteenth amendment to a dryly logical extreme. Many laws which it would be vain to ask the court to overthrow could be shown, easily enough, to transgress a scholastic interpretation of one or another of

the great guaranties in the Bill of Rights. * * * Judges should be slow to read into the latter [the Constitution of the United States] a nolumus mutare as against the lawmaking power.

"[7] It may be set down as a truism that the Congress of the United States has no concern of the manner in which the people of the several States pass upon the proposed amendments. It is the act of ratification or rejection by the legislative power in a State, and not the manner of doing, that makes for the result to be accomplished.

"It may be true that it might have been provided that amendments could be made directly by Congress, and the submission of amendments for ratification or rejection by the legislatures of the several States at all was a matter of grace upon the part of the whole people when the Constitution was adopted; but we would incline to the opinion that the right to pass upon proposed amendments should be treated as a reservation in the several States of the right to express their legislative will in the manner in which they had then provided, or might thereafter provide, and, when so regarded, as a compact between the States and the Federal Government.

"It is provided in the Federal Constitution that proposed amendments shall be ratified by the legislatures of the States or by conventions assembled for the purpose of considering them. It can not be urged successfully that the framers of the Constitution used the words 'legislatures' and 'conventions' as terms describing then present institutions, for it is well known that at the time the Constitution was adopted some of the States did not have legislative assemblies.

"Article 5 can mean no more than this: That no amendment shall be adopted unless it is sanctioned by the supreme legislative power of a sufficient number of the Commonwealths, whether such ratification be by legislative assembly, convention, or such other method as might thereafter be adopted by the people in the several States.

"[8] If we hold that the words 'legislatures' and 'conventions' do not control the plain purpose and spirit of Article V—that is, that the people shall pass upon a proposed amendment by their representatives, if that be the plan provided by them at the time of its submission, or, if not, under such other plan of expressing their will as may not be offensive to the Federal Constitution—we are on solid ground. For the framers of the Constitution had well in mind—for they had lived in that time when our political system was being fashioned into concrete form—they understood, as we sometimes forget, that 'the theory of our political system is that the ultimate sovereignty is in the people, from whom springs all legitimate authority.' Cooley, Constitutional Limitations (6th Ed.), page 39. Wherefore it may be said that it is the meaning and intent of Article V that an amendment to the Constitution of the United States shall not become effective until it has been ratified by the legislative authority of a sufficient number of the States, and it should not be held that a ratification or rejection by a popular vote, under the referendum clause of a State constitution, would be contrary to the provisions of Article V unless it can be said, under sound rules of construction, that the referendum is offensive to the Constitution of the United States.

"The people of several of the States, having the sovereign right of self-government, excepting only as they may have yielded that right under the Constitution of the United States and its amendments, have adopted the referendum as a rule of government, and the only objection that has ever been urged, or that could have been urged, against it, is that it violates section 4, Article IV, of the Constitution, guaranteeing to every State a republican form of government. The Supreme Court of the United States has held that it does not so offend. (Pacific States Telephone & Telegraph Co. *v.* Oregon, 223 U. S., 118; 32 Sup. Ct., 224; 56 L. Ed. 377.)

"The fault of disassociating a word or correlative words from the text of a written law, and promising a judgment without the warmth of the spirit of that law, may be illustrated. If we are wrong, it may well be that a State might, and withal unwittingly, put it beyond its power to pass upon a proposed amendment to the Federal Constitution. If the people of this State had, when they adopted the referendum, provided for the abolition of our legislative assembly—as they might have done—and had provided that all laws should thereafter be initiated by, and voted upon by, direct vote of the people, or that the legislative functions of the State should be exercised by a council of three, and that all their acts should be subject to a referendum at the next succeeding general election, it would follow, under the theory advanced to defeat a referendum in this case, that a proposed amendment could not be either ratified or rejected in the State of Washington, for there would be no 'legislature' or 'convention' in the sense in which those terms are employed in the Federal Constitution.

"Significance is placed on the word 'conventions,' it being contended that if the word 'legislatures' had been used alone our argument might seem plausible, but the added word 'conventions' necessarily implies that Congres had in mind a representative body and not legislative authority, but we are inclined to take a broader view.

"It was doubtless intended that 'legislatures' should mean one thing—that is, the legislative authority of the State—and 'conventions' another thing—an extraordinary representative body, convened by and in the State, for the sole purpose of passing upon the proposed amendment to the Federal Constitution. If it had no other intention in adopting the term 'legislatures' in specifying one of the instrumentalities for passing upon the proposed amendment than to express the idea of legislative power, of whatever that power consists, then it must be deemed to mean all the branches or component parts of that power, which have included the qualified voters also, if they so desire. Inasmuch as the Constitution was formulated not for a day or a year, but for all time except as amended, we may consider that it contemplated the same kinds of State legislative bodies then in existence and known to the framers, or any other kinds of legislative bodies that should come into existence in the future.

"One of the important ideas governing the framers of the National Constitution was that amendments to that instrument should be ratified by the States as units, recognizing and preserving the integrity and sovereignty of the States as parties to the compact creating and continuing that Constitution. Doubtless there was no other idea prevailing in providing for adoption of amendments by the 'legislatures' or 'conventions' of three-fourths of the States than that. Certainly it was and is of no concern to the others what sort of legislature any particular State has, so long as it conforms to the scheme of a republican form of government.

"We have preferred to meet the question upon the plane of broad reason, having in mind the spirit and policy of the referendum; but we are not without competent authority to prove that the manner or the name attached to the legislative power of the State, whether it be a representative body or the people themselves, is of no concern to the Federal Government.

"In State ex rel. Schrader *v.* Polley (26 S. D. 5, 127 N. W., 848) it was contended, inasmuch as it was provided in the Federal Constitution (sec. 4, Art. I) that 'the times, place, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, * * *' that the relator was entitled to have his name go upon the ballot at a general election under an act of the legislature, but against which a referendum petition had been filed. And it would seem, if the argument of the respondent is sound, that the prayer of the relator in that case should have been granted, for there the Constitution of the United States provided that the legislature should prescribe the times, places, and manner of holding elections, while in the instant case the provision is that the amendment shall be ratified by the legislatures.

"[9] After noting the tenth amendment to the Constitution, that 'the powers not delegated to the United States * * * are reserved to the States, respectively, or to the people,' which, by the way, is a declaration that the people of the several States may function their legislative power in their own way, especially so when the ninth amendment, 'The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people,' is regarded—for the right to legislate directly or by representative bodies is a right asuredly retained, and, being retained, may be exercised in the form and manner provided by the people of a State—the court says:

"We are also of the opinion that the word 'legislature,' as used in section 4, Article 1, of the Federal Constitution, does not mean simply the members who compose the legislature, acting in some ministerial capacity, but refers to and means the lawmaking body or power of the State, as established by the State constitution, and which includes the whole constitutional lawmaking machinery of the State. State governments are divided into executive, legislative, and judicial departments, and the Federal Constitution refers to the 'legislature' in the sense of its being the legislative department of the State, whether it is denominated a legislature, general assembly, or by some other name. Under section 1, article 3, of the State constitution, it will be observed, the people of this State have reserved to themselves, as a part of the lawmaking power, the right to vote by referendum upon any law passed by the legislature, with certain specified exceptions, prior to the going into effect of such law. That the exceptions mentioned are 'such laws as may be necessary for the immediate preservation of the public peace, health, or safety, support of the State government or its existing State institution.' It is clear that said chapter 223 is not within any of these exceptions. Under the constitution of this State the people, by means of the initiative and referendum, are a part and parcel of the lawmaking power of this State, and the

legislature is only empowered to act, in accordance with the will of the people as expressed by the vote, when the referendum is properly put in operation. The term 'legislature' has a restricted meaning, which only applies to the membership thereof, and it also has a general meaning which applies to that body of persons within a State clothed with authority to make the laws (Bouvier's Law Dic.; Webster's Dic.; 18 Am. & Eng. Ency., 822; 25 Cyc., 182), and which, in this State, under section 1, article 3, Const. S. D., includes the people. * * *

"In Baldwin *v.* Trowbridge (2 Bart. Contested El Cas., 46) the minority report, in presenting the legal side of the controversy, shows the following pertinent language, which meets with our approval: 'But it was argued that this power was by express terms left, not to the States simply, but to the legislatures thereof, and that this is such a limitation upon the people of the States that they have no power to restrict their legislatures in the exercise of this right, conferred upon them by the Federal Constitution; but I submit, with all due respect, that not only the history and object of the section under consideration, but the proper definition of the term 'legislature,' as therein used, show the fallacy of this construction. The 'legislature' of the State, in its fullest and broadest sense, signifies that body in which all the legislative power of a State resides, and that body is the people themselves, who exercise the elective franchise, and upon their power of legislation there is no limitation or restriction, except such as may be found in the Federal Constitution, or such as they themselves may provide by the organic law of the State.'

"The writ was denied.

"State ex rel. Davis *v.* Hildebrant (94 Ohio St., 154; 114 N. E., 55), is likewise to the point. The general assembly, being the representative legislative body of the State of Ohio, passed an act on May 27, 1915 (105–106 Ohio Laws, p. 474), redistricting and apportioning the State into several congressional districts. The State had theretofore by an act passed April 28, 1913 (103 Ohio Laws, p. 568), been districted and divided. A sufficient number of the people filed a petition for a referendum of the later act. It was submitted to the electors of the State, and was reejcted by a majority of the voters. It was contended that the act of 1915 was a valid act, and was not a subject of referendum, because section 4, Article I of the Federal Constitution, provided that the times, places, and manner of holding elections for Members of Congress 'shall be prescribed in each State by the legislature thereof.' The court put the question:

"Does the term 'legislature,' as used in Article I, section 4, of the Federal Constitution, comprehend simply the representative agencies of the State, composed of the members of the bicameral body, or does it comprehend the various agencies in which is lodged the legislative power to make, amend, and repeal the laws of the State, including the power reserved to the people, empowering them to 'adopt or reject any law' passed by the general assembly under the provisions of section 1, article 2, of the constitution of Ohio?

"After reference to the State constitution, which is in form similar to the seventh amendment to our own, the court says:

"These various sections disclose that, while the legislative power has been delegated to the bicameral body, composed of the senate and house of representatives, the people of Ohio have, by the aforesaid provisions of their constitution, determined the manner by which such legislative power may be exercised, under what circumstances the laws passed by it may become operative without an appeal to the people, and have further imposed the conditions under which such laws may become operative or inoperative as they may have been adopted or rejected by the popular vote designated as the 'referendum.'

"While Article I, section 4, of the United States Constitution, is controlling upon the States, in so far as it grants the legislature of the State authority to prescribe the times, places, and manner of holding elections, this is the quantum of the Federal grant. The character of the legislature, its composition, and its potency as a legislative body are among the powers which are, by Article X of said Constitution, 'expressly reserved to the States, respectively, or to the people.'

"Webster's New International Dictionary defines 'legislature' as follows: 'The body of persons in a State, or politically organized body of people, invested with power to make, alter, and repeal laws.'

"The Century Dictionary defines the same term as follows: 'Any body of persons authorized to make laws or rules for the community represented by them.'

"Under the reserved power committed to the people of the States by the Federal Constitution, the people, by their State organic law, unhindered by Federal check or requirement, may create any agency as its lawmaking body, or impose on such agency any checks or conditions under which a law may be enacted and become operative. Acting under this recognized authority, the Ohio constitution, prior to the adoption of the amendment of 1912, provided that the 'legislative power' of the State should be vested in the general assembly, consisting of a senate and house of representatives. The same provision now exists, but by the adoption of the amendment of 1912 the people expressly limited this legislative power by reserving to themselves the power to reject any law by means of a popular referendum. The lawmaking body, the legislature, as defined by lexicographers, comprehends every agency required for the creation of effective laws. It can not be claimed that the term 'legislature' necessarily implies a bicameral body. When the term was originally embraced in the Constitution the Legislatures of Pennsylvania, Georgia, and Vermont consisted of but a single house, with a second body in each called an executive council. These States later abolished their councils and established a legislature consisting of two branches, and such is the character generally of the various State legislatures to-day. (1 Bryce's American Commonwealth, p. 461, note.)

"The constitutional provision relating to the election of Congressmen, conferring the power therein defined upon the various State legislatures, should be construed as conferring it upon such bodies as may from time to time assume to exercise legislative power, whether that power is lodged in a single or two-chambered body, or whether the functions of the latter be curbed by a popular vote or its enactments approved by a referendum vote.

"This case went to the Supreme Court of the United States. (State ex rel. Davis *v.* Hildebrant, 241 U. S., 565, 36 Sup. Ct., 708, 60 L. Ed., 1172.) That court passed the question of the power of the State to adopt and use the referendum as an instrument of legislative will 'as obvious,' holding that the State law, which had been made subject to the referendum, was valid and operative. A conclusion manifestly unsound if the word 'legislature' means a bicameral body, and that meaning is inflexible under the Constitution of the United States; for, if that were so, the States would have no power to prevail against it whatever the form of their expression may have been.

"But it is said that the Supreme Court may be unsound in that respect, but is sound in result, because the Congress had passed an act (act Aug. 8, 1911, c. 5, 37 Stat., 13) making the referendum a component part of the legislative authority empowered to deal with the election of Members of Congress. There is nothing in the act of Congress which 'prevents the people of a State from reserving a right of approval or disapproval by referendum of a State act redistricting the State for the purpose of congressional elections' (syllabus). But, if it were so, it would not avail respondent, for the power of the State to act comes from the Constitution and not from any act of Congress. To give such effect to an act of Congress would be to say that Congress might by act amend the Constitution, Chief Justice White disposed of the controversy when he defined the issue:

"The right to this relief was based upon the charge that the referendum vote was not and could not be a part of the legislative authority of the State, and therefore could have no influence on the subject of the law creating congressional districts for the purpose of representation in Congress—

"And said—

"The court below adversely disposed of these contentions, and held that the provision as to referendum was a part of the legislative power of the State. * * * As to the State power, we pass from its consideration, since it is obvious that the decision below is conclusive on that subject, and makes it clear that, so far as the State had the power to do it, the referendum constituted a part of the State constitution and laws, and was contained within the legislative power, and therefore the claim that the law, which was disapproved and was no law under the constitution and laws of the State, was yet valid and operative, is conclusively established to be wanting in merit.

"It could not have been so held if the act of the legislature, as distinguished from legislative authority, was essential under section 4. If that were so, the court must have denounced the referendum in that and all cases where the Constitution leaves a matter to the 'legislature,' and refused to follow the State court, for its first duty is to the Constitution.

"Our attention is called to an unpublished decision of the Supreme Court of Oregon in Hebring *v.* Attorney General (180 Pac., 328). The premise of the decision is that the reserved power of the people is limited to a review of 'any act of the legislative assembly,' and that the word 'act' was used having in mind the exercise of the legislative function as outlined in the original draft of the State constitution, and that the word 'act' did not comprehend a joint resolution.

"We have already demonstrated that our Constitution is more comprehensive. The decision does not appeal to us for another reason. Its basis is fundamentally unsound, in that it proceeds upon the theory that the right of the people to legislate upon the question rests in the antecedent provisions of the State constitution, whereas the right comes from the Constitution of the United States.

"Other questions were discussed by counsel. We have considered them, and are agreed that they are not controlling.

"The writ will issue.

"Mount, Main, and Holcomb, JJ., concur.

"MACKINTOSH, J. (concurring). By the adoption of the initiative and referendum amendment the people of this State became a part of the legislative branch of the State government, and all legislative actions, except those especially exempted, are subject to their participation. The reasons which have led up to this modern form of legislation are as set forth in Judge Chadwick's opinion, and, upon both authority and reason, no curtailment of this power should now be judicially sanctioned. If the people have declared their intention to assert their authority over the legislature in acts many of which are of temporary or small importance, it was surely their intention to preserve to themselves the right of reviewing legislative action of lasting and great importance, and within this category assuredly fall all actions dealing with the amendment of the Federal Constitution. It would be idle to say that the right of referendum could be exercised in the unimportant matters and not in the important.

"The dissenting opinion of Judge Parker indulges in altogether too narrow and restricted an interpretation of the right of referendum, and seems to be entirely out of harmony with the course of the decisions of this court upon this and kindred matters arising under laws affecting modern legislative and governmental functions. By strict adherence to dictionary definitions this dissenting opinion crushes the spirit of the constitutional provisions under consideration, and, if it were the prevailing

view in this case, would mark a step backward by a court which has come to be recognized as rather liberal in its interpretation of legislation aimed at the correction of social and public evils. It is clear to my mind that the law contemplated the submission to the people of all legislative acts, using that word in its broad signification, and it is also clear that the Constitution of the United States, in providing for amendments thereof, intended that those amendments should by Congress be submitted to the legislative powers of the various States, and that the term 'legislature,' as used in that broad way, was not meant to refer merely to what is commonly called a legislature.

"The view expressed by Judge Fullerton appears to me to be equally as untenable as those written by Judge Parker and those agreeing with him. As I understand it, that view is that because the legislature ratified the proposed constitutional amendment by joint resolution instead of by an act, that therefore there has never been any ratification by the State of Washington of the proposed prohibition amendment. The answer to this has been admirably expressed in the majority opinion, and it would appear to be self-evident that the technical manner of signifying the agreement of the legislative body is a question which should be determined by the Congress of the United States and is not a matter of our concern.

"I am compelled by the majority opinion to concur in the result therein arrived at."

SALARY OF DISTRICT ATTORNEY OF NEW YORK.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 3201) fixing the salary of the district attorney for the eastern district of New York.

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

The VICE PRESIDENT. Is there objection?

Mr. THOMAS. I ask that it may go over.

The VICE PRESIDENT. The bill goes to the calendar.

CHOCTAWHATCHEE RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably with amendment the bill (S. 3159) granting the consent of Congress to the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge, and I submit a report (No. 260) thereon.

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

The amendment was, in line 3, after the word "That," to strike out "the consent of Congress" and insert "authority," so as to make the bill read:

Be it enacted, etc., That authority is hereby granted to the State road department of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Choctawhatchee River at a point suitable to the interests of navigation, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting authority to the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge."

BILLS INTRODUCED.

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

By Mr. NUGENT:

A bill (S. 3217) authorizing and directing the issuance of patent to certain lands to Franklin S. Ault; to the Committee on Public Lands.

By Mr. JONES of New Mexico:

A bill (S. 3218) for the relief of Martina Sena, Luis E. Armijo, and Maria Baca De Romero; to the Committee on Agriculture and Forestry.

By Mr. PENROSE:

A bill (S. 3219) extending the benefits of the general pension laws to the members of the Eighth, Twentieth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, and Thirty-third Regiments, the several batteries of Artillery, the several troops of Cavalry, and the several independent companies which comprised the Pennsylvania Volunteer Militia, otherwise known as the "emergency men," who were called into service by the President of the United States of America, officered by United States officers, and sworn into the service of the United States for an indefinite period, the same as if they had been in the service of the United States for a period of 90 days or more; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3220) for the relief of Janie Beasley; to the Committee on Claims.

A bill (S. 3221) to construct a public building for a post office at the city of Savannah, Ga.; to the Committee on Public Buildings and Grounds.

EMBARGO ON WHEAT.

Mr. OWEN submitted the following resolution (S. Res. 211), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry immediately investigate the reasons for the embargo on wheat and why transportation is not available to move the wheat of Oklahoma, Kansas, Texas, Colorado, and other States, and what steps the Grain Corporation has taken to obtain ships for the movement of such grain.

The said committee is hereby empowered to sit and act at such time and place as it may deem necessary to require, by subpœna, or otherwise, the attendance of witnesses, the production of books, papers, and documents; to employ stenographers at a cost not exceeding $1 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expense thereof shall be paid from the contingent funds of the Senate on vouchers ordered by said committee, signed by the chairman thereof and approved by the Committee on Contingent Expenses.

FREE ZONES.

The VICE PRESIDENT. Is there any further morning business?

Mr. JONES of Washington. On Saturday last the Senator from Pennsylvania [Mr. PENROSE] referred to the so-called free-zone bill and its reference to the Committee on Commerce. I was absent at that time attending a hearing of the Committee on Commerce on that bill. I desire to read from the RECORD for just a moment as to what then occurred. After referring to different bills which had been referred to different committees, as he thought improperly, the Senator from Pennsylvania said:

Mr. President, without criticizing anyone, but in order to complete the statement that I made a moment ago, I desire to say—and the matter is really hardly important enough perhaps to refer to, but as it is before me I want to do so—that quite an important inquiry concerning free zones in ports of the United States has been conducted by the Committee on Ways and Means of the House of Representatives. A pamphlet which I hold in my hand contains the information on the subject from the United States Tariff Commission. It is purely a financial and fiscal matter, which is always within the jurisdiction of the Ways and Means Committee of the House of Representatives and of the Finance Committee of the Senate; and yet I find Senate bill 2284, introduced by the senior Senator from Washington [Mr. JONES], to provide for the establishment, operation, and maintenance of free zones in ports of entry of the United States, and for other purposes, referred, undoubtedly at his request, as it was his bill, to the Committee on Commerce.

I am not in any way questioning the entire propriety of the Senator taking his own bill under his own jurisdiction and conducting the hearings—and hearings are now being conducted—but if it were not the Senator's own bill it would certainly be highly irregular to have the Ways and Means Committee and the Tariff Commission conducting an inquiry at one end of the Capitol and the Committee on Commerce, which has never had any jurisdiction over these questions, conducting a similar inquiry at this end of the Capitol. Under ordinary circumstances the bill should have gone to the Committee on Finance.

Mr. President, this bill was not referred to the Committee on Commerce because I introduced it or because it was my bill. It has not been my practice to prepare bills, introduce them, and have them referred to committees which do not ordinarily have jurisdiction over the subject matter simply to get them before a committee that I think may give favorable consideration to the measure.

I desire merely to call attention to the history of the bills on this subject. I regret that the Senator from Pennsylvania is not present. I had supposed that he would be here. I desire, however, to simply make an explanation about the matter, and then whatever action the Senate may desire to take can, of course, be taken hereafter.

The first bill relating to free zones was introduced nearly two years ago—March 21, 1918—by the junior Senator from Texas [Mr. SHEPPARD]. That bill was referred to the Committee on Commerce. It remained in the Committee on Commerce during the remainder of the Congress, and no question was raised by the Senator from Pennsylvania or any other Senator as to the

proper reference of that bill or the improper reference of it, if they considered it had been improperly referred.

Then, over a year afterwards, on May 23, 1919, in the Sixty-sixth Congress, the Senator from Texas reintroduced the bill, and it was again referred to the Committee on Commerce. I had then become chairman of the committee. I examined the bill and found that there were some provisions in it that I preferred to have changed, and I prepared a bill covering the same matter, taking the bill of the Senator from Texas as the basis for it, made the changes that I really thought I should prefer, and then introduced the bill. Because similar bills covering the same subject matter had twice previously been referred to the Committee on Commerce, and because I really thought that the bill related to the commerce of the country, especially its foreign commerce and our shipping commerce—it seemed to me that there was not any financial question involved in it, as it was entirely a proposition looking toward improving the facilities for commerce and promoting the interests of the commerce—I asked that the bill be referred to the Committee on Commerce, and that was done on June 23, 1919.

Then, at a later date, those who were specially interested in the proposition thought that they would like to change the bill in some particulars, and they prepared another bill, sent it to me to be introduced and referred to the committee, they having previously asked that a date be set for hearings upon the bill. On October 6 I introduced Senate bill 3170, covering substantially the same subject matter, and had it referred to the Committee on Commerce. That is the history of these measures.

The Senator from Pennsylvania stated that the bill was purely a financial or fiscal measure. I think anyone reading the bill will see that it is not a financial measure; that it is not really a fiscal measure; but that it relates almost solely and exclusively to the commerce of the country, especially the foreign commerce, and the methods of carrying it on. The purpose of the bill is to facilitate our foreign commerce, to facilitate the methods of carrying it on, not in the way of raising duties or lowering duties, or anything of that sort, but making the facilities for carrying on and conducting foreign commerce more simple, less expensive, and in that way to promote its development.

We have no special line of jurisdiction marked out in our rules for the various committees of the Senate. In the other body of Congress there are limitations in express language placed upon the jurisdiction of the different committees. We have in the Senate a Finance Committee, but there is not anything said about what bills shall go to it or anything of the sort. Then, we have an Interstate Commerce Committee, and there is not anything in the rules as to what bills should go to that committee; but its name indicates really its jurisdiction as covering measures relating to commerce among the States. Then, we have a Commerce Committee, but there is no definition of the jurisdiction of that committee except as indicated by its name. When we consider that we have an Interstate Commerce Committee and have also a Commerce Committee, we have a right to assume that the Commerce Committee has jurisdiction of bills relating to and dealing with foreign commerce of the country, and I think it has been the practice to accord to that committee jurisdiction of such measures, embracing proposed legislation relating to shipping, especially to overseas shipping, and coastwise shipping, too, for that matter.

As I have stated, this bill really simplifies the methods of carrying on our foreign commerce. It provides simpler and less expensive facilities for conducting it, and, it seems to me, comes very clearly within the jurisdiction of the Commerce Committee.

I do not know what particular reasons may be assigned for its going to the Finance Committee of the Senate. If it is on the ground that it touches the tariff or affects the revenue, then the proper course would be to strike the bill from the files of the Senate rather than to take it from one committee and refer it to another, because under the Constitution all bills affecting the revenue must originate in the House of Representatives; and if this is a bill affecting the revenue, then not only should it be taken away from the Commerce Committee, but it should be stricken from the files of the Senate, as being in violation of the provision of the Constitution to which I have referred.

The Chair suggested that he would entertain a motion to discharge the Committee on Commerce, and the Senator from Pennsylvania then said:

I would not do that under the circumstances, because it is the Senator's own bill, and he has already commenced hearings. I shall be satisfied to call the attention of the Senate to the irregularity of the proceeding in the hope that it will not occur too frequently in the future.

The Committee on Commerce was holding hearings on this measure at that time—that was the reason I was not on the floor of the Senate—but I wish to say that if this bill does not properly belong to the Committee on Commerce that committee does not desire to consider it. We have an abundance of work to do in connection with measures which are clearly within the jurisdiction of the committee; we have an abundance of work in connection with measures as to which no question can be raised concerning our jurisdiction. The bill was not sent to the Committee on Commerce simply for the purpose of obtaining jurisdiction of it; it was sent there because it was believed that there is where it belongs. I still think that that is where it belongs, unless it should be held that it is a bill affecting the revenue, and if that contention is sound then it should be stricken from the files.

The Senator from Utah [Mr. SMOOT] said:

Mr. President, if the Senator from Washington [Mr. JONES] were in the Chamber, I would ask that the Committee on Commerce be discharged from the further consideration of the bill (S. 2284) to provide for the establishment, operation, and maintenance of free zones in ports of entry in the United States, and for other purposes, and that it be referred to the Committee on Finance. I do not wish to make that request in the absence of the Senator from Washington.

Mr. President, if the Senator from Utah thinks that the bill does not properly belong to the Committee on Commerce, I am perfectly willing that the matter should be submitted to the Senate; at any rate, I should like to know the grounds for the contention that it does not come within the jurisdiction of the Committee on Commerce. I find from the Journal that apparently the motion was not in fact entered to discharge the Committee on Commerce; but I hope that if there are Senators who think that the bill should not be before the Committee on Commerce they will not hesitate for a moment about making a motion and letting the Senate pass upon the matter.

Mr. FLETCHER. Mr. President, it seems to me the Senator from Washington takes the sound and correct view of this matter. The bill referred to by him is not a revenue-raising measure, nor does it affect the tariff at all. If the point raised against the bill is based upon that idea, as the Senator from Washington has said, then the bill should have originated in the House and ought not to be here at all. The Committee on Commerce has entertained jurisdiction of it, and it seems to me the jurisdiction of that committee extends to every feature of this bill.

It is not a tariff measure at all. In the hearings before the Commerce Committee those in favor of high protection have advocated the bill and some who are in favor of a tariff for revenue only have advocated the bill; and they all agree that it is not a measure affecting the tariff, but is simply a measure to promote foreign commerce, which is a subject clearly within the jurisdiction of the Commerce Committee.

As the Senator from Washington has said, that committee takes jurisdiction of shipping, both coastwise and foreign; it has handled all such legislation, and, in addition to that, what is known as the trading-with-the-enemy act, establishing an alien enemy property custodian for property of that description, was handled entirely by that committee. Every measure affecting commerce and designed to promote foreign commerce, especially overseas commerce, has been handled by that committee. I think the bill is clearly within the jurisdiction of the Commerce Committee, and that the Finance Committee has really no function to perform in reference to it. It is not a tariff measure. It is not a revenue measure. It does not possess any of the features involved in that, because, as I have said, in the hearings before us people who are in favor of high protection favored this bill; people who are against high protection favored the bill; and they all concede that it is not a question of protection or of free trade or anything of that sort that is involved in this measure. It is purely a measure intended to promote foreign commerce, and that is clearly within the jurisdiction of the Commerce Committee. I think the bill ought to stay there and the hearings ought to be continued.

CLASSIFICATION OF SALARIES.

Mr. JONES of New Mexico. Mr. President, on last Friday the senior Senator from Utah [Mr. SMOOT] had some articles from the local papers read into the RECORD, and a discussion of those articles ensued, consuming quite a little of the time of the Senate, which related to the Joint Commission on the Reclassification of Salaries of Federal Employees.

I was not present on Friday when the Senator from Utah produced these articles and commented on them, else I think I could at that time have made a statement which would have satisfied the Senator from Utah, as well as other Senators who seem to have been interested in the matter. I believe, however, that it is advisable for me to make some statement at this time, not in defense of the Joint Commission on the Reclassification of Salaries, but that Senators may have some definite information and not be directed in channels which are not warranted by the situation.

The Senator from Utah, in opening his statement, said:

I now desire to read certain extracts from articles which of late have appeared in some of the local newspapers, and particularly to call the attention of the members of that commission to them and ask them whether or not the articles are inspired.

I also desire that the Senate shall understand that there is no power granted to the joint commission to pursue the policy which these articles state is to be pursued under the direction and power of the commission.

Mr. President, from this statement one would infer that some very important course of action had been taken by the commission which was in violation of its authority under the law, and whereby the commission was deviating from a correct policy. I have read these articles with much care since my attention was called to them, as well as the colloquy which took place after they were read. I have endeavored to discover what it was that would call for such a serious inquiry and for information bearing upon such an important question.

During the colloquy, particularly in response to a question by the Senator from New York [Mr. WADSWORTH], the impression was left that this commission was intending to establish a training school. That idea was commented on also by the Senator from Nebraska [Mr. NORRIS], and anyone reading the colloquy which took place at that time certainly would gain the impression that this Joint Commission on the Reclassification of Salaries were intending to establish a training school and to pay the professors and teachers out of the money appropriated for the work of the commission.

Mr. President, there is not only no substance to any such claim, but, if I am able to read these newspaper articles correctly, there is no foundation in the articles themselves for any such assumption. The articles themselves do not say that the commission is going to establish a school, and, so far as I know, these articles convey nothing but a little bit of information which is of value, doubtless, to the many thousands of employees of the Government in the District of Columbia. If I am able to read the articles aright, there is nothing more stated than that the commission has appointed an advisory committee, among other advisory committees, for the purpose of considering various questions of employment policy, and that this question of the establishment of a training school is merely one subject to be considered by the advisory committee. There is no thought in the minds of the commission and, I submit, no intimation in these articles which would justify any conclusion that the commission is going ahead to establish a training school.

There are various other matters referred to by the Senator from Utah which, it seems to me, convey an impression which ought not to prevail here in the Senate about this commission. I call attention further to another statement by the Senator from Utah. At the end of one of these articles—the one in the Post, I believe—is found this statement:

The national federation is bending every effort to make sure that the jurisdiction of the commission, at present limited to the District, will be extended to cover all employees of the Government throughout the country.

And the Senator from Utah says:

Where is the authority for such a proposition?

Well, now, Mr. President, what was the proposition? Nothing except a statement that the representatives of Federal employees were seeking to have the jurisdiction of the commission extended to the employees throughout the country, whereas at the present time the jurisdiction is confined to the employees in the District of Columbia. What is there involving the question of authority? The commission has done nothing about it. Nobody else has done anything about it except some outside people who really feel that the work of this commission should be extended; but the thought that it should be extended, when presented to me, was not approved, for the reason that I wanted and the other members of the commission wanted to have the work in the District of Columbia first concluded, so that the Senate, and the commission as well, and the country, should know the value of the work of the commission.

In other words, we did not want to extend our jurisdiction throughout the country, but we were importuned to ask that it be done.

But what has this to do with the question of authority? It is a statement of the newspapers as to what somebody else is doing; but, somehow or other, it seems that the Senator from Utah rather felt that the commission was trying to do something in the matter, although there is nothing in the article which would warrant such an inference.

Then, after reading the authority which created the commission, the Senator from Utah says:

Mr. President, we find, if these reports are true, Mr. Luther C. Steward—and every Senator knows who he is—directing the policies of this commission which was created by Congress; and, not only that, but making arrangements for the purpose of opening a school to teach the employees of the Government how to carry on the work which the Government has employed them to do and for which it is paying them.

Mr. President, it seems to me that that would be considered by some people at least as a reflection upon the entire commission, not because the commission is willing at all times to accept advice and suggestions from anyone but because it seems to leave the inference that some outsider is directing the policy of the commission; and, by the way, there is no such inference in these newspaper articles. The only statement that is made in these newspaper articles in regard to Mr. Steward is that he, as one of the representatives of the Federal employees in the District of Columbia, has been appointed a member of an advisory committee of nine, and the Senator says, "We all know who Mr. Steward is." I suppose we do, and I for one want to say here that I do not know of anybody in the District of Columbia who is more familiar with the conditions of the employees in this District, who has studied the question of wages and conditions of employment more than Mr. Steward; and if we were to close our ears to his suggestions we would not be performing our duty. As I view it, it is the duty of this commission to get information and to get assistance from whatever source it can; and I submit that we are not only justified in calling on Mr. Steward for whatever assistance he may render, but we would be derelict in our duty if we did not do it.

The Senator from Utah also refers to the appropriations which have been made for this commission. He says we first got $25,000; that then we came asking for $125,000 more; and finally another $65,000 was granted. Mr. President, the situation is simply this: When the commission was created $25,000 was appropriated. But the members of the Appropriations Committee themselves said they knew after the commission was formed that that would not be enough; that it was only for the purpose of getting something started; and that they expected the commission to come to Congress for an additional appropriation. That the commission did. Some of the members of the commission thought they ought to have $125,000, and the committee finally recommended an appropriation not of $65,000 additional but $50,000 additional, making a total appropriation of $75,000.

The reason why there was this difference of opinion among the members of the commission as to the amount that would be required is very easily understood. Under the joint resolution nobody expected that the entire work of the commission would be done for that amount of money, and so provision was made in the resolution for requiring the heads of the departments to detail to the work of the commission such employees as the commission might request. So it was simply a question of how many people we should take out of the departments and use in this work or how many should be employed from the outside. So far as the Government is concerned, it makes no material difference, because the Government pays the salaries of these people anyhow.

I for one rather felt that we ought to go outside the Federal employees and get more help than we did. We have secured very valuable people who have been making a study of this identical proposition. I want to state to the Senate now that this work of reclassification is a business in itself; it is a profession in itself, and there are experts who have been devoting years of their lives to this particular work. We have employed some of those to assist us, and we have gathered in additional help from the employees of the various departments. So it makes no material difference whether we have the work done by some one already in the Government service or employ some one from the outside. The work means so much labor, and it must be paid for by the Government, whether it is done by those in the present employ of the Government or whether they are newly employed from the outside.

But, in all seriousness, Mr. President, in regard to the innuendo which is carried in the Senator's remarks that the commission is seeking from time to time to augment the work which it has been delegated to carry on, I wish to say that there never has been a commission, I believe, which has exerted itself more earnestly in the attempt to carry out the program as outlined in the joint resolution creating it than this commission. The commission was created by a joint resolution of Congress, approved March 1, 1919. On the 3d of March the commission organized, and it has been at work ever since. By the terms of the joint resolution its report is to be forthcoming by the 20th of January next. The commission is working to that end, and unless some unforeseen obstacle should arise, I have not any present doubt but that the commission will be able to complete its labors by that time, and within the appropriation which has been made.

Reference has been made, Mr. President, to certain members of the commission. If I mistake not, on a previous occasion the Senator from Utah [Mr. SMOOT] took occasion to refer to the fact that this commission was created for the purpose of providing for some "lame ducks" of the House; that is to say, Members of the last Congress who were not reelected to the present Congress. As to the commission seeking to continue its labors, and positions upon the commission being sought, for the entire commission I want to disclaim any such purpose or intent. I want to say also that not a member of the commission, either from the House or from the Senate, had anything to do with the joint resolution which created the commission, or has anything to do with seeking a position upon the commission. As I understand, in the original joint resolution provision was made that the entire membership of the commission should be appointed from those who should be Members of the present Congress. When it came over to the Senate, as I understand it, the Senator from Washington [Mr. JONES] proposed to amend the joint resolution in the committee, and it was amended, so that Members of the last Congress might become members of the commission. The three members of the commission on the part of the House were named from those who are not Members of the present Congress, and it was provided that their salaries should be the same as if they were Members of Congress. I want to congratulate the Senator from Washington for his foresight in suggesting that amendment. From actual experience I am convinced that it is one of the best features of the joint resolution.

The work of this commission requires daily and constant attention on the part of its members, and the three members appointed by the Speaker of the House—Mr. Keating, Mr. Hamlin, and Mr. Cooper—have devoted practically all their time to the work of the commission since it was organized. I do not usually throw bouquets at anyone, but I want to say that those three men have given as intelligent, as faithful, and as efficient service to the work of the commission as any three men whom you can imagine. I do not know of any three men who could have been selected who would have performed this service any better than they have done, and I think it was an extremely wise provision that at least three members of the commission should not be called to the work of the present Congress.

The three Senators on the commission are Members of the present Congress, and they devote such time as they can to the work; and a good deal of time is being devoted by the Senate Members to the work; but necessarily the detailed supervision must be put upon somebody who can be in constant attendance.

A statement was also made during the discussion to the effect that Mr. Keating had been engaged to superintend the lobbying in regard to the Plumb bill, and reference was made to his salary as superintendent or manager of that enterprise. Mr. Keating has not received a dollar of compensation for any work of that sort, it has not interfered with his work on this commission in the slightest, and whatever attention he may give to that matter is given out of office hours or in the evenings. I want to say also that the evenings are not given to it. Mr. Keating, Mr. Hamlin, Mr. Cooper, and other members of the commission meet at night and go over this work, as do many of the various employees.

The commission has brought to its assistance men throughout the country of recognized ability in this direction. Richard H. Dana, president of the National Civil Service Reform League; Dr. Beard, of the board of research of New York; and others whom I might name have been called upon. Wherever we have taken up any subject it has been done with the idea in mind that when anything is finally agreed upon there will have to be a reason given for it.

I want to say further that the work of the commission is not behind closed doors. There is nobody imposing any ideas upon the commission, but the commission is seeking to gather in the ideas from all sources, and wherever any important factor is involved we have sought to enlist the services of representatives of the employees, representatives of the administration, and representatives of the citizens of the country at large; and whatever is done will be done with information from these various sources at hand.

I know, Mr. President, that some criticism has been made that we have been calling upon the employees to give their version of the situation. We have not only gotten their versions, their statements of fact, but we have statements of fact from the various heads of the departments and the various chiefs of bureaus. We have gotten information from all those sources, and I will state the reason for it. You have here in the District of Columbia, coming under the jurisdiction of this commission, practically 108,000 employees, who will be affected by the work of the commission.

Do you want to close the door to the information which they can give? When you begin to cast aspersions upon the work of Mr. Steward, who is one of the representatives of the employees, I want to ask you if you want to close your doors to testimony from that source? Do you not want to get the point of view of the men and women who do the work for the Government here in the city of Washington? Do you not want to hear from them? It is their lives that are vitally concerned in this work.

But it is also the duty of the Government and of this commission to take into consideration the situation outside of the service, to try to find out how the pay for service there compares with the pay here. This commission, if I may say it, has tried to bring to its assistance all these various elements, and I want to compliment and to thank the employees of Washington, the supervising officials, the heads of departments, and the various outside citizens who have lent their aid, for the very efficient work which they have been performing. We expect to bring in a report. Whether a training school shall be established or not, it is not for the commission to decide; but we want to present all these questions to Congress so that Congress may do the right thing both for the employees and for the country at large.

Mr. SMOOT. Mr. President, if it had not been for one or two statements made by the Senator from New Mexico, I would not ask a moment's time of the Senate. In the first place, I am very glad to learn that the commission over which the Senator has the honor of presiding, the Reclassification Commission, has not authorized the statements that were published in the papers and read by me last Friday, and has no thought of carrying them out.

I want the Senator from New Mexico to know that at no time have I ever said that the commission did intend to carry out the program as contained in those newspaper articles. I did say this:

> I now desire to read certain extracts from articles which of late have appeared in some of the local newspapers, and particularly to call the attention of the members of that commission to them and ask them whether or not the articles are inspired.

Nowhere in my statement did I say anything otherwise, but I based all that I said upon the proposition "if the newspaper articles were true," and the Senator knows it if he has read my remarks.

Mr. JONES of New Mexico. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. JONES of New Mexico. I ask the Senator to point out any statement in the articles themselves which justify the thought that the commission, at the expense of the funds provided or otherwise, intended to establish a training school.

Mr. SMOOT. I think the Senator from New Mexico knows as well as other Senators know that these newspaper articles were prepared for the papers. The last paragraph in the article in the Star reads as follows:

> The National Federation is bending every effort to make sure that the jurisdiction of the commission, at present limited to the District, will be extended to cover all employees of the Government throughout the country.

The joint resolution gave the commission no authority for that. I want to say further, Mr. President, that in this article it states that—

> Retirement plans will be gone over by the committee, and the results of its deliberations laid before the members of the Reclassification Commission for their consideration. It is out of all these deliberations that all the final policies of the reclassificationists, as they will be placed before Congress, will grow.

I do not believe the commission ever authorized any subcommittee of the commission to go into any question that is not authorized by the joint resolution creating the commission.

Mr. JONES of New Mexico. I should like to ask the Senator what there is in that last paragraph of the newspaper article which seems to indicate that the commission attempted to do anything of the kind?

Mr. SMOOT. Whoever wrote this article, and I think it was inspired and perhaps written by Mr. Steward, knew enough about it to know that—

> Three representatives of the organized Government employees have been appointed by the Joint Congressional Commission on Classification of the Civil Service to serve on an advisory committee on wages. They are Luther C. Steward, president of the National Federation of Federal Employees; W. Carson Ryan, jr., president of Federal Employees' Union No 2; and Miss Ethel Smith, executive secretary of the Washington committee of the National Women's Trade Union League, with which local and national organizations of the Federal employees are affiliated.
>
> The chairman of the advisory committee is Courtney W. Hamlin, of the Reclassification Commission, and other members or representatives of two groups, as follows:

Then it goes on and names them all. I have not any doubt that that information came from the commission. It could not have come from any other source. Their appointment was for a

specific purpose, and a reading of the article shows what I have stated.

Mr. JONES of New Mexico. The article states that the National Federation is bending every effort to make sure that the jurisdiction of the commission will be extended.

Mr. SMOOT. Yes; and connected with the appointment of these three people by the commission for the purpose of considering the question as to what to recommend to the commission. That is what the article says.

Mr. JONES of New Mexico. But the newspaper article does not say that the commission or anybody on its behalf is seeking to have its jurisdiction extended.

Mr. SMOOT. No; and in my opening statement here I simply said that I called the attention of the commission to the article, and I ought to have done so, and any other Senator who was interested in the question ought to have done it, because I say to the Senator now that if the program is carried out as stated in the newspaper articles and Congress appropriates money that will be demanded we will have no end to the life of the commission.

I have not a word of complaint about the Senator, nor have I a word of complaint as to the labors the commission have performed under the authority granted it. That is not what I am complaining of. I wanted to know whether the newspaper report was true and whether the commission had entered into any arrangement that a school should be established in the different departments here in order to educate the employees of the Government to do their work. I say that no Senator can read the article in the Star without drawing the conclusion that that is what is going to happen if Mr. Luther C. Steward can accomplish it.

Not only that, but I say to the Senator from New Mexico that I heard of this very program before it appeared in the paper, but I did not believe that it would be made public so quickly—at least, before the commission acted upon it.

Mr. JONES of New Mexico. Will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. JONES of New Mexico. I should like again to ask the Senator to read anything in either one of those newspaper articles which intimates that the commission intends to establish a training school.

Mr. SMOOT. I had better read the article and then let the Senator himself judge whether it does or not. I do not want him to take my word for it. This is what appeared in the newspaper:

> Training of new Government employees for the work they have to do for Uncle Sam will be one of the big matters to be passed upon by the advisory committee on employment policies which is in process of selection to-day by the Joint Congressional Commission on Reclassification of Salaries in the District.
>
> "Training of new Government employees for the work!"

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. McCORMICK in the chair). Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. Certainly.

Mr. WALSH of Montana. I should like to inquire of the Senator from Utah how long his discussion of this matter will last?

Mr. SMOOT. If I am not interrupted, I shall conclude in a very few moments.

Mr. WALSH of Montana. I am very anxious to proceed to the calendar.

Mr. SMOOT. So am I, I will say to the Senator, and therefore I am not going to take the time I should like to occupy.

In my remarks in the Senate last Friday I made this statement:

> Mr. President, we find, if these reports are true, Mr. Luther C. Steward—and every Senator knows who he is—directing the policies of this commission which was created by Congress; and, not only that, but making arrangements for the purpose of opening a school to teach the employees of the Government how to carry on the work which the Government has employed them to do and for which it is paying them.

That is the statement I made, and that is the conclusion that I or anyone else reading the article would reach.

I simply want to say to the Senator from New Mexico that he is mistaken when he says that the Senator from Washington [Mr. JONES] offered the amendment changing the appointment so as to include the three ex-Members of Congress. I remember very well when the Senator from Washington offered an amendment to the bill that was introduced by former Senator Weeks creating a commission; but the Senator from New Mexico is mistaken in that respect, and I want to tell him another thing about which he is mistaken.

I was a member of the subcommittee which recommended the first appropriation of $25,000. I will tell the Senator now that I knew every Member who was appointed from the House, and that was even before the appropriation was made. The Senator is mistaken when he says that nobody knew who was going to be appointed.

Mr. JONES of New Mexico. I did not make that statement.

Mr. SMOOT. I will let the Senator repeat the statement then that he did make.

Mr. JONES of New Mexico. I simply said that the members of the commission, I am authoritatively advised, had no part in the passage of the joint resolution creating the commission and never sought the positions which were finally given them.

Mr. SMOOT. I say that the Senator is mistaken, and I say it because I know it. The Senator says Mr. Keating is giving all his time to the commission. If that is the case, why is he employed as an attorney to do outside work? No contradiction has ever been made of the statement that I put in the RECORD when it was first announced that he was employed as an attorney for certain work by labor organizations. I objected at the time, not that he was employed as an attorney, but because of the fact that the commission created by Congress appointed Mr. Keating as a member of the commission, paid him a salary of $7,500 a year, and it was his duty, as I thought, to give his time to the business for which the Government of the United States paid him and for which he was appointed.

Mr. JONES of New Mexico. Will the Senator permit an interruption?

Mr. SMOOT. If it will not take too much time, I will yield.

Mr. JONES of New Mexico. Will the Senator give us any information that he may have regarding those alleged activities of Mr. Keating? Does the Senator believe Mr. Keating is neglecting his duties on the commission?

Mr. SMOOT. Mr. President, I am not in a position to state that he has neglected his duties as a member of the commission, but I do say that a man appointed to such a position, with the Government paying him the same salary that a man receives who is serving as a Senator or Representative, can not accept a position outside, such as he did accept, and give his time and his service to the persons who have employed him if he gives the time he ought to give as a member of the commission to which he was appointed. I do know that, Mr. President.

Close the doors to the employees of the Government? Why, no. No one ever suggested such a thing, and the Senator knows that there is not a Government employee in the District who has not had a chance to tell the commission just what work he was doing and just what he was employed to do and to give all the information that the questionnaire which was sent to every employee in the District asked for.

I was delighted when I heard that every employee of the departments in the District would have an opportunity to say just what he or she was called upon to do. I should like to see every one of those answers; I want them classified; and I then desire that there shall be a thorough examination of them, in order to ascertain if they correspond with what the heads of the departments of our Government say those employees are doing.

Let me tell the Senator from New Mexico [Mr. JONES] that when that time comes a great deal of the duplication work that is going on in the departments will cease, for there will not be in the future appropriations made for such work. The Senator knows that there is duplication of work in the departments; any Senator who has given any time to the study of the question knows it; and the quicker it is rooted out the better it will be for the Treasury of the United States. I know that the people of the United States, burdened as they are and will be for the next generation with heavy taxation, will call upon us to see that unnecessary salaries are not paid, even though they are proposed to be paid, to employees in the District of Columbia.

Mr. President, I know that the Senator from Montana [Mr. WALSH] wants the floor, and I am not going to take any more time upon this question; but I desire to say that every word I uttered on last Friday in reference to this matter was for the best interest of our Government. I called attention to the article, and no honest man can read it but will know that it was inspired by some one close to the commission. I believe, Mr. President, that this publicity will have the effect of checking much of the work that was under way in order that this plan mapped out in the article should be carried to a successful conclusion.

REFERENCE OF "FREE-ZONE" BILL.

Mr. JONES of Washington. Mr. President, the Senator from Pennsylvania [Mr. PENROSE] is now here, and I desire to direct his attention to the fact that I called the attention of the Senate a few moments ago to what occurred on Saturday in

reference to the free-zone or free-port bill. Without going over what I have previously stated, I merely wish to say that I gave the history of the bill and showed that in the last Congress the Senator from Texas [Mr. SHEPPARD] introduced a free-port bill, so called, and it was referred to the Committee on Commerce; that no question was raised with reference to the jurisdiction of the committee over that bill; that again—in May, I think it was, of this year—he reintroduced the bill and had it referred to the Committee on Commerce; that when I examined the measure I thought that there should be some changes in it, and I prepared a bill covering those changes, and that as the original bill had been referred to the Committee on Commerce, and as I believed from the terms of the bill it should go to that committee, I had the bill introduced by me so referred.

I wish to say to the Senator from Pennsylvania that I do not want any Senator to hesitate about questioning the jurisdiction of the Committee on Commerce with reference to the free-zone bill if he does not think it belongs there. That committee has all it can do with measures that are clearly within its jurisdiction. I believed when I introduced this bill and had it referred to that committee that it was within the jurisdiction of the Committee on Commerce; I still think so. As I stated awhile ago, it has not been my practice to prepare bills and introduce them and have them referred to committees which would have jurisdiction over them in order to get them considered.

Mr. SMOOT. Mr. President, will the Senator yield to me?

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

Mr. JONES of Washington. Yes.

Mr. SMOOT. I desire to ask the Senator from Washington which Senate bill his committee has under consideration? I notice that on June 27 the Senator from Washington introduced Senate bill 2288. That was the bill to which the Senator from Pennsylvania referred last Saturday. I understand that there is also Senate bill 3170, which was introduced by the Senator upon the same subject. Which bill has the Senator's committee under consideration?

Mr. JONES of Washington. The committee has under consideration all of the bills covering the subject matter, but is having the hearings especially on Senate bill 3170, because that is the bill the friends of the proposition finally prepared. That bill, as the Senator will notice, is the bill which was introduced by me by request a few days ago.

Mr. SMOOT. I will procure a copy of Senate bill 3170, as I have not one, though I have a copy of Senate bill 2288.

Mr. JONES of Washington. Well, the bills are substantially the same, except that Senate bill 3170 has a provision in it that those who are interested in it do not really desire to have retained in the bill; but they did not indicate that to me when they sent the bill to me to be introduced. I introduced it for them. The next day they came up and said they wanted a great part of section 3 stricken out, but I did not care to reintroduce the bill in order to make that change. The bill, however, was reintroduced in the other House in amended form. The committee is considering the proposition of free zones, and has before it not only Senate bill 3170 but also Senate bill 556, which was introduced by the Senator from Texas, and Senate bill 2288, to which the Senator from Utah has referred.

If the Senator from Pennsylvania thinks that the bills should not be considered by the Committee on Commerce or that committee has not jurisdiction of them, I hope the Senate will be called upon to pass on the question. As I suggested when the Senator was not here, if this bill affects the revenue, and that is the reason the Senator thinks it ought to go to the Finance Committee, then the bill should be stricken from the files of the Senate entirely, because the Constitution provides that bills affecting the revenue must originate in the House. I do not know, however, the particular grounds the Senator had in mind when he raised the objection.

Mr. PENROSE. Mr. President, I rose on Saturday merely to call the attention of the Presiding Officer and of the Senate to a careless practice which has grown up of referring bills undoubtedly belonging to one of the leading committees to some other committee. The practice arises in two ways: A Senator has a bill which he wishes, very naturally, to keep under his personal supervision, and he has the bill referred to some committee of which he is a member, notwithstanding the fact that it very evidently belongs to some other committee. I have known bills that beyond any question belonged to the Committee on Commerce being referred to some committee such as the Committee on the Five Civilized Tribes of Indians, because the Senator introducing the bill happened to be a member of that important committee. While that comparison may seem ridiculous, it is a fact that bills are often referred without any propriety or reason, simply at the whim of the Senators who happen to introduce them; or it occasionally happens that the lobby or those back of a bill like the personnel of one committee rather than another and urge the reference of the measure in which they are interested to the committee of their fancy.

While I have the highest respect for the personnel of the Committee on Commerce and know it is constituted of very able Senators both on the majority and the minority side, most of whom are sound in their economic views, so far as the majority are concerned, I know that a great many exporters wanted this legislation referred to the Committee on Commerce. But be that as it may, I am not disposed to get into a controversy over it. I only wanted to call attention to the abuse.

My attention was directed to it by the reference of the reciprocity repeal bill to the Committee on Foreign Relations—a most gross violation of parliamentary propriety and procedure. Measures affecting that question have always gone to the Finance Committee. When the original reciprocity bill was introduced, during the second half of the Taft administration, it was referred to that committee, and the committee held hearings, extending over a period of months, participated in by representatives of the State granges from all over the United States, and yet, through the gross carelessness of some one at the desk, the reciprocity repeal bill was referred to the Committee on Foreign Relations. As my attention happened to have been called to similar omissions and miscarriages of reference, I thought it my duty to call the matter to the attention of the Senate and of the Chair.

There are other important instances where not only the Finance Committee but other committees have been ignored to the serious detriment of the public service, because, Mr. President, when a committee has spent 10 or perhaps 20 years in considering all the issues and ramifications of a certain character of legislation it is certainly not in the interest of efficiency and effective legislation to refer some bill embodying similar principles to a committee that has never given any consideration whatever to the subject. I have two or three quite important bills in my mind to which I intend to call the attention of the Senate later which have been improperly referred; but before doing so I wish to proceed in an amicable and just way and to consult the Senators who introduced the measures and the chairmen of the committees to which they were referred.

So far as the bill referred to by the Senator from Washington is concerned, measures affecting the question of free ports have from time immemorial been referred to the Committee on Finance of the Senate and to the Committee on Ways and Means of the House. If in the last Congress, which was under the control of the now minority party, bills of that character were irregularly referred and if the example was followed in this Congress, that does not excuse or condone what was clearly either a mistake or an irregularity.

This is not a new question before the American Congress; it has been before us every year or so during the 24 years I have been a Member of the body. The Senate has——

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. PENROSE. Yes.

Mr. WALSH of Montana. I desire to say to the Senator from Pennsylvania that some 20 or 25 minutes ago, when the Senator was not in the Chamber, I felt constrained to rise and suggest that this is Calendar Monday and quite a number of us are interested in measures upon the calendar. I do not like to insist upon the regular order this morning, but I hope the Senator will recognize that he is speaking by unanimous consent.

Mr. PENROSE. I am pretty nearly through; I am rising to a question of privilege; I do not detain the Senate very often with any remarks of mine, and so I think I will proceed until I am through.

Mr. WALSH of Montana. The Senator, of course, is at liberty to do so——

Mr. PENROSE. Yes.

Mr. WALSH of Montana. If he is speaking to a question of personal privilege. I did not understand that he rose to speak to such a question.

Mr. PENROSE. It is a question of privilege under the rules.

Mr. WALSH of Montana. Of course, if the Senator does not take the suggestion in the kindly spirit I made it, I will rely upon my right to call for the regular order.

Mr. PENROSE. I shall be through in a minute, Mr. President.

Mr. WALSH of Montana. Very well; I shall be glad to indulge the Senator for a few minutes, if he cares to go on.

Mr. PENROSE. Mr. President, as I was saying, this is not a new question. It has been before the Congress for a generation. Legislation of the character proposed has generally been

supported by the importers, and opposed by manufacturers and those believing in the policy of protection. The question is an ancient one, and I do not know that the Committee on Commerce has ever, until within the last few months, devoted any consideration to it or to the principle involved, or that it knows anything about it. I was on the Committee on Commerce for some 10 years and I never heard of any such question discussed before that committee.

As the chairman of the committee has said, they have all they can attend to without hunting trouble. So has the Finance Committee, and I do not intend at this time, nor at any other time, to ask to have the reference of this bill changed. The Commerce Committee can go on, so far as I am concerned, with all the hearings they want on this measure, and doubtless the more hearings they have, the more they will know, which is desirable. As a matter of fact—and I want to call the attention of the chairman of the committee to this for his information—I have grave doubts as to whether the bill is constitutional. I want to call his attention to, and have him consider when he proceeds with this entertaining occupation of considering free ports, paragraph 6 of section 9 of Article I of the Constitution of the United States, if his attention has not already been called to it, which reads as follows:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

I am not going to discuss the constitutional point involved in this paragraph, but it looks to me as though it was of sufficient force to render the whole bill impossible and unconstitutional; and from the information I have received lately, the bill is not likely to get very far in the House of Representatives or in the Ways and Means Committee. So I am not going to say anything further than to record my dissent, and express the hope that there will be greater logic and regularity followed in the future in the reference of bills in this body.

Mr. JONES of Washington. Mr. President, I agree with what the Senator has said with regard to the reference of bills, although I do not believe that anyone at the desk is responsible for these references. My observation has been that Senators usually designate where they want bills to go, and the clerks at the desk either follow that suggestion or else the Presiding Officer announces the committee to which the bill should be referred. As I said, however, this bill was not referred in order to give the committee jurisdiction; and I should like myself, if the Senator thinks it is an irregularity, to have it go there, or anything of that sort, to have him ask that it be referred to some other committee. It would not offend me in the least.

Mr. PENROSE. I appreciate the Senator's courtesy, Mr. President, but I have already stated that I do not intend to ask that, and am entirely satisfied to have the Committee on Commerce proceed with the hearings on the bill, particularly as I think the bill has little or no show of passage.

Mr. JONES of Washington. Mr. President, I want to assure the Senator that every feature of the bill will have consideration if it is left to the Commerce Committee, if the Senate thinks that is the proper place for it. The constitutional provisions will be considered, I think, probably as fully there as they would be in the Finance Committee. The clause of the Constitution to which the Senator refers I have read several times and am familiar with it, and it will be taken into consideration in the consideration of this measure. But if the Senator from Pennsylvania, or any member of his committee or any Member of the Senate, thinks that this bill is improperly before the Commerce Committee, I should be glad if they would make the motion and ask that it be referred to the committee which they think should properly have jurisdiction of it.

AIR SERVICE.

Mr. WADSWORTH. Mr. President, by direction of the Committee on Military Affairs, I offer an amendment to House bill 9205, the first deficiency appropriation bill, and I shall follow the reading of the amendment with a somewhat unusual request.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read as follows:

On page 11, after line 23, insert the following:

"For the activities of the Air Service of the Army during the fiscal year ending June 30, 1920, the sum of $15,681,350 is hereby made available from the unexpended balance of funds appropriated for the fiscal year 1918 by the act approved July 24, 1917, entitled 'An act to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, maintain, manufacture, repair, and operate airships and to make appropriations therefor, and for other purposes,' and of the funds appropriated for the Air Service for the fiscal year 1919, by the act approved July 9, 1918, entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919.'"

Mr. WADSWORTH. Mr. President, I am not entirely certain as to the parliamentary procedure which would be proper in this case. Suffice it to say, in explanation—it will take me but a sentence or two—that the War Department sent a request to the Committee on Appropriations, which now has under consideration a deficiency bill, to include in that bill an appropriation for the purchase of airplanes. Such an estimate was not a deficiency estimate, and the chairman of the Committee on Appropriations very properly, I believe, insisted that the Committee on Military Affairs should take some jurisdiction over that request. The Committee on Military Affairs, therefore, requested the Secretary of War and the appropriate officers of the Aviation Department of the Army to come before the commitee and explain to them how it was that $15,000,000 was requested for the purchase or the building of airplanes, which in no sense constituted a deficiency item. There is no bill before the Committee on Military Affairs to-day for this purpose; but the committee, after listening to the arguments in favor of the request made originally to the Appropriations Committee, instructed me, as its chairman, to present this amendment to the Senate, the amendment being applicable to the deficiency bill now resting in the Appropriations Committee.

I therefore, by the direction of the Military Affairs Commitee, offer this amendment, and I am instructed by them to state that it constitutes a report from the Committee on Military Affairs upon this question, and then to request that the amendment be referred to the Committee on Appropriations.

In other words, Mr. President, I report this amendment from the Committee on Military Affairs. That would place it upon the calendar; and I then ask that it be referred to the Committee on Appropriations.

The PRESIDING OFFICER. The Senator from New York requests that the amendment just reported by the Committee on Military Affairs be referred to the Committee on Appropriations.

Mr. SMOOT. The Senator does not want it to go on the calendar?

Mr. WADSWORTH. No, sir.

Mr. SMOOT. Just to go to the committee?

Mr. WADSWORTH. It has to go on the calendar momentarily, as a report, but I ask that it be immediately referred to the Committee on Appropriations.

Mr. SMOOT. The proper way is just to report it, and ask that it go to the Appropriations Committee.

Mr. WADSWORTH. I merely want it noted in the RECORD that it is the equivalent of a committee report.

The PRESIDING OFFICER. Without objection, the amendment will be referred to the Committee on Appropriations.

ISSUANCE OF SECURITIES.

Mr. PENROSE. Mr. President, Senate joint resolution 88, being a joint resolution to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to supervise the issuance of securities, and for other purposes," was reported from the Committee on Banking and Currency and undertakes to amend the bill which was enacted in the last Congress, having been reported from the Finance Committee, providing for a corporation having a capital of $1,000,000,000 for certain purposes. The Senator from Utah [Mr. SMOOT] will remember it very well.

Mr. President, this is an amendment to a bill which was acted on by the Finance Committee in the last Congress, and also by the Ways and Means Committee. Many hearings were held by the Ways and Means Committee and by the Finance Committee. The Secretary of the Treasury and one if his assistants, Mr. Leffingwell, came before both committees and had prolonged consultations with them. Yet, notwithstanding that extraordinary familiarity and experience which the Finance Committee has with this extraordinarily important piece of legislation, it goes to the Committee on Banking and Currency, which never heard of the measure and does not know anything about it, and then is reported out to the Senate without, I believe, a quorum present. I am a member of the Committee on Banking and Currency. I admit that I was not there. The Senator from North Dakota [Mr. GRONNA] is a member of that committee, and I do not recall whether he was there or not; but I feel very safe in asserting that no quorum was present when this joint resolution, involving a billion dollars, was reported out of the committee.

I therefore move that the joint resolution be taken from the calendar and referred to the Committee on Finance for further examination and investigation.

Mr. SMOOT. Mr. President, just one word before that is done. I want to call the Senator's attention to the fact that the

title of the joint resolution is wrong. The title of the joint resolution is:

Joint resolution to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to supervise issuance of securities, and for other purposes."

That is not the name of the act at all. The act is the one to which the Senator has just referred, and was considered by the Finance Committee; and not only was Mr. Leffingwell there, but the Secretary of the Treasury himself appeared there.

Mr. PENROSE. For several days the committee met to study this very important question.

Mr. FLETCHER. Mr. President, I remember attending a session of the Committee on Banking and Currency when this matter was considered there. I never understood that it was a matter which the Finance Committee at any time had had before it. In the absence of the chairman of that committee, I should dislike to see this action taken.

Mr. PENROSE. I do not think there will be any trouble with the chairman of the committee. I know the chairman so well that, while I believe he is out of town, I will answer for him.

Mr. FLETCHER. I do not see what is to be gained by that, unless the Senator from Pennsylvania is opposed to the joint resolution.

Mr. GRONNA. Mr. President, I want to say that, although I am a member of the Committee on Banking and Currency, and I may say that I have given this joint resolution some consideration, I have always believed that it was a matter which should go to the Committee on Finance. I am sure the matter was considered by that committee when it was first enacted into law.

Mr. PENROSE. For several days.

Mr. GRONNA. I was the one, I think, who opposed the passage of this joint resolution under a unanimous-consent request; and the Senator from Utah [Mr. SMOOT], I know, has refused to let the joint resolution go through. It is a matter of tremendous importance, and it should not be passed until it has had further consideration. I am very glad to have it referred to the Committee on Finance, although I am a member of the Committee on Banking and Currency.

Mr. FLETCHER. What is the number of the joint resolution on the calendar?

Mr. PENROSE. One hundred and eighty-seven. Certainly no Member of the Senate can object to having a committee admitted to be expert on this question reexamine the bill. I do not see how anyone can object to that.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that Senate joint resolution 88 be taken from the calendar and referred to the Committee on Finance. Without objection, it is so ordered.

THE CALENDAR.

The PRESIDING OFFICER. The morning business is closed, and the calendar, under Rule VIII, is in order.

The first business on the calendar was 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.

Mr. WALSH of Montana. Let that go over.

The PRESIDING OFFICER. 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. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

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

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be 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. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

EMMA H. RIDLEY.

The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

Mr. CALDER. I hope there will be no objection to this bill. It is exactly the same as one passed by the Senate at the last session of Congress. The bill proposes to appropriate one year's salary for the widow of a doctor who died under extraordinary circumstances while attending the sick at the hospital on the Isthmus of Panama during an epidemic of typhoid fever. He really gave up his life for his country. By an act which I have in my hand, approved June 22, 1914, of almost the same character, we gave the family of another doctor two years' pay. This is a very meritorious measure and ought to pass.

The PRESIDING OFFICER. The bill goes over.

BILLS, ETC., PASSED OVER.

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.

The PRESIDING OFFICER. The bill will go 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. SMOOT. Let that go over.

The PRESIDING OFFICER. 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. SMOOT. Let that go over.

The PRESIDING OFFICER. 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 owners and Federal aid therefor was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

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

The PRESIDING OFFICER. The bill will go over.

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. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

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. SMOOT. The Senator from Washington [Mr. JONES] is not present, but on two or three occasions when this bill has been reached on the calendar he has asked that it go over. He did not want to have it stricken from the calendar. He stated that the same provision is already in a bill that has passed the Senate, and if it passes the House it will then be in force, and there will be no necessity for action upon this bill. I therefore ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 41), proposing an amendment to the Constitution of the United States, was announced as next in order.

Mr. WALSH of Montana. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2457) to provide for a library information service in the Bureau of Education was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

DISTRICT RENT COMMISSION.

The bill (S. 2992) to create a rent commission of the District of Columbia was announced as next in order.

Mr. GORE. Let that go over.

Mr. SMOOT. I move that the bill be indefinitely postponed.

The motion was agreed to.

WATER-POWER DEVELOPMENT.

The bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

JACOB NICE.

The bill (S. 1448) for the relief of Jacob Nice was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

OFFICERS AND MEN OF COAST GUARD.

The joint resolution (S. J. Res. 102) to equalize the pay and allowances of commissioned officers, warrant officers, and enlisted men of the Coast Guard with those of the Navy was announced as next in order.

Mr. HENDERSON. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

JOHN T. EATON.

The bill (S. 209) for the relief of John T. Eaton was announced as next in order.

Mr. GRONNA. I do not understand that there is any objection to this bill.

The bill was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John T. Eaton, of Helena, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $560, in compliance with the findings of the Court of Claims, Senate Document No. 220 of the first session of the Sixty-third Congress.

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

MARY C. MAYERS.

The bill (S. 642) for the relief of Mary C. Mayers was considered as in Committee of the Whole, and was read as follows:

Whereas Joseph L. Mayers, lately an American citizen, residing at Yokohama, Japan, died on May 7, 1899, as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the U. S. S. *Charleston*, then lying in Victoria Harbor, Hongkong, China, and which whaleboat was negligently detached from the davits of said ship by some of the ship's crew, said Mayers having gone to said ship on official business; and

Whereas the said Mayers left surviving him a widow, Mary C. Mayers, who was wholly dependent on her husband for support, and said widow is now without means: Therefore

Be it enacted, etc., That the sum of $5,000 for the aid and support of the said Mary C. Mayers, widow of the said Joseph L. Mayers, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be paid to said Mary C. Mayers by the Secretary of the Treasury immediately upon the approval of this act.

Mr. SMOOT. Mr. President, I desire to ask the Senator reporting the bill if that is the usual compensation given in such cases? Is it more than a year's salary, or is it just the annual salary?

Mr. GRONNA. I will say to the Senator from Utah that it has been some time since I wrote the report, but as to both this and the following bill, Senate bill 1194, similar bills were passed by the Senate during the last Congress, and they are in exactly the same form as they were when passed. In all these cases we have always complied with the law and allowed the beneficiary one year's salary.

Mr. SMOOT. I will take that for granted, then, Mr. President.

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

The preamble was agreed to.

BILLS PASSED OVER.

The bill (S. 1194) for the relief of Elizabeth Marsh Watkins, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2377) to amend section 1 of the act approved July 17, 1916, known as the Federal farm loan act, so as to provide for the payment of the expenses of the Federal Farm Loan Board and employees by the Federal land banks and joint stock land banks, was announced as next in order.

Mr. WALSH of Montana. I ask that that may go over.

The PRESIDING OFFICER. The bill will be passed over.

FISHLAKE NATIONAL FOREST, UTAH.

The bill (S. 430) to authorize the exchange of certain lands within the Fishlake National Forest, Utah, was considered as in Committee of the Whole, and was read as follows:

Be is enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to accept title to the following-described lands, either in whole or in part, upon certification by the Secretary of Agriculture, that the lands are chiefly valuable for national forest purposes and approximately equal in value to the lands to be given in exchange therefor: West half of the northwest quarter of section 17; northeast quarter of the southeast quarter of section 18; north half of the northeast quarter, southwest quarter of the northeast quarter of section 21; southwest quarter of the southwest quarter of section 28; south half of the southeast quarter of section 30; west half of the northeast quarter, northwest quarter of the southeast quarter of section 31; northwest quarter of the northwest quarter of section 33, township 26 south, range 2 west of the Salt Lake meridian, within the Fishlake National Forest, and to issue to the Monroe Land & Livestock Co., a corporation organized and existing under the laws of Utah, in lieu thereof patents to the following-described areas, or to such parts thereof as are approximately equal in value to the lands conveyed: East half of the northwest quarter of the northeast quarter, southwest quarter of the northeast quarter, northwest quarter of the southeast quarter of section 19; north half of the northeast quarter of section 20; southwest quarter of the northwest quarter of section 21; south half of the northeast quarter, northeast quarter of the southeast quarter, northwest quarter of the southwest quarter, southwest quarter of the northwest quarter of section 29; east half of the northeast quarter of section 30, township 26 south, range 2 west, of Salt Lake meridian: *Provided*, That the lands conveyed to the Government shall thereupon become parts of the Fishlake National Forest and subject to all laws and regulations applicable thereto.

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

SWAN LAND & CATTLE CO.

The bill (S. 2758) providing for an exchange of lands between the Swan Land & Cattle Co. and the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That upon proper execution and delivery by the Swan Land & Cattle Co. (Ltd.), a corporation, of a deed conveying to the United States, its successors and assigns, a good merchantable title in fee, free of incumbrance, to certain lands needed by the United States for construction, operation, and maintenance purposes, in connection with the North Platte irrigation project, Nebraska-Wyoming, to wit: The southwest quarter of the northeast quarter, and the southeast quarter of the northwest quarter of section 25, township 25 north, range 63 west, sixth principal meridian, Wyoming; then in exchange for such lands so conveyed a patent shall be issued by the United States to said Swan Land & Cattle Co., its successors and assigns, conveying to said company the northeast quarter of the northeast quarter of section 26, and the northeast quarter of the southwest quarter of section 23, township 25 north, range 63 west, sixth principal meridian.

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

IDAHO NATIONAL FOREST AND PAYETTE NATIONAL FOREST.

The bill (H. R. 1429) adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That, subject to the approval of the Secretary of the Interior, all public lands in central Idaho within the tract commonly known as the Thunder Mountain region, bounded by the Idaho, Salmon, Challis, and Payette National Forests, are hereby reserved and set apart as national forest lands, as follows, subject to all valid existing claims, and the said lands shall hereafter be subject to all laws affecting the national forests: That part of the said tract lying north of the fourth standard parallel north, Boise meridian and base, is hereby added to and made a part of the Idaho National Forest; and that part of the said tract lying south of the said fourth standard parallel is hereby added to and made a part of the Payette National Forest.

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

INTERNATIONAL AIRCRAFT STANDARDS COMMISSION.

The joint resolution (S. J. Res. 56) to enable the United States to participate in the work of the International Aircraft Standards Commission was announced as next in order.

Mr. WALSH of Montana. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

PROTECTION OF BIRDS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 1199) to prohibit the purchase, sale, or possession for the purpose of sale of certain wild birds in the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments. The first amendment was, in line 5, page 1, after the word "any," to strike out "game bird. For the purpose of this act the following shall be considered game birds: The anatidae, or waterfowl, including brant, wild ducks, geese, and swan; gruidae, or cranes, including little brown, sandhill, and whooping cranes; rallidae, or rails, including coots, gallinules, and sora, or other rails; limicolae, or shore birds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plover, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellow legs; columbidae, or pigeons, including doves and wild pigeons; gallinae, or grouse, including wild turkey, pinnated grouse, ruffed grouse, or any kind of grouse, and quail; reedbirds, or ricebirds; marsh blackbirds"; and insert "heath hen, sage hen, any kind of quail, bob white, grouse, partridge, ptarmigan, prairie chicken, pheasant, wild turkey, Hungarian partridge, English, ringnecked, Mongolian or Chinese pheasant, or marsh blackbird," so as to read:

Be it enacted, etc., That it shall be unlawful, within the District of Columbia, for any person at any time to buy, sell, or expose for sale, or to have in possession for the purpose of selling, any heath hen, sage hen, any kind of quail, etc.

The amendment was agreed to.

Mr. THOMAS. I ask to have the bill go over. I should like to hear from the Senator having charge of the bill something more about it.

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

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I move that the Senate proceed in open executive session to the consideration of the treaty with Germany.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock.

The motion was agreed to.

Mr. NORRIS obtained the floor.

Mr. BORAH. Mr. President——

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

Mr. NORRIS. Certainly.

Mr. BORAH. Mr. President, I desire to occupy just a moment of the time of the Senate to make a brief statement.

It has been stated a number of times of late that at the time Germany secured the treaty with China with reference to her possessions in Shantung John Hay was Secretary of State. This statement was originally made by the President at Los Angeles. It was not surprising that a man speaking extemporaneously should be inaccurate in his dates, and I do not call attention to it for the purpose of charging an intentional misstatement, but that we may be accurate as to the facts and for the truth of history. Furthermore, my admiration for the services of Mr. Hay and my understanding of his vast work is such as to lead me to the conclusion that things might have been different if he had been Secretary of State at that time.

The two German missionaries who were killed in Shantung, over which the dispute afterwards arose, were killed in November, 1897. The date of the German lease is that of March 6, 1898. President McKinley on August 23, 1898, notified Mr. Hay by cable that he would offer him the Secretary of Stateship. Mr. Hay accepted the appointment and became the Secretary of State on September 30, 1898, actually entering upon the performance of his duties of the office on October 1, 1898. The German treaty was consummated, therefore, some six months prior to the time that Mr. Hay became Secretary of State.

After Mr. Hay became Secretary of State, Italy, following the program which had apparently been outlined in China by Great Britain, France, and Germany, also sought certain concessions in China, to which Mr. Hay objected. He afterwards, as the world knows, immediately after he became Secretary of State, took up the work of checking the further division of China and of establishing the policy associated with his name known as the "open door."

I read a paragraph or two from the Life of Hay, by William Roscoe Thayer. I read a paragraph from page 240:

> The Boxer upheaval interrupted and made more difficult Hay's endeavor to preserve the Chinese Empire. After the Japanese defeated the Chinese in 1894, China lay like a stranded whale, apparently dead, or dying, and the chief powers of Europe came, like fishermen after blubber, and took here a Province and there a harbor, and were callous to the fact that their victim was not dead. They not only seized territory, but forced from the Chinese concessions for mines, railways, commercial privileges, and spheres of influence. From the time that Hay became Secretary he strove to keep intact the political integrity of China and to persuade all the powers to maintain there the policy of the open door.

It was after he became Secretary of State, as I have stated, that he made his objection to the further aggression upon the part of Italy.

Under date of September 20, 1900, Mr. Hay, writing to a friend, said:

> I take it you agree with us that we are to limit as far as possible our military operations in China, to withdraw our troops at the earliest day consistent with our obligations, and in the final adjustment to do everything we can for the integrity and reform of China and to hold on like grim death to the open door.

The author, commenting, says:

> Hay's achievement in this Chinese contest gave him an immense prestige. Throughout the world he was now looked upon as a statesman, honest, disinterested, resourceful, and brilliant.

Mr. President, my purpose in calling attention to this is no other than to get the facts in the RECORD as they actually exist. Mr. Hay was not Secretary of State at the time the German aggression took place, and the aggressions which followed the German aggressions he sought from his first entrance as Secretary of State to prevent. He exercised his influence from the very beginning to protect the integrity of China.

Friday, October 10, 1919.

Mr. NORRIS. Mr. President, the pending amendment is in reference to article 156 of the treaty. It strikes out the word "Japan" and inserts in lieu thereof the word "China." If this amendment should prevail and the treaty should be amended in this respect it would give to China what belongs to China, and it would relieve the treaty of one of its very many serious objectionable features.

Mr. President, when the armistice was signed by the contending armies there was a specific and definite written agreement among the powers as to the basis of peace and as to the grounds and principles which should govern the making of a peace under the armistice. The allied Governments, after propositions had been made for an armistice by Germany, submitted a written proposition which was agreed to by all the Allies and by our Government, and I desire to read it from the official correspondence of our Secretary of State:

> The allied Governments have given careful consideration to the correspondence which has passed between the President of the United States and the German Government. Subject to the qualifications which follow they declare their willingness to make peace with the Government of Germany on the terms of peace laid down in the President's address to Congress of January, 1918, and the principles of settlement enunciated in his subsequent addresses. They must point out, however, that clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.
>
> Further, in the conditions of peace laid down in his address to Congress of January 8, 1918, the President declared that invaded territories must be restored as well as evacuated and freed. The allied Governments feel that no doubt ought to be allowed to exist as to what this provision implies By it they understand that compensation will be made by Germany for all damage done to the civilian population of the Allies and their property by the aggression by Germany by land, by sea, and from the air.

That, Mr. President, is the end of the proposed agreement. When Mr. Lansing transmitted this to the German Government through the Government of Switzerland he used this language, after quoting what I have just read:

> I am instructed by the President to say that he is in agreement with the interpretation set forth in the last paragraph of the memorandum above quoted. I am further instructed by the President to request you to notify the German Government that Marshal Foch has been authorized by the Government of the United States and the allied Governments to receive properly accredited representatives of the German Government, and to communicate to them the terms of an armistice.

When the President approved this memorandum made by the other allied Governments and sent it to Germany through the officials of Switzerland, he gave the last approval necessary to make a binding contract between all the parties. There can be no doubt, Mr. President, that everybody understood, on both sides of the controversy and all over the world, that this was an agreement positively to make a treaty of peace upon the conditions and the terms laid down by President Wilson in this address. But if there should be any possible doubt, at least as to Great Britain and our country, that is dissipated by what happened afterwards. The armistice was agreed to on the 11th day of November, 1918, and on that day the President issued a proclamation to the people of our country as follows:

> My fellow countrymen, the armistice was signed this morning. Everything for which America fought has been accomplished. It will now be our fortunate duty to assist by example, by sober, friendly council, and by material aid in the establishment of democracy throughout the world.

On the same day, or within at least a day or so, but I think on the same day, the President sent an official message to Congress in which he practically reiterated the same thing. But a few days later the premier of England, Lloyd-George, who was representing Great Britain in making the agreement to which I have referred, sent a cablegram of congratulation to the President in the following language:

> My heartiest thanks for your kindly message. I am certain that the ideals of our two countries regarding international reconstruction are fundamentally the same. I feel sure that at the peace conference we shall be able to cooperate fruitfully to promote the reign of peace with liberty and true democracy throughout the world.

Mr. President, it seems to me there can be no doubt that this agreement superseded and set aside any other agreement between the same parties made at any time at which there was an agreement for a different basis of settlement. Every person knows, and particularly every lawyer knows, that when an agreement is once reached between parties it takes the place of and sets aside every other prior agreement that is in conflict with its terms. If that doctrine be true, then, under that agreement every one of the Governments which were parties to it—and that included all of the belligerent Governments; when Germany agreed to it, it included her likewise—said, "Any other agreement that we have made on the side or in any other

way with a view of bringing about a peace differing from that to which we have now agreed must be cast aside and held for naught." There can be and there is no question that this agreement absolutely by its terms set aside the secret treaties to which I am going to refer later.

There is no doubt, Mr. President, that that agreement met the hearty approval of all civilized people everywhere in the world; neither is there any doubt that the treaty finally agreed to and which is now before us violated that agreement and the President's address upon which it was based in almost every particular. The President's address referred to is the one in which he sets forth the famous 14 points; and the very first of those 14 points is what everybody knows to be the proposition of "open covenants of peace openly arrived at"; but the very first day that the conference met they violated that particular stipulation of the President's address.

The President undoubtedly was in earnest when he made that address. I know it met with my hearty approval and I think it met with the approval of all of our citizens. One of the things we had fought for—or, at least, so we claimed—was the abolishment of secret treaties, was the abolishment of secret diplomacy, was to open a new rule for the world, based on open diplomacy, "open covenants of peace, openly arrived at." So much was the President in favor of that particular provision that in the same address, which was officially approved by all the powers and used by the agreement as a basis for a future peace, he approved the methods that had been adopted by the Bolsheviki and our enemy, Germany, in agreeing to a peace at Brest-Litovsk. In that same address the President said:

The Russian representatives—

He is speaking now of the Brest-Litovsk treaty—

The Russian representatives have insisted, very justly, very wisely, and in the true spirit of modern democracy, that the conferences they have been holding with the Teutonic and Turkish statesmen should be held with open, not closed, doors, and all the world has been an audience, as was desired.

But when the peace council met, as I have said, the first thing they did was to close the doors. After the President gave official approval even to the despised Lenin and Trotski in their demand for open diplomacy, and after the entire world had agreed that this treaty should be based upon the 14 points, the first of which is "open covenants of peace, openly arrived at," the peace delegates violated the agreement, went behind closed doors, and in all the history of the world there never were treaty negotiations carried on with greater secrecy than were the negotiations leading up to the formulation of this treaty.

Mr. President, the representatives of the British Government, the French Government, and the Japanese Government—Mr. Balfour representing Great Britain, Viscount Ishii representing Japan, Viviani and Ambassador Jusserand representing France—all stood on the rostrum where you now sit and to us and to our assembled guests made speeches that were published all over the United States; speeches full of professions of earnestness, of a desire for a democratic peace, of a desire for a just and a fair peace. They delivered to us orations on that occasion that moved many of their hearers to tears. We believed what they said; we thought they were in earnest; we thought we were working with the Allies represented by these leaders sent here to address us, and that they were going to do what they proclaimed to us and to the world they would do when we made peace. Many of us went over the country at different times when funds were being raised for the Red Cross or Liberty bonds were being sold and proclaimed from every stump that one of the things for which this war was being fought was to abolish secret diplomacy; was to bring about absolute justice between nations; was to abolish conquest; that no nation should be transferred from one nationality to another like chattels without their consent. Those were the doctrines that from that rostrum came from the eloquent lips of those great representatives of the great governments that were allied with us in the Great War. But, Mr. President, to their shame I think it should be said—yes; to their disgrace, and the disgrace of the governments they represented—at the very time they were so eloquently addressing us, their pockets were bulging with secret treaties by which they had agreed at the peace table to carve up the world among themselves, in absolute violation of every principle enunciated in the address delivered by the President containing the 14 points, and in absolute violation of all their professions of fairness and justice so eloquently pronounced from that rostrum.

Not only did they conceal from us, their allies, that they had already agreed how they should parcel up the world, but they concealed later on from China that they were going to ravish her. They concealed it from her when they were inducing her to enter the war on our side. It seems to me that in all the annals of history from the very beginning of civilization there was never a more disgraceful spectacle than great nations that claimed to be and are recognized to be the leaders in civilization and in world affairs, on the one hand, inducing China to come into the struggle, to cast her lot with them, to send her men to the front, to turn over to them the numerous ships of Germany which were interned within her waters, and which were almost vital to allied success, and at the same time concealing from her the fact that they had agreed secretly that when the war was over they were going to carve her up, that they were going to turn over a large share of her domain to her worst enemy.

Mr. President, what is said in defense of this rape of China effectuated in the particular clause which we are now considering? I have heard no man defend it. It is a well-known fact that in private conversation the President himself, who agreed to it, describes it as infamous. But they say in extenuation that it was necessary to give Shantung to Japan—the President has repeated the statement over and over again—because England and France had made secret treaties agreeing to do it. He has also said officially that he did not know anything about those secret treaties until the representatives of the nations met around the peace table at Versailles.

I am going to take up that and whatever other objections I can think of or that can be offered in defense of this treaty as it stands, but before I do so I wish again to correct a statement made by the President of the United States. In his recent trip over the country the President made his first great speech at St. Louis. It was perhaps the greatest of all the speeches he made and was recognized as such. St. Louis was the place where he went into the question fully and discussed it in detail. In that speech the President said:

Great Britain and France, as everybody now knows, in order to make it more certain that Japan would come into the war and so assist to clear the Pacific of the German fleet, had promised that any rights that Germany had in China should, in case of the victory of the allies, pass to Japan.

Mr. President, that speech was published, and the quotation I have read was, I presume, printed in practically every daily newspaper in the United States the morning after the President delivered it. It received greater circulation than any other speech the President made on his trip.

If what the President has said is true, then some of the infamy and shame and disgrace of this provision of the treaty is removed. It would not make it right even then, but it could at least be offered as an extenuating circumstance.

It was, however, a misstatement entirely of the facts; it was absolutely untrue that England and France had to agree with Japan to give her the German possessions in China in order to get Japan into the war. Yet, the great American citizenship were not fully informed on that subject; and when they read this statement from the lips of the President, and particularly if they had not seen it contradicted, and particularly knowing that the President was one of the commissioners at Versailles, and knew all about what happened there, they naturally would have a right to believe it. As I said a moment ago, if it were true there would be some excuse for giving this territory to Japan, because we could say that we would look with some favor on a proposition made by the fighting nations to give something to another prospective ally to get her into the war.

But, Mr. President, the next morning after the President of the United States made that statement, I called attention here on the floor of the Senate to the fact that it was absolutely without any foundation of fact. The war began in August, 1914. Japan, as I remember now—I am speaking only from memory, and I should be glad to be corrected if I am wrong—declared war against Germany on the 23d day of August, 1914. At least, Mr. President, it was but a few days after the war commenced. There was no such agreement made with Japan by any government. There was no pretense of such an agreement. There was no necessity of making such an inducement, and, in fact, no such agreement and no such promise was made at that time. But in order that there may be no misunderstanding and no possible doubt, since the President made the statement unqualifiedly, and the denial, of course, not going to the people as his statement did, I want to read the telegram which the President sent to me on the 12th of September. It was sent from Garrison, Mont.:

Hon. G. W. NORRIS,
United States Senate, Washington:

I thank you for correcting an unintentional inaccuracy in one of my recent speeches.

(Signed) WOODROW WILSON.

There can be no doubt of the fact that this telegram refers to this particular correction, because it was the only time that I had referred to anything that the President had said anywhere.

Mr. President, the misstatement of fact went forth all over the country, as I said. I waited until the President's trip was concluded before I gave publicity to his telegram, in which he admits that the statement he made was, as he puts it, inaccurate. I had hoped that when a misstatement of this importance was made, pertaining to a very material proposition involved in this treaty, and the man who made it had his attention called to the fact that he had made it, even if he had in some way made it innocently, he would at least give as great publicity to the correction as he did to the misstatement that was originally made.

Of course the truth will never completely overtake the falsehood. The truth will never reach the eyes and ears of all the millions of people who read and heard the statement that is untrue. It seems to me if the President wanted to be fair with the American people and with the American Senate, if he wanted to be fair with the world, with the honest, peace-loving citizenship of this age, he would at least have been careful to have given as great publicity to this correction as he did to this misstatement.

Mr. President, the secret agreement that I am coming to was not made until in February, 1917. There never was even any negotiation to make until the 27th day of January, 1917. The war had been going on since August, 1914, and Japan had been in the war practically all of that time. The President, in this misstatement, said that it was for the purpose of enabling Japan to assist to clear the Pacific of the German fleets. At the time that agreement was made there was not a single German ship of any kind, either merchant or naval, on the Pacific Ocean. There was no ship in any harbor that belonged to Germany except those that were interned from the beginning of the war. The Pacific Ocean was as free from German ships of all kinds at the time that secret agreement was made as is the Potomac River at the foot of Seventh Street in Washington at the present time.

I put this secret correspondence in the RECORD on the 15th of last July, but I think, in connection with what the President has said, I had better put some of it at least in the RECORD again.

On the 26th day of February, 1917, the British ambassador at Tokyo wrote to Viscount Ichiro Motono, the imperial Japanese minister for foreign affairs, as follows:

MY DEAR EXCELLENCY: With reference to the subject of our conversation of the 27th ultimo—

That would mean the 27th day of January; that is when it was first proposed—

when your excellency informed me of the desire of the Imperial Government to receive an assurance that on the occasion of a peace conference His Britannic Majesty's Government will support the claims of Japan in regard to the disposal of Germany's rights in Shantung and possessions in the islands north of the Equator, I have the honor, under instructions received from His Britannic Majesty's principal secretary of state for foreign affairs, to communicate to you the following message from His Britannic Majesty's Government:

His Britannic Majesty's Government accede with pleasure to request of the Japanese Government for an assurance that they will support Japan's claims in regard to the disposal of Germany's rights in Shantung and possessions in the islands north of the Equator on the occasion of the peace conference, it being understood that the Japanese Government will in the eventual peace settlement treat in the same spirit Great Britain's claims to the German islands south of the Equator.

I avail myself of this opportunity, M. le Ministre, to renew to your excellency the assurance of my highest consideration.

CONYNGHAM GREENE,
His Britannic Majesty's Ambassador.

The reply of the Japanese Government is short, and I will read it. It follows, and it was written on the 21st of February:

The Japanese Government is deeply appreciative of the friendly spirit in which your Government has given assurance, and happy to note it as a fresh proof of the close ties that unite the two allied powers. I take pleasure in stating that the Japanese Government, on its part, is fully prepared to support in the same spirit the claims which may be put forward at the peace conference in regard to the German possessions in the islands south of the Equator.

Mr. President, remember, that was just before we went into the war.

Mr. CURTIS. Mr. President——

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

Mr. CURTIS. Has the Senator referred to the statement made by Mr. Balfour in the House of Commons to the effect that President Wilson was acquainted with all the secret treaties?

Mr. NORRIS. No; I have not referred to that. I understand that he made that assertion, but I am assuming that the President's statement is correct when he said that he did not know anything about them. That is a conflict between Balfour and President Wilson that I am going to let them fight out. One or the other of them is most woefully mistaken, undoubtedly; but the President has said that he did not know anything about these treaties until they got around the peace table, and I am assuming, for the purpose of my argument, that the President told the truth.

Mr. President, following this agreement between Great Britain and Japan, the same kind of an agreement was made with France. The consideration was different. The islands of the Pacific had already been disposed of and divided up between Great Britain and Japan. They made the same agreement with Italy. They made the same agreement with Russia, Russia at that time being still in the war.

But what I started to say when I was interrupted was that we must remember that this was just before America entered the war. It was done at a time when it was known that America was going into the war, and it was done at a time when it was practically certain that if America went into the war China would follow us in. And, as I shall show later, Japan had thus far kept China out of the conflict. China would have been in at the beginning had it not been for Japan. At that time Japan had reason to believe that China was coming in, and would therefore sit at the peace table with the rest of the nations who had been in the war, and she wanted at that time to sign and seal China's fate before she could get in.

Remember also that while this happened two and a half years after Japan went into the war—and this conclusively shows that the President's statement to the American people was untrue—it all did happen before the representatives of France and of Great Britain and of Italy and of Japan came here to America to enthuse us in this war. So that they knew all the time after we went in of these secret agreements. They knew also when China went in. I think it was a breach of faith with us when they did not tell us of these secret agreements; but it was doubly a breach of faith with China when they all, including ourselves, induced her to come in, knowing that they had made an agreement between themselves that they were going to rob her at the peace table, just as if she were an enemy.

Mr. President, it is said, in extenuation of this provision in the treaty, that if we do not sign it Japan will go ahead just the same and keep Shantung, and that therefore we do not do any good for China by refusing to sign it. There is a good deal of doubt whether Japan will keep Shantung, Mr. President. But for the moment, for the sake of the argument, I am going to admit it. What does it amount to? Here is China about to be ravished. She has been our ally. She went in with us. She helped us more than Japan did. She lost more men from German guns in France than Japan lost in the entire war. She made greater sacrifices than Japan made. She comes to the peace conference and asks nothing but what is hers.

Now, it is said that if we do not approve this treaty she is going to be robbed anyway; therefore, let us approve it and give our official sanction to the robbery. Mr. President, regardless of what may happen, let us keep our hands free from being stained with the innocent blood of one of our allies in this contest. If Japan takes Shantung anyway, are we not at least in better position before God and humanity if we can say that we did not approve it?

Then we are asked if we would go to war to take Shantung away from Japan. Nobody has suggested such a thing. Yet the President and others make the argument that if we do not approve this treaty we will have to go to war with Japan in order to keep her from getting Shantung. Nothing is further from the truth, Mr. President.

Nobody has advocated that we should declare war upon Japan if she refuses to give up Shantung. Nobody has suggested such a thing; and, so far as I know, nobody is advocating it. It does not follow, though, even if we are not willing to go to war, that we must therefore give our official approval to this disgraceful rape of an innocent people.

Then it is said that if we reject this proposition the treaty will fall. I do not believe that. But for argument's sake let us admit that to be true. What does it mean? Mr. President, we had better have no treaty than to stain our hands with dishonor and crime against a friend and an ally. I believe that Mr. Lansing told the truth before the Foreign Relations Committee when he testified that if we had refused to agree to the Shantung crime it would not have meant the overthrow of the treaty or the abolishment of the league of nations.

There was presented to President Wilson at that conference an opportunity, Mr. President, when these secret treaties were disclosed, that never before was presented to any human being. Never since the days of Adam and Eve in the garden was mortal man given an opportunity to do such a great act and such great good for humanity as was presented to him there.

When these treaties were laid on the table, he ought to have laid on the table by the side of them this agreement I have read,

to which they had all agreed, fixing the basis for a peace. He ought to have said, "We have fought this war to abolish secret treaties, and we will not lay the foundation of a future peace upon a crime." And he should have further said to them, "These secret treaties must go in the discard."

Mr. President, if he had had the courage to do that, there would have risen up behind him and in front of him and all around him millions, yea, billions, of war-sick people all over the universe, holding up his hands. There would have been a crystallized sentiment in favor of that proposition from every nation in the world. England would have been there, France would have been there, Italy would have been there. Those who represented those Governments could not have withstood the sentiments of their own countries. If they had, and had gone back for new instructions, they would have been repudiated. I have more faith in the great common people of England and France than to think that any other result could have happened. After all, Mr. President, the strongest power in this world is a crystallized public sentiment. In the end, it is more powerful than the combined armies and navies of the world. Before this onward march the decrees of monarchs and kings, the demands of rulers, are disregarded and trampled under foot. Before this onward march the schemes and machinations of men disappear as the dew fades in the morning sun. The sentiment of a civilized world is crystallized, and was crystallized when this peace conference met, in favor of a permanent peace—a fair and honorable peace—a peace such as had been outlined in the written agreements between all the parties when the armistice was signed. There was a world sentiment in favor of the abolition of secret treaties, of secret agreements, of the transfer of peoples from one nationality to another without their consent. All this sentiment needed to become the most powerful factor in the world was some one at the peace conference to act as a spokesman—some one with the courage to stand up in that peace conference in favor of justice, in favor of honesty. If our President had had the courage to do this in this momentous hour, the world would be on a different basis to-day. Had he absolutely demanded that the peace conference should go no further unless it proceeded to carry out in good faith the agreements under which they met, and give to the suffering, hungry world that for which all humanity had need and that for which more than 50,000 of our boys had given their lives—had he done this, the world would have been with him; the opposition would have faded; the other representatives would have submitted, and we would have had a just peace instead of this criminal violation of everything that is sacred to honest men.

But suppose they had not? What then? Then the President ought to have said, and he ought to have made it good, if it were necessary, "This peace conference ends as far as America is concerned. We will not be a party to a crime such as this. We will not carry out secret agreements the effect of which will be to violate the territory and the neutrality and the rights of one of our allies which, although weak, was just as sincere and just as honest and just as faithful as any of us."

But, Mr. President, if you go on and put it through, what will it mean? They say we must put it through in order to have a permament peace. To me that seems foolish. To me that is absolutely illogical. But for the moment let us admit that we can not get peace any other way, that we can not get a league any other way, that we have to put it through with this crime in it. Do you not know that it is just as impossible to build a permanent peace on such a foundation as it is to stop the sun in its course? Mr. President, it is contrary to the laws of God and nature. Every page of history tells us that such a peace can not last, and never has lasted. You can not violate the laws of God by any man-made treaty or law, and when you start to build a peace on such a foundation, when you start to build the temple of justice upon a foundation of sand, of crime, of dishonor, of disgrace, your temple will crumble and decay just as surely as history repeats itself. When you expect permanent peace under such conditions you are expecting an impossibility. If we reject this treaty we will take one step—a necessary step—toward a permanent peace, because the adoption of the treaty in its present form absolutely means future war. All history proves this. There is no danger of America being left out in the organization of a league of nations. Everyone knows that a league without America in it will not succeed. All civilization wants a treaty that will bring permanent peace. The first step to get such a treaty is to reject any proposal that all history proves will bring the opposite of peace. Let the peace-loving people know that America will not stand for anything but a genuine treaty based upon absolute justice, and there will be no difficulty in securing consideration on such a basis by all honest, civilized, fair-minded peoples.

Every student of the world's history knows that such a peace can not be lasting. Why, Mr. President, 50 years ago Germany took Alsace and Lorraine from France, and she had at least the excuse that she was at war with France. We do not even have that here. We are proposing to take territory from an ally. But Germany took Alsace and Lorraine. She took them because she was powerful enough to do it. She thought she had them for all time, and apparently that was true. Time went on, and nobody made a move to free Alsace and Lorraine. Nothing was done. Practically 50 years passed, and the world had almost forgotten it. But the first cannon that boomed in this war aroused a cry all over the civilized world that Alsace and Lorraine must be restored to France.

Many years ago Poland was despoiled. The powerful nations divided it up just as this treaty proposes to divide up China. They did it because they had the power—because Poland was not strong enough to resist. Just like this treaty proposes to treat China because she is too weak to resist. Many years of history passed away. The world had forgotten that there ever was such a country as Poland. It was necessary to become a student of ancient history in order to have any knowledge of Poland; but, Mr. President, this war was not half fought out until the spirit of Poland arose from a grave that was green with the grass and moss of centuries. Do not get the idea that because you have the power you can do things that are contrary to the laws of God Almighty. This disgraceful Shantung provision, if approved, will just as surely bring the fruits of disruption and ruin to anything builded and founded on it as the sun will rise to-morrow morning. There is no escape. The cruel, heartless nations that despoiled Poland never doubted but that they had completed the job so thoroughly that Poland would never again be known as a nation. On the face of it it looked as though they had done this. According to the standards of man power that was true, but these men did not realize that a law higher than man controls the destinies of peoples and of nations. It looked as though Poland was crushed, never to rise again. According to human laws this seemed to be true. We know now that it was not. Germany thought she had Alsace and Lorraine for all time. She had no doubt whatever on this score. The balance of the world had practically conceded that this was true; and yet, as if by magic, in God's own time, all this changed and Alsace and Lorraine, by common consent, came back to France. And this wrongful and inhuman thing—the taking of Alsace and Lorraine by Germany because she had the power to do it—was one of the real causes of the present World War. It was a smoldering fire that was never extinguished, although man was not able with mortal eye to see the flame. So it will be with Shantung. So it will be with other crimes and illogical things that are supposed to be handled for all time by this treaty. We could not change this law if we would. We should not desire to change it, even if we could.

Mr. KING. Mr. President——

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

Mr. NORRIS. I yield.

Mr. KING. I should like to ask the able Senator if, in his judgment, at the peace conference, in order not to perpetuate the evils of which he has been speaking, in order not to perpetuate wrongs which had been committed against China, he would have insisted, or does now insist, that our representatives ought to have compelled Great Britain and France to cede back to China the interests which they had in Hongkong, the Yangtze Valley, and in the Tonkin part of China, which is really, in part at least, under the domination of France?

Mr. NORRIS. No; for the reason, I will say to the Senator, that it was not an issue. China was not demanding it, and there was not any occasion to give it any consideration. It was not brought up at the conference.

Mr. KING. The Senator, I understand, is denouncing the perpetuation of wrongs which result from depriving a nation of a part of its territory; and I think he speaks in conformity with the lessons of history. Now, if it was a wrong for Japan to have negotiated that treaty with China in 1915, under which certain cessions were made to Japan, was it not a wrong for England and France to have taken China's territory? And if it was the perpetuation of a wrong to allow Japan to keep Shantung, to use the expression of the Senator, was it not a wrong to recognize the rights of Great Britain and France in China?

Mr. NORRIS. Mr. President, there is this difference. We are asked now to give official approval to this wrong. If we are ever asked to give approval to another thief's conduct, I will be opposed to it, but it may be that it will never be brought or called to our attention. We must act in this case. The responsibility is on us. We can not escape it, and we must either approve a crime, or we must adopt this amendment or reject the treaty.

There is no other escape. We were not consulted, and had no responsibility in the cases the Senator has called attention to, and there are many other sins in the past that have gone on, of which we have not taken any notice, because probably better—possibly to our shame but probably better—to hold aloof than to mix in quarrels where we are completely out. But we are in this quarrel, we are in this war, we can not escape this responsibility, and it is up to us to determine whether we shall give approval to this criminal act.

Moreover, the cases which the Senator put happened before this war—happened before the time when by universal consent we were setting up a new milestone in the history of the world; before we agreed to make a treaty based on self-determination, the abolition of secret treaties, and the establishment of a doctrine that nations can not be transferred by kings and rulers, even though they are weak, from one nationality to another without their consent. When do we expect to establish this new doctrine? If we are going to use the sins of the barbarous days as a precedent for crimes in this civilized age, then how can we expect the civilized world to progress and become better?

Mr. KNOX. Mr. President——

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

Mr. KNOX. It seems to me there is absolutely no analogy between the Shantung case and the case of the British possession of Hongkong and the French possessions anywhere in China, for this reason: We and our Allies have taken away from Germany whatever rights she was claiming in China. The analogy would be perfect if, in a war in which we were concerned, the possession of Great Britain and France of their territory in China had been taken away. Then we might have been called at the peace table to hark back to the original conditions under which Great Britain and France acquired that territory. But that is not this situation.

Mr. KING. If the Senator from Nebraska will permit me, I invite the Senator's attention to the fact, however, that Japan and China had entered into a treaty in 1915 under the terms of which that was ceded to Japan.

Mr. NORRIS. I am going to take up that treaty later.

Mr. KING. I know that the Senator from Nebraska, if he will pardon me, will contend that that treaty was forced upon China.

Mr. NORRIS. I shall not only contend it, but I will prove it, and I will prove it by a witness that the Senator will not dare dispute, when I reach that part of my address. Nobody, outside of a few Senators here, and I am surprised that they do, contends that there is any validity to that treaty of 1915. I am not going into it now, but before I get through I am going to take up that question probably more extensively than I otherwise would. I did not believe there was anybody left in this body who would even contend for a moment that that treaty had any validity or was entitled to any respect by any honest man.

Mr. President, English troops recaptured Belgium. Did anybody think or even suggest that it should be given to England, and let England by a side agreement agree to restore Belgium? American troops took portions of France from Germany. Yes; American troops recaptured a portion of the sacred soil of Alsace-Lorraine. Has anybody heard any American say that we ought to give Alsace-Lorraine, or any part of it, to America because we recaptured it? No; as the Senator from Oklahoma [Mr. GORE] suggests to me just now, it would have made it no better even if we had had a secret treaty.

Mr. President, it is absolutely as cruel to take Shantung from China and give it to Japan as though in this treaty we took California from the United States and gave it to Japan. I can not see any difference in principle. The only difference existing is that the United States is strong and China is weak, and that is the thing for which we fought the war, to equalize the weak and the strong, and we are violating that principle here in the very peace treaty which we make and upon which we expect to build the future peace of the world. I have more respect for the thug who attacks on the street an able-bodied man than I have for the thief who has not the courage to attack anybody but a cripple. I think it would be more honorable if we by this treaty took California and gave it to some other nation than it is to take it from somebody who is unable to defend himself.

Mr. President, I have here an editorial printed in the News-Herald, of Franklin, Pa., written, I think, by William P. F. Ferguson. It takes up some of this ground that I have gone over, and does it so well that I want to read a portion of it. It is headed "Why Think Us Fools?"

WHY THINK US FOOLS?

It is difficult not utterly to lose patience with the President when we read such reports of his utterances as the wires have been giving us during the past few days.

For example, yesterday's dispatches represent that at San Francisco the President made to his hearers statements like the following:

"That he asked his colleagues at Versailles specifically whether they meant, under the league, to inaugurate a new policy toward China, and they told him they did.

"Far from being detrimental to China's interests the treaty is really the first in the world's history to do something for China's benefit.

"In all previous instances of acquisition of Chinese territory the United States has not even protested.

"That he is not satisfied with the Shantung settlement, but it is 'irrational' to propose to make the situation better by the treaty's amendment.

"It is not from China, but from Germany, that Shantung is taken by the treaty.

"It's the first time in the history of the world that anything has been done for China."

Before I read what this able editorial writer says in commenting on the President's address thus quoted, I want to refer to something that I intended to refer to and forgot, that it has been said that we are doing something for China, that this is a good thing for China, that when the league is established then we will restore this country to China.

Mr. President, I do not see how anybody can offer that argument in good faith. If we want to give Shantung to China, our chance is now to put into the treaty, to put into the bond, what we want to say. Every lawyer knows that it would not be admissible in evidence to prove, after we have made a law of this treaty, that when we said "Japan" in the treaty we really meant "China." No one would ever be able even to get into evidence in a court of justice anything to make an explanation of that kind. Another principle of law that is as old as the hills is that you can not explain by parol evidence a written document unless there is something misleading or capable of different construction in the written document. It must be its own explanation. The theory of the law is that all conversations and all agreements and all divergences of opinion were brought together when the agreement was made. Japan will be able to say, when the treaty is properly approved and becomes a law, "We point to the bond; we object to the introduction of any other evidence in explaining something that is perfectly plain on its face."

Then where is the opportunity in the treaty for China to get relief? Nobody has ever yet, so far as I have heard, pointed to a single sentence or a single provision in the treaty or the league that would give China an opportunity, that would give Ireland an opportunity, that would give Egypt an opportunity, that would give India an opportunity, that would give Korea an opportunity, that would give South Africa an opportunity to ask for independence or the return of their own property. There is no such thing in the treaty. When the treaty is agreed to, the last nail in the coffin, as far as this league is able to hold it, is driven into every one of those nationalities. There is no other outcome. There is no other possible construction.

Permit me now to return to the editorial. Commenting on what I have quoted from the President, the editor says:

Sandwiched among these assertions the President asked his hearers whether it would be "wise to go to war with Japan" to prevent her taking Shantung from China.

It depends upon whether you take the President seriously, whether, reading this carefully, you pronounce it deliberate and willful misrepresentation with intent to deceive or most undignified pettifogging.

Neither form of expression is desirable in speaking of the utterances of the President of the United States, but the facts are of an extreme sort that demand a consideration of truth and fairness that is difficult with a careful observance of the laws of conventional courtesy.

For by no possible interpretation nor with any conceivable allowance for the temptations of oratory, can any informed mind excuse such presentations of the Shantung case. The President's statements are neither fair nor truthful. They exhibit either a lamentable inability to appreciate plain facts and a deliberate closing of the presidential eyes to matters which challenge and demand attention or a desire to obscure the thinking and lead astray the conclusions of those who, in good faith, come to him for information upon a matter where he should be the best informed man in the world.

Put in plain words, these utterances convince us that President Wilson is either blinded by his idealistic dreams to the point where he is incapable of recognizing the most obvious facts or he is led away by the necessities of his controversy to a point where the dividing line between truth and falsehood loses definition in his mind.

Are we too severe?

Let us examine.

We have no disposition to dispute the President's word when he says that he asked the representatives of the powers at Paris whether they purposed to deal fairly with China; the circumstances were such that that question was naturally suggested. It may easily be that the powers replied with assurances of fair intent; we fail to recall a case in history where international throat cutting has not been attended by the warmest assurances to the world as to the honor and beneficence of the cutthroats.

But the fact is that in the presence of that question and answer the powers—President Wilson, "in his own name and in his own right," as the document runs, consenting—fixed upon and adopted and put into operation, so far as they were able, a policy of monumental injustice toward China.

Our President can talk about the treaty "doing something for China's benefit"; he can call it a "new policy"; the thing that the treaty does is to rob China of a Province that is as truly and as integrally a part of the Chinese domain as Hampshire or Kent is of England; and the policy is new and different from the old policy of "grab" only in that the signature and approval and guaranty of the civilized world is solemnly to be given to the theft.

It is sheer drivel to try to justify the proceedings by saying, as the President does, that the treaty takes Shantung, not from China, but from Germany. The close parallel of that sort of pleading is the shyster lawyer contending that his client is blameless and in lawful possession of the stolen money because he stole it, not from its rightful owner, but from the thief who had stolen it from the rightful owner.

It is equally shallow drivel to plead that the United States did not protest when Germany committed the original theft and therefore, by that failure to protest, is now committed to giving our solemn approval and blessing to a transfer of the stolen property to another thief.

We are ashamed, profoundly ashamed, to find stuff of that sort upon the lips of the President of the United States.

True, we did not protest against Germany's seizure of Shantung. The failure was to our shame; but we have the excuse that it was a day when international justice was in a most confused state and few statesmen of any country saw clearly. We have the further excuse that the extent and purpose of the act of Germany could by no means then be understood.

But will the President say—nay, he does say that our failure to protest against a wrong a quarter of a century ago binds us to approve a wrong now; that our neglect to stop a thief puts upon us the obligation to approve and declare right the transfer of the stolen goods to another thief!

The unescapable conclusion of the President's position is monstrous. The doctrine is not that of the idealistic Americanism that President Wilson has been talking to us and all the world about, but that of the cynical might-makes-rightism of the Hun.

It is pitifully weak in the President to admit his dissatisfaction with the Shantung provisions of the treaty but pronounce any effort to amend those provisions "irrational." Wherein irrational? Intelligent thought asserts that the irrational thing is formally to consent to that which is not acceptable, to give the force of the most widely agreed upon international covenant ever entered into, and then to hope that, in some unknown way and by some unseen means, it will not accomplish the injustice which it is framed to perpetuate. If anyone can point out anything more irrational than to assert, as the President does, that the way to do justice for China is first to consent to and become partner in an utterly gross and indefensible injustice he must go to the madhouse to find it.

And the question about going to war with Japan, which the President has brought forward two or three times, as if it were a profound argument, is petty claptrap.

There is no issue of going to war with Japan; no proposition to do anything of the sort—and the President knows it. He asks the question purely for its psychological suggestion to unthinking minds.

Mr. President, it seems to me that the argument, what little there is, in favor of the Shantung provision is based upon irrational considerations, such as this writer points out, without in any instance logic, reason, or justice behind them, without in any case any plea that is justifiable, the main argument being, "We had the power and we took it in order to satisfy Japan." We robbed an ally to give to another ally.

Mr. President, Japan was not so good an ally as was China. There is some question about Japan's loyalty to the cause of the Allies. Japan went into the war at the beginning. With the assistance of English troops she captured the German stronghold in China. Then she quit and used her influence to keep China out of the war. What would be said in France if, when we were about to enter the war to help the Allies, it had been disclosed that the English Government tried to keep us out? Would they think that the English Government was loyal to the cause? What would have been said of us if, after we went in, we had used our influence to keep China out, as Japan did and as Japan succeeded in doing up to the time we went in, and until she made the secret agreement to carve China up at the peace table? That does not look to me like loyalty; that does not look to me as though Japan's heart was in the cause.

Take those two things and put them together—the fact that Japan quit fighting when she got what she wanted and the fact that she kept China out of the war for more than two years—and you can not square them with loyalty to the cause. Yet we take from the loyal ally a part of her domain—that has been her domain from the very beginning of her history—and give it to the other ally; and it happens in this case that the other ally is the bitterest enemy that China has on the face of the earth. If China had had a voice in the matter and we had said, "China, we are going to carve you up; we are going to take away from you your ancient province, that contains the ashes of Confucius, that contains the ancient homes of your ancestors, just because we have the power to do it; but we are going to allow you to say to whom it shall go," what would China have said? Her answer would have been, "Give it to anybody on earth except to the Japanese Government." There is not any question about that. So we have added insult to injury when we propose such an unholy, such a wicked, thing. We are asked to do in this treaty, and particularly in this particular provision, just what we have condemned in the past. We are asked to do the very thing that is conceded by all students of history, by all earnest believers in a permanent peace, by all Christian people who want the world to become better, the thing that has always, without any exception, brought war in the past. It is universally conceded that all similar things, from the beginning of history, have ultimately and finally resulted in war; and yet it is proposed that we shall do over again what has always brought war, on the theory that this time it will bring peace. And never in the barbarous days of the darkest ages has there ever been put over on an innocent nation a more damnable, wicked, cruel, and unjust thing than is proposed in this particular article.

Mr. President, I want to read a portion of an editorial printed in England which I think shows that, as a rule, the great common people of the world of equal education are about the same in their sympathies and in their aspirations. They want what is square and fair; they do not want to do an injustice to anybody else, even though it would benefit them, financially or otherwise. I want to read a portion of the leading editorial printed in the August number of an English magazine called Foreign Affairs. It is the official organ of the Union of Democratic Control, a British organization composed of trade councils, labor unions, teachers' associations, and so forth. They have a total of more than 260 organizations affiliated together. I will not read all of it, although it is all worthy of consideration; but speaking of the treaty, it says:

> The treaty is repudiated by liberal thought all over the world. Its terms constitute a palpable breach of faith, inasmuch as they violate the conditions upon which the armistice was signed.

I think I have proven that by the official records, Mr. President, this afternoon—

> The treaty is repudiated by liberal thought all over the world. Its terms constitute a palpable breach of faith, inasmuch as they violate the conditions upon which the armistice was signed. Its ratification is a political unreality. Large portions of it are literally incapable of fulfillment. It seeks to make of a great people an outcast among the nations. Reaction against it is certain. The moral support of the world, withdrawn from imperialist Germany by her invasion of Belgium, passes henceforth from the Allies to the German democratic Republic.
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> The men who betrayed their peoples and the world by dictating this dishonorable and violent settlement will be execrated by posterity.
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> To labor for its revision, and for the expulsion from power of the men and governments guilty of transmitting such a heritage of damnation to posterity becomes henceforth the duty of all sane influences in every country. For the latter have repeated, but even with less justification, and on a larger scale, the enormous blunder committed by the German militarists at Brest-Litovsk. Their sin is unforgivable.
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> No man who realizes what this so-called "peace" treaty means, and the bitter mockery of the peace celebrations in connection with it, can pass a group of children playing in the street or in the fields without saying to himself, "Upon these innocents four men at Versailles have passed sentence of death; and that sentence will in due course be executed if I and my neighbors do not intervene to prevent it."

Mr. President, from the depths of my heart I believe that the last sentence I have read from that editorial is absolutely true. As I look over the pages of history and see the crimes which in the past have been committed by nations simply because they had the power, and as I see how in God's own time the works of human beings, although it seemed they were invincible at the time, were afterwards made to look foolish and to appear silly from their weakness, and how in the years that have followed those works have been overthrown, I can not help but feel that the approval of this treaty will fasten upon posterity future wars which will bring suffering and death to millions and millions of those who shall follow us.

Why, Mr. President, about the only word that comes to Senators concerning this treaty—at least from honest sources—comes from men and women who honestly want to rid the world of war, who are conscientious in their desire to make a peace which will be permanent. They have been told by a few of the leaders of the world who have drafted the treaty, including our own President, that it means a permanent peace; and they believe what they have been told. They do not realize that bound up in the folds of this treaty, which is as long as the Holy Bible, are innumerable Alsace-Lorraines, are many other instances where the very law of God has been violated, and where every provision of the 14 points has been cast to the winds and nullified. It is based on crime; it must fail; it can not endure.

Mr. President, the history of this world, the history of civilization, is a history of progress. From barbarism up to now we have climbed as the result of one contest after another. The world is bound to go on; we can not tie it up in a strait-jacket; we can not put a fence around every country and say that this shall be the line now and eternally. If we could do that, in a thousand years from now we would not have advanced an inch from where we are now. If that had been done before 1776, if we were here at all, we would be subjects of Great Britain.

A good many people have been made to believe, falsely, I think, wrongly in all cases, that the rejection of this treaty means more war right now. There is not anything to that contention; but there are things that are even worse than war, as much as I dislike war, as much as I abhor it, as far as I would go to avoid it.

Mr. President, there was not any danger of the peace conference being dissolved if America had demanded what was right in this and in other particulars, and it would not have been con-

fined to Shantung alone. There would have been other benefits. The very fact that the President has agreed to this, the very fact that it has been put in the treaty and agreed to by the representatives of these several governments, by the great powers, has emboldened nations to take steps that they would have been afraid to take in the face of the world if it had not been for such an agreement.

We read in the papers, since the armistice was signed, about a treaty between Persia and England. That was concluded on the 9th day of August. The preamble says:

Preamble: In virtue of the close ties of friendship which have existed between the two Governments in the past and in the conviction that it is in the essential and mutual interests of both in future that these ties should be cemented and that the progress and prosperity of Persia should be promoted to the utmost, it is hereby agreed between the Persian Government on the one hand and His Britannic Majesty's minister, acting on behalf of his Government, upon the other, as follows:

Let me pause there to say what this editorial writer says—that in all the history of the world, where a great nation was about to cut the throat of a weak nation, it always started in by professing friendship for the weak nation. In the treaties to which I am going to refer between Japan and China, and later between Japan and Korea, that is true in every instance; and here comes England, now, with a great profession of friendship for Persia, and she practically takes her over.

This is article 1:

The British Government reiterates in the most categorical manner the undertakings which have been repeatedly given in the past to respect absolutely the independence and integrity of Persia.

England, as Hamlet says, "protests too much." We might not doubt her virtue if she were not continually asserting it and calling it to our attention.

Second. The British Government will supply—

Listen—

at the cost of the Persian Government the services of whatever expert advisers may, after consultation between the two Governments, be considered necessary for the several departments of the Persian administration.

"After consultation" means after English representatives decide what is best, not for Persia but for England. That is what will be done at the expense of the taxpayers of Persia.

These advisers shall be engaged on contract and endowed with adequate powers, the nature of which shall be the matter of agreement between the Persian Government and the advisers.

And there will not be very much for Persia to do except to sign where the advisers tell her, and when.

Third. The British Government will supply at the cost of the Persian Government such officers and such munitions and equipment of modern type as may be adjudged necessary by a joint commission of military experts, British and Persian—

Think of a Persian military expert in consultation with a British military expert! Of course, it is a travesty. Everybody knows that it means that Great Britain will do what she pleases, and that Persia will acquiesce—

which shall assemble forthwith for the purpose of estimating the needs of Persia in respect to the formation of a uniform force which the Persian Government proposes to create for the establishment and preservation of order in the country and on its frontiers.

For the purpose of financing the reforms indicated in clauses 2 and 3 of this agreement the British Government offers to provide for or arrange a substantial loan.

Then, Mr. President, it is provided in the treaty that Great Britain shall loan to Persia for this purpose $10,000,000 at 7 per cent interest. Reduced dov n to a nutshell, it means that England will take charge of Persia, appoint the officers, put in the military experts, send in the munitions that she needs, have them all under her control, make Persia pay for it, and in order to let Persia pay she will loan her the money at 7 per cent. It is the entering of the camel's head in the Persian tent. It will never go backward; and the history of those things in the past will be repeated there, in the face of the league of nations and in the face of this great treaty that they said was going to bring about perpetual peace!

And where does England get her money to loan at 7 per cent? Why, she gets it from us at four and a quarter. [Laughter.] We are loaning money to England, and I have been told—although I have not been told officially, and it may not be true—I have been told that the interest is due and has not been paid on what she owes us. But we are loaning money to England. We got the money by going out before the taxpayers of the United States and coercing them, in many instances, into subscribing for bonds. That goes to England, a great share of it, several billions, and England gives it to Persia and gets 7 per cent, besides practically taking Persia under her wing. Do not forget, Mr. President, that the commerce that will grow out of this will enrich English merchants as well as the profit on the money will enrich the British treasury.

Mr. President, it may be said that that has not anything to do with Shantung, and directly that is true. I have mentioned it because I believe it has an important bearing on the treaty at large, on the proposition of entering into this treaty that is laid before us. It shows, I think, that the great nations, of which Great Britain was the leader, have concocted this scheme, by which she is going to gobble up all the loose parts of the earth, and while they are coming to us and getting our money and asking our people to bow down in toil to produce it they are going to profit by it in taking advantage of a weak nation like Persia, just as Japan took advantage of Korea.

If at this conference our President had been true to the principles that he enunciated, and which the other nations agreed to as a basis for a peace treaty, England would never have dared fly in the face of public sentiment of the world with this disgraceful rape of Persia. If the treaty that we now have before us as it refers to China was not such a parallel to what England is now doing in Persia, she never would have dared take the step. The treaty before us gives her a precedent. She will at least be able to say her taking of Persia is founded upon the precedent established by this treaty in permitting Japan to take China, and she can no doubt truthfully add that her treatment of Persia will be better and more humane than the treatment which everybody knows Japan will accord to China.

If we had stood upon the contract that was made between all the nations when the armistice was signed and insisted that we should have an honorable treaty, this treaty with Persia never would have seen the light of day. But they started in at Versailles with a crime, with many crimes, and instead of overthrowing the old methods of diplomacy, which we said we fought to overthrow, we reestablished them, and thereby gave license to any nation to go out and practice the same old cruel methods that they have practiced since the days of barbarism.

Now, Mr. President, I am going to read some extracts from various treaties that have been made between China and Japan, and between Japan and various other countries, in which the independence of China was not only recognized but guaranteed. It is important to know that all nations, including our own, practically all of our great allies, have made various treaties in which they have practically guaranteed the integrity of the Chinese Nation, and that this treaty is a violation of everyone of those sacred agreements. It is important in that respect; but I call your particular attention to it because I intend to follow it later on with quotations from treaties that were made between Japan and Korea, and show that the course that Japan is taking now with China is exactly and precisely the same thing that she did with Korea, and that she is pursuing such a course that if you should strike out of the various treaties the word "China" and insert "Korea" you would have almost a reproduction of the treaties that she made with Korea. Everybody knows what happened to Korea; and if Japan is pursuing the same course now it will not be long before the same thing will happen to China that happened to Korea.

Our own Secretary of State, Mr. Hay, sent a circular telegram to the diplomatic representatives of the United States at Berlin, Brussels, The Hague, Lisbon, London, Madrid, Paris, Rome, St. Petersburg, Tokyo, and Vienna, July 3, 1900, and in that he says:

The policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve China's territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international laws, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.

Lord Salisbury, English prime minister, in an interview with the United States ambassador to England, July 7, 1900, "expressed himself most emphatically as concurring" in the policy of the United States as set forth in the above telegram.

In a statement made in the English House of Commons August 2, 1900, regarding the policy of the British Government, it was declared:

Her Majesty's Government are opposed to any partition of China, and believe that they are in accord with other powers in this declaration.

August 12, 1905, Great Britain and Japan entered into a treaty, and it reads in part as follows:

Preamble. The Governments of Great Britain and Japan * * * have agreed upon the following articles, which have for their objects:

(a) The consolidation and maintenance of the general peace in the regions of Eastern Asia and of India;

(b) The preservation of the common interests of all the powers in China by insuring the independence and the integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China.

In a dispatch from the Marquis of Lansdowne to His Majesty's minister at St. Petersburg, September 6, 1905, this language is used:

His Majesty's Government believe that they may count upon the good will and the support of all the powers in endeavoring to maintain peace in Eastern Asia and in seeking to uphold the integrity and independence of the Chinese Empire and the principle of equal opportunity,

And so forth.

On September 5, 1905, Japan made a treaty with Russia, article 3 of which reads as follows:

Japan and Russia mutually engage—

I will skip the first engagement, because it has nothing to do with China—

2. To restore entirely and completely to the exclusive administration of China all portions of Manchuria now in the occupation or under the control of their troops, with the exception of the territory above mentioned. * * *

* * * * * * *

4. Japan and Russia reciprocally engage not to obstruct any general measures common to all countries which China may take for the development of the commerce and industry of Manchuria.

China and Japan, on December 22, 1905, made a treaty, article 12 of which reads as follows:

The two Governments "engage that in all matters dealt with in the treaty signed this day or in the present agreement the most favorable treatment shall be reciprocally extended."

France and Japan made a treaty June 10, 1907, in which this language is used:

The Governments of Japan and France, being agreed to respect the independence and integrity of China, as well as the principle of equal treatment in that country. * * *

Japan and Russia on July 30, 1907, made a treaty, article 2 of which reads as follows:

The two high contracting parties recognize the independence and the territorial integrity of China and the principle of equal opportunity in whatever concerns the commerce and industry of all nations in that Empire, and engage to sustain and defend the status quo and respect for this principle by all the pacific means within their reach.

In an exchange of notes between Japan and the United States in November, 1908, it is said:

It is the wish of the two Governments * * *

2. They are also determined to preserve the common interests of all powers in China by supporting by all pacific means at their disposal the independence and the integrity of China and the principle of equal opportunity * * * in that Empire.

On July 4, 1910, Japan and Russia made a treaty, article 2 of which reads:

Each * * * engages to maintain and respect the status quo in Manchuria resulting from the treaties, conventions, and other arrangements concluded up to this day between Japan and Russia, or between either of those two powers and China.

On the 13th of July, 1911, Great Britain and Japan made a treaty, the preamble of which reads as follows:

The two Governments declare as among their objects: The preservation of the common interests of all powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China.

Mr. President, in the face of that, when the war was on, and after Japan had taken the German possessions, and had them in her possession, and all the rest of the Allies were fighting against Germany and her allies, one morning, out of a clear sky, came the demand made by Japan upon China known as her famous 21 demands, which, in effect, demanded the surrender at least of all foreign affairs and many internal affairs of the Chinese Government to Japan. That is another illustration that Japan did not have at heart a desire to very loyally support the Allies' cause, because while the other allies were struggling with the Kaiser's forces in Europe, she endangered the cause by practically declaring war against China unless she submitted, and that would have driven China, regardless of her wish, into the arms of Germany.

The importance of this act as it relates to Japan's fidelity to the allied cause can not be overestimated. These 21 demands were made, for instance, without there being even indirectly any dispute or controversy between the two nations. They were made without any cause, without any reason, at a time when all the allied nations except Japan were anxious to get China into the war on the side of the Allies. Had China refused to consider them or to make any concessions to Japan, Japan—as her ultimatum, which she soon thereafter gave, shows—would have made it impossible for China afterwards to come in as an ally. In addition it would, as I have said, regardless of her wish, made her an ally of Germany. This conduct of Japan can not square with loyalty to our cause.

On December 3, 1914, the Japanese minister at Peking, Mr. Hioki, was handed at Tokyo the text of the 21 demands for presentation to the Chinese Government. They were divided into five groups, and it is interesting, Mr. President, to note the instructions that the Japanese Government gave to its ambassador to carry out the purpose of these 21 demands. Those instructions contained the following language:

In order to provide for the readjustment of affairs consequent on the Japanese-German War and for the purpose of insuring a lasting peace in the Far East by strengthening the position of the Japanese Empire, the Imperial Government have resolved to approach the Chinese Government with a view to conclude treaties and agreements.

Mr. President, let us look at that language just a moment. It says "In order to provide for the readjustment of affairs," and also to insure a lasting peace. How were those objects to be attained? To get a lasting peace by strengthening the position of the Imperial Japanese Government.

It is because Japan wanted to strengthen herself that she took that opportunity, when all the world was at war, to make these demands upon China.

There had been no quarrel. There had been no controversy between Japan and China. No one knew that this was coming out of a clear sky. A great part of the world was engaged in a war at that time. Our Government was not in and China was also neutral. In that situation Japan, without any warning, without any notice to anybody, made 21 demands upon the Chinese Government. I will put those in the RECORD later, and comment on them. But at the present time I am calling attention to the language of the instructions that the Japanese Government gave to its ambassador when he was instructed to present those demands.

Later on, in these same instructions, this language is used:

Believing it absolutely essential, for strengthening Japan's position in eastern Asia as well as for the preservation of the general interest of that region, to secure China's adherence to the foregoing proposals, the Imperial Government are determined to attain this end by all means within their power. You are, therefore, requested to use your best endeavor in the conduct of the negotiations, which are hereby placed in your hands.

Seizing an opportunity, Mr. President, when nobody else was in condition to object, she pounces upon China, and makes demands which, if complied with, would have meant practically the nullification of the Chinese Empire. She did it at a time when she knew no one could come to the relief of China, when the whole world was at war, and she did it notwithstanding the fact that if China had refused to do what she had demanded, and had gone to war, it would have put another ally in the arms of Germany.

Mr. President, while most of the Senators are probably familiar with the 21 points, I think I ought to read an analysis of them, and I am reading now from the analysis that was submitted to the peace conference by the Chinese representatives. I might say these demands are in five groups. Group I deals with the Province of Shantung, which is greater in area and in population than the whole of England, besides being a piece of China, packed with memories of Confucius, hallowed as the cradle of Chinese culture.

The first demand of this group insists on the Chinese Government engaging to "give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

I will have occasion later on to comment on this language when I come to the treaty between Japan and China, made in pursuance of these demands, in which this language is practically repeated.

At the date of the 21 demands, the "rights, interests, and concessions" of Germany in Shantung included the leased territory of Kiaochow with the harbor of Ysingtao, the trans-Shantung railway, known as the Tsingtau-Chinan Railway of Kiaochow, Tsinanfu railway, and other railway rights, as well as mining rights in the Province.

They were the fruits of 16 years of German aggression in Shantung Province. And their transfer to Japan means that the Teutonic methods, which enabled Germany to dominate and exploit the Province, will pass into the hands of a power with a great military base already standing on Chinese soil at Port Arthur.

The meaning of this Japanese succession to German rights in Shantung is best illustrated in the railway situation arising out of Japan's exercise of two of the "other railway rights" that were vested in Germany.

Although Japan's claim now before the peace conference, in so far as it relates to China, is confined to the "railways and other rights possessed by Germany in respect of Shantung Province," she has pressed on China the acceptance of the view that her first demand in Group I—which is substantially repeated in her conference claim—covers the German rights to finance, construct, and supply the materials for two lines of railway running into the two other Provinces of Kiangsu and Chihli, though starting in Shantung.

If the peace conference concede this Japanese claim, the following formidable situation will be created: Through the trans-Shantung railway, with its western or inland terminus at the provincial capital of Chinanfu where it flanks the northern section of the Tientsin-Pukow railway—built by the Germans—Japan will at once dominate the whole of Shantung as well as the northern half of this important trunk line. Then, by financing, constructing, and supplying the materials for the first of the aforesaid "two lines of railway"—i. e., a line from the city of Kaomi, on the trans-Shantung railway, to a point strategically dominating the southern or British constructed section of the same Tientsin-Pukow railway—Japan will practically master the great railroad linking Tientsin (the port of Peking) and North China with the Yangtze Valley and South China.

The seven demands in Group II exact in favor of Japan and her nationals a series of preferential rights, interests, and privileges in south Manchuria and eastern inner Mongolia calculated at once to increase the existing difficulties which seriously hamper effective Chinese administration in these two areas and to develop a situation facilitating the extension thereto of the territorial system which has transformed Korea into a Japanese province.

GROUP III. JAPAN'S IRON POLICY IN CHINA.

Besides involving the violation of the territorial integrity and sovereignty of China in Shantung, south Manchuria, and eastern inner Mongolia, the 21 demands also encroach on Chinese economic independence by their exaction in Group III of an undertaking with respect to the Han-Yeh-Ping Co., or iron works, well calculated to lead to ultimate Japanese acquisition of the most important industrial enterprise in the Yangtze Valley.

In its final form as insisted upon in the Japanese ultimatum the undertaking reads that if in future the Han-Yeh-Ping Co. and the Japanese capitalists agree upon cooperation, the Chinese Government, in view of the intimate relations subsisting between the Japanese capitalists and the said company, will forthwith give its permission. The Chinese Government further agrees not to confiscate the said company nor, without the consent of the Japanese capitalists, to convert it into a state enterprise nor cause it to borrow and use foreign capital other than Japanese.

I will not read further from this presentation made by the Chinese representatives, because the reading of the demands themselves, which I shall print, show clearly that Japan was pursuing the same course with China she had followed in Korea and meant that Japan's ultimate intention was the complete subjugation of China.

Mr. President, if you will really gather the idea of these demands, you will find that, taken altogether, they absolutely took away from China not only the right to govern herself but the right to conduct business in her own Empire, and gave to Japan a bill of sale of everything she had. The demand from which I have just read says that a certain corporation, financed to some extent, as I understand, by the Japanese Government, but altogether by Japanese capital, and being very close to the Japanese Government, had to be allowed certain concessions and was to be allowed to do certain things, being practically given extreme control in a particular line of industry in which it was engaged.

I want to read what Baron Makino, one of the Japanese statesmen, said. He was a member of the peace delegation at Versailles. He said:

China has the raw material. We have need for raw material, and we have the capital to invest with China in its development for use by ourselves as well as by China. We have to rely—

He said—

in a large measure upon the rich natural resources in China in order to assure our own governmental existence.

That explains why these demands were made. He has left no doubt as to why they were made. He said, "China has the raw material; we need it; we will get it," and from official instructions given to the ambassador who presented the 21 demands, we learn that they said, "We are determined to have it at whatever cost."

Mr. President, there are a good many similarities, and I am reminded of a couple now, between Germany and Japan. When Germany wanted to attack France the shortest way was across Belgium, and so, without any right and in violation of every national precedent and law, she simply went across Belgium. When Japan wanted to attack Germany over in China she did the same thing. She crossed 150 miles of Chinese territory in order to get at Germany, and she did not have to do it because England, with the small army that she had there in assisting in that attack on the Germans, landed her army and made her fight and attack upon soil that was in possession of the Germans at the time. So while we condemn Germany, and rightfully, too, because it is acknowledged to be a crime against civilization and humanity, we must remember that the great Japanese Government did not hesitate to do the same thing in the same war.

Germany 50 years ago took Alsace-Lorraine. Why? Because Alsace-Lorraine had iron and Germany needed the iron in her business and she took it. What do we get from the Japanese statement? "China has the raw material, and in a large measure we have to rely," said the minister, "upon the rich natural resources in China in order to insure our own economic existence." So while the world was at war Japan landed troops on the soil of a neutral territory, just as neutral as Belgium, marched them across that territory without the consent, and without even asking the consent, of the Government—I believe Germany did ask consent and it was refused, but Japan did not even go that far—and she did it because of one of the reasons, as her minister says, that "China has the raw material and we want it; it is necessary for our economic existence."

The demands contained in Group V were postponed, as the official correspondence between China and Japan will show, but they are pending now. They have never been withdrawn. Japan has never said she would withdraw them; she has never intimated that she would withdraw them. All of Group V, however, were postponed with the exception of one, and then Japan delivered an ultimatum to China, who had refused to concede the right of Japan to control and administer her governmental affairs. That ultimatum was delivered to China on the 7th day of May, 1915, and said:

In case the Imperial Japanese Government failed to receive from the Chinese Government before 6 p. m. of May 9—

Two days—

satisfactory response to their advice, they will take such independent action as they may deem necessary to meet the situation.

When that ultimatum was delivered, Japan already had several thousand soldiers landed on Chinese soil to enforce it. China knew it. Helpless as she was, she had to concede, and the treaty of 1915 between China and Japan, that has been called to my attention earlier in the discussion by the Senator from Utah [Mr. KING], was the result.

In considering that treaty we ought to remember the world conditions that existed then. An ultimatum given to China and she was given only two days to reply. Mr. President, if there had been a dispute, if there had been a claim that Japan owned something over in China, there would have been some reason for this difficulty, but there never was even a pretense that China had not fulfilled her duty to Japan, there was not even a pretense that Japan had any property or rights there. It was just as bare-faced as though to-morrow morning we would wake up and find that Canada had demanded that Maine should be turned over to Canada and would give us only two days to comply. There was no quarrel, there was no war, there had been no dispute, and there was no claim even by Japan, and to say that a treaty drafted under those circumstances should be given a moment's consideration by any honest people or any honest tribunal is a travesty upon justice.

Mr. President, I think the American people ought to know—and so far as I know they have had no opportunity as yet to know—some of the secret correspondence that went on between the Russian ambassador to Japan and his Government. Mr. Krupensky was the ambassador of Russia at Tokio, and on the 16th day of November, 1917, he sent a dispatch to his Government, of which I shall read a part. Speaking of the conversation he had with the Japanese foreign minister, he says:

In reply to my question as to the credibility of the rumors alleging that Japan is prepared to sell to the Chinese Government a considerable quantity of arms and munitions, Viscount Motono—

He was the minister of foreign affairs of Japan—

confirmed them and added that the Peking Government had promised not to use the arms against the southerners. It was evident from the minister's words, however, that this promise possessed only the value of a formal justification of this sale, infringing, as the latter does, the principle of nonintervention in the internal Chinese feuds proclaimed by Japan herself. It is most likely that the Japanese are aiming principally at obtaining the privilege of rearming the entire Chinese Army and at making China dependent in the future on Japanese arsenals and the supply of munitions from Japan. The arms to be supplied are estimated at 30,000,000 yen. At the same time Japan intends establishing an arsenal in China for the manufacture of war materials.

Mr. President, this official dispatch, sent by Mr. Krupensky to his government, gives undoubtedly his honest conception of what the Japanese Government intended to do. The Japanese demands on China were pending at that time, and a reading of them will show that among other things Japan demanded that the practical control of the manufacture of arms in China be turned over to Japan; that Japan be given the right to establish arsenals in China and to control them, which would give Japan practically the right to say what arms China should use and to supply to China what munitions she pleased and to handle them and use them as she pleased. It would have made the Chinese Army, whatever that might be or might become, absolutely dependent for its very existence upon Japanese officials and Japanese generals.

In another dispatch that Krupensky sent he says:

The Japanese are manifesting more and more clearly a tendency to interpret the special position of Japan in China, inter alia, in the sense that other powers must not undertake in China any political steps without previously exchanging views with Japan on the subject—a condition that would to some extent establish a Japanese control over the foreign affairs of China.

In that connection we ought to remember that one of the decisive acts preceding the annexation of Korea by Japan was the conclusion of a Japanese-Korean treaty in November, 1905, vesting in the Japanese Government the direction and control of foreign affairs. That was one of the specific steps which Japan took in getting control of Korea. Here she is continuing the same step in China. Again reading from Krupensky's official letter:

On the other hand, the Japanese Government does not attach much importance to its recognition of the principle of the open door and the integrity of China.

There you are getting the truth; there you are getting the judgment of an unbiased ambassador in an official letter telling his Government the conditions that exist in the capital of China. Let me repeat it:

On the other hand, the Japanese Government does not attach much importance to its recognition of the principle of the open door and the integrity of China.

Japan had made the various treaties which I have read; she had officially agreed to the Hay doctrine of the open door; but now we find from the secret correspondence of an official of the Russian Government, giving his Government the true situation in Japan, that he states that Japan does not pay much, if any, attention to those things:

The Japanese Government does not attach much importance to its recognition of the principle of the open door and the integrity of China, regarding it as merely a repetition of the assurance repeatedly given by it earlier to other powers and implying no new restrictions for the Japanese policy in China. It is therefore quite possible that at some future time there may arise in this connection misunderstanding between the United States and Japan. The minister for foreign affairs confirmed to-day in conversation with me that in the negotiations by Viscount Ishii at Washington the question at issue is not some special concession to Japan in these or other parts of China, but Japan's special position in China as a whole.

I think that dispatch ought to be rather interesting to our Government, to note the impression that the Russian ambassador got as to what Japan thought of the agreement that she had made, among other powers with us, as to the integrity of China. She did not regard it as being much of a stumbling block. Now, Krupensky sent another dispatch after the Lansing-Ishii agreement had been made. From the dispatch it seems he was referring to a conversation he had with Viscount Motono, Japanese minister of foreign affairs, and he asked him:

Whether he did not fear that in the future misunderstandings might arise from the different interpretations by Japan and the United States of the terms "special position" and "special interests" of Japan in China.

And Krupensky said in reference to that in his official letter to his home Government as follows:

I gain the impression from the words of the minister that he is conscious of the possibility of misunderstandings in the future, but is of the opinion that in such a case Japan would have better means at her disposal for carrying into effect her interpretation than the United States.

Mr. President, the Lansing-Ishii agreement between our Government and Japan was entered into in November, 1917, while the war was in progress. That was after Japan had made secret treaties in February, 1917, with Great Britain and France by which she was to get Shangtung and the islands of Germany north of the Equator. Remember that it was subsequent to that time that the agreement was reached; and we find that Mr. Krupensky, the Russian ambassador, in conversation with the Japanese foreign minister at Tokyo, gains the impression that Japan expects a misunderstanding because of a difference of interpretation of the Ishii-Lansing agreement in the future, but she thinks she will be in better position than we will be to enforce her understanding. That agreement was made without Japan notifying Lansing or our Government that Japan had a secret agreement in regard to China, which, I think, was a violation of good faith. There can be no doubt about the truth of that statement, for Mr. Lansing testified before the Foreign Relations Committee in the hearings on this treaty that when the agreement between himself and the Japanese Government was reached he had no knowledge of the secret treaties to which I have referred, that might have a very important bearing upon the Lansing-Ishii agreement; and now we have the official correspondence of the Russian ambassador at Tokyo stating that he gets the impression from conversations with the foreign minister of Japan that Japan expects a difference in interpretation to arise. She was looking forward to it. She made the agreement with Mr. Lansing with her pockets filled with secret treaties, and even when she made it she was conscious that she was going to construe it differently from what she knew was going to be our construction. Yet we are asked here to approve a treaty that will give Japan a greater right to enforce her understanding.

Senators, I am sorry the map which was on the wall yesterday has been removed. If you will look at the map of the Pacific Ocean you will realize that the giving of the German island possessions north of the Equator to Japan means that Japan is brought thousands of miles nearer to our coast. When she gets those islands fortified she will not be so distant from us as she has been heretofore, and she will, as Krupensky says in his official correspondence, be at least in better shape to enforce her demands than she would be now.

Mr. HITCHCOCK. Mr. President, the Senator, I presume, realizes that Japan will not be allowed to fortify those islands. She merely receives them in trust for the league of nations, and no fortifications will be permitted.

Mr. MOSES. Mr. President——

Mr. NORRIS. I yield.

Mr. MOSES. In connection with the suggestion the Senator from Nebraska has made in reference to the position which Japan has in the league of nations, I wish to read a translation of an editorial in the Niroku, a Japanese newspaper, the translation having been published in the Japanese Advertiser of May 9, 1919. It reads as follows:

The imperial family of Japan is as worthy of respect as God and is the embodiment of benevolence and justice. It is the parent not only of her 60,000,000, but of all mankind on earth. The league of nations, proposed to save mankind from the horrors of war, can only attain its real object by placing the imperial family of Japan at its head, for to attain its object the league must have a strong punitive force and a supernational and supperracial character; and this force can only be found in the imperial family of Japan.

So, in the Japanese view of things, appealing to the league of nations would be to appeal to the imperial family of Japan.

Mr. HITCHCOCK. Mr. President, the Senator knows that some very foolish things are also printed in some very foolish American newspapers.

Mr. NORRIS. Yes; I happen to know about that; some of them are printed in a newspaper I know of in Omaha.

Mr. President, it may be that Japan will not fortify these islands; but when I realize that the representatives of all these great nations stood on that rostrum with their pockets full of secret treaties without disclosing them to us, and when I know that they brought China into the war without letting her know that they had already agreed to carve her up into mincemeat, I do not know how many secret agreements still exist and, regardless of anything that may be said in the treaty, may be carried out, and I am led somewhat to that conclusion by the fact that England has just entered into this disgraceful treaty with Persia by which she is going to take her over without regard to the league of nations.

I want to tell you, Mr. President, that I started in this thing in good faith. No man had more honest and hopeful intentions than I had when that peace conference met at Versailles. No man in all this world was more anxious to have a permanent peace than I. No man under any flag would sacrifice more according to what he had to sacrifice than I would to have brought about a league that was honest and honorable. I believed that our allies were honest and honorable. I went out in the liberty loan campaigns, for the Y. M. C. A., for the Red Cross, all over this country proclaiming that doctrine to the people, and I believed it from the bottom of my heart. I thought they were square; I thought they were fair; and when the league of nations part of the treaty was first given to the world, while I disliked some of it very much, I was almost on the point of swallowing it. I was willing to sacrifice almost anything to get the right kind of a league of nations. To me it seemed that article 10 was almost damnable. I thought that the article providing for disarmament might not mean anything, and other things the same way; and yet I said to myself, "They are honest, we are honest, and if all of us are going into this honestly I can overlook a good many things that do not seem right."

Later, however, the treaty came. You will remember that the league of nations was given to the world first. Later it developed what they had done in making the treaty; and although it seemed to me that there were a lot of sins even in the league as they had promulgated it, when the treaty came forth it made the league look like a banner of purity compared to the crime, the deceit, the wrong, and the sin that was bound up in that treaty.

When I discovered that these same men who had talked eloquently here to us had in their pockets secret treaties when they did it; when I discovered that they pulled out those secret treaties at the peace table, in contravention and in contradiction to the very agreement that they all made when we entered that peace conference; when I saw that they were demanding that these secret treaties be legalized; and, more than all, Mr. President, when I saw our own President lie down and give in and submit to the disgrace, the dishonor, the crime, and the sin of that treaty, then I said: "Great God! I do not believe I want to have any kind of dealings with any of you people. I am suspicious of you all the way through. You are dishonest. You have not been fair with us or with the world. You have been wicked. You have concluded to act here just the same as though you were acting in barbarous days after proclaiming to us and after we had believed that you were in earnest and fighting for democracy to build a peace, a world peace, a league of nations that would bring peace and happiness forever to a suffering people."

Now, Mr. President, I want to ask permission to print without reading, in connection with this Krupensky correspondence, the Lansing-Ishii agreement.

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

The matter referred to is as follows:

THE LANSING-ISHII AGREEMENT.

DEPARTMENT OF STATE,
Washington, November 2, 1917.

EXCELLENCY: I have the honor to communicate herein my understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of the United States and Japan recognize that territorial propinquity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired, and the Government of the United States has every confidence in the repeated assurances of the Imperial Japanese Government that while geographical position gives Japan such special interests, they have no desire to discriminate against the trade of other nations or to disregard the commercial rights granted by China in treaties with other powers.

The Governments of the United States and Japan deny that they have any purpose to infringe in any way the independence or territorial integrity of China, and they declare, furthermore, that they always adhere to the principle of the so-called "open-door" or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any government of any special rights or privileges that would affect the independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I shall be glad to have Your Excellency confirm this understanding of the agreement reached by us.

Accept, Excellency, the renewed assurance of my highest consideration.

ROBERT LANSING.

His Excellency Viscount KIKUJIRO ISHII,
Ambassador Extraordinary and Plenipotentiary of Japan on Special Mission.

(The ambassador extraordinary and plenipotentiary of Japan, on special mission, to the Secretary of State.)

THE SPECIAL MISSION OF JAPAN,
Washington, November 2, 1917.

SIR: I have the honor to acknowledge the receipt of your note to-day, communicating to me your understanding of the agreement reached by us in our recent conversations touching the questions of mutual interest to our Governments relating to the Republic of China.

I am happy to be able to confirm to you, under authorization of my Government, the understanding in question set forth in the following terms:

In order to silence mischievous reports that have from time to time been circulated, it is believed by us that a public announcement once more of the desires and intentions shared by our two Governments with regard to China is advisable.

The Governments of Japan and the United States recognize that territorial propinquity creates special relations between countries, and consequently the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous.

The territorial sovereignty of China, nevertheless, remains unimpaired, and the Government of the United States has every confidence in the repeated assurance of the Imperial Japanese Government that while geographical position gives Japan such special interests, they have no desire to discriminate against the trade of other nations or to disregard the commercial rights heretofore granted by China in treaties with other powers.

The Governments of Japan and the United States deny that they have any purpose to infringe in any way the independence or territorial integrity of China, and they declare, furthermore, that they always adhere to the principle of the so-called "open door" or equal opportunity for commerce and industry in China.

Moreover, they mutually declare that they are opposed to the acquisition by any Government of any special rights or privileges that would affect the independence or territorial integrity of China or that would deny to the subjects or citizens of any country the full enjoyment of equal opportunity in the commerce and industry of China.

I take this opportunity to convey to you, sir, the assurances of my highest consideration.

K. ISHII,
Ambassador Extraordinary and Plenipotentiary of Japan on Special Mission.

HON. ROBERT LANSING,
Secretary of State.

Mr. NORRIS. Now, Mr. President, I want to read from a statement made at the peace conference by the representatives of the Chinese Government. They say:

It is also submitted that but for the attitude of Japan—inspired largely, it seems, by her desire to replace Germany in Shantung—China would have been associated with the Allies in August, 1914, and again in November, 1915, in the struggle against the Central Powers.

In August, 1914, the Chinese Government—

Now, just let us pause there a moment. August, 1914, was when the war commenced.

In August, 1914, the Chinese Government expressed their desire to declare war against Germany and to take part in the Anglo-Japanese operations against the German garrison at Tsingtao. The proposal was not pressed, owing to the intimation reaching the Chinese Government that the proposed Chinese participation was likely to create "complications" with a certain power.

Everybody knows that that "certain power" was Japan.

If that does not demonstrate that Japan's loyalty was merely skin deep, I do not know what it does demonstrate.

Reading further from the same article:

Again in November, 1915, the Chinese Government expressed their desire to enter the war in association with the Allies, but the Japanese Government opposed the proposal.

Eventually, however, the Chinese Government addressed a note of warning to Germany on February 9, 1917, severed diplomatic relations with the latter on March 14 following, and finally declared war against Germany and Austria on August 14, 1917, the opposition of the Japanese Government having been removed in the circumstances indicated in another dispatch written by M. Krupensky to the Russian Government on February 8, 1917, reporting on his efforts to induce Japan to withdraw her opposition to China's entry into the war on the side of the Allies.

Mr. President, China declared war against Germany August 14, 1917. She wanted to declare war in August, 1914, at the beginning of the war, but did not do it because of Japan's influence. She wanted to do it again in November, 1915, but did not do it because Japan objected, and the Allies did not want her in without Japan's consent. There was a great deal of correspondence, and I am going to read another letter from Krupensky later, if I do not forget it, showing what he was trying to do, and how he was trying to get Japan to consent that China should come into the war on our side.

My God, Mr. President! Can there be any doubt about the desirability of having China come in? Here was the war, engaged in which were nearly all of the nations of the earth, trying to get every power in, big and little, to help in whatever way they could. Here was China, wanting to come in. She wanted to furnish men to take the German possessions in China and was denied the privilege by the Allies because Japan wanted to keep her out. She wanted to come in in 1915, but Japan kept her out again; but in 1917 Japan withdrew her objections. Why? Because of that secret agreement made in January and February, 1917, that I have already read. In the meantime the other Governments were trying to get Japan to consent, and Japan started out and got this secret agreement with England and France and Italy and Russia; and when she got that she said: "All right; let her come in. I have got her nailed up, anyway."

Now, put that up against Japan, and what have you? Engaged in a great struggle, one of the things that was vital was ships—we all knew that—ships to meet the destruction of the German submarines. Articles now appearing in the papers by the American admiral who was over there and had charge of the American Navy disclose now publicly the fact that about this time there was a feeling of great distress among the officials all through the British Navy and the American Navy. They were afraid they were not going to be able to meet the destructive methods of the German submarines. They could not build ships fast enough to do it. Night and day, everywhere, they were urging more ships. Now, here was China. In her harbors were a lot of German ships, interned. China was neutral; they had not let her come in; Japan had kept her out, and they needed every ship that China had. Do you think Japan had the interests of the Allies' cause at heart? Does it look as though Japan was loyal to the cause for which more than 50,000 American boys gave their lives? Does it look as though she was doing what she could, when they needed ships, to keep China out when we could have gotten not only ships but men to help in the fight? And she never did consent until she got that secret agreement that I have read, in January, February, and March, 1917, by which these other powers agreed that China should be dismembered at the peace table and turned over to Japan.

Then they all asked her to come in. In friendship, or at least it had the appearance of being friendship, they invited China into this war. "Come in," they said to China, "and help us to whip Germany. Give us these ships." And China came in. She sent several hundred thousand men to the battle fields of France—not as soldiers, but as workers—and they worked in the trenches under the fire of German shot and shell, where Japan's men never did go. She turned over all those ships to the allied cause, and they were used in carrying men, munitions, and food to the soldiers on the battle front. And now we propose to carve her up and give her sacred territory to that very Government that kept her out so long; that did not have the high sense of honor to the Allies to try to get another Government in to help win the war; who kept her out at a time when ships were vital, and when the leading men on the allied side feared that we were going down to defeat for want of ships. I wonder, Mr. President, if the American people understood that condition, whether they would ever consent that this criminal portion of this treaty should be approved by the American Senate.

I want to read a sentence or two from this same paper presented to the peace conference:

The chief value of Kiaochow lies partly in the harbor of Tsingtao and partly in an area dominating the finest anchorage of that harbor, which has been delimited by the Japanese Government and is already reserved for exclusive Japanese occupation under Japanese jurisdiction, no one other than Japanese being permitted to hold land within its boundaries.

All done during the war. A portion set aside exclusively for Japanese, no one allowed to be there; and, if we are to believe the pretensions of friendship and peace in a country that is soon going to be turned back to China, it is going to be turned back just as Korea was turned back. If Japan intended it should be turned back she would not have objected to putting it in the treaty. Why should it not be put in the treaty? Japan has never offered a suggestion or a reason. There is none. Here is part of China; China wants it, and the world wants her to have it; but Japan says, "Give it to me. I will give it back to her when I get ready."

Japan will make the conditions of its return, and she will make them so as to give nothing but the shell. She will keep the kernel, and eventually, if she goes on in the same course that she pursued in Korea, the Chinese Republic will be no more.

This same article, speaking further on this same subject, says:

This delimited area presumably is the "place to be designated by the Japanese Government" as "a concession under the exclusive jurisdiction of Japan." The restoration of Kiaochow to China, with retention by Japan of the area dominating it, would be the restoration of the "shadow" of this "place in the sun" and the retention of its substance by Japan.

I will now read from a letter by Mr. Krupensky. Of course Russia wanted to get China in, and there was a good deal of communication between the home government and the Russian ambassador at Tokyo. Mr. Krupensky sent another letter, which, as far as I know, has never been published in this country, but which is in the official correspondence of Krupensky with his government. He was instructed to sound out Japan to see if Japan would not agree to let China come into the war, and here is what he says, in part, in an official letter:

On the other hand, the minister pointed out—

That is, the Japanese minister—

the necessity for him, in view of the attitude of Japanese opinion on the subject, as well as with a view to safeguard Japan's position at the future peace conference—

Now, note that, "with a view to safeguard Japan's position at the future peace conference."

This letter was sent on the 8th day of February, and it was just a few days afterwards when the Japanese minister at Tokyo took up with the British ambassador at that place the proposition of giving Shantung to Japan.

This continues:

With a view to safeguard Japan's position at the future peace conference, if China should be admitted to it, of securing the support of the allied powers to the desires of Japan in respect of Shantung and the Pacific islands.

Now, Mr. President, there is Krupensky ordered to sound out the Japanese Government and see if there can not be some arrangement brought about by which China can come into the war, and she is anxious to come in if they can get Japan's consent. Everybody else wants her in. Krupensky, in sounding out the Japanese minister at Tokyo, finds that Japan wants to have some understanding at the peace conference, if they will let China in, about Shantung and the German islands in the Pacific.

Mr. JONES of Washington. What is the date of that?

Mr. NORRIS. It is within a few days of the time when these other negotiations started. This is February 8.

Mr. JONES of Washington. Nineteen hundred and seventeen?

Mr. NORRIS. Nineteen hundred and seventeen; when, as you noticed in the first part of my address, I showed where the conference took place in the month of February, a little later than this. It is all connected up. This continues:

With a view to safeguard Japan's position at the future peace conference, if China should be admitted to it, of securing the support of the allied powers to the desires of Japan in respect of Shantung and the Pacific Islands. These desires are for the succession to all the rights and privileges hitherto possessed by Germany in the Shantung Province and for the acquisition of the islands to the north of the Equator which are now occupied by the Japanese. Motono plainly told me that the Japanese Government would like to receive at once the promise of the Imperial [Russian] Government to support the above desires of Japan.

Now, listen! Here is Krupensky's conclusion:

In order to give a push to the highly important question of a break between China and Germany I regard it as very desirable that the Japanese should be given the promise they ask.

Oh, that looks like loyalty on the part of Japan, the other allies striving to get China in for the valuable assistance she could be to them, Japan keeping her out, and succeeding in keeping her out, as I said before, until she got that disgraceful agreement to permit the acquisition by Japan of this Chinese territory.

Mr. President, some of the people who have argued in favor of this proposition have taken the position that China had entered into the treaty of May, 1915, in answer to these demands, by which she had agreed that Japan should have these German possessions; and I said to the Senator from Utah, when he seemed to refer to that treaty with approval, that I would bring a witness on the stand who would denounce that treaty whom he would not dare dispute, and I am going to produce him now, Mr. President.

First I will read the official statement of the Japanese Government on the question of Shantung, because I will have to read the other one made by this witness. That official statement reads:

The official text of the statement made to the press in Tokyo Sunday by Viscount Uchida, minister for foreign affairs, in regard to the Shantung settlement, as made public by the Japanese embassy here to-day, reads:

"It appears that, in spite of the official statement which the Japanese delegation at Paris issued on May 5 last, and which I fully stated in an interview with the representatives of the press on May 17, Japan's policy respecting the Shantung question is little understood or appreciated abroad.

"It will be remembered that in the ultimatum which the Japanese Government addressed to the German Government on August 15, 1914, they demanded of Germany to deliver, on a date not later than September 15, 1914, to the imperial authorities, without condition of compensation, the entire leased territory of Kiaochow with a view to eventual restoration of the same to China. The terms of that demand have never elicited any protest on the part of China or any other allied or associated powers.

"Following the same line of policy, Japan now claims as one of the essential conditions of peace that the leased territory of Kiaochow should be surrendered to her without condition or compensation. At the same time abiding faithfully by the pledge which she gave to China in 1915, she is quite willing to restore to China the whole territory in question and to enter upon negotiations with the Government at Peking as to the arrangement necessary to give effect to that pledge as soon as possible after the treaty of Versailles shall have been ratified by Japan.

I will pause there just a moment. Assuming that Japan is honest, that she wants to give it back to China, why does she not give it; why does she not pick up her duds and go home? Why does she not let China have it? Why does she not put it in the treaty that way? Why does she insist that in order for China to get it she must get it first?

Now, she says, "When the treaty is agreed to I will enter into negotiations with a view to turning it back." Everybody who has studied the history of Japan in Korea knows what these negotiations mean.

Reading further from this same official statement:

"Nor has she any intention to retain or to claim any rights which affect the territorial sovereignty of China in the Province of Shantung. The significance of the clause appearing in Baron Makino's statement of May 5, that the policy of Japan is to hand back the Shantung Peninsula in full sovereignty to China, retaining only the economic privileges granted to Germany, must be clear to all.

"Upon arrangement being arrived at between Japan and China for the restitution of Kiaochow—

What necessity of arriving at anything? If she wants to give it to China, and China is anxious to get it, for God's sake, why does she not give it to her and go home?—

"the Japanese troops at present guarding that territory and the Kiaochow-Tsinanfu Railway will be completely withdrawn.

As a matter of fact, they have been extended, since the armistice has been signed, in all kinds of directions and in all ways.

"The Kiaochow-Tsinanfu Railway is intended to be operated as a joint Sino-Japanese enterprise without any discrimination in treatment against the people of any nation.

"The Japanese Government have, moreover, under contemplation proposals for the reestablishment in Tsingtao of a general foreign settlement, instead of the exclusive Japanese settlement which by the agreement of 1915 with China they are entitled to claim."

You will notice that she refers to the agreement of 1915, brought about by force; to that treaty; to those demands, all illegal, all immoral, all wicked, all without justification, all brought about by force; and yet this man refers to those, and this witness that I am now going to put on the stand by the name of Woodrow Wilson takes up that question. He can not remain silent and let the Japanese Government even claim that there is any validity to that treaty of 1915 or to those negotiations.

You will remember that when this statement was published the President issued a statement in answer to it, in dignified language, but without question calling attention to the fact that these demands made by Japan upon China in 1915 were of no validity whatever and had nothing to do with the treaty of peace at Versailles. They were certainly without foundation. He did not consider them as amounting to anything and he would not dare let the occasion go without saying so to the world.

Now comes the President's statement. I will ask permission to print the entire statement.

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

The statement referred to is as follows:

THE PRESIDENT'S STATEMENT.

President Wilson's statement was as follows:

"The Government of the United States has noted with the greatest interest the frank statement made by Viscount Uchida with regard to Japan's future policy respecting Shantung. The statement ought to serve to remove many misunderstandings which had begun to accumulate about this question.

"But there are references in the statement to an agreement entered into between Japan and China in 1915 which might be misleading if not commented upon in the light of what occurred in Paris when the clauses of the treaty affecting Shantung were under discussion. I therefore take the liberty of supplementing Viscount Uchida's statement with the following:

"In the conference of the 30th of April last, where this matter was brought to a conclusion among the heads of the principal allied and associated powers, the Japanese delegates, Baron Makino and Viscount Chinda, in reply to a question put by myself, declared that—

"'The policy of Japan is to hand back the Shantung Peninsula in full sovereignty to China, retaining only the economic privileges granted to Germany and the right to establish a settlement under the usual conditions at Tsingtao.

"'The owners of the railway will use special police only to insure security for traffic. They will be used for no other purpose.

"'The police forces will be composed of Chinese, and such Japanese instructors as the directors of the railway may select will be appointed by the Chinese Government.'

"No reference was made to this policy being in any way dependent upon the execution of the agreement of 1915 to which Count Uchida appears to have referred. Indeed, I felt it my duty to say that nothing that I agreed to must be construed as an acquiescence on the part of the Government of the United States in the policy of the notes exchanged between China and Japan in 1915 and 1918, and reference was made in the discussion to the enforcement of the agreements of 1915 and 1918 only in case China failed to cooperate fully in carrying out the policy outlined in the statement of Baron Makino and Viscount Chinda.

"I have, of course, no doubt that Viscount Uchida had been apprised of all the particulars of the discussion in Paris, and I am not making this statement with the idea of correcting his, but only to throw a fuller light of clarification upon a situation which ought to be relieved of every shadow of obscurity or misapprehension.

"WOODROW WILSON."

Mr. NORRIS. Mr. President, I think that those who ask us to approve the treaty in the face of the testimony of that witness will be willing to admit that the treaty of 1915 is what I have claimed for it all the time, absolutely a nullity. Your leader denounces it; even though he asks us to approve this criminal thing he does not go so far as to say, "You shall approve that damnable treaty of 1915, forced upon China against her will while the world was at war."

But, Mr. President, there is still another reason why that treaty is of no force and effect. China is a republic. She has a written constitution. I wish Senators would remember that she is a republic, and that while we ought always to do justice to every nation regardless of the form of government, we ought to be particularly careful that the newborn republics, that have taken our Nation as an example when coming into the fold, to follow us, are properly and honestly protected, particularly when we have by solemn declaration many times in the past said we would do it.

This treaty of 1915, as I have said, was brought about by force. It was never approved by the Legislature of China, and the constitution of China provides that it must be. I put this in the RECORD once before, but I am going to do it again. Article 25 of the constitution of China reads as follows:

ARTICLE 25. The President makes treaties. But, should articles therein provide for any change of territory, or increase the burdens of the citizens, the concurrence of the legislature shall be required.

So even if everything was lovely, that treaty is a nullity, because no man claims that there was even a pretense at concurrence by the Legislature of China. The legal effect of the constitution in regard to treaties is practically the same as ours. Who would ever claim that this treaty now before us would be legal or binding, or have any effect whatever upon the American Government, unless it is approved by the Senate of the United States? The treaty of 1915 between Japan and China, culminating out of the famous 21 demands and signed at the point of the sword, was never approved by the Chinese Legislature. It is null and void; first, because it was signed under compulsion and coercion, admittedly so by everybody who knows anything about it. And even if this had not been true it is absolutely null and void because it has never been approved by the Chinese Legislature.

I can hardly understand how anyone can stand on the floor of the Senate and defend that treaty. I am going to read later on at least the first article of it. It shows on its face that it is illogical and dishonorable. But now since the President has spoken, since the man who is behind this treaty has condemned it, I do not suppose any more of his cohorts or followers will stand up and say that there is any validity to the treaty of 1915 between Japan and China.

I want to read again—I read it before, but I think it was in two different places—the instructions given to the representative of Japan when these demands were made:

Believing it absolutely essential for the strengthening of Japan's position in eastern Asia as well as for the preservation of the general interests of that region to secure Chinese adherence to the foregoing proposals, the Imperial Government are determined to attain this end by all means within their power.

That means by anything. They started out with their instructions that "We are going to obtain these things by any means that it may be necessary for us to resort to." When she makes that kind of demand without cause, without reason, without there having been any dispute or quarrel or disagreement, it is time for the Christian world and for civilized people to take notice. That is the way this treaty of May, 1915, between Japan and China was brought about.

Mr. President, I ask unanimous consent to print at this point in my remarks the original 21 demands made by Japan upon China.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Without objection, consent is granted.

The matter referred to is as follows:

JAPAN'S 21 DEMANDS.

JAPAN'S ORIGINAL DEMANDS.

Handed to His Excellency the President of Yuan-Shih-kai, by His Excellency Mr. Hioki, the Japanese minister to China, on January 18, 1915, translated from the Chinese text and published by the Chinese Government at Peking in June, 1915.

I.

The Japanese Government and the Chinese Government being desirous of maintaining the general peace in Eastern Asia and further strengthening the friendly relations and good neighborhood existing between the two nations agree to the following articles:

ARTICLE 1. The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

ART. 2. The Chinese Government engages that within the Province of Shantung and along its coast no territory or island will be ceded or leased to a third power under any pretext.

ART. 3. The Chinese Government consents to Japan's building a railway from Chefoo or Lungkow to join the Kiaochow-Tsinanfu Railway.

ART. 4. The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by herself as soon as possible certain important cities and towns in the Province of Shantung as commercial ports. What places shall be opened are to be jointly decided upon in a separate agreement.

II.

The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in South Manchuria and Eastern Inner Mongolia, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

ART. 2. Japanese subjects in South Manchuria and Eastern Inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming.

ART. 3. Japanese subjects shall be free to reside and travel in South Manchuria and Eastern Inner Mongolia and to engage in business and in manufacture of any kind whatsoever.

ART. 4 The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in South Manchuria and Eastern Inner Mongolia. As regards what mines are to be opened, they shall be decided upon jointly.

ART. 5. The Chinese Government agrees that in respect of the (two) cases mentioned hereinbelow the Japanese Government's consent shall be first obtained before action is taken.

(a) Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railway in South Manchuria and Eastern Inner Mongolia.

(b) Whenever a loan is to be made with a third power pledging the local taxes of South Manchuria and Eastern Inner Mongolia as security.

ART. 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in South Manchuria or Eastern Inner Mongolia, the Japanese Government shall first be consulted.

ART. 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years dating from the signing of this agreement.

III.

The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Hanyehping Co., have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping Co. shall be made a joint concern of the two nations and they further agree that without the previous consent of Japan, China shall not by her own act dispose of the rights and property of whatsoever nature of the said company nor cause the said company to dispose freely of the same.

ART 2. The Chinese Government agrees that all mines in the neighborhood of those owned by the Hanyehping Co. shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which, it is apprehended, may directly or indirectly affect the interests of the said company, the consent of the said company shall first be obtained.

IV.

The Japanese Government and the Chinese Government with the object of effectively preserving the territorial integrity of China agree to the following special article:

The Chinese Government engages not to cede or lease to a third power any harbor or bay or island along the coast of China.

V.

ARTICLE 1. The Chinese Central Government shall employ influential Japanese as advisers in political, financial, and military affairs.

ART. 2. Japanese hospitals, churches, and schools in the interior of China shall be granted the right of owning land.

ART. 3. Inasmuch as the Japanese Government and the Chinese Government have had many cases of dispute between Japanese and Chinese police to settle, cases which caused no little misunderstanding, it is for this reason necessary that the police departments of important places (in China) shall be jointly administered by Japanese and Chinese or that the police departments of these places shall employ numerous Japanese, so that they may at the same time help to plan for the improvement of the Chinese police service.

ART. 4. China shall purchase from Japan a fixed amount of munitions of war (say, 50 per cent or more) of what is needed by the Chinese Government or that there shall be established in China a Chino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchased.

ART. 5. China agrees to grant to Japan the right of constructing a railway connecting Wuchang with Kiukiang and Nanchang, another line between Nanchang and Hanchow, and another between Nanchang and Chaochou.

ART. 6. If China needs foreign capital to work mines, build railways, and construct harbor works (including dockyards) in the Province of Fukien, Japan shall be first consulted.

ART. 7. China agrees that Japanese subjects shall have the right of missionary propaganda in China.

[At this point Mr. NORRIS yielded the floor for the day.]

Saturday, October 11, 1919.

Mr. NORRIS. Mr. President, when the Senate adjourned last night I had just placed in the RECORD the 21 demands made by Japan upon China. Prior to placing them in the RECORD I discussed them at some length and gave an explanation of some of them. Before I pass from that subject I wish to comment briefly on a few of those demands.

To begin with, the demands were prefaced, as was every other treaty made by Japan with China or Korea, with a pretentious declaration of the friendship of Japan, in this case for China.

Mr. McCUMBER. They copied the Germans.

Mr. NORRIS. The Senator from North Dakota [Mr. McCUMBER] says they copied the Germans. That is what I tried to demonstrate yesterday—that in a great many of the things they had been doing they were following the process that has been followed for years by the Kaiser in building up his immense military machine.

The 21 demands were prefaced with the following profession of friendship:

The Japanese Government and the Chinese Government being desirous of maintaining the general peace in eastern Asia and further strengthening the friendly relations and good neighborhood existing between the two nations agree to the following articles.

I shall show later, Mr. President, in the case of Korea how Japan pursued for years the same course in every attack that she made upon Korean independence. When she was about to stab China to the heart she prefaced her action, in which she demanded the agreement of China, with the statement that it was done because she was desirous of "further strengthening the friendly relations and good neighborhood existing between the two nations."

I commend to the reading of the Senate and of the country these 21 demands. In my humble judgment no person, particularly if he is familiar with the history of Japan, can read them without reaching the firm conclusion that if those 21 demands were acceded to, and action taken accordingly, the doom of China as an independent nation was absolutely sealed.

I said on yesterday the demands in group 5 were suspended. I believe I was somewhat in error in that statement. There were seven demands in group 5 altogether, and one of those demands was not suspended. None of them has been withdrawn; they stand now suspended as a sword over the neck of weak China and are likely to be renewed any day as the demands originally were presented without any possible excuse or reason.

Article 1 in Group II reads as follows:

The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

That illustrates the method that Japan has pursued. She gets a concession; then with arms and with force she demands an additional concession and extends the old one. The leases of Port Arthur and these railways had not yet expired, but Japan took the occasion to extend them for 99 years. Article 4 of Group II reads as follows:

The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in South Manchuria and Eastern Inner Mongolia. As regards what mines are to be opened they shall be decided upon jointly.

I read yesterday, Mr. President, the instructions given the Japanese ambassador when these demands were sent to him. I also read the prime minister's statement affecting them. The ambassador was told in substance that Japan was determined to have these demands allowed at whatever cost, and the prime minister said in substance—and I gave the language literally on yesterday—that China had the raw materials that were necessary for Japan's progress and advancement. Putting them together they decided, when there was not even the semblance of a dispute, to make this demand at a time when the world was at war. Article 5 says:

The Chinese Government agrees that in respect of the (two) cases mentioned herein below the Japanese Government's consent shall be first obtained before action is taken:

(a) Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railroad in South Manchuria and eastern inner Mongolia.

(b) Whenever a loan is to be made with a third power pledging the local taxes of South Manchuria and eastern inner Mongolia as security.

ART. 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in South Manchuria or eastern inner Mongolia the Japanese Government shall first be consulted.

ART. 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years, dating from the signing of this agreement.

If we went no further, Mr. President, if we considered only this demand, what is left to China? It is true that in article 4, which I have just read, it is stated that where the Chinese Government grants to subjects of Japan the right to mine in South Manchuria and eastern inner Mongolia the mines to be opened shall be decided upon jointly. Of course, everybody who is familiar with the history of the diplomacy of Japan, the strength of Japan, and the weakness of China, knows what that camouflage means. "Jointly" means that Japan will do as she pleases and as she did under similar conditions with Korea.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield.

Mr. MOSES. May I ask the Senator from Nebraska if, in the course of his discussion of the preposterous and outrageous demands made by Japan upon China, he intends to touch upon the peculiar phraseology employed in some of the demands, namely, "outer" and "inner" Mongolia, employing geographic terms which hitherto had been wholly unknown to the Chinese mind, and involving a shadowy, indefinite geographic definition of territory, under which all sorts of complications might ensue and the actual demands of the Japanese Government might be extended to an indefinite area, inasmuch as those particular terms of description of territory have never been employed by the Chinese or, indeed, Mr. President, anywhere by geographers of the Orient?

Mr. NORRIS. In answer to the Senator, I will say that, in a general way, I expect to discuss the proposition, although I do not know whether or not the Senator has reference to some specific matter which I intend to discuss.

Mr. MOSES. Oh, no, Mr. President; but in reading the group of demands, of course, the Senator can not have overlooked the terms "inner" and "outer" Mongolia with reference to various phases of the concessionary demands which were made upon the Chinese Government. Those terms, "inner" and "outer" Mongolia, were terms absolutely new in the geographic terminology of the Orient. They meant nothing or everything to the oriental mind. Under them the Japanese Government, by the forced concession it had wrung from China through the operation of the threat by which they imposed this group of demands, might have extended its field of operations to cover the entire Chinese Empire, for all the Chinese authorities could tell.

Mr. NORRIS. I think there is no doubt about that.

Mr. MOSES. These new geographic terms were considered by oriental scholars and by publicists who have dealt with oriental affairs, particularly so far as the relations between the Chinese Republic and the Nipponese Empire are concerned, to have been intentionally introduced for the purpose of confusing the situation later on and of enabling the Japanese to extend far beyond the bounds of what anybody then dreamed possible the operation of their sovereignty under these demands.

Mr. NORRIS. Mr. President, I thank the Senator for his very valuable contribution, the importance of which can not be overestimated; and there is no doubt about the truth of the statement the Senator has just made.

Now, to continue with a few more of these demands. In article 1 of Group V the language reads as follows:

The Chinese central Government shall employ influential Japanese as advisers in political, financial, and military affairs.

Think of that! The Chinese Government shall employ Japanese advisers in political, financial, and military affairs! That means the turning over to Japan of the financial, political, and military affairs of China. What would be left? I wish every man who reads these demands—and I am only mentioning a few of them, for I desire to hasten along as rapidly as I can; many of those that I have not read are as bad and some of them worse than those I have read—I wish every man who does me the honor to read these demands would apply them to himself and to his own country. What would we say if some great nation without any warning, without any dispute or controversy existing, should on some bright day send its ambassador to our Government and make such a demand as the one I have just read? What would we think as citizens? If we were unarmed, if we did not have a large military establishment and the other country did, and the other countries of the world from whom we might expect some sympathy and aid were at war, we would be helpless. Everybody knows that to the very extent of our power we would resist any such a demand.

But if the power against us was sufficient to overcome us, or if we were weak and had no Army and no Navy to make a defense, would the crime be any less? Would it not be greater, Mr. President? Would it not, as I said yesterday, be the difference between attacking a full, able-bodied man and trying to rob a cripple or a woman or a child?

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I do.

Mr. MOSES. I should like to call the attention of the Senator from Nebraska to the fact that the practice he is denouncing is not an uncommon one among these precious allies of ours. The seizure of the purse and the sword of China by Japanese hands has been paralleled by the seizure of the purse and sword of Persia in British hands.

Mr. NORRIS. I will say to the Senator that I called attention to that yesterday.

Mr. MOSES. I am very glad to know that.

Mr. NORRIS. And I put the treaty in the RECORD. That is true. The only difference is that with regard to Persia, that treaty is not before us. We are not called upon to act; but in this case we have to act. The responsibility is on our shoulders now, and we must either approve or disapprove this treaty and this provision in this treaty.

Article 4 of the Japanese demands reads as follows:

China shall purchase from Japan a fixed amount of munitions of war (say, 50 per cent or more) of what is needed by the Chinese Government, or that there shall be established in China a Chino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchsed.

After she had turned over her political, financial, and military affairs to Japan, then she has still further to buy of Japan her munitions of war, and an arsenal is to be established in China, controlled, this says, jointly by Japanese and Chinese; but then they must employ Japanese technical experts. That means that Japan is going to control it.

That means that the munitions of war, the guns and the powder that China will be allowed to have in the future will be absolutely and completely under the control of Japan. She will be powerless to defend herself, powerless to equip an army without Japan's consent. Japan was not taking any chances in this matter.

Article 6 says:

If China needs foreign capital to work mines, build railways, and construct harbor works (including dockyards) in the Province of Fukien, Japan shall be first consulted.

As I said a while ago, the simple reading of these demands, made without cause, is sufficient to convince anybody that the object of Japan is to get complete and absolute control of China.

I had something to say yesterday about the treaty. I offered the treaty between Japan and China that followed close upon these demands, that resulted from the ultimatum that I mentioned yesterday, and I want to read one article of that treaty, although I think I showed yesterday that it is not entitled to the consideration of any man who wants to be fair. It is absolutely discarded by everybody as far as I know, including the President of the United States, as I showed yesterday; but article 1 of that treaty reads as follows:

The Chinese Government agrees to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

Mr. President, if there were no other evidence, that treaty shows upon its face that it is brought about by force. No one but a crazy man would agree to that treaty. Now, remember that that was in May, 1915, while the war was on, and no one knew what the treaty of peace was going to be. China agrees by that provision of that treaty to agree to anything that Germany afterwards consents to when the Allies get her down on her knees, as they ultimately did. There is only one like instance in modern history, and that is where the Allies compelled Germany to agree, in the present treaty, that she would agree to any treaty that might be made with Austria. Germany was an enemy. There was reason why we should make demands and exactions of that kind of Germany; but no one pretends that that was anything but force. Yet the same thing, almost in the same language, Japan requires, and there were for some time people who even contended that was valid. It shows on its face that it is infamous and is not entitled to anybody's consideration.

Now Mr. President, I want to read to the Senate one of the secret treaties that Japan made with Russia while this war was on, and then I am going to ask the Senate to look at the evidence that I have disclosed and see the conspiracy that Japan was in.

Mr. GRONNA. Mr. President——

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

Mr. NORRIS. I do.

Mr. GRONNA. As I understood the Senator yesterday, Japan entered the war against Germany in August, 1914.

Mr. NORRIS. That is right.

Mr. GRONNA. And she attacked the Germans, of course, in Shantung?

Mr. NORRIS. Yes.

Mr. GRONNA. During that time and up to the date which the Senator has just mentioned—May, 1915—she demanded what the Senator has read and made her 21 demands?

Mr. NORRIS. Yes.

Mr. GRONNA. In other words, she threatened China unless these demands were granted?

Mr. NORRIS. Oh, yes. She had soldiers on Chinese soil—quite a large army—at the time she issued her ultimatum.

Mr. GRONNA. Now, as I understand the situation, in the first place, during 1897 and 1898 Germany stole this territory from China. Now Japan makes a raid upon the Germans who are in this territory and upon the people of China and demands the same territory that Germany demanded. Am I correct?

Mr. NORRIS. That is right.

Mr. GRONNA. And the United States must justify its position and say that, although we realize that Germany stole this territory from the people of China upon the pretext of having some one or two of her people murdered, we must now condone that theft and hand that stolen territory over to Japan?

Mr. NORRIS. Yes; that is what this treaty provides.

Mr. President, on the 3d day of July, 1916—and these dates are somewhat important, Senators, because I am going to couple them together in a few minutes to show the whole scheme, just what Japan was doing, and how our own country, in my judgment, was included in the scheme—this treaty between Russia and Japan, parts of which I am about to read, was negotiated and signed. I think it was the same day on which Japan and Russia made another treaty. They made two treaties. The other one was made public. This was kept secret.

Article 1 of that treaty reads as follows:

The two high contracting parties acknowledge that the vital interests of both require the safeguarding of China against the political domination by any third power entertaining hostile designs against Russia or Japan and therefore mutually pledge themselves, each time when circumstances demand it, to enter into frank relations based on complete mutual trust with one another with a view to taking joint measures for the prevention of the possibility of the advent of such a state of affairs (in China).

That article is important, Mr. President, as showing that the object of this treaty was to prevent anybody else interfering in China. I have already shown that at the very time this treaty was made Japan was keeping China out of the war. The other allies were trying to get her in. She then commenced to make it known that she wanted an agreement about the German possessions in Shantung at the peace table. Krupensky, in the secret correspondence that I read yesterday, showed up that proposition. A little later she entered into direct negotiations with England, with France, with Italy, and with Russia and agreed with every one of them what should be done with Shantung when the war was over.

It had begun to dawn on Japan that America was coming in, and she not only went so far as to make these secret agreements with other powers but she entered into at least one secret agreement, which I am about to read, by which, in my judgment, she showed that she had taken into consideration the fact that

America might object to her actions in China, and she was making a combination with Russia against our own country.

ART. 2. If as a result of the measures taken by mutual agreement by Russia and Japan, in virtue of the preceding article, war should be declared by the third power referred to in article 1 of the present convention—

That is, any power that undertook to interfere—

on either of the contracting parties—

That is, either Japan or Russia—

the other party shall on the first demand of its ally come to its assistance, and each of the high contracting parties pledges itself hereby, in case such a situation should arise, not to conclude peace with the common enemy without the previous consent of its ally.

ART. 3. The terms on which each high contracting party is to render armed assistance to the other in accordance with the preceding article, as well as the form in which this assistance is to be rendered, shall be determined jointly by the respective competent authorities of the two contracting parties.

ART. 4. Provided that neither high contracting party shall regard itself bound by article 2—

Article 2 is the one in which they say they will go to war—

of the present convention in respect of rendering armed assistance to its ally so long as it has not been given guaranties by its allies that they, too, will render such assistance to it as would correspond to the seriousness of the impending conflict.

Mr. President, everybody knows that Japan has a treaty alliance with Great Britain, and did have it when they entered into this treaty. That proviso, article 4, is put into this treaty to save Japan from going to war in case Great Britain should interfere in China. That is what that means. She would not have to go to war then unless her ally, after being informed, would consent to come in. What other power is left? Of course there are a good many other powers left, but what other power has any probability on earth of making any objection? Mr. President, there is only one, and that is the United States of America. This was at a time when we were not in the war. It could not mean France, it could not mean Italy, it could not mean any of the countries at war. It could mean only the United States. They put in the proviso so as to make it perfectly plain that it could not mean England. That construction is emphasized when you read the next article, which tells how long this convention shall last.

ART. 5. The present convention enters into force from the moment of its signature and shall remain in force until July, 1921.

Assuming that we did not go into the war, but stayed out, and when Japan made those demands on China we had said, "We can not stand for that; that is cruel and inhuman; that is the same as Germany did with Belgium," they had it fixed, not only if China went into the war, by the agreement with England and the other powers in those secret treaties, but they had it fixed so that if America did not go into the war and did not, therefore, come to the peace table and demand something for China, but, on the other hand, did object to this high-handed course of Japan in China, Japan would have an ally ready to go to war with her to fight the United States.

Mr. President, this is only one secret treaty. I am indebted to the Bolsheviks for this one. When they got possession of Russia they gave publicity to it. I do not know what other secret treaties Japan has up her sleeves with other countries to the same effect.

Article 5 continues:

Should one of the high contracting parties not deem it necessary 12 months before the expiry of this term to give notice of its unwillingness to prolong the validity of the present convention, the latter shall remain in force for a period of 1 year after it has been denounced by one or other of the high contracting parties.

ART. 6. The present convention shall be kept in complete secrecy from everybody except the two high contracting parties.

There you have it, Mr. President. While the war was on Japan wanted to guard against two contingencies. America at that time was not in the war. Japan had succeeded in keeping China out of the war to the extent, as I said before, in my judgment, of demonstrating that she was not loyal to the Allies' cause. But the Allies were trying to get China in, and trying to get Japan to consent that she should come in, to get the ships China had. Then she went into the secret agreements with the other powers, so that if China went in she had them all tied up with those agreements, so that when China came to the peace table she would be carved up just the same as though she stayed out.

But to meet any possibility that America might not go into the war, she made this secret treaty of July, 1916, so that when she was raping and outraging China while the balance of the world were fighting, if America said anything at least the Russian Government, and I do not know how many others, was bound by that secret treaty to declare war against America and come to Japan's relief.

Think of it, Senators, in connection with the question of the loyalty of Japan to the allied cause. What does that mean? Suppose we had not gone into the war. Suppose the American Government had in some way found out and protested against this rape of China and Japan had refused to pay any attention; and suppose it had resulted in war with the United States of America while that other great war was on. Then Japan would have declared war against America, there would have been war against China, and Russia, according to that secret compact, would have declared war against America. Then where would America have been in this World War? Whether she liked it or not she would have been fighting the Allies and in favor of Germany. That does not look to me very much as though Japan had the cause of the Allies at heart.

Mr. President, I want to offer some evidence to the Senate and to the country of what Japan is doing in China now, what Japan is doing in this country that she says she is so anxious to give to China. The Senator from New Hampshire [Mr. MOSES] interrupted me and read a translation of an article printed in a Japanese paper, and my colleague the Senator from Nebraska [Mr. HITCHCOCK] made some remark to the effect that we ought not to pay any attention to irresponsible newspaper publications, because, just as in this country, there are a great many such in Japan. That is true, and I would not pretend to offer a newspaper article as proof of a condition existing in a country. But, Mr. President, I can pile up that Senate desk with propaganda and newspaper articles from Japan so high that the President can not see a Senator, carrying out the very ideas contained in the editorial read by the Senator from New Hampshire. We can get an idea of what the Japanese people are thinking if we take a broad view of their country and consider what appears in their newspapers.

I will not take the time of the Senate or burden the RECORD with a production of such records. But I can produce them; I have them—illustrations, posters, newspapers of all kinds—that go to show that the Japanese people believe that Japan is destined to rule the world. This is one of the steps. There is not any question but what hidden in the breast of Japan is an idea that the Mikado some day will rule over the world; that the Christian religion will be destroyed and the pagan religion of the Mikado established everywhere on God's footstool. That is what they talk to their people. Again, there is a similarity to Germany, who for 50 years inculcated into the breasts of all her people, including the little school children, that Germany was supreme, that Germany was second to none, that she was destined to be the great power of all the world, that she was invincible. That is the doctrine that is taught to the Japanese by the Japanese. That is their propaganda. It is sacred to them. It is part of their religion.

Now, I want to read, as bearing out what I have said, part of an article that appeared in a Japanese paper at Tsinan, called Jih Pao, referring to Christians. Mr. President, some of these papers that Japan is printing are printed in the Chinese language and are circulated among Chinese in the way of a propaganda to make the Chinese believe particularly that missionaries of the English tongue, and more particularly that American missionaries of the English tongue, are frauds and that their religion is no account. It is a wide propaganda that she is spreading through China right now while we are here. In this article it is said:

Christians have assumed that civilization is a monopoly of Christian States, and look down on non-Christian States as uncivilized heathens and heretics. But this disastrous European war originated with Germany, the most important of all the Christian States and the home of Martin Luther, the author of the Reformation. All intelligent people in Europe realize that this strife has shaken the belief in Christianity to its very foundations; that unless some new mainspring of action be found it will lose all influence in the spiritual world. Disciples of Christianity are very anxious and worried about this, for since belief in Christianity has been shaken in the spiritual world of Europe the missionaries sent out to the East by Europe and America must also be profoundly affected, and this is in a very special degree a source of anxiety to preachers of Christianity in China.

Unfortunately the Tsingtau question gave rise to the boycott and a violent anti-Japanese movement spread with great rapidity.

These missionaries seized upon this as an opportunity for bolstering up the waning fortunes of Christianity, and they therefore expressed sympathy with the student agitation in order to purchase their support for Christianity. Truly they are cunning foxes, with ever an eye for the main chance.

Although church and state are separate, the question whether priests should be allowed to take part in political movements is evidently not one that can be hastily decided. Up to now the problem of Shantung has been a purely political question, and the present attempt to make it into a spiritual question is obviously with the object of producing a spiritual reaction. There is certainly not much righteousness to be discerned in the actions of the missionaries in this regard.

The forcible seizure of Kiaochow by Germany had for its pretext the murder of two missionaries, and China has ceded territory and paid indemnities in many similar cases. Thus may the church become an instrument of national destruction.

That is the sort of propaganda they are feeding to the Chinese and sending out printed in Chinese language.

In fact, all the calamities from which China has suffered down to the present day have sprung from the Christian Church, and that is why intelligent people object to the political activities of Christian missionaries.

I read that, only one out of hundreds that I have, to show the insidious propaganda that Japan is circulating through China. She has obtained control of newspapers and established others; she prints them in the Chinese language, as that was, and circulates them all over China to prejudice China against the missionary, against the church, and to try to make her believe that a continuation of activities upon the part of the church and the missionaries will mean the destruction of China, just as she argues in that article.

When this war broke out——

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. Mr. President, in view of what the Senator has said with reference to the Christian churches and the Christian missionaries in China and in Japan, and I assume that all these newspapers are printed either in the Japanese or in the Chinese languages, is it not fair to presume that some of these Christian missionaries are able to read both the Japanese and the Chinese languages, or at least one of them?

Mr. NORRIS. Most of them are able to read both languages.

Mr. GRONNA. What surprises me is this: How does the Senator from Nebraska account for the fact that many of those who profess to preach the gospel of Christ, as laid down by Him in the Sermon on the Mount, are advocating this treaty and are advocating the very same thing the Japanese are advocating—the destruction of the Christian religion in the world?

Mr. NORRIS. I thank the Senator from North Dakota for asking the question. It is an extremely important one. I have quite a number of documents that I want to produce on the subject, but I am not quite ready to do it now. I will promise the Senator, however, that before I get through I am going into that question.

Mr. GRONNA. I am very glad to know it.

Mr. NORRIS. I think any honest believer in the religion of Jesus Christ, when he understands what we are asked to do, would suffer death before he would advise us to give our official sanction to the treaty as it stands.

Mr. GRONNA. I apologize for interrupting the Senator at this time, and I am glad to know that he is going into that matter.

While I am on my feet, if I may be permitted, I will propound another inquiry. The Senator called attention to the fact that some time in July, 1916, a secret treaty was entered into between Japan and Russia. The Senator, I am sure, will remember as well as I do the brilliant speech delivered in this Chamber shortly after the United States had declared war against the Imperial German Government. Viscount Ishii at that time, I believe, spoke, and I remember distinctly some of his language. In substance at least it was that Japan entered this war in the interest of humanity and in the interest of democracy.

Mr. NORRIS. Yes; I referred to that briefly yesterday, and I want to say to the Senator, since he has asked the question now, that when Viscount Ishii made that beautiful speech it made a great impression upon the mind of the Senator from North Dakota, as it did upon me and all the other Senators, believing, as I did and as I believe all other Senators believed, that he was in earnest and was conscientious. We did not know that he had his pockets filled with secret treaties by which he was going to carve up China when the war was over, in violation of the very doctrine which he proclaimed and that we said we were in the war to vindicate.

As I started to say, when this war broke out there was an American school—there are quite a number, but here is one in particular—that got into difficulty over in Shantung. It got into difficulty when the Japanese got control. I have three accounts of it. One is a Japanese account, one is a Chinese account, and the other is an American account from an American missionary. I want to read parts of those or the substance of them. First I will take up the Japanese account. Here is what it says:

The pastors are sneakingly hidden within these institutions—

Referring to missionary schools—

and hypocritically take on the name of the church, pretending to preach. They go everywhere making the acquaintance and winning the friendship of all classes of people, pretending to preach the Gospel to distant lands, while their real work is to use all their efforts to extend the influence and power of their country. And Japan is now exposing their real purpose, namely, not to save and help China but to swallow her up and annex her. Now they are using every foul means to destroy the good relations between Japan and China and the friendship of Japanese and Chinese which everyone well knows is so beautiful.

Oh, it is beautiful, Mr. President! That is a beauty that no man as yet has been able to comprehend except through the devious ways and dark alleys of Japanese diplomacy.

But now a newly fomented enmity has suddenly appeared. The whole body of missionaries has stirred up and set aflame an angry Korean revolt; they have compelled the Peking students to revolt and boycott Japanese in business and social intercourse; they have spread their poison throughout China.

For many years a good relationship has existed between America and Japan, and upon first hearing of this affair we thought it only a rumor. But now we know that this relation is in every way broken up, and we are compelled to hate them with a deep hatred.

Mr. President, there was over there, when the action of the peace conference became known in China, a boycott against Japanese goods. They resorted to all kinds of things, and I will read some evidence of it, to compel the Chinese to buy Japanese goods. There was a movement on foot over there to hold the Chinese Government responsible wherever the Chinese people did not buy Japanese goods. Now, let me read the Chinese report of this mission school. This is from Tsinan, May 30:

The Japanese papers this morning published that the principal and two teachers of the American Presbyterian Mission School and two American pastors of that mission have been tried before the civil governor of Tsingtao, the American consul having been summoned to be present, on the charge of "disturbing the public peace."

This took place in China. If Japan has not interfered with the Chinese Republic and is not destroying her capacity as a nation, it would seem funny that a trial of this kind should be had before Japanese officials, would it not? But that is what happened.

The principal of the school has been expelled from Tsingtao for a term of three years and the school closed and sealed.

The charge remains unexplained. The day the summons was received the missionary in charge of the Presbyterian work in Tsingtao stated that the students of the mission school there were exercising no part in the boycott or patriotic demonstrations. Indeed, they are but children, as the school only runs to the middle school grades. Personal inquiry among Chinese shop keepers in Tsingtao elicits the fact that these Chinese population of Tsingtao have been kept in ignorance by their overlords of the patriotic movement elsewhere, and their ignorance demonstrates the fact that the mission school could have done extremely little publicity campaigning, if any at all.

The missionaries state that they have been subjected to continued difficulties since the Japanese are certain that they have attained their will at the conference.

Ever since Japan won at the peace conference, the missionaries have felt the effect of it in China.

The Japanese Tsingtao Daily News to-day publishes an editorial page half filled with polemics against the Christian Church and religion, and over all this a grandiose article on the proper relationship of church and state and religious liberty.

That is what I read.

A common expression in Tsingtao and, indeed, entire Shantung is "the peace conference has devoted us to become a second Korea"—

That is the way the Chinamen feel, and no wonder they refuse to patronize Japanese merchants or to buy Japanese goods. Would you? Would we? Would we refuse to buy under those circumstances? Just ask yourselves the question—

but this exhibition of militarist lordship is convincing many that the occupational authorities here are prepared to go even one step further in their Prussianistic policies than their colleagues in Japan and Chosen.

Now, listen to this. While they are destroying American missionary schools, listen to this account of the German schools—Japan, supposed to be an enemy of Germany and fighting her, supposed to be an ally of America, is abolishing American schools and permitting German schools to continue.

GERMAN MISSION UNTOUCHED.

An interesting feature of the case is that, although the American mission in Tsingtao is thus being hindered, the German mission there is still allowed freedom to operate to the extent of its limited funds, and was allowed this freedom during the entire war, although the German missionaries never ceased to press in the most forceful language their pro-German sentiments. It is the old psychological principle that fear is the greatest breeder of hate, and that the worst-hated enemy is the one which is unconquered.

It is being speculated here whether or not Japan's haste in showing her authority and opposition to Christianity and Americans in Tsingtao will jar the Paris peace conference into a reconsideration of the question. Opinion is that if Japan has the matter finally closed beyond reopening, such actions will at least cost her the good will and congratulations of the nations subscribing to her success.

The American Presbyterian mission expects to be forced to dispose of its beautiful Tsingtao site and the costly buildings thereon at great sacrifice, and to give up its work of many years standing there.

Here is an American version:

THE AMERICAN VERSION OF THE TSINGTAO AFFAIR.

MAY 31, 1919.

Word has been received that Hugh O'Neill Boys' High School of the Presbyterian Mission in Tsingtao has been closed by order of the Japanese Tsingtao military government.

This action was taken after several weeks of continuous interference on the part of the police. While a single woman only was in the station a campaign of investigation was conducted by the gendarmerie, who insisted that a spy from Peking was being harbored in the school.

This campaign began Sunday, May 20, and was continued until Sunday, May 27, when a posse of eight men came and searched the home of

the principal, Wang Shou-ching, and the school office. The gendarme have also persistently interrupted the work of the station by visiting and interrogating the missionaries in their homes.

On May 28 the entire teaching staff, American and Chinese, were summoned to appear at the courthouse and threatened with punishment if they failed to appear. This left the school with no overseer, and immediately after the staff had left a force of seven soldiers appeared and took possession of the school. They took pictures of the building and posted a military guard inside the schoolhouse.

At the courthouse the teachers, foreign and Chinese, were arraigned before the civil administrator and his staff and two police officers. An order from the commanding general was read in Japanese, Chinese, and English demanding that, because of disturbances and crimes—the nature of the crimes were not mentioned—and for the sake of peace, the school must be closed at once and all teachers and pupils sent home within 10 days.

A second order was read and delivered to Mr. Wang Shou-ching, the principal, banishing him from Tsingtau for three years, emphasizing the heinousness of his crime, but giving no hint as to what his crime was except that his presence in Tsingtau threatened the peace. Mr. Wang has been in the service of the mission for many years and has a good reputation and a clear record. He is a peaceable man, taking no part in politics, and has shown every sign of being scrupulously careful at this time. Thus without trial or conviction he has been condemned and banished in disgrace as a dangerous criminal.

On May 28 and 29, a day and night military guard was maintained in the schoolhouse, forbidding any classes, and watching every movement of teachers and pupils. And now even though the school is dispersed, and the schoolhouse empty, the military guard still holds possession of the school building.

Also on May 13, five Japanese soldiers carrying their guns visited the mission girls' school at Ta Sin Tan, a village eight li from the Lan-Tswen railroad station. The principal demurred at their entrance, but they demanded admission, so the principal finally took them to a classroom. They, however, insisted upon wandering off in ones and twos, going wherever they pleased. The girls fled to their rooms and locked their doors, and the soldiers still peeped in the windows.

There is being conducted a persistent campaign of villifying and reviling Europeans and Americans, especially missionaries, by the local Japanese papers, which are printed both in Japanese and Chinese.

Mr. President, I have here a news item printed in the North China Star, a Chinese publication, which I think shows what is going on. It shows the propaganda which I have briefly outlined. I read from the paper mentioned of August 4, 1919:

Considerable irritation is felt by Chinese here—

That is at Peking—

at a series of resolutions recently passed by the Japanese residents at Fangtze, a town in Shantung along the Shantung Railway, which resolutions it is believed have been officially instigated and are to be passed by all Japanese communities in Shantung, and possibly in China.

The irritation is felt not at the mere passing of resolutions, which it is admitted even the three tailors of Tooley Street have a right to pass if they be so minded, but at the believed official instigation and at the extreme demands embodied in the resolutions, which are roughly as follows:

(1) That all agreements between China and Japan concerning Shantung must be upheld to the letter.

(2) That all important points along the Shantung Railway should be opened to international trade.

I will show you a little later on what a camouflage that is, though it sounds rather good.

(3) That Japanese troops should be maintained along the line of the Shantung Railway.

(4) That the Japanese gendarmery along the railway should be at least doubled in strength.

(5) That Japanese currency should be legal tender in Shantung.

(6) That the boycott directed against Japanese goods should be terminated.

(7) That China should indemnify Japan for all losses sustained in consequence of the boycott.

(8) That a zone within 20 kilometers of the railway should be administered by Japanese police.

(9) That the privileges formerly enjoyed by Germany with respect to mining within 30 kilometers of the railway and within a certain radius of Poshan, Chichuan, and other districts should be granted to Japan.

With respect to the second demand—

Now, let us see what that was. The second demand was "that all important points along the Shantung Railway should be opened to international trade."

With respect to the second demand it is pointed out that at practically all the places that it is suggested should be opened to foreign trade, Japanese trade has, during the period of the war, strongly entrenched itself, and by compulsory sales of property made by the Chinese all the best business sites have been acquired by Japanese, so that to open these places to foreign trade would be a farce, except for the Japanese.

Mr. President, later on I shall show you that the same thing happened in Korea. The Japanese are able to buy any piece of property in China they want. As they did in the case of Korea, they manipulate the finances of the country until it is impossible for a native to have any money; they call it all in. They compel them to take paper money and to pay their taxes in a kind of money which they do not possess and can not get unless they get it from the Japanese. In order to get it from the Japanese they must sell their property, and they must sell it at the price that the Japanese put on it. That was worked to a finish in Korea; it is being worked right now in the territory that Japan is so anxious to give up to China.

Mr. President, missionaries of the various Christian churches of America, who have spent the best part of their lives in China and in Korea, have given me their personal testimony of cases of which they had personal knowledge of hundreds and thousands of Koreans who were in this way compelled to leave the country. They could not pay the taxes; they could not get any money that would be received with which to pay the taxes. They had to go to the Japanese to get such money. There was a man there who was ready to give it to them, but he had to have a deed to the property before they could get the money. If they would not give the deed, the Japanese would sell the property for taxes and get it in that way. That is what is going on there. This article continues:

With respect to the fifth demand, it is pointed out that a beginning has been made with the introduction of Japanese currency by the refusal of the railway to accept anything but Japanese bank notes for the payment of freight or of passenger tickets, and even when large sums are paid by check, they have to be paid by checks on Japanese banks.

How long would America live if some other Government came into our midst and ousted the justices of the peace, ousted the county clerk and the county judge and the district judge and the supreme judge, put their officials in their places, then took our railroads and said, "When you want to pay freight on your goods, if you are permitted to do business at all, you must give a check, and if you give a check it must be on one of my banks"? How long would our banks last under that method of doing business? How long will the Chinese banker live when the Japanese will not accept checks on any other than a Japanese bank? The article says further:

Moreover, it is pointed out, the Japanese have prepared the way for the introduction of their own currency by buying out of the Province all the copper cash, a transaction that it is estimated has brought millions of yen profit to the Japanese.

With respect to the mining rights along the railway, it is pointed out that although originally Germany had exclusive mining rights in a zone of 30 kilometers on each side of the railway, these rights were absolutely canceled in July 1911, and the exclusive mining rights at many points not in the railway zone were also canceled, so that what the Japanese resolutions demand is something a great deal more than what Germany enjoyed when she was ousted from the Peninsula.

There is, of course, general criticism of the other demands, as indicative of Japanese militaristic ideas, but the main specific criticism is directed against the foregoing points, and the fact that they are evidently officially indorsed, and thus reveal the hollowness of Japanese alleged promises in Paris and Washington.

W. S. R.

Mr. President, let us suppose that, although living, as we supposed, under the laws of America, we were weak and unarmed and Great Britain came over here and took our railways, ousted all of our officials and put Britishers in their place, so that we had to go before them in our own country to get justice, and then she should say, "You can not do business with American banks; you have got to do business with British banks; you have got to pay your taxes in British money; we will not accept American money." How long would we live, and what would we think? Mr. President, is it any worse to practice that kind of oppression upon weak China than it would be upon America? I want every American citizen to take home with him the thought of the Golden Rule and ask himself, "How would I like it if I were weak and some greater power worked its will upon me in this kind of a fashion?"

I desire now to quote from a Japanese paper, published in the Chinese language, attacking the school and the church. I am going to read only a small part of it to indicate the character of the propaganda which is going on:

From the beginning the Christian church in China has been unreasonable and guilty of violence. History proves this. All of China's troubles and the loss of national sovereignty are due to the church. It is not necessary to specify these troubles, for all the Chinese know about them. Originally Christianity was an important religion, but to-day it is extremely corrupt. The intellectual leaders of Europe realize that the Great War was due to the decline of the church.

I wish the ministers about whom the Senator from North Dakota was talking would read the Japanese propaganda now going on in China, in which the central fire always is directed against the Christian religion and the Christian church. They could not then escape the truth of my statement that it is a part of the Japanese propaganda; it is a part of the religious belief of the Japanese that paganism under the jurisdiction of the Mikado will eventually rule this earth and that everything standing in the way will be sacrificed and destroyed.

Mr. GRONNA. Mr. President, did I understand the Senator to say that the statement was made by the Japanese publication from which he has read that originally the Christian religion was sound and good?

Mr. NORRIS. The Senator must understand that what I have read is from a Japanese publication in the Chinese language intended to be circulated amongst the Chinese. It is propaganda.

Mr. GRONNA. But, at any rate, it is a confession that originally the Christian religion was good?

Mr. NORRIS. Yes.

Mr. GRONNA. Does it, then, say that the practice of the Christian religion has become corrupt?

Mr. NORRIS. Yes; it says, for instance—I only read a part of it; it all runs along the same line—

The intellectual leaders of Europe realize that the Great War was due to the decline of the church—

Blaming the war on the church.

Mr. GRONNA. Not on religion, but on the church.

Mr. NORRIS. On the church.

Mr. President, I have here an exceedingly interesting letter from an American Presbyterian missionary. It is a lengthy letter, and I do not want to take up the time of the Senate in reading all of it; but, in the hope that some student of this question will want to get to the bottom of it and get his information from first-hand, I am going to print it in the RECORD. It goes on to show just what Japan has been doing and what she is doing now. It comes from a Christian man whose name I am not at liberty to divulge, but as to whom I have the best of evidence that he is in every way trustworthy. I can not divulge his name, because, as has been said to me in many a letter, and personally by many an individual who expects to go back, their usefulness would be absolutely ended if it were known that they had given information as to conditions over there.

It is not true, Mr. President, that these missionaries in Korea or in Japan have incited rebellion. It is not true; but they all believe in education. That is part of the Christian religion. That is part of their work. They are spreading the English language, in addition to other things. They are having schools educating the people as well as giving religious instruction; and that, in addition to their religious preaching, is very objectionable to the Japanese.

This missionary has been over there a good deal of his life. I am going to to read a few extracts from his letter. One of them is as follows:

The Japs hate American missions in China with a special virulence. They—the missions—interfere with Koreanizing China.

And I would not have any respect for a religion that would not do that. These missionaries, when they see some one suffering, go to their relief, whether they are heathen or Christian, whether they are Japanese or Chinese or American or what not; and whenever they do that for one of the victims of the Japanese, they immediately get into trouble.

They—

Meaning the Japs—

have recently kicked one station's educational work out of Tsingtau, arresting the missionaries, clerical and ladies, leading them before their inquisitors, banishing the Chinese principal and Chinese teachers, and sealed up the boys' high school, an expensive brick and stone plant, the gift of Mr. Hugh O'Neill, of New York City—all this without any justification, on a false charge and with no chance of defense. By their soldiers terrorizing our girls' high school, they have also broken that up. It is many miles west, outside of the German "Gebiet," which alone was supposed to be taken over by the Japs.

This man tells us that these things have been done away beyond anything that the Germans have ever had, as far as territory is concerned.

Here is another quotation:

In every important city they have an inspired newspaper in the vernacular, each of which continually reiterates two lies in every conceivable variation. First, America is the sly enemy of China; and, second, China ought to walk into the friendly embrace of Japan to escape the insidious plans and spoliation that America plans. At the same time, just as Germany tried by "frightfulness" to break the morale of the people whose land she coveted, so her apt pupil here, by immense quantities of illicitly used opium, morphine, cocaine, and other dopes, peddled all through this Province and China, and by thousands of Jap prostitutes brought into the cities and market towns and villages of this Province and outside, is systematically and with an immense accrument of wealth breaking up the spirit of these people to resist by the tens of thousands. It is my business to itinerate through the villages among the people. I know. The German railroad is used for these "economic privileges," and China is helpless to resist, just as she is to resist the use of that railroad to rush Chinese grains and salt and produce out of the country to Japan, via Tsingtau and other ports, north and south, that Japan dominates. This same "prostitute" weapon was recently used by the Jap Government to drive the educational work of our mission out of its fine compound in Tsingtau, by ringing it around with an extensive Government-run red-light district.

Listen to that, Mr. President. Are we going to give our approval, by the ratification of this treaty, to the imposition of such things upon an innocent people? Are we going to take a step that will make it possible for Japan to continue this conduct through all time?

The writer of this letter says, in substance, that to drive out the educational work of the missionaries from its fine home, from its churches and its schools, they practically put around it a ring of prostitutes, so as to make it untenable by respectable people. I might stop here to say that Japan has done a big business along this line. She takes the prostitutes into China. She will do like this man says she did with the mission. She will establish a house of prostitution in the very center of the city, probably, if she can accomplish something by doing so, and she does it for money. She charges each one of the inmates of those houses of ill fame and gets taxation from it. She makes a large amount of money, besides the effect that it will have upon the people where these things are pushed and forced; yet we are practically asked to approve it, not for a month or a day, but forever.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield.

Mr. GRONNA. I assume that the missionaries from whom the Senator from Nebraska is quoting are citizens of the United States?

Mr. NORRIS. This letter is written by an American citizen; yes, sir.

Mr. President, I ask unanimous consent to print the entire letter of this missionary.

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

The letter is as follows:

A PARISH IN EAST SHANTUNG WITH 5,000,000 SOULS.

SHANTUNG PROVINCE, NORTH CHINA.

Senators NORRIS and BORAH,
Washington, D. C.

HONORED SIRS: I am a member of the American Presbyterian Mission, located * * * have been there longer than any other foreigner, and know, sub rosa, conditions in the Province—political and economic—well. Like many other foreigners, before I came to the Orient, I was enamored of the Japs; but the longer I live here the more, like other foreigners, I see their cunning, duplicity, brutality, arrogance, and utter untrustworthiness in China. All nationalities resident in the Far East are practically a unit in condemnation of their aims, methods, and policies in China. This unique unanimity is not caused by German propaganda but by the mean, detestable things that the Japanese Government and its creatures are daily doing here in carrying out its policy of unjustifiable aggression. Japan has tried to blame many revelations of her dirty deals off on "German propaganda."

Since Japan's recent diplomatic triumph at Paris she has thrown off the mask here as to her carefully worked out, sinister policy in China; she is turning heaven and earth in a skillful world propaganda of lies to fool her western allies and cover up her intent to continue to make her "economic privileges" mean political domination. They do in Shantung, as Americans can furnish you many detailed accounts in proof. Jap press reports and smooth, smiling, titled Jap after-dinner speakers and magazine writers and diplomatic and consular agents are staking everything on trying to befuddle the American public and make it think that "economic privileges" and "political domination" are two different things. But, for Japan, in Manchuria, Mongolia, Chihli, Fukien, Formosa, Korea, and Shantung they are one and the same. If you hang to this point (using some of the many available facts of history, which are being made every day in these provinces and which American missionaries and business men can furnish you) and if you drive this sinister fact into the consciousness of America—not letting the Japs switch you off by any of their many specious, lying arguments—you may help to avert and save another world war that is arising from the Orient, due to the conscienceless ambition and militaristic power of the Asiatic Prussian. Experience proves that no word of Japan in China can be trusted.

Even the Germans allowed the Chinese, according to treaty, to have responsible officials at Tsingtau in the customs, post office, and telegraph administrations; and to police all the stations of the great railroad. The Japs (in contravention of the "rights" they claim to have inherited from the Germans) have kicked out the Chinese. The Germans, by their "economic concessions," dominated the Province politically; but the Japs—by numberless political usurpations all over the Province; by a process of frightfulness; by land seized and business squeezes; by forced purchases or seizures of natural resources; by persecution of Christians (both leaders and peasants); by the break-up of American mission educational work—have far transcended any aggressions of which the Germans were guilty; and thereby strengthened a Jap strangle hold on Shantung far exceeding the one Germany had.

The Japs hate American missions in China with a special virulence. They—the missions—interfere with Koreanizing China. They have recently kicked one station's educational work out of Tsingtau, arresting the missionaries, clerical and ladies, leading them before their inquisitors, banishing the Chinese principal and Chinese teachers, and sealed up the boys' high school, an expensive brick and stone plant, the gift of Mr. Hugh O'Neill, of New York City—all this without any justification, on a false charge, and with no chance of defense. By their soldiers terrorizing our girls' high school, they have also broken that up. It is many miles west, outside of the German "Gebiet," which alone was supposed to be taken over by the Japs.

The Japs have a great wireless plant, big brick and stone barracks full of soldiers, and a compound like a fort in this and many other centers of China—each gripping the throat of a strategic section.

In every important city they have an inspired newspaper in the vernacular, each of which continually reiterates two lies in every conceivable variation. First, America is the sly enemy of China; and, second, China ought to walk into the friendly embrace of Japan to escape the insidious plans and spoliation that America plans. At the same time, just as Germany tried by "frightfulness" to break the morale of the peoples whose lands she coveted, so her apt pupil here, by immense quantities of illicitly used opium, morphine, cocaine, and other dopes, peddled all through this Province and China, and by thousands of Japanese prostitutes brought into the cities and market towns and villages of this Province and outside, is systematically and with an immense accrument of wealth breaking the spirit of these people to resist by the tens of thousands. It is my business to itinerate through the villages among the people. I know. The German railroad is used for these "economic privileges," and China

is helpless to resist, just as she is to resist the use of that railroad to rush Chinese grains and salt and produce out of the country to Japan, via Tsingtau and other ports, north and south, that Japan dominates. This same "prostitute" weapon was recently used by the Japanese Government to drive the educational work of our mission out of its fine compound in Tsingtau, by ringing it around with an extensive Government-run red light district.

Inclosed is Document "A," a sample of the daily program of vituperation of the Japanese Government inspired press in China against Americans and their legitimate institutions in China, which institutions are welcomed by the Chinese. No lies are too absurd and blatant to be hashed up for the Chinese, as, e. g., "American missionaries conceal large quantities of opium on their compounds and sell it illegally to Chinese"—"they offer large monetary rewards to Chinese to assassinate Japs and promise them immunity from punishment"—"they furnish them money for anti-Japanese propaganda," etc.

Japan, by her cunning propaganda, has succeeded in impressing the world that she "made a sacrifice in the interest of peace and harmony on the race equality issue." Japan has sacrificed nothing. We, in the Far East, know that was a successful smoke screen thrown out to cover her steal of Shantung. Japan has gotten everything that she has thus far gotten by riding rough-shod over other Oriental races and states and governments. She more completely ignores race equality and the rights of other peoples than any other State except Germany. Whenever she gets in the claws of her "economic privileges" she crowds all other nationalities to the wall. Wherever she has conquered alien territory the business of other nationalities is sniffed out, e. g., in Korea and Formosa.

Japan is fast drawing the net to possess herself of all Manchuria, Outer Mongolia, Chihli, Shantung, and Fukien Provinces—2,000,000 square miles; one-half the area of the United States. And, increasingly in these areas, she crowds all other nationals to the wall, despite her treaty promises.

Another foreign firm at Tsingtau, almost the last one, has just been knocked out by Japan's observance (?) of the "open door" economic policy. See news item "B."

A matter that is maddening to all non-Japs in the Far East is for Japan to talk blandly on to the world about the "Concessions Japan is making to China in Shantung." It is as if all the New England States and New York had been given by the Big Five to Canada, our ally in the war, for Canada's services, plus nearly one-third the population of the United States, plus vast natural resources, and then as if Canada made vague verbal statements (never in writing) as to the future possibility of giving back this colossal plunder, and designating her action as gracious "concessions to United States." See "C."

If Japan were cornered into making a statement (written) as to when she would return "Kraochon," it would have no worth in the eyes of all dwellers in China, for they know from China's experience with Japan that Japan always demands, never concedes; Japan would give only a shell (to keep pace with the uninitiated outside world) and keep the meat.

If you could visit Tsingtau, you would see that attached statement "D," by Japanese representatives in Washington, is one tissue of lies. Japs have so remapped the city and environs and so removed the business, so seized Chinese premises and so occupied foreign business sites, even moving the railroad and station centers, that no business is possible outside of the "Jap settlement." They have even put the water supply off in the mountains, in their settlement.

(1) The "gains" of China in any settlement with Japan are a farce.

(2) Note the definiteness (?) of Jap official declaration "as soon as possible." China presses Japan for a definite answer. Why does Japan wait? "As soon as possible" means until Japan can slip another of her planned nooses around China's neck.

(3) The "German" railroad had many Chinese stockholders in it, was run by thousands of Chinese, from top to bottom, except a few German administrators. The Japs have kicked out all the Chinese.

(4) Tsingtau as a German "fortified port" had very few cannon, mostly old guns of the style of, and relics from, the Franco-Prussian War—no chance against the bigger guns and united power of Jap army and navy. In a few years Tsingtau, under joint German-Chinese customs management, had leaped from twenty-second place (in the annual revenue it turned over to China—after Germany took out 20 per cent) to fifth place, being exceeded only by Shanghai, Tientsin, Canton, and Foochow. Under Japan's "open trade to the world" "without discrimination," the business of the Japs is very unsatisfactory and non-Jap business has been driven out by the mean, cunning tactics of the paternal Jap Government.

Everybody who knows the local conditions knows that no "internation settlement" could exist under conditions cooked up by the Japs. Foreign business men say they would not risk it.

(5) The Germans, after the Russo-Jap War, did not "exercise the right of stationing troops in Kraochow" (which is a walled city some distance westward outside the "Gebiet"). But the Jap troops have overrun and terrorized the whole Province, every day committing fresh outrages in a Province as large as France, where they have no more right to exercise authority than in Pennsylvania.

(6) No one of any nationality in China has any faith in Japan's suggestion or pledge to administer anything "jointly" with China. The principal departments of the Chinese Government are now nominally administered by Chinese, but really by high officials of the Jap Government. That Government has subsidized and made into its agents many apparently innocuous Jap companies to buy up something like two-fifths of the natural resources of China—just as Germany had such companies to despoil Belgium and France. Nobody out here imagines that Japan will administer these illegal holdings "jointly" with China. Japan gets these concessions without the consent or even knowledge of the cabinet or the parliament.

Document "E" means that Japan will agree to negotiate with China in re Shantung's restitution to China if, or when, China will first agree to be bound hand and foot, for the 18 Provinces and the outlying dependencies. What use then to talk about Shantung? If China fulfills the terms of the 21 demands of 1915 as the condition of Japan's "restitution of Shantung," then China will have lost her independence. Yet this is what Japan demands in "E."

In the eyes of the Chinese and foreign residents of the Far East the reason advanced for America's delegation yielding at Paris to the threats of Japan and to the recent agreements of European powers with Japan amounts to this: "They did China a great wrong, therefore America must do a wrong also to a sincere and innocent and weak ally." If the price of keeping Japan in the "big five"—a militaristic, imperialistic Government that plans, by the power of the mailed fist, only outrage upon peaceable-minded neighbors—is China as her spoil, then Japan had better have left the peace conference. See document "F."

In reality of control Japan possesses Shantung; but in justice, according to international law, Germany forfeited her "rights" in Shantung by virtue of China's declaration of war. The Chinese, therefore, ask how Japan can legally give Shantung to China. See document "G."

In every instance when it has been necessary in the interests of justice for China to be heard abroad, the Japs who control the Far East news service get in their false report first to the world, holding back the Chinese account. Even if it be a difficulty with foreigners, the foreigners on Chinese soil, using Chinese news service, get left, as the Japs, through their spy system, suppress or garble the telegraphic and cable accounts. Remember the Jap account of the "Tientsin incident." They garbled the entire story and held back the American account. See document "H" in re preceding point.

The Japs have succeeded in ousting the civil governor from Shantung and getting one of their henchmen put in his place, as well as many country magistrates. One of the first results of that is the proclamation of martial law here, in order to suppress anti-Jap agitation. See document "I."

The inclosed document "J" is a typical illustration of how the Japanese Government uses its native pastors, religious sects, and Y. M. C. A. to meddle in Chinese affairs in China, seeking to intimidate the young Chinese, as well as the older, militaristic officials.

The Japanese Government is behind all these "spontaneous" movements of its subjects in China in the same way that Germany was behind the same fake movements of its subjects in places coveted. Note in documents "K" and "L" that a Jap "counselor of the Japanese foreign office" has been visiting the Jap colonies all along the Shantung Railroad, 280 miles in length, and stirring up the Jap subjects to petition the Japanese Government for a "few items" in Shantung. Fantze (L) is about six hours by railroad west of Tsingtau. Here the Japs, as at many other places, have great stone and brick barracks full of troops, have seized the coal mines that Germany re-ceded to China; have an extensive colony, many of whom are Jap prostitutes, who have forced the British Government to move its emigration bureau and the British-American Tobacco Co. its plant; also forcing many Chinese to clear out of that region. Please return "K" and "L" to me.

Document "M" shows to what extreme the Japanese consul generalate in the capital of Shantung has gone in high-handed action to intimidate and frighten the people. Gen. Ma Leang, the new dictator there, is a Jap tool, has a Jap wife, is supplied by the Japs with Korean opium and Jap geisha girls. Note the tortures, executions, and what Ma Leang says about our American university in this city.

As per inclosed document "N," Viscount Uchida, Japanese minister of foreign affairs, has a three-plank platform outlined to deceive the American Senate. It can fool no one who knows the local situation.

Keep your eye on this new "Japanese Oriental Colonization Corporation," a Japanese Government subsidized company of large capital to exploit Siberia, Manchuria, Chile, Shantung, Kiangsu, and the Philippines. An earlier one, organized by the Japanese Government, prepared Formosa and Korea for the later "coups de main." And Fulsien Province, opposite Formosa, is a plum about ripe to be shaken down into the capacious loot lap of Japan, already ripened by this O. C. C. See document "O."

Your esteemed colleague, Senator LODGE, has earlier had considerable collateral information on Japan's doings in Shantung sent him.

Please do not quote me in public, as the Japanese Government will use that fact to harm our American mission in China.

Hoping to receive a reply, assuring you that many men of all nationalities in China are with you in your efforts for justice to the weak ally.

Respectfully, yours,

_____.

I am 100 per cent American, father a northern officer in Civil War, grandfather a captain in War of 1812. I have helped to enlist many Chinese in the allied cause.

Mr. NORRIS. Mr. President, it will be interesting to the business men of the United States to know what is going to happen over there also. To my mind, that is a secondary consideration, not nearly so important as the other that I have mentioned; but if the American business man thinks this treaty is going to bring business to America from China he is going to be woefully disappointed. He has got to go through the Japanese to get it.

I have here a letter written by the secretary of an American business organization in an important Chinese city. I commend it to those who want to consider this question from the business aspect. I will read an extract from it:

It is difficult for the American people to realize the feeling that this decision—

He is speaking of the decision in Paris giving Shantung to Japan—

has provoked in the minds of the Chinese people. It has had about the same effect that the giving of the State of California or of New York State to a foreign power would provoke among the people of the United States.

And, Mr. President, is it not just the same? Is it not just as bad? Again, ask yourselves what you would do if the State of New York were given to some foreign Government by this treaty. You might not have any particular love for New York, but you would die by inches, you would be in favor of going to war until the last man and the last dollar were gone, before you would surrender a thing of that kind. And yet the same thing is being demanded of China, and we wonder why she boycotts Japanese goods.

Germany's control in Shantung Province, while irksome, had nothing of the present effect, because Germany was on the other side of the world, and the weight of the iron hand in China was light.

Japan is an Asiatic power, and with her control established in Shantung Province, on the China mainland, Chinese people see the fate of Korea, Formosa, and Manchuria before them. When Japan first intervened in Korea she announced that it was for the purpose of establish-

ing the independence of the country. Now, after 20 years, the Korean people are engaged in a life-and-death struggle to gain their liberty from Japan.

Let me read another extract from this letter:

The adoption of the efficient German system in Japan had its advantages in the past, but now, in the light of new understanding, it has its distinct disadvantages. Japan is now dominated by a militarism that is potentially just as dangerous as was the German militarism that America helped to crush. The Korean Peninsula furnished the first stepping stone, and then followed Manchuria, Shantung Province, and Fukien Province of China, are now to follow unless something is done by America to prevent it. Japan is now working to fix her control on the Asiatic mainland. With China's unlimited resources of minerals, foodstuffs, and man power under the control of Japanese militarists the next war is bound to be in the Pacific, and America is certain to be drawn into it. With the great distance involved, and with the almost certain racial element involved, it doesn't require much imagination to foresee the future.

In the archives of the State Department at Washington is to be found a complete record of Japanese underhand intrigue in China since the beginning of the war. In the correspondence of the American Legation at Peking and the American consulate at Tsing-tau is all the information that America needs for "proof" as to Japan's real purposes in China.

It is to the future vital interests of the American people that these matters be made public.

Mr. President, we know what happens to us when we want information. We know that we are not given the information by the President and by the Secretary of State. We know a great deal of it is there. The Senator from Connecticut [Mr. BRANDEGEE], I believe, called attention to one particular instance this morning of great importance, where even the Senate had asked for information bearing directly on this particular question, and we were refused by the President, after he stood on yonder platform and so solemnly and eloquently said that everything he had in his possession, and all the information that he could get, would be at the disposal of the Senate in the consideration of this treaty.

Here is just a little newspaper item calling attention to what the Japanese are doing:

Mr. Wang Na and a number of other parliamentarians have addressed an interpellation to the Government regarding Japanese high handedness in Shantung.

The Government's attention is called to the recent outrageous actions on the part of the Japanese bad characters in the Province and along the Kiaochow-Tsinan Railway, such as the attack on the Chinese Canning Co. in Tsinanfu; arrest of Wang Chi-chien, a student of the Shantung Christian University; arrest and torture of two villagers, etc. The Japanese authorities concerned are giving a deaf ear to all appeals regarding these matters. The Government is asked to make known what measures it has decided to take to appease the indignant people and avoid further trouble.

Mr. President, I simply read that as a matter of news, calling attention to the fact that in China, where we are led to believe by the Japanese, at least, and by those who advocate this treaty, that China still rules as a nation, when all through it the laws are administered and are made by Japanese, even now people are punished and laws enforced as they may see fit, and punishments inflicted often that are inhuman.

Now, I am going to read a letter from a missionary that was published in the North China Star last July. He says:

WEIHSIEN, SHANTUNG, *July 21.*

EDITOR OF NORTH CHINA STAR,
Tientsin, China.

DEAR SIR: Our usual summer Bible school for evangelists finished a profitable session a week ago. An incident connected with its closing may have some general interest.

Just get in your minds what this is. There was a summer Bible school where the missionaries came in from their various fields of activity to spend a few weeks in study and getting Christian instruction. They close their operations, like a teachers' institute, and here are three of those men starting back to their parishes, you might say, where their work demands their attention.

The letter continues:

Three evangelists, departing from the mission for their several fields of work, at a small railway station to the east of this decided to take a train for a part of their journey. Arrived at the station, they were at once challenged as to what their business was. They replied, "Christian preachers." At once all their belongings were searched. Upon one of them was found one small leaflet on the love of country.

Now, think of that. That is all they found on these men. They searched them, as they used to do, and are doing yet, in Korea, with those who have not been driven out. At the slightest pretense they will search a missionary to see what they can find. They searched these men, their clothing, their baggage, and everything they had, and the only thing they could find upon which to base a charge was a small leaflet on "The love of country." That is a crime there. Japan does not want the Chinese to love their country. She expects to take them over, and anybody who is advocating patriotism is an enemy of Japan, the same as in Korea. This continues:

Upon one of them was found one small leaflet on the love of country which some one had given him (for the mission does not circulate any political literature). It was nothing more than a hymn or poem urging all Chinese to love their country, and in it was no other mention of Japan than the sentence that every effort should be made by China to save Tsingtao to China. But this was a grave crime in the eyes of the gendarmes. The possessor was at once seized. He was so unfortunate as to ask the others to tell his family, when they, too, were seized, and the three taken to the Japanese court at Fangtzi and put into small, hot, dark prison cell, where they were confined for three days. They were compelled to pay for their own food, $1 apiece being charged them for that time. They had neither bed nor chair, and were allowed no communication with the outside world, though they managed to rip off a pocket from a garment and write me a note, apprising me of their predicament—

You must remember this letter is written by a missionary—

which was gotten out to me by stealth. At the second appearance before the examining officer they were treated to a tirade against Christianity. He told them that the Japanese were the ones who really loved China, and they were the dupes of the American missionaries. It can be imagined how convincing these professions of love would be, reinforced as they were by three days of unjust confinement in a hot, dark prison cell.

Mr. President, I spoke a while ago of the boycott of Japanese goods instituted by the Chinese. When the news got into China that the peace conference in Paris had given Shantung to Japan it created an excitement in China that I presume has never been equaled in the history of that country. As it percolated through the country, and the people found it out, there was an intense excitement that had never before been equaled. That is natural. Every citizen of the Chinese Republic fears Japan. They know what Japan has done in the past. They know what she did in Korea. They knew about these demands. They knew about the treaty forced on them. They knew that Japan had covetous eyes on them, and that she was going to take China unless she was restrained at the peace conference. And so, when the word came that Shantung had been given to Japan, and that even the President of our country, representing the great American Republic that she loved more than any other country, had acquiesced in it, the excitement in China could not be overestimated.

The Chinese refused to buy Japanese goods. Part of the propaganda of Japan is that the missionaries are to blame for that. I deny that, on the testimony of every missionary with whom I have talked. It would not be necessary. What would happen to us under those circumstances? Think again of ourselves. Take it again to our own home, our own country, and to our own firesides. Would we buy Japanese goods under those circumstances?

So a boycott naturally spread against Japanese goods. Now, these people are being arrested. Missionaries have been arrested, and other people have been arrested, with a charge made against them of having instituted the boycott. Japanese citizens in these places are now demanding that the Chinese Government shall pay the loss sustained by the merchants who can not sell their goods. Mark you, that is the next step. That will be part of the "negotiations," if we approve this treaty. When Japan "negotiates" with China about taking Shantung over one of the claims will be that the Chinese will have to pay these Japanese merchants for every sale that they claim they lost on account of the boycott, and it will be decided by the Japanese; the price will be fixed by them, the consideration will be fixed by them, without consideration for China.

Here is a newspaper account of some of the arrests and the punishment of men charged with inciting the people to boycott Japanese goods. This was printed at Tsinan on August 5:

Three business men who had been leaders of 10-men teams organized for the promotion of the Japanese boycotts were executed at 5 o'clock this morning.

These men did boycott Japanese goods; they helped to organize the boycott, that is true. But they killed them because they did it. That is the punishment the Japanese are inflicting on the Chinese for that kind of a crime.

Two of these men, Dju Chuin-Hsiang and Dju Hsiu-liu, were brothers, a third brother being in Gen. Ma's body guard. The other man, Ma Yuin-ting, was a prominent man among the Mohammedans.

So it is not always, of course, Christians. All Chinamen entertained this intense feeling against Japan on this unjust decision in regard to Shantung, regardless of religion.

The other man, Ma Yuin-ting, was a prominent man among the Mohammedans, a doctor, 68 years old, who had formerly professionally attended both Gen. Ma and his wife.

Their activities in the Japanese boycott was the only charge against these men.

Though there was no accusation of crime, these three men were cruelly tortured, their bodies being burned with red-hot irons and their heads and chests slashed with swords in an attempt to make them confess to being traitors and robbers. When the tortures became unbearable the men were taken outside the city and shot.

Intimations have now been sent to the foreigners that they should keep off the streets in case further disturbances arise, and no one dares predict what the next few days may bring forth.

MA IS DICTATOR.

Gen. Ma Liang, who because of increased authority given him by the establishment of martial law in Tsinan, has assumed the rôle of a practical dictator, and is gaining an unenviable reputation.

Two days ago 300 students, including nearly 100 girls, were arrested and confined for several hours in the grounds of the First Normal School.

Gen. Ma appeared in person before them and accused them of being guilty, because of their disobedience to their own officials and threatened them with severe punishment and even with execution. He boasted of his "heavy sword of slaughter," saying that he was not afraid of anybody—merchants, students, officials, or the "white devils." He has formerly been very friendly to the Shantung Christian University, but in his address he stigmatized the university as being composed of "second devils," and said the foreign professors were only western propagandists and admonished the students to beware of trusting in the name of the institution, as it could in no wise protect them.

SHOTS FIRED INTO SCHOOL.

Presumably to further intimidate the students, on Monday, August 4, soldiers were sent for rifle practice to a gulley only about 200 yards from the dormitories of the university. The place is not a regular rifle range and target shooting has never been done there before. During the practice several bullets struck in the dormitories and might easily have resulted in fatalities. (North China Star.)

Here is another item of news that I want to commend to the business men who expect to get some share for our country and our merchants of the trade of the Far East. This is a dispatch from Peking to the North China Star, dated August 6:

The Japanese authorities at Tsingtau have given the Asiatic Petroleum Co.—

Which is an American company, I understand—

notice to quit their present site, on the ground that the presence of tanks and pipe lines to the wharf is detrimental to the public interest. Considering the great care that the Germans took in laying out the place, and the first consideration given to public interest in sanctioning buildings and other works, the excuse that the Asiatic Petroleum installation is detrimental to the public interest is considered farcical.

Here is a corporation, the Asiatic Petroleum Co., doing business in a city that was under the dominion of Germany, erecting its plant and its building at great expense at places designated by the German Government after careful examination and survey of the situation.

Now comes Japan and compels them to tear down the buildings, to remove the tanks, and to take everything away, giving as a reason that it is not the proper place. Consider two things, that whatever else may be said about the Germans, they were careful in their business relations, and no doubt when they designated this site to be used by this oil company, they did it after full consideration and after a full consideration of all the facts, and undoubtedly selected the proper place. Consider, second, that Japan is claiming that she is only going to hold this place temporarily. She is, oh, so anxious to give it back to China. She is just tumbling over herself to turn this over to China. Only in temporary possession, yet she makes this corporation remove their property, tear down their buildings, and practically go out of business. It is absolutely inconceivable that she should take this course if the pretensions she makes are halfway fair or halfway honest.

Mr. President, I have a letter written by an American missionary who has spent more than 12 years in Shantung. He has traveled all over that district. He has devoted all his time to the advancement of Christianity. I want to read some extracts from that letter. He is a man who knows. He is testifying from his personal knowledge. He is vouched for by the Far Eastern Bureau of New York, an organization that in my judgment would not, under any consideration, do anything that was dishonest or unfair in the consideration of this question. I do not know the man personally; I have never had any personal communication with him, and, for obvious reasons, since he is still there in that country and often in Japan, I will not disclose his identity. He says:

It seriously threatens the peace of the world now that Japan has practically drawn the net to possess herself of some 2,000,000 square miles of China's domain (Manchuria, Outer Mongolia, Chihli, Shantung, and Fukien); and that she now possesses two-fifths of China's natural resources.

Think of that, two-fifths of her natural resources.

Despite Japan's fair reiterations, daily given to the great powers, she has settled into the policy of getting possession of China's land and railroads and resources, at any cost, by any and every means, fair or foul; and keen students of many nationalities on the field can prove these means are mostly foul.

* * * * * * *

Shangtung is much more the keystone of China than Pennsylvania is of the United States. Because of its strategic location and because of its unique religious hold on one-fourth of all humans, its possession by one of two rivals North or South has repeatedly carried the other Provinces with it.

At present Shantung with its railroads forms the southern handle of a political nut-cracker; the northern handle is Manchuria with its railroads. The nut is the metropolitan Province of Chihli with its connecting railroads. Japan now possesses both handles, and practically controls the nut it is about to crack. That means all of North China, which has always controlled the rest of the land, gone to Japan.

The methods used by Japan in China as well as in Korea to gain her trade and political ascendancy are tricky, mean, and unfair, filling those who know these methods with indignation at the outrages perpetrated, and with contempt and detestation for the perpetrators. Following the example of their Prussian teachers, they systematically work to break the spirit of the people, whose land and possessions they covet, by destroying their monuments and terrorizing them by a policy of "frightfulness," which makes them give up their lands, stores, fisheries, orchards, gardens, and whatever else these Prussians of the Orient covet. They are past masters in taxing people (e. g., in Shantung) out of existence, and in hounding them into submission or flight, and then the Japanese squatters, got ready by the Japanese Government, are rushed into Shangtung by the tens of thousands to take possession of their ill-gotten gains.

I can not here take space to detail the sharp tricks, their regular practices, to get possession of crops in Shantung and the north and market them (e. g., contracting with peasants at a fair price and finally forcing them to sell at a fraction of that price); the practices used to drive non-Japanese foreign business out of the competition (e. g., by unfair cuts and secret rebates on the Shantung Railroad); the sly opening by steaming of business correspondence, extracting checks, bills of lading, drafts, etc., therefrom; delay of orders; nondelivery of mail; many kinds of artificial hindrance on transit of goods competing with Japanese.

A Japanese administration has been set up for many villages along the line of the railway in the Province outside the German concession; the Chinese guards, allowed the policing of the entire length of the railroad from east to west by the Germans, have been driven away; the actual boundary of the "Gebiet," established by treaty with Germany, has been illegally set over still farther into Chinese territory, though kept secret by the Japanese; the magistrates of many eastern counties of the 108 of Shantung have been terrorized and made to do what amounts to surrender of their authority; bogus revolutions are frequently worked up and led by Japanese and financed and equipped with Japanese money and arms, and these have systematically ruined a number of Shantung's most prosperous market towns and walled cities; the gentry under systematic harassment by Japanese bands have been blackmailed, robbed, and tortured, and some killed (when their relatives on short notice could not find the large sums demanded). These sums have ranged from $9,000 to $30,000. Many peasants have also been blackmailed for their small land holdings. New and unheard-of and extortionate taxes and licenses have been charged against the peasants in many sections. The peasants have been badly fooled and stirred up to rebel against the tax collectors of salt (almost the only source of Chinese Government revenue on which the Japanese have not got a hold), arms and ammunition being promptly furnished them. The peasants have been and are continually hauled to the county yamens newly established by the Japanese, and there blackmailed and tortured in a variety of ways, e. g., walking barefooted on hot sheet iron, oil jammed down their throats with force pumps, bambooing, thumb stringing, etc. The Province has been largely cleared of copper cash (the real money of the peasants, and of intrinsic merit, has been everywhere bought up at a slight advance over its market value) and shipped to Japan—this business carried on openly by Japanese collectors against the proclamations of Chinese officials forbidding it, and worthless paper money of Japanese banks forced on the people across the length of the Province (as was earlier done at a like great profit by the Japanese Government in Formosa, Korea, Manchuria, and Fukien, and is now being done in Siberia's economic subjection to Japan). Japanese troops, fully accoutered, ostentatiously march through Chinese villages and cities far outside Japan's "Gebiet" and drag machine guns after them to overawe the people. Their spies, dressed as Chinese, fill the Province and continually stir up fights which result in "commissions" of Japanese and Chinese (being appointed to make settlement for loss of Japanese dignity). (These square-ups are sub rosa; Chinese officials are too ashamed to publish these episodes, and the Japanese don't want them to leak out, because revealing their aggression.)

Many false causes or reasons for fining and punishing and torturing and blackmailing the many villages along the railroad are cunningly worked up by the Japanese; e. g., their section hands cutting wires and accusing the simple-minded, terror-stricken peasants of the same; then many villages along the railroad are fined heavily for this bogus offense. I know of a case where they were fined two years in succession for the offense for which Japan forced prompt and costly settlement the year it was committed—though the offense was committed by the Japanese section hands. This creates a facile excuse for Japanese military governing reterrorization of the villages outside their jurisdiction throughout the Province.

Every railroad station the entire length of this long peninsular east and west lying Province has a Japanese garrison of greater or less size. At some of them immense permanent barracks of brick and stone have been erected and are occupied. Artificial excuses are constantly manufactured as to why more Japanese soldiers should dribble in to new centers.

That is only carrying out the news item that I read a while ago, of Japanese men meeting and passing resolutions demanding that additional soldiers be sent there.

There is no limit to their contemptible methods of bullying a humble, inoffensive peasantry, like placing their rifle range across a great trunk cart road in the middle of the Province (hundreds of li west of Tsingtao), and thereby causing the peasants and their carts, loaded, to go some distance out of their way to avoid being shot; taxing peasants who cross the railroad on big, intersecting wagon roads; commandeering food and supplies, and at markets taking things without pay or setting their own price, and wantonly destroying goods under their boots.

They took the railroads, and then, where there is a railroad crossing, they charged the Chinese for driving across the railroad. That is one way, this man says, that they have of raising funds.

Their stolen railroad is a hateful imperium in imperio that causes them to dominate this Province, as will others (for which they have forced secret concessions), give them paramountcy in other strategic sections of China. Under the treaty with Germany the Chinese Government had post-office and telegraph and customs inspectors and employees of authority stationed at Tsingtau. The Japanese have kicked these all out. They buy salt for almost nothing at the east end of the Province and smuggle it on their railroad across the Province to the capital at the west end, and there sell it at great profit. They ship immense quantities of arms and ammunition, of opium and morphine and cocaine and liquors to Tsingtau, and their spy peddlers distribute these all through the Province. And the Chinese Government dare not touch them, for fort, goods, trains, land, agents, procurers—all are sacredly "Japanese."

Many thousands of peasants and of city dwellers in the Province have been already ruined in property and broken in body and morale by the illicit sellings of these forbidden "dopes," as itinerating and medical missionaries and business men here can give you abundant evidence.

The Japanese begin with free "dopes" and charge increasingly for each succeeding dope. Against treaty, their dope shops have been established in many of the walled cities and market towns and even in the villages of this Province.

But worst of all is the systematic establishment of their Government-run prostitution houses all over the Province, not to speak of the principal cities of China. These girls are specially trained to serve Japanese interests politically and have enslaved a great company of officials, high and low, to Japan.

Mr. President, comment on that is necessary. The most despicable means that any human being could resort to would be such as is described by this missionary of 12 years' experience in Shantung. This instance given by this writer is not an isolated case. It is a common practice. It is one of the most disgraceful methods to obtain control of a people or country that has ever been resorted to any time in the history of the world. The business of prostitution is almost a governmental function with the Japanese, and, as this man says, they establish houses of prostitution, the inmates of which are exclusively Japanese, and then by enticing Chinese officials and other important personages into their web these Japanese prostitutes, who are in reality political agents of Japan, are thus enabled to intimidate and to control the activities of public officials and leading men who have fallen victims to their machinations.

In every Province they are trying to stir up every class of people against one another so as to render China still weaker against aggression; not only playing the northern generals off against those of the south, supplying both with Japanese gold and munitions, but inciting the Buddhists against the Taoists, stirring up Mohammedans in this and other Provinces, and leading the Mongol princes to revolt. Against the helpless protest of Chinese students, Japanese military engineers have openly surveyed and mapped Mongolia, Fukien, Shantung, and many other great sections; established in the last-named great domain the Japanese military stud farms as well as cattle and sheep ranches for Japanese Government military purposes, thus preparing mounts and beef and pelts for future military operations there.

No one who has seen the permanent military preparations of Japan on Chinese soil—in Manchuria, Chihli, Shantung, Mongolia, Fukien, far up the Yangtze Valley, and in southwest China; Japanese telephones and telegraph lines, barracks, and garrisons, and wireless plants—can doubt Japan's studied policy of continuous military and economic aggression; e. g., the Japanese Government now has great wireless plants erected all over China at these strategic points—Hankow, Peking, Manchuli, Dalny, Port Arthur, Kungchuling, Tsingtao, and Tsinanfu. This last named, in the capital of this Province, is located in a great, high, stone-walled fortresslike compound; permanent barracks here of brick and stone to accommodate hundreds of soldiers. And the garrison is full of soldiers who periodically sally out and terrorize the people. This compound could not be more strategically located, being between the yards of two great railroad lines, one running north and south from Peking to Shanghai (Nanking), the other from Tsingtao westward. The compound was taken away by the Japanese from the Standard Oil Co. of the United States. This one Japanese garrison in this place, with its powerful wireless, has a stranglehold on China—north, south, east, and west.

In another place this man says:

One of the many illuminating illustrations of what Japan will do in China for the "equality of races" and "equal opportunity" and "the open door" of John Hay is seen in her recent doings at Tsingtao, as soon as the Paris decision made her secure in her position. She began the same sort of proceedings there and in the same spirit as against American missions and missionaries that she tried to carry out in Korea several years ago in the bogus conspiracy trials and secret tortures there. On utterly false and absurd charges the American missionaries and Christian teachers were arrested, haled before the Japanese authorities, the missionaries rebuked, the Chinese teachers sent home, the Chinese principal of the boys' high schools, Mr. Wang Shu Ching, a peaceable, law-abiding man, banished for three years; the fine big high-school building, of stone and brick, the gift of Mrs. Hugh O'Neill, of New York City, seized and sealed by Japanese soldiers. The American mission has been practically kicked out of the east end of the Province. It will have to move, at great monetary loss and detriment to a fine work it has been building up among the Chinese since it was begun, in 1863, under the venerable and beloved missionary pioneer, the Rev. Hunter Corbett, D. D., LL. D. The Chinese church at Tsingtao, self-supporting for years, has been broken up by the Japanese; the Christians, leading business men and educators, have been forced to get out. Two Chinese pastors are held there, constantly spied upon by the Japanese soldiers and ordered several times a week to the yamen to be grilled by inquisitors. Needless to say that American business, as well as Chinese, has long since been throttled in Tsingtao by the Japanese Government. In the unfairly acquired property the Japanese have opened up business.

In the same manner the American Girls' High School, though more than one hour westward by railroad outside the Japanese "Gebiet," has been repeatedly visited by Japanese armed and in uniform, the girls' rooms entered, and the girls and teachers insulted, until all are terrorized, and the parent constituency in all the five adjoining counties now fear to send their girls away to school. The Japanese have therefore accomplished the same purpose in this instance as by more formal proceedings against the boys' high school at Tsingtao.

The Japanese Government hates American missions in China with a deadly hatred. The Bible, which they teach, stands square against all the injustice Japan purposes and pushes in China. The Japanese officers in uniform have told the missionaries to their face, "There are too many American missionaries in Shantung." There are indeed—for Japan's purpose in Koreanizing China.

Any student of the Japanese press will soon be astonished and then alarmed at the political and economic gospel that is being preached the Japanese Nation. Its leaders, following their Prussian teachers, are sedulously indoctrinating the people with the idea of Japanese supermanship and ability and right to conquer, not merely China but the world, in view of Japan's ready mailed fist and superior "Kultur." It is preached skillfully and all the time in the current literature by parliament members, Government professors, army and navy officers, Government civil officials and editors, just as Gerard shows it was preached in Germany in order to uphold the militaristic, oligarchic clique. If this propaganda and policy is not counteracted vigorously and speedily, here is the powder train of a greater world war.

The above is not "German propaganda." The writer, like most Americans, came to the Far East an ardent admirer of Japan. The unanswerable logic of Japanese doings outside Japan in the Far East, and particularly in Formosa, Korea, and the Chinese Provinces and dependencies, slowly but inevitably turns one in unqualified condemnation of the Japanese Government and its people abroad. Outside Japan they are not merely a nuisance, disliked by foreigners of all nationalities, but feared as a menace of world peace.

No wonder, then, that every sort of an association and company of Americans in the Far East has cabled home protests to the purport of that cabled by the Americans of Shantung:

Then he quotes the cablegram, as follows:

American citizens in Shantung capital against treaty ratification.

The American citizens of Tsinanfu, the capital of Shantung Province, China, on July 9 sent the following cablegram to Senator JOHNSON of California:

"Paris decision Shantung question aggravating Japanese arrogant aggression. Treaty proposals unjust to China, antagonistic to American ideals, mean closing open door, imperiling peace Far East. American citizens Tsinan, Shantung, therefore strongly protest against ratification peace treaty in present form."

Mr. President, I have read at considerable length from this man's letter. I have done so because it seemed to me, in the first place, there was no doubt of the reliability and the honesty of the man, and there can be no question of his knowledge of the situation about which he is writing.

Mr. SMOOT. Mr. President——

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

Mr. NORRIS. I yield to the Senator.

Mr. SMOOT. I was going to ask the Senator if he desired to conclude his remarks to-night? There is a wish on the part of some Senators for a closed executive session.

Mr. NORRIS. Mr. President, I am willing to go on or to quit now; but I will say to the Senator from Utah that I am not going to be able to conclude my remarks to-day. If it is desired to have an executive session and the Senator from Utah desires to make such a motion, I will yield for that purpose.

Mr. GRONNA. Mr. President, before the Senator from Nebraska yields the floor, I desire to ask him a question.

Mr. NORRIS. I yield to the Senator.

Mr. GRONNA. How recently was the letter which the Senator has read written? If the Senator has stated it for the RECORD, it will not be necessary for him to repeat the date.

Mr. NORRIS. I do not know whether I stated it or not.

Mr. GRONNA. I should like to know the date of the letter.

Mr. NORRIS. This letter was written on the 20th day of July, 1919.

Mr. GRONNA. As I understood the Senator, only German missionaries have been undisturbed in the Province of Shantung?

Mr. NORRIS. Yes, sir.

Mr. GRONNA. And all American missionaries have not only been disturbed but that they have been persecuted and sent to prison. Am I right in my conclusion?

Mr. NORRIS. The Senator has said in his question, "All American missionaries." I do not know of any who have not been persecuted, but I would not dare to say that all of them have been persecuted, for I do not know.

Mr. GRONNA. But a great many of them have been persecuted, as I understood the Senator?

Mr. NORRIS. Yes; I have not heard of any who have not been persecuted.

Mr. GRONNA. I do not know that it would be fair for me to propound an inquiry as to why so many of the ministers of the gospel, the men who are looking after the welfare of our souls, the men who are supposed to preach the true doctrine of Christ, are so insistent upon the ratification of this treaty unamended. Can it be that they are ignorant of these facts?

Mr. NORRIS. Mr. President, the Senator has asked a very fair question. In a sentence, I will say that my judgment is that there is not a Christian minister anywhere on the face of the globe who, if he understood all that this treaty means, would ask that we approve it unamended. On Monday I am going to take up and compare with what has been done in China that I have outlined so far, what Japan did in Korea, and in doing that I expect to go more fully into the particular aspects of the matter that is suggested by the question of the Senator. I do not care to go into it now, because I have a great deal more evidence, more convincing than any I have yet produced, as to what the Japanese were doing in Korea in blotting out the Christian religion and destroying the Christian churches.

Mr. GRONNA. I want to thank the Senator. I have been very much interested in his speech. I may say that I am always interested in what the Senator has to say, but this particular

discussion has been very illuminating to me. I can readily see where these men may be honestly mistaken.

Mr. NORRIS. These preachers?

Mr. GRONNA. Yes.

Mr. NORRIS. Oh, they are. I have no doubt of that. I would not think of accusing any of them, or anyone else, of having any malicious motive. I do not think they have. I think they are just as honest in their convictions as I am in mine.

Mr. GRONNA. The Senator has not accused anyone, so far as I have been able to hear; but, if the Senator will permit me, I will state that it is as old as history; in fact, it is older than history. We find that prophets, scribes, and Pharisees can easily get together with great aggregations of wealth, and for a time delusions and false doctrines prevail. But I am really surprised to learn that the great financiers of this country, the men who are located on a certain street in the great metropolis of our country which I do not care to name now, with their great eagle eye for business, have overlooked the fact that this treaty will not be beneficial to them in any business way. I am sure the Senator's remarks will be not only glanced over but read with care; and if they find that the conditions are as I believe them to be, and as the Senator from Nebraska has stated them to be, then, sir, there will not be so many millions poured into the treasury of these men who are so eagerly and so anxiously asking that this treaty shall be ratified without the dotting of an "i" or the crossing of a "t."

Mr. NORRIS. Mr. President, I am not going to discuss in any detail the financial provisions of the treaty at this time or in this address. I am confining my remarks to the pending motion; but the Senator has gauged it rightly. If I can understand it, not only are American missionaries and the Christian religion to be driven out of Asia, but American business men in the Far East are going to lose business if this treaty is approved. Of course, the great millionaires to whom the Senator refers may be more interested in making millions in Europe, so that the loss of business in Asia will be so small as compared to what they will make over in Europe by the ratification of the treaty that they will still be for the treaty. I only wanted to suggest to the Senator from North Dakota and to the Senate, in connection with his suggestion about the moneyed men of the country being so anxious to have this treaty approved, that they never ought to forget that the first copy of this treaty that ever came to the United States came to Wall Street. They had it before the Senate was able to get it. They had it when the President refused to let us see it, and they had it with the President's consent. Wall Street had it at that time and knew what was in it.

At this point Mr. NORRIS yielded the floor for the day.

Monday, October 13, 1919.

Mr. NORRIS. Mr. President, following what the Senator from Idaho [Mr. BORAH] has said, I desire to make a further correction of the President of the United States in some other erroneous statements that he has made, and to do this I will have to repeat slightly what I have already said in my present address.

On the 5th day of September the President, in speaking at St. Louis, used the following language:

> Great Britain and, subsequently, France, as everybody knows, in order to make it more certain that Japan would come into the war and so assist to clear the Pacific of the German fleets, had promised that any rights that Germany had in China should, in the case of the victory of the Allies, pass to Japan.

On the next day after the President made that speech at St. Louis, in the Senate I called attention to the error in the following language, after quoting that which I have just read:

> Mr. President, the President represented our Government at the peace conference. He knows, of course, what was presented there and what the facts are; but it is a matter of history that Great Britain and the other Governments of which the President speaks did not make that secret agreement with Japan until the year 1917. Japan went into the war soon after it was declared, in 1914. At the time the secret agreement of which he speaks was made with Great Britain and the other powers all of the German possessions in China had been captured, and there was not a German vessel free on the Pacific Ocean; so the President does not have his history on straight.
>
> The first move that was ever made to bring about that secret agreement was made on the 27th day of March, 1917, and I challenge anyone to produce any evidence that before Japan went into the war she had any such agreement. I ask the President, in his next speech to the American people, to produce that evidence and substantiate what he said at St. Louis.

Shortly after I made that speech I received the telegram that I have already read in evidence, but I will read it again because what will follow immediately bears directly upon it:

> GARRISON, MONT., *September 12.*
>
> Hon. G. W. NORRIS,
> *United States Senate, Washington:*
>
> I thank you for correcting an unintentional inaccuracy in one of my recent speeches.
>
> (Signed) WOODROW WILSON.

Mr. President, there can be no meaning to that telegram excepting the particular correction that I have just read. I made no other, so it must refer to that.

In my remarks in the present address, I think it was on Friday, I commented on the fact that the President in making the correction had done it by a private telegram to me; that I had not given that telegram to the public until he had finished his tour, because I had hoped, I had expected, that if he wanted to be fair with the American people he himself would make the correction in as public a manner as he had made the misstatement of a very material matter in connection with the treaty. I am not going to comment on that now, because I have already done it in this address.

But this morning some one gave me an official copy of the addresses of President Wilson. They have been printed by the Government of the United States, and I have the volume now in my hand. I had assumed that, though the President had not made a public correction of that important mistake and misstatement of fact, he would at least not repeat the misstatement in other speeches to the American people. Mr. President, I was dumbfounded when, just a few moments ago, since I have come into the Chamber and was given this official report of his speeches, in the few minutes that I have had to spare to look at it, I have found four instances where the President, since he sent that telegram to me, has made practically the same misstatement that he made at St. Louis.

He made it at Los Angeles, in the same speech to which the Senator from Idaho [Mr. BORAH] has just referred, and in which he has corrected another misstatement made—and I will say to the Senator from Idaho that the same mistake that the President made about John Hay in the Los Angeles speech was made in several other speeches, as I have just accidentally observed while I was looking for this particular Shantung provision. But notwithstanding the President's telegram of September 12 to me, on September 20, at Los Angeles, he used this language:

> In the meantime, after this present war began, England and France, not at the same time, but successively, feeling that it was essential that they should have the assistance of Japan on the Pacific, agreed that if Japan would go into this war and take whatever Germany had in the Pacific, she should retain everything north of the Equator which had belonged to Germany.

Again, on September 22, at Reno, Nev., the President used this language in a public address to the American people:

> Not only that, but, in the meantime, since this war began, Great Britain and France entered into solemn covenants of treaty with Japan that if she would come into the war and continue her operations against Germany in the Pacific they would lend their whole influence and power to the cession to Japan of everything that Germany had in the Pacific.

Again, at Salt Lake City, on the 23d day of September, the President used this language:

> At the beginning of the war and during the war Great Britain and France engaged by solemn treaty with Japan that if she would come into the war and continue in the war, she could have, provided she in the meantime took it by force of arms, what Germany had in China.

Again, at Cheyenne, on September 24, the President said:

> Before we got into the war, Great Britain and France had entered into solemn covenant by treaty with Japan that if she would take what Germany had in Shantung by force of arms, and also the islands lying north of the Equator which had been under German dominion in the Pacific, she could keep them when the peace came and its settlements were made.

Now, Mr. President, I have only had a few minutes to examine the President's speeches. I do not know how many other times the President has made that misstatement of fact.

Of course, as I have already shown in my present address, Japan had been in the war for two and a half years. There was not a free German ship anywhere in the Pacific Ocean, armed or unarmed, at the time that secret agreement was made.

It is not with any comfort, Mr. President, that I call the attention of the Senate to these facts. I assumed, of course, that when the President sent the telegram acknowledging his error he would not repeat it. It seemed to me that if he wanted to be really fair with the American people he would have told them that he had made a mistake at St. Louis. It is hardly conceivable that he made a mistake at St. Louis even, because he knew the facts were not what he said they were; but not only has he withheld the facts from the American people, but after he has acknowledged in a private way the error, he has gone on and repeated the statement over and over again to the American people.

As I said at the beginning of my remarks on last Friday, the truth will probably never overtake the falsehood, because wide circulation was given particularly to the St. Louis speech; but I can hardly conceive how any man—oh, I can not conceive how the President of the United States—can deliberately restate and state again and again something that he not only knows but has acknowledged to be wrong and which he knew was absolutely untrue in connection with an extremely important matter per-

taining to this treaty. I commented at some length last Friday on that, and I am not going to repeat what I then said.

Mr. President, when we adjourned on Saturday last I had reached in my remarks a place where I was going to take up Korea. Before I do so, however, I wish to refer briefly to what the treaty provides in other cases where property has been taken in the course of the war and turned over to the people to whom it rightfully belonged.

Everybody knows that Shantung belongs to China and ought to go to China, and that the treaty ought to have given it to China. Belgium was recaptured by English troops and turned over to Belgium. Everybody concedes that that was right. Portions of France were recaptured from Germany by American troops and turned over to France. Everybody admits that that was right. The sacred soil of Alsace-Lorraine, captured in part by the sacrifices and the lifeblood of American troops, was turned over to the rightful owner—France. Nobody has said that anything should be different. But, Mr. President, it was not only in relation to the big powers but to the little powers as well, with the one exception of China, that the same rule applied. Let me read article 135 of the treaty. It provides:

Article 135.

Germany recognizes that all treaties, conventions and agreements between her and Siam, and all rights, title and privileges derived therefrom, including all rights of extraterritorial jurisdiction, terminated as from July 22, 1917.

It must be remembered that China claimed when she went into the war with Japan that that act abrogated Germany's right, whatever it might have been. Let me read article 136 of the treaty, which applies more particularly to the point I am now making:

Article 136.

All goods and property in Siam belonging to the German Empire or to any German State, with the exception of premises used as diplomatic or consular residences or offices, pass *ipso facto* and without compensation to the Siamese Governement.

The goods, property and private rights of German nationals in Siam shall be dealt with in accordance with the provisions of Part X (Economic Clauses) of the present Treaty.

Article 139.

Germany recognizes that all treaties and arrangements between her and Liberia terminated as from August 4, 1917.

Article 141.

Germany renounces all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by her with the Sherifian Empire are regarded as abrogated as from August 3, 1914.

In no case can Germany take advantage of these instruments and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

Article 144.

All property and possessions in the Sherifian Empire of the German Empire and the German States pass to the Maghzen without payment.

For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

Then another clause of the same article provides:

Mining rights which may be recognised as belonging to German nationals by the Court of Arbitration set up under the Moroccan Mining Regulations shall form the subject of a valuation, which the arbitrators shall be requested to make, and these rights shall then be treated in the same way as property in Morocco belonging to German nationals.

Mr. President, when it came to China a different rule was applied—the only exception in the treaty.

Now, I am going to take up Korea. There are several reasons why the situation of Korea ought to be given very close consideration in passing on this treaty. In the first place, I have set out at length the treaties which Germany and other nations made with China in which the integrity of the Chinese nation was recognized and guaranteed. I will show that Japan proceeded along the same lines with reference to Korea that she is now proceeding with reference to China, although from time to time, by treaty obligations with Korea similar to those I have shown to exist in the case of China, Japan guaranteed the integrity of the Korean Empire. If that be true, then it is fair to conclude that what Japan did with Korea she is going to do with China, since up to the present time she has pursued exactly the same course, in a good many instances almost word for word and step by step. Everyone knows that eventually she took all of Korea and annexed the nation.

There is another reason why the consideration of the Korean question is important. If we were a court of probate and some one were here asking for the custody of an orphan child which was within the jurisdiction of the court we would look into the character of the person asking for the child's custody, and, if that person had been given the custody of another child prior to that time we would investigate and ascertain how he took care of the other child the custody of which he had theretofore been given. If we are going to turn China over to Japan it is interesting and important and necessary that we inquire how Japan has conducted herself in other cases where people and nations have been turned over to her.

There is another reason why it is extremely important to give heed to these considerations. If this treaty is ratified, as I think I will be able to show, American citizens will never dare harbor within their midst or within our territory anyone who advocates the independence of the Korean Republic. Let me read the much-discussed section 10 of the covenant of the league of nations and consider it in a light in which it has not been discussed:

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.

Nearly everybody—I do not know but that everybody, so far as I remember now—who has discussed article 10 has discussed it in the sense that we guarantee to preserve against external aggression the territorial integrity and existing political independence of members of the league. No one has yet discussed what obligation we will be under when we come to consider that we are not only bound to preserve from external aggression the territorial integrity and political independence of the members of the league but we are bound to "respect" the territorial integrity and political independence of members of the league. If we approve the league the first Irishman who stands on a street corner and makes a speech in favor of the freedom of Ireland will be doing something that will show disrespect to a member of the league, and we will have to suppress him and ought to suppress him under the league; it would be our duty to do so. The same is true as to Korea, and the agitation for Korea's independence will have to cease if we have the proper respect that we say we will have in article 10.

Mr. ROBINSON. Mr. President——

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

Mr. NORRIS. I yield.

Mr. ROBINSON. Does the Senator consider the word "respect" there to mean esteem for, or does he not regard it as meaning the obligation upon the part of members of the league not to violate the territorial integrity or political independence of the other members of the league? Does the Senator construe the word "respect" to mean esteem?

Mr. NORRIS. Well, I should say that "respect" includes both of the interpretations that the Senator has suggested.

Mr. ROBINSON. If the Senator will pardon me for a further interruption——

Mr. NORRIS. Certainly.

Mr. ROBINSON. In my opinion, clearly the word "respect" there simply means that the nations obligate themselves not to violate the territorial integrity or political independence of the other members of the league, and the allusion that the Senator has made to a Sinn Feiner or an Irishman on the streets advocating independence for Ireland would not constitute a violation of the obligation as I construe it.

Mr. NORRIS. I thank the Senator for his suggestion, and, of course, he may be right in his interpretation, but in my opinion we would not be having the respect that this treaty demands we should have for other members of the league if we should permit our citizens or people under the jurisdiction of our laws to try to work up a sentiment in favor of the independence of any people anywhere on the face of the earth; and I believe the first thing that would happen would be an objection on the part of England, or if it took place in reference to Korea the first thing that would happen would be an objection upon the part of Japan; and as I construe the word "respect" they would have legal grounds for making it.

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

Mr. NORRIS. I yield to the Senator from New Mexico.

Mr. FALL. Would the Senator understand that the interpretation placed upon article 10 as it stands here now was the interpretation placed by the President of the United States upon article 10 originally when he presented to the "A, B, C" countries of South America the proposition for a treaty?

Mr. NORRIS. Well, I am not going to try to construe anything that the President said. I confess I give that up. [Laughter.]

Mr. FALL. I have here what the President said with reference to article 10, the original draft.

Mr. NORRIS. Yes; I have read it. I am familiar with it.

Mr. FALL. He gives his own interpretation of it. I thought it might be enlightening.

Mr. NORRIS. If the Senator desires to read it, I will yield for that purpose.

Mr. FALL. Referring to the original draft of article 10, which was presented by the President of the United States to Argentina, Brazil, and Chile, with an invitation to the other Latin-American countries to join it—this was in December, 1915—in speaking of it on January 6, 1916, the President said:

It will be accomplished, in the first place, by the States of America uniting in guaranteeing to each other absolute political independence and territorial integrity.

Mr. NORRIS. I thank the Senator. I want to read, before I take up the Korean question, the second clause of article 11 of the league of nations:

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 international peace or the good understanding between nations upon which peace depends.

Now, Mr. President, if some one were going through the country advocating the independence of Ireland, or if some one were trying to raise funds, for instance, to further the movement for the independence of Korea, or it might be for the relief of Egypt, or it might be for India, and Japan or Great Britain said to the council: "Here is the United States Government permitting within her borders the creation of a sentiment that is against our Government"—in the case of India they would say it was against Great Britain, and in the case of Korea they would say it was against Japan—is there any doubt but that they would have the right, under that treaty, to make that complaint? And if they made it, would not a fair construction of it be that we would be ordered by the council or the assembly to stop it? At least, we would not be able to pass on it. The council or the assembly would do that.

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. This treaty has not been ratified; but has the Senator had called to his attention the cases—14 in number, I think—of the Hindus who during the war advocated the independence of India who are now to be deported to India?

Mr. NORRIS. Yes; I am somewhat familiar with it; and I want to say to the Senator that my understanding is, from talking to some of those men themselves, that if they are sent back it means either death or imprisonment for a long term of years, probably life. I do not know whether they will be sent back or not, but our Government has the question up now; and if we are going that far before we get this clause that I have read as binding, what can we expect when we make the agreement by which they will have a perfect right to do those very things? Always heretofore this has been a land of refuge from which political prisoners have never been extradited. When they came to free America they were not subject to be deported and taken back because some monarchical Government had said that they were conspiring against it. When this treaty is agreed to, that freedom is gone, and gone forever.

In August, 1894, Japan entered into a treaty with Korea. Article 1 said:

The object of the alliance is to maintain the independence of Korea on a firm footing.

April 17, 1895, not quite a year afterwards, Japan made a treaty with China, article 1 of which reads:

China recognizes definitely the full and complete independence and autonomy of Korea.

That was at the end of the Japo-Chinese war, and Japan required that China should make that recognition.

April 25, 1898, Japan made a treaty with Russia. Article 1 reads as follows:

The two Governments recognize definitely the sovereignty and entire independence of Korea and pledge themselves mutually to abstain from all direct interference in the internal affairs of that country.

Bear that date in mind—August 25, 1898. Could there be anything clearer? Could there be any possible doubt but that Japan, by her own act, had guaranteed the independence of Korea?

January 30, 1902, England and Japan made a treaty, and the preamble says:

The Governments of Great Britain and Japan, actuated solely by a desire to maintain the status quo and general peace in the extreme East, being moreover especially interested in maintaining the territorial integrity of the Empire of China and the Empire of Korea, and in securing equal opportunities in those countries for the commerce and industry of all the nations, hereby agree—

Now, they are not only so desirous to maintain the national integrity of Korea, but here comes article 1 in the same treaty:

ARTICLE 1. The high contracting parties, having mutually recognized the independence of China and Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country.

Now, that will apply to China as well as to Japan; and, remember, that was made January 30, 1902, not only recognizing the independence of Korea and China both, but declaring before the world that they are uninfluenced by any aggressive tendencies in either country. Since that time Japan has gobbled up one, and if this treaty is ratified and becomes a law she will have the greater portion of the other.

When Japan declared war against Russia on February 10, 1904, the Emperor of Japan used this language as a part of the declaration of war:

The integrity of Korea is a matter of gravest concern to this Empire. * * * The separate existence of Korea is essential to the safety of our realm.

That was February 10, 1904.

February 23, 1904, Japan and Korea made a treaty, article 1 of which said:

For the purpose of maintaining a permanent and solid friendship between Japan and Korea and firmly establishing peace in the Far East, the Imperial Government of Korea shall place full confidence in the Imperial Government of Japan, and adopt the advice of the latter in regard to improvements in administration.

Article 2 of the same treaty:

The Imperial Government of Japan shall in a spirit of firm friendship insure the safety and repose of the Imperial House of Korea.

Article 3 of the same treaty:

The Imperial Government of Japan definitely guarantee the independence and territorial integrity of the Korean Empire.

Remember, all those protestations were made February 23, 1904.

August 12, 1905, Japan made a treaty with Great Britain, article 3 of which reads as follows:

Japan possessing paramount political, military, and economic interests in Korea, Great Britain recognizes the right of Japan to take such measures * * * in Korea as she may deem proper * * *. *Provided*, That such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations.

Now, Mr. President, the camel is getting his nose into the tent. You remember that Japan had made a treaty with Great Britain in which she had recognized and guaranteed the territorial integrity of Korea? Later, she made this other treaty with Korea, in which the Korean Government says that she will have full confidence in the Imperial Japanese Government, and adopt the advice of the latter.

Japan has the treaty with Great Britain in her way, and so she goes to her ally and makes another treaty by which Great Britain practically takes her hands off and says, "Go ahead, Japan."

That was August 12, 1905. September 5, the next month, Japan makes a treaty with Russia, article 2 of which says:

The Imperial Russian Government, acknowledging that Japan possesses in Korea paramount political, military, and economic interests, engage neither to obstruct nor to interfere with the measures * * * which the Imperial Japanese Government may find it necessary to take in Korea.

The camel is going in a little farther. Japan is making arrangements now with Russia, so that Russia will keep her hands off and let Japan proceed in Korea. She makes a treaty with Great Britain in August, with Russia in September, and then she gets hold of Korea, and on November 17, 1905, makes a treaty, and the preamble to that treaty reads as follows:

The two Governments—

That is, Japan and Korea—

desiring to strengthen the principle of solidarity which unites the two Empires, have * * * concluded:

ARTICLE 1. The Government of Japan * * * will hereafter have control and direction of the external relations and affairs of Korea.

The camel has his head in now.

Then, in 1906, Marquis Ito was made Japanese resident general in Korea, and in 1907 Japan prevented the representatives of the Korean Emperor from being given a hearing at The Hague conference.

The camel is going in a little farther.

Then, on July 24, 1907, Japan makes another treaty with Korea, the preamble of which reads:

The Governments of Japan and Korea, desiring speedily to promote the wealth and strength of Korea, and with the object of promoting the prosperity of the Korean nation, have agreed—

Now, whenever Japan says that, look out for what follows. This is what they have agreed to:

ARTICLE 1. In all matters relating to the reform of the Korean administration the Korean Government shall receive instructions and guidance from the [Japanese] resident-general.

You see the similarity, Mr. President, with what I showed at the beginning of my remarks about China. They are taking the same course, following a parallel line exactly. I will read

further from the same treaty. I read article 1. Article 4 reads as follows:

In all appointments and removals of high officials, the Korean Government must obtain the consent of the resident-general.

Whom you will remember was a Japanese appointee.

ARTICLE 5. The Korean Government shall appoint to be officials of Korea any Japanese subjects recommended by the resident-general.

ARTICLE 6. The Korean Government shall not appoint any foreigners to be officials of Korea without consulting the resident-general.

The independence of Korea was practically taken away by that treaty, contrary to every solemn obligation and promise that Japan had made, not only to Korea, but to all the world. And, Mr. President, in the one treaty that I have referred to, at the beginning of the Russo-Japanese War, the Korean Government went so far as to permit the Japanese Government to bring soldiers and munitions and guns into Korea, to use her railroads and transportation facilities in order that she might reach the Russians, who were up north of Korea. The Korean Government practically went into an alliance with Japan, which saved no man knows how much in that great war Japan was waging with Russia. It might have been the difference between victory and defeat for all I know. But it gave her a great advantage, and from that day to this the Japanese soldiers have never been taken out of Korean territory.

Now, we are down to 1908. In 1908 Prince Ito declared publicly that it was no part of Japan's purpose to annex Korea. They had practically taken possession of the Government, but were still keeping her separate.

In 1909, one year afterwards, Prince Ito, the same man, declared that Korea must be amalgamated with Japan, and August 22, 1910, there was a treaty between Japan and Korea; and I will show you, Mr. President, that every one of these treaties in which Korea surrendered any part of her sovereignty was made by force. None of them were ever made until after the Russo-Japanese War, until the Japanese soldiers were quartered on Korean soil, until Japan had taken possession of the railroads, given at that time voluntarily with the idea of helping Japan in her contest with Russia, but from that time on everything was compulsion. Unarmed, unfortified, Korea had to submit to the will of the military government of Japan.

Now, we come to the treaty between Japan and Korea, wrung by force out of Korea on August 22, 1910. It reads in part:

ARTICLE 1. His Majesty the Emperor of Korea makes complete and permanent cession to his Majesty the Emperor of Japan of all rights of sovereignty over the whole of Korea.

Everything that Japan said she would not do is now accomplished. But mark the words, it is the Emperor of Korea who makes this cession. Maybe Japan will not accept it. If Japan was so anxious to keep Korea independent perhaps she will say, "No; you had better not do that."

Let us see what article 2 of the same treaty says:

His Majesty the Emperor of Japan accepts the cession mentioned in the preceding article, and consents to the complete annexation of Korea to the Empire of Japan.

Remarkable, remarkable, what a concession Japan was making!

On August 29, 1910, seven days later, Japan formally declared Korea annexed to the dominion of his imperial majesty the Japanese Emperor.

And thus disappears from the world of nations one of the oldest nations of the earth, the Korean Government, annexed absolutely to Japan. Mr. President, I want again to call attention to the parallel between Korea and China. Every step all the way along Japan was making professions and giving guaranties of her intention to preserve the integrity of the Korean nation. Everywhere she is doing the same with China, by taking one slice after another.

If the 21 demands are ever acceded to she will be as fair with China as she was with Korea when she appointed a resident general who took practical control, appointed all the officers of Korea, and removed all Koreans from holding office. It will be only one step more until, as she did in Korea, there will be a treaty by which China will ask the Japanese Government to take her over, and the Japanese Government will reluctantly consent.

Mr. President, during all this time we had a treaty with Korea, and because I want to produce some evidence that has some bearing on it I want to read article 1 of that treaty. It was made May 22, 1882, and was in force at the time Japan took Korea over. Article 1 says:

There shall be perpetual peace and friendship between the President of the United States and the King of Chosen—

Chosen, of course, means the same as Korea—

and the citizens and subjects of their respective Governments.

This is the part to which I want to call the Senate's attention:

If other powers deal unjustly or oppressively with either Government, the other will exert their good offices on being informed of the case to bring about an amicable arrangement, thus showing their friendly feeling.

During most of the time while these things were going on an American citizen, H. B. Hulbert, was the adviser of the Korean Emperor. As I remember, he has spent 30 years in Korea, and I am going to read part of the letter in which he sends me some documents. I will read the first paragraph anyway:

MY DEAR SENATOR: I inclose herewith the documents which we spoke of in our conversation. They are, of course, translations of the original, and though there may be slight inaccuracies, I am sure that they correspond very closely with the original. If these documents are found in the archives of the State Department or elsewhere it will be possible to verify them with the new translation, if desired.

One of the documents that I have talked over with Mr. Hulbert, and which he inclosed in that letter, was a translated copy of the message that the Emperor of Korea, in October, 1905, which was about the time Japan was getting the last treaty with Korea, sent to our Government, and he sent it because of the provision in the treaty between our Government and the Korean Government that I have just quoted. Mr. Hulbert was the bearer of this message. He brought it with him from Korea to Washington in person. The original is signed by the man who was Emperor of Korea. It reads as follows:

Ever since 1883 the United States and Korea have been in friendly treaty relations. Korea has received many proofs of the good will and the sympathy of the American Government and people. The American representatives have always shown themselves to be in sympathy with the welfare and progress of Korea.

Many teachers have been sent from America who have done much for the uplift of our people.

I think I ought to pause there to say that under the Korean rule, American missionaries and American teachers were welcomed in Korea. They were protected. The Korean people took kindly not only to the Christian religion, but to the English language, and the missionaries and teachers established schools all over the Empire of Korea. Continuing, the Emperor's letter says:

But we have not made the progress that we ought. This is due partly to the political machinations of foreign powers and partly to our mistakes.

It seems to me this is a very modest letter, because he says later on that he would be glad to receive advice even from the Japanese.

At the beginning of the Japan-Russia war the Japanese Government asked us to enter into an alliance with them, granting them the use of our territory, harbors, and other resources, to facilitate their military and naval operations. Japan, on her part, guaranteed to preserve the independence of Korea and the welfare and dignity of the royal house. We complied with Japan's request, loyally lived up to our obligations, and did everything that we had stipulated. By so doing we put ourselves in such a position that if Russia had won she could have seized Korea and annexed her to Russian territory on the ground that we were active allies of Japan.

Nobody disputes that statement. It is simply a restatement of historical facts.

It is now apparent that Japan proposes to abrogate their part of this treaty and declare a protectorate over our country, in direct contravention of her sworn promise in the agreement of 1904. There are several reasons why this should not be done.

In the first place Japan will stultify herself by such a direct breach of faith. It will injure her prestige as a power that proposes to work according to enlightened laws.

In the second place, the actions of Japan in Korea during the past two years give no promise that our people will be handled in an enlightened manner. No adequate means have been provided whereby redress could be secured for wrongs perpetrated upon our people. The finances of the country have been gravely mishandled by Japan. Nothing has been done toward advancing the cause of education or justice. Every move on Japan's part has been manifestly selfish.

The destruction of Korea's independence will work her a great injury, because it will intensify the contempt with which the Japanese people treat the Koreans and will make their acts all the more oppressive.

We acknowledge that many reforms are needed in Korea. We are glad to have the help of Japanese advisers and we are prepared loyally to carry out their suggestions. We recognize the mistakes of the past. It is not for ourselves we plead, but for the Korean people.

At the beginning of the war our people gladly welcomed the Japanese, because this seemed to herald needed reforms and a general bettering of conditions, but soon it was seen that no genuine reforms were intended and the people had been deceived.

One of the gravest evils that will follow a protectorate by Japan is that the Korean people will lose all incentive to improvement. No hope will remain that they can ever regain their independence. They need the spur of national feeling to make them determine upon progress and to make them persevere in it. But the extinction of nationality will bring despair, and instead of working loyally and gladly in conjunction with Japan the old-time hatred will be intensified and suspicion and animosity will result.

It has been said that sentiment should have no place in such affairs; but we believe, sir, that sentiment is the moving force in all human affairs and that kindness, sympathy, and generosity are still working between nations as between individuals. We beg of you to bring to bear upon this question the same breadth of mind and the same calmness of judgment that have characterized your course hitherto, and, having weighed the matter, to render us what aid you can consistently in this our time of national danger.

That is the message. Mr. Hulbert attaches to that message an affidavit, in which he says:

I declare under oath that the above is the substance of a letter delivered to me by the late Emperor of Korea on or about the 20th of October, 1905, in the city of Seoul, Korea, for transmission to President Roosevelt; that I brought it to Washington, arriving on the 17th of November; that I delivered it into the hands of Secretary Elihu Root on the 21st, after its acceptance at the White House had been refused; and that I hold a letter from Elihu Root acknowledging receipt of the letter.

That is signed by Mr. Hulbert and is sworn to before a notary public.

Now, Mr. President, the principal object that I had in reading this correspondence is to show, if it can under any conceivable circumstances be considered necessary, that this treaty made between Korea and Japan, by which Korea signed away her birthrights, was made by force. In my judgment, under that treaty, our Government ought to have done something then, but, as a matter of fact, we stood like the rest of the world did and saw Japan gobble it up. That is sometimes used as an argument why we should sign the present proposed treaty.

As I have said before in referring to the treaty with China that was made by force and this treaty here, we are confronted with a responsibility that we can not throw off of our shoulders. We must take some action. It is the difference between not being in a position where any action is required and being in a position of responsibility.

Mr. President, if you in your neighborhood knew that some one had stolen your neighbor's horse, if you were a very high-class citizen, you probably ought to go and report it; but suppose you did not and later on some other neighbor steals a horse and you are put on the jury to try him. The case comes before you and the defendant says, "Why, here, Mr. Smith stole a horse last week from this same man and nobody was prosecuted." Would that be a defense if you were a juror or if you were the court when you are required to pass on who owns the property or in a criminal case the punishment of the criminal? In this case it is the ownership of the property we are trying, like a replevin suit.

Would it be a defense to say to Mr. B, who stole a horse from Mr. C, that he could not be prosecuted and that he had a right to keep the horse because Mr. A had stolen a horse from Mr. C and had not been prosecuted?

But, Mr. President, the other document that Mr. Hulbert inclosed in the letter, which I have partially read, was a telegram sent by the Emperor of Korea to him. I will read his letter to me, in which he describes what he did. He took this letter and started for Washington. While he was away they took the Emperor and the members of his cabinet by force and compelled them to sign another treaty, as he describes in the letter, but when he got here he got this telegram from the Emperor of Korea:

I declare that the so-called treaty of protectorate recently concluded between Korea and Japan was extorted at the point of the sword and under duress, and therefore is null and void. I never consented to it and never will. Transmit to the American Government.

(Signed) THE EMPEROR OF KOREA.

Mr. Hulbert says:

I hereby affirm under oath that the above cablegram was received by me on the date named—

That is on the 21st day of November, 1905—

and that I delivered it into the hand of Robert Bacon, the then Assistant Secretary of State, and received from him the assurance that it would be put on file in the records of that department.

Signed by Mr. Hulbert and sworn to before a notary public.

I think I can describe what happened over there when this last treaty was agreed to that he describes there by reading the letter of Mr. Hulbert to me. That was the treaty of August 22, 1910, when the Japanese Government took over the entire Korean Government. I will not read all the letter, but I will read that part which has a direct bearing here. This is a letter directed to me and written by this same Mr. Hulbert, who was for 20 or 30 years the advisor of the Korean Emperor and who was the custodian of the message from the Emperor of Korea to our President, which I have just read. In part this letter reads as follows:

When the Japan-Russia war broke out, Japan made a treaty with Korea—

I have read extracts from it—

whereby Korea gave Japan some very tangible advantages and thereby put herself in such a position that, had Russia won the war, Russia could have annexed Korea without a word of protest from any other Government in the world. Japan on her part guaranteed the perpetual independence of Korea. After the cessation of hostilities, it became apparent that Japan did not intend to keep her agreement with Korea. The Emperor was naturally much disturbed and asked for advice from his friends. I suggested that he consult the treaty with America, in the first clause of which it is agreed that if either of the high contracting parties should be threatened by any third party, the other should use her good offices to find an amicable settlement of the difficulty. The Emperor examined the treaty, and then asked me to carry a letter from him to President Roosevelt. I then consented to do so, but before starting with it I consulted the American minister in Korea, Mr. E. V. Morgan, who made no objections at all, but rather encouraged the mission. The Japanese became aware of the matter, through what source I do not know, but greatly suspect, and knew that they must seize Korea before I should reach Washington, or else it might embarrass the administration in Washington. They worked upon the Emperor and his cabinet until I was within a single day's journey from Washington—

As a matter of fact, he was in Cincinnati when this thing he is about to describe happened—

but without avail. The Korean Emperor and cabinet were adamant in their determination to prevent the alienation of Korean sovereignty. But during that last night, before I reached Washington, the Japanese filled the palace with their own troops and summoned the cabinet. Please note that there could be no legal meeting of the Korean cabinet except as called by the prime minister at the instance of the Emperor. A peremptory demand was then made by the Japanese that Korea consent to a protectorate by Japan. This demand was instantly and indignantly refused. Field Marshall Hasegawa and his aids then took Han Kyu-Sul, the Korean prime minister, into an adjoining room and closed the door. Hasegawa drew his sword and demanded that the prime minister consent. The latter again refused. The Japanese left him there under guard and went back to the Emperor and the rest of the cabinet. The latter supposed that Han Kyu-Sul had been disposed of, and that a like fate awaited them, and under such mortal pressure three of them signed the document.

In other words, they took the prime minister out, where they were in a meeting, put him in another room, and when they came back they all reached the conclusion—and it was a very reasonable one, under all the circumstances—that the prime minister had been murdered and that they were about to be murdered unless they signed the treaty, and three of them signed it.

And under such mortal pressure three of them signed the document. The great seal—

They had to have the great seal to make it legal—

The great seal of State was stolen from the foreign office and placed upon that document by the Japanese themselves. Full evidence of these facts can be secured from Han Kyu-Sul and other members of that cabinet still living. This was accomplished almost at the moment when I was entering Washington. I immediately sent to President Roosevelt, through the kind offices of Judge Wendell P. Stafford, of the Supreme Court of the District of Columbia, and asked that I be received. The Emperor had asked me to deliver the document into the hands of the President in person. The reply came back that the letter could not be so received, but that I might apply to the State Department if I saw fit. I immediately did so, but was refused admittance on the plea that they were "too busy." I was advised to come the next day. I did so, but was informed that they were still too busy, but that I should come the following day. I went, then, directly to the White House, and was told by Secretary Loeb's secretary that they were well aware of the contents of the letter from the Emperor, but that if anything were to be done it must be at the State Department and not at the White House. That very day, while still holding the message from the Emperor in abeyance, the administration accepted as true the Japanese statement that the new arrangement was very pleasing to the Korean people, and without a word to the Korean Emperor or the Korean Legation in Washington, it cabled our legation to remove from Korea. The following day I was admitted to the office of Secretary Root, and I placed the letter in his hands. I hold his acknowledgment of its receipt with the statement that the letter came too late to be seriously considered. The following day I received the cablegram from the Emperor declaring the forced treaty to be null and void, having been extorted by duress. This cablegram I handed to Assistant Secretary Bacon in the State Department, and received his assurance that it would be placed on file in the archives of the department.

Mr. GORE. May I inquire whose letter that is from which the Senator is reading?

Mr. NORRIS. This is Mr. Hulbert's letter, the personal advisor of the Emperor of Korea.

I might read some of the comments which are made further on in this letter:

Now, in view of these facts, which are susceptible of corroboration, I contend, that unless simple, brute force is the final argument of international law, the seizure of Korea at that time was an illegal act and without valid force; and if so, every subsequent act of spoliation on the part of Japan was consequently illegal and void because they were all based upon and derived from that act.

Mr. President, so far we have found an exact parallel between the conduct of Japan in China and in Korea, with the one sole exception that Japan has finished her work in Korea and is not quite through in China; and one of the steps to enable her to complete her mastery of China is the approval of this treaty with the provision in it which we have before us.

As I said a while ago, it is quite important to know what Japan has done with Korea while she has had her during practically these 20 years. What has Japan done in Korea? What kind of a government, after she robbed the people of the sovereignty of their nation, has she given them? I want in passing to read an extract from Japan's own report about crime in Korea. There is not a more peaceable people on the face of the earth than are the Koreans, who are absolutely unarmed, with a civilization older than the Christian era, older than that of Japan, but without any military spirit; a fine class of people. I will have occasion later on to comment somewhat upon the women of Korea and their ideals and to show that they correspond with what we in our age in America believe ought to be womanly attributes, but that those ideals are absolutely contrary to every Japanese conception of modesty or of virtue.

In the Japanese report for 1912–13 on Korea, on page 47, speaking of crimes, it is stated:

The total number of criminal cases decided during the year 1912 by police summary judgment reached 21,483—

If I wanted to take up an hour or two, I should show you what "police summary judgment" means, and, incidentally, as I go along and from the evidence that I shall read and produce, Senators will learn what "police summary judgment" means. It means that men and women who are arrested for acting contrary to Japanese requirements, without charges being made against them, are disposed of by the men who arrest them—the soldiers or the police, as the case may be.

The total number of criminal cases decided during the year 1912 by police summary judgment reached 21,483, being an increase of 2,580 over that of the previous year. Of the persons implicated in these cases 433 were sentenced to short terms of imprisonment with hard labor, 34 to imprisonment only, 5,736 to a minor fine, 1,807 to police detention, 9,705 to a police fine, 18,438 to flogging, and 800 were acquitted, making a total of 36,953 persons.

The Japanese report for 1916–17, on page 126, states:

The total number of criminal cases decided during the year 1916 by police summary judgment reached 56,013, involving 82,121 offenders, being an increase of 14,777 cases and 21,750 offenders over those of the preceding year. Of the persons implicated in these cases 81,139 were sentenced—

Now, listen to this, and remember that it is an official statement—

30 proved their innocence, and the remaining 952 were pardoned.

They arrested altogether 81,139, and out of that number there were 30 who proved their innocence and were let go. What does an American think of that kind of a record? How would you like it if a foreign Government took possession of our Government, simply because they had the power to do so at the point of the sword; ousted every American official from office and put their men in, and then arrested 81,000 of us and said, "Unless you prove your innocence you are going to be punished"? That is the kind of jurisprudence under which Japan operates in Korea. The police rendered "summary judgment" on 56,013 in that year.

Mr. GORE. Were the police natives or Japanese?

Mr. NORRIS. The police are Japanese. I say "the police," but it is very often—probably oftener than otherwise—the soldiers who make the arrest. I will say that there are occasionally some Koreans who are put into office; but if there are, they are in positions where they are under the Japanese, and unless they obey—and there are some of those, of course, who follow and do whatever their masters tell them—they do not hold office very long. There is no one in position over there who is not either a Japanese or some one that the Japanese absolutely control.

I only offer these observations in passing to show that while we are asked to turn over the Chinese to the Japanese Government, according to the evidence produced by me on Saturday and Friday it is proven they are doing the same thing in China which they have been doing all the time in Korea.

For 20 years Japan has had possession of Korea, and everybody supposed that Korea was completely subjugated. The Koreans were absolutely under the heel of the conqueror; their schoolhouses had been burned; their language had been almost abolished; their houses had been searched for books and papers printed in the Korean language, which, when found, were destroyed. Everybody supposed that Korea was dead; Japan thought so; she considered that she had conquered the spirit of the people; but in March, all at once, all over Korea, as by a flash, the people—men, women, and children—rose up, and, though unarmed, with not a gun in the whole country, not a revolver, a pistol, a sword, or a club, they all came out on the streets on that day shouting "Mansei," which means "hurrah for Korea." Thirty of them got together and declared the independence of Korea. They are now either dead or in jail.

The Japanese then brought out their soldiers. However, I described that somewhat when I spoke on Shantung here last July, and I am not going to repeat it now. I only mention it to show that you can not by any man-made edict or law or treaty, regardless of the amount of power that you may have behind it, kill the spirit of liberty and freedom. It lives under a law not made by man; and this treaty can no more kill it, can no more drown it out in China, than Japan, by her militaristic course that would have made the Kaiser blush, succeeded in doing in Korea. Unarmed though she was, and almost without the knowledge of anybody, as if by magic, she rose up and said, "I want to be free."

The spirit of Korea still lives. There is now an organized Korean Republic, mostly in the United States, mostly on paper, I admit, growing out of that movement. I have here a letter signed by a man who represents that Republic from which I desire to read a few extracts. He describes what happened when the Japanese took over Korea, as follows:

The Japanese seized all of our telephone and telegraph lines, took control of our postal service, suppressed and confiscated all of our newspapers, and established a strict censorship, not permitting any news of our real condition to be openly published in the world.

Now, there is a charge. Somebody may say that is written by an interested party; but, Mr. President, from the beginning of the publication of the treaty I have investigated this question, and if there ever has been in my life a statement as to the truth of which I am satisfied, I am satisfied that the paragraph from the letter which I have read is no exaggeration whatever of the truth. I have talked with ministers, missionaries, and others who have spent their lives over there; I have had letters and telegrams from them and from organizations as to the truth of which there can be no question, substantiating everything that is said in this communication. Now let me read a little further:

They then seized all of our public lands, turning them over to Japanese colonists exclusively, and used every conceivable method of coercion to compel our Korean people to give up their lands to Japanese. As a means to that end, they had the Japanese-controlled Bank of Chosen call in all money and specie throughout the country, thus practically depriving Korea of a circulating medium, and proceeded to levy excessive taxes, which they stipulated must be paid in money.

Remember that. I have had men who were there personally, representative Americans, tell me the same story. I had a man in my office who told me that he personally furnished money and bought some of the Korean homes, paid for them, and had the deeds put in his own name, being an American citizen, in order to keep them from falling into the hands of the Japanese.

The stories told me corroborate the statement made here that the Japanese, through the bank which they absolutely controlled, called in all of the metal money and then issued a decree that taxes must be paid only in metal money. Here is a Korean with his family living in a home which he owns, which his father owned, which has come down through the ages; no one questions his title; but taxes must be paid; he can only pay them in metal money, and there is only one place on earth to get the metal money, and that is from the Japanese, and there is only one way to get it. The Japanese will give him the money, but they fix a price on his home, on his land, and they fix the price invariably at much less than the property is worth. Then they get it, and the Korean has to go away. They have gone by the thousands into Manchuria and other places. Therefore I know the writer of this letter is telling the truth when he describes the situation as he does:

Having no money, Koreans were compelled to make arrangements with the Bank of Chosen, and the only arrangement they could make was to give up lands to Japanese. In the course of this oppression the Japanese have seized and destroyed Korean historic records and literature that had been accumulating and recorded for over 4,000 years in both public and private archives and attempted to burn every vestige of the public records and documents of the Korean Government.

Laws have been enacted and enforced by the Japanese prohibiting the teaching of the Korean language and of history and geography in the schools, and, as a stroke against Christianity, have prohibited the holding of any religious services in the schools, compelling the Koreans instead to worship Mikado tablets. Koreans are now prohibited from being educated abroad, which is a direct violation of article 11 of the provisions of our treaty with your government permitting and inviting our citizens to become educated in your colleges and universities, which reads—

Then he quotes another provision from the treaty which I have read, and I think I had better read the extract:

Students of either nationality who may proceed to the country of the other in order to study the language, literature, laws, or arts shall be given all possible protection and assistance, in evidence of cordial good will.

I will have something to say further on about some of the Koreans who have come here to secure an education. There are thousands of them in the United States; there are a great many in Great Britain; there were many in France; and there were many in Russia.

Korea was susceptible to the work of the Christian missionaries. She was on the eve of a great upheaval for Christianity and civilization when the Japanese Government took possession. Her Emperor, who was compelled to sign this, was not of very much force. I concede that. They would in time, of course, have gotten rid of him. They would have been better off without him, or at least they would have been much better off if they had had somebody with more stamina than he had, although it must be said for him that he refused to comply with the last request to sign the death warrant of the Korean people and only consented to it under force.

Mr. President, I think this might be as good a place as any to comment a little on the question that is raised there about the students who were in this country.

I have here copies of cablegrams and letters showing what happened to 50 Koreans. They were in England. This was all since the armistice. They were students. I do not know whether

or not Senators are familiar with the way these students work to get an education. I happen to have some personal knowledge of it. I know that in my own congressional district there is a college where there are always a lot of Korean students. I have been there, I have talked with the president of the institution, and without a single exception during the time that there were probably 50 or 100 of them over here there was not one that went wrong. They were always anxious to get an education in English, Christians every one of them, and all were preparing themselves to go back to their own people to teach civilization and Christianity.

When Japan took over Korea it found these students scattered all over the world, and they have never been able to go back, except on one condition. We have them right in the United States now. They can not go back to their native country, because in order to get a passport our State Department requires that it shall be visèed by the Japanese ambassador in Washington, of which technically Korea is a part, and the Japanese never will visé a passport to a Korean to go back to his native home unless he takes the oath of allegiance to the Japanese Government.

Here were 50 Koreans over in Europe. This cablegram says:

Fifty Koreans from Russia, one from America, are here. Communicate with State Department for transportation to America. Cable what can be done.

So the cables went back and forth. The long and short of it all was that they were not allowed to come to America from England. France finally admitted them, I am told, although it does not show from this; but the man who gave me the information said they had succeeded in getting out of England and getting into France.

Here is one of the cablegrams, which says:

Authorities here—

That is from our own liberty-loving land—

Authorities here won't issue passport or permit landing without Japanese visé. Cable immediately when students arrived, under whose surveillance and orders, and under what authority are they interned? What did they do in Russia? Where were they? When did they leave Korea? Will British authorities permit departure for Canada, France, or Shanghai?

I had taken up with me a few days ago the case of five Korean girls over in the Hawaiian Islands. They were born there, and they have lived there all their lives. You know, in the case of these Koreans who were over here or any other place when Japan took over their country, very few of them have ever gone back. They would like to go back to their homes, but they will never go back on the conditions that are required of them—an oath of allegiance to the Japanese Government. They refuse to give allegiance to the Japanese Government. They still claim their own liberty and their own freedom and their own country; and for that hundreds, thousands, many thousands, have suffered death. These five Korean girls were not even allowed to come to the United States until I took up the matter. I finally succeeded in getting the State Department to grant permission—and the State Department seemed willing, too, I will say for them, to do it. They have told me that they have wired the immigration authorities to let them come in. All of them are going to different schools to study.

These Koreans, scattered over the world, have formed organizations in various places, all of them clamoring for the independence of Korea, just like you would do if, while you were in England, Mexico had come up here and conquered our country and would not let you come back unless you took the oath of allegiance to Mexico. You would starve before you would do it. You would not do it, but you would never stop fighting, you would never stop agitating, you would never stop working for the independence of your native land, your own country. That is what I said a while ago. In my judgment, article 10 and article 11 of the league of nations, if adopted as they now stand, will put a stop to that kind of work.

But, Mr. President, you will learn as I proceed that the Japanese have a particular dislike to Americans, and a particular dislike to American Christian missionaries. The Christian religion is one of the things they object to, because with the Christian religion always goes education. The missionaries not only teach Christianity, but they teach the English language. They give education to everybody that will come to get it, as far as their capacity and room will permit.

I am going to read you now a letter from an American missionary in Korea. Of course, I can not give his name; I will not give, in a good many instances, the places that he writes about, because you must understand that if his identity were established over there his life would pay the penalty, and another martyr for Christianity would pass into eternity. I do not know the man personally, but the letter and the man are vouched for to me by the Presbyterian Missionary Society of San Francisco, Calif. This letter is to his mother, and I am going to read it. Although it is long, I am going to read it in full:

KOREA, *May 25, 1919.*

That is written comparatively recently, quite a while after the armistice was signed.

DEAR MOTHER: My heart is heavy to-night, for I have just come from the hospital, where I sat by the bedside of a beautiful lad while the light of life went out in suffering, heart breaking to see. He is another of the victims of the butchery going on here—the second one to die in our hospital within three days among a group of 11 young men brought here from the prison in ———. Several of them I knew last fall when I was there teaching.

They were arrested at the time of the demonstration for shouting "Mansei" and distributing announcements regarding the demonstration for independence. They were kept in prison in ——— for some weeks, and finally brought to "trial," or what the Japanese military government calls a trial, and sentenced upon the above charge to 90 stripes.

You will notice that in the Japanese report which I read of the number of floggings that took place that looked simple; but, Mr. President, when you find out what one of those floggings means, it is another matter. Let me go back and quote that again, so that we will have that in mind. This is the Japanese report, now:

In the year 1912–13 there were 18,438 floggings.

In the other year they do not give the number of floggings; but now this young man is going to describe what a flogging is:

They were * * * sentenced upon the above charge to 90 stripes. They demanded an appeal, but were roughly refused and forced to accept the sentence.

Now, to an American that is something we ought to consider. We feel particularly proud of the fact that under our laws a man, before he can be sent to prison, before he can be punished criminally, has a right to go through the courts, have his case reviewed, and, if error is found, he is entitled to a new trial or to a dismissal, it may be. That does not go over there.

They demanded an appeal, but were roughly refused and forced to accept the sentence.

On May 16 the first 30 of the 90 blows were inflicted, three Japanese taking turns inflicting 10 blows each with all their might on naked forms prostrate and securely tied at neck, wrists, waist, and ankles upon a wooden frame in the shape of a Roman cross. These blows were given in such a way as to violate the law which prohibits the drawing of the bludgeon farther back than in front of and parallel with the shoulders of the striker.

It seems they have a law governing flogging which says that you can draw the bludgeon back only so far, but he tells you how they get away from that:

The boys showed me how the blows were given—the bludgeon drawn back as far as possible and the leg raised so as to give the maximum force to the blow.

May 17, 30 more blows were laid on the raw and bleeding wounds made the day before, and May 18, the next day, the remaining 30 were inflicted in like manner. They had no medical attention and no medicine of any sort for their wounds while in prison, according to testimony given by one and corroborated by the others as they lay in their beds in the ward to-day.

On May 18 they came out and went to an inn, waiting for their wounds to heal so they could travel. By May 22 six of them had developed gangrene, while five were recovering. Three who could walk by this time brought the six who were in serious condition to our hospital on that day, and two more came later, a distance of two hours by rail.

Among them was the lad who had acted as my secretary while I was at ———. Of course, I knew him very well, having worked with him every afternoon for a month, dictating outlines, which he wrote out and duplicated on the mimeograph for my classes. When I heard that a group of prisoners had come in, I did not at first learn that they were boys I knew. Next day, just as I was setting out to teach my English class, Dr. ——— called to me across from his porch that one of the boys was my secretary, and that he could not live. The boy had told them that he knew me, and asked for me. Of course I started at once to see him, but on the way I met Miss ———, who had just come from the hospital, and she told me that my boy was dead. I saw his still form when I reached the hospital—the same finely chiseled features, but sharply drawn and thin, with marks of pain deep lined into his forehead.

He had died from his wounds in intense agony, beaten to death like a dog for shouting for his country and taking part in a peaceful demonstration; absolutely nothing else was even falsely brought against him.

Then I went to see the others. One, who could walk, met me in the hall and greeted me joyfully. He looked pale, weak, and shaken—no wonder, after those 90 blows, even though he did escape the gangrenous poison which was threatening the lives of some of his mates. I went with him into the ward; four boys lay there writhing in agony, while a fifth, thought to be least likely to survive, lay in another room by himself.

One lad, with big dark eyes and a handsome head and face, seemed especially glad to see me, and he was the one whose face I seemed to remember most clearly.

Yesterday I visited them again. This one who especially attracted me was suffering intensely, and the doctor told me he was not likely to live. He had been taken to a private room so that he might not die in the presence of the others. He had been so glad to see me the day before, and he knew me, but was too ill to give me his attention long. After foreign service—about 6 p. m.—I went again. The doctor said he could not last much after sundown. He knew me, and I knelt by his bedside to pray. I could only ask that God would make His presence very real in that hour, relieve his physical pain, and give his heart peace. He knew he must die, and said his faith held. His pain was so great—peritonitis had developed to add to the already unbearable pain of the

wounds—that he wanted to die quickly if he must go, and yet his young life was sweet, and he clung to it. He told Dr. ——— in the afternoon that his one regret was that he could not live to see his country free, but that he was glad to give his life for her. During the afternoon he tried to bite off the end of his little finger—the sign of those who have pledged their lives to the freeing of their country, they signing the pledge with the blood that flows from the wound.

As I was praying he reached out and grasped my hand with a surprising firmness, and as I rose he begged me to lift him up; his pain was so great that he constantly sought relief by change of position. I went back to the compound for supper, returning with Miss ———, the nurse, about 7.30. Just as we turned into the hospital gate his brother, just arrived by bicycle and train all the way from ———, rushed past us saying as he ran, "Is he dead?" Assured that he still lived, he flew to the room where the sick boy lay. The meeting was a cry, the dying boy arousing himself and turning to his brother with upraised arms. Hearing his brother's sobs, he said, "Don't cry; I will not die now but live. Let us have a talk to-night." It seemed almost that his words might be true, but the doctor knew there was no chance, so they sent the crowd that had gathered out of the room, leaving him in charge of Miss ——— while the brother received his last messages.

I went to see the others in the adjoining room. After a little the brother went out for a few minutes, and Miss ——— and I watched by the dying boy. His life ebbed fast. He reached out to grasp our hands and begged to be turned. The brother came back and took his place by the bedside with a fan. The chosa, church leader, from his own church, one of the 11, himself suffering severely from his unhealed wounds, came in with him and stood at the foot of the cot, and one of my young women students who came down from ——— with me at Christmas time—a relative of the patient—came in with the matron. As he dropped the fan in his grief, the dying boy called for it—his last articulate words. I took it up and fanned him until the breath was gone, holding the wrist, which was now pulseless and growing cold. The chosa prayed, and as he did so the boy's eyes were suddenly alight with clear understanding, and he tried so hard to say something, looking straight into my eyes as I bent over him to catch any word he might speak.

He could not utter a word, but at last he got strength to lift his hand to his mouth. He bit at his little finger, looking at me with the message so plainly written in the brilliant dark eyes which a moment later closed in death. He wanted to pledge his life in blood to the country he loved so well. Poor boy; he had already given his blood; the bed was soaked with it from the seeping wounds on his back and hips where the cruel blows of the bamboo bludgeon had beaten the flesh to a mangled pulp.

As the chesa finished his prayer, the eyes glassed again. He called loudly the boy's name and asked, "Have you faith?" The head nodded in affirmative reply. Then the brother called, "Do you know God?" Again he nodded; the last sign he gave on earth.

Those two are gone; one more may go to-morrow. I have seen them in their terrible agony—worse than any death sentence ever inflicted in a civilized country—and yet Japan dares declare her laws are the same as those of civilized countries, and we are subject to them by the consent of our own United States.

Again I think of those scores (nearly a hundred and fifty, besides those killed outright at last report from this town) who have died from their wounds with no medical care; hiding miserably from the terror that still threatened them in our neighboring town of ———, where occurred the massacre of the unarmed crowd which broke into shouts on a market day. And I remember the hundreds more through the country—thousands it is more likely—for nearly every person I meet can tell of relatives and friends who have been beaten for no declared cause, as well as those beaten in prison after "trial." I am beginning to realize what all this means, yet it is too horrible to realize.

I shall send photos of those boys to prove what I am telling you, and a statement I shall draw up giving the testimony as they gave it to me in detail.

Can you believe that such horror continues under the flag of an "ally" who pretends to be shocked by the atrocities committed by Germany? Mother, every word is more than true. I have now seen enough to know that I really know very little of all the awful suffering that is going on. Nobody on this earth will ever know the whole story, but the God who heard the blood of Abel crying from the ground will avenge the blood unjustly spilled even in this dark day. I can't stand any more, so good-by.

Lovingly, ——— ———.

Later on the boy wrote a postscript and added it to the letter, in which he said:

Later: The two boys were buried on Monday. Under the bright noon sun the sad company gathered, following the carriers, Christian men of ———, out to the elevation just beyond our compound, where the procession halted while a funeral service was held. A pastor of our church, himself having spent 20 days in prison, conducted the service. The chesa from the boy's home town persistently kept up, in spite of his own wounds, and gave the life histories of the lads he knew so well as their spiritual leader. And the pastor who recently came here preached the sermon. He resigned on account of ill health and has been suffering from hemorrhages of the lungs. His eyes filled with tears and his voice broke as he expressed his grief at seeing those young lives go out before his own. One of the ——— deacons prayed, and his voice vibrated with grief and faltered as he cried, "Oh, Lord, why hast Thou forsaken us? Look with pity upon Thy people and save us from the hands of our enemies."

A quiet, deep sob swept over the crowd, not the cry of "Aego, aego," so characteristic of Korean heathen funerals, but a sob too deep for loud expression. The group of foreigners gathered there could not refrain from weeping with them as they took up the strains of our sweet hymn of Christian hope "In the sweet by and by."

Again the procession moved out over the beautiful valley, growing green in the spring sunshine, and climbed the steep hillside which commands one of the wonderful views of fertile valleys and blue mountains which the Koreans love so well.

There, facing the eastern hills, they laid them side by side. A woman, daring the consequences, though she must have known spies would be present, drew forth a little Korean paper flag and placed it upon the coffin of the boy whose dying message had been a pledge to his country and an acknowledgment of his God. Remonstrated with for her daring, she said, "They have done their worst to him. No blows can harm him now, and I know he would want it."

Mr. President, it seems to me that a Christian people can not read evidence like that, Christian preachers, of whom the Senator from North Dakota [Mr. GRONNA] was speaking the other day, and then in the next breath ask the Senate of the United States to approve a treaty that will compel us for all time and all eternity, if the league could last that long, to stand by and utter no word of protest to the nation that is carrying on that kind of practice against a helpless people. It does not seem to me, Mr. President, that we can afford to turn over to that Government, to that heathen Government, the Christians who are Americans, to say nothing of the Chinese, who have given up their pagan religion, and in answer to our call, to the sermons of our missionaries and our preachers, have confessed to the religion of Jesus Christ, and who will be left to the mercy and the peril of the same men who are persecuting and killing, as this boy tells his mother.

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. GRONNA. I asked the Senator certain questions on Saturday for the reason that I knew a widespread propaganda was going on, asking the good people, the women especially, of the churches of the United States, to send to their Senators telegrams asking them to vote for the proposed treaty in its original form. Of course, those people do not know that certain provisions of the treaty would simply leave things in statu quo, and that we would be absolutely prohibited, if we adopted this treaty, from seeking a change of conditions in Korea or in other lands, as the Senator has pointed out. I am receiving daily, I will state to the Senator from Nebraska, petitions and telegrams from ministers of the gospel who either have renounced their Christian religion or else they are ignorant of the facts as they exist in Korea and elsewhere.

Mr. NORRIS. Yes; I believe that is true. I think the latter is true—that they are ignorant of the facts as they exist.

Mr. President, Korea technically is a part of the Japanese Empire to-day, and so recognized by our Government, the same as Ireland is a part of Great Britain. If we approve the treaty, under article 10, we guarantee to preserve and protect Japan in her possession of Korea. As I said a while ago, if we turn over Shantung, if Shantung should rebel, if Korea should rebel, and go to arms, and Shantung and Korea together fight Japan, and then the balance of China come to the relief of those contending parties, we, under the treaty, would be bound to go to the relief of Japan. If those things never do happen, under article 10, in respect to our Allies, we must stop permitting Koreans to organize in our country as they are organizing now. The next thing we will have to do, if we live up to our agreement and the treaty, is ourselves to punish Koreans in America who are crying out loud for the freedom of their native land.

Mr. President, when I spoke before on the question of Shantung—I think it was last July—I gave some evidence and testimony from religious organizations in regard to Korea and the treatment of Koreans. I am not going to repeat any of that; but after that occurred there was an organization of churches called the Federal Council of the Churches of Christ in America, which made an investigation. They are composed of churches of various religious denominations. They had reports from all over Korea, from their own missionaries. I am going to read portions of those reports that are vouched for by this organization. I will say that I have talked personally with some of the witnesses, but this Federal Council of the Churches of Christ in America, with headquarters in the city of New York, gives sufficient stability to the investigation to at least call for fair consideration of what they shall say, and I want to read just a little of their introductory where they explain what their work is:

About the middle of April the first person who came direct from Korea, bringing personal knowledge of the situation, and arriving in New York, was Rev. A. E. Armstrong, secretary of the board of foreign missions of the Presbyterian Church of Canada.

Then he went back to Korea.

He had spent 10 months in the Far East, visiting the stations of his board in China, Manchuria, Korea, and Japan, and was on the point of sailing from Yokohama for America when he received a wire urging an immediate revisit to Korea. He reached Seoul March 16; was there for three days, in consultation with various parties, getting full and accurate information.

On reaching New York he at once consulted Dr. Arthur J. Brown, secretary of the board of foreign missions of the Presbyterian Church of the United States; Dr. Frank Mason North, secretary of the board of foreign missions of the Methodist Episcopal Church of the United States; and Dr. William I. Haven, secretary of the American Bible Society. The subject matter to be dealt with was of such a nature that they thought it could best be handled by the Federal Council of the Churches of Christ in America rather than by the mission boards.

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The documents printed in the following pages the commission believes to be thoroughly reliable. More than 30 American and British individuals in Korea have shared in their preparation. Some of the documents are carefully prepared reports by committees; some are personal letters; some are signed affidavits of eyewitnesses. If all the material in hand were published, a volume of about 1,000 pages would result.

I will read extracts as I go along through this report made by this Federal Council of Churches. Here is another statement:

Many of the atrocities perpetrated in Belgium have been duplicated in Korea. According to one newspaper 6,000 Koreans are now in jails and prisons, and this is probably below the actual number.

In another place they say this:

Their police system is German to the core; and in their colonial government they have taken the Prussian rather than the British method as their model. The sword is the emblem of authority. Not only is it carried by the military, gendarmerie, and police, but by the civilian members of the civil service. Every male school-teacher wears a sword; in fact, almost everyone who holds a Government office carries a sword as the symbol of his authority. To bolster up the militaristic system a vast system of espionage exists. Consequently there is no freedom of assembly, no free speech, no freedom of the press. And there is no right of petition of grievances with immunity from arrest. Needless to say, there is no participation in self-government. In the law courts it is alleged that a Korean has no chance in a suit with a Japanese. Habeas corpus is unknown. The State has a right to keep a prisoner for two weeks or more before producing him in open court, and if it desires by means of securing extensions of 10 days ad lib. need not produce a prisoner in practice until it desires to do so. The prisoner is not allowed to consult a lawyer or to see his friends. Torture is freely applied, and a man is considered guilty until proved innocent.

That corresponds with the reports of the Japanese who, in something over 80,000 prisoners in one year, said there were only 30 that succeeded in proving their innocence.

Neither is the Korean permitted to enjoy many offices of emolument under the Government. There are some Korean police and gendarmes, but there are very few Koreans in other departments of the civil service. Korea is a paradise for the Japanese job hunter. Efforts have been made by Government officials to deprave the youth of Korea. Commercialized prostitution is flourishing and is extending from the capital to the country parts. A manifesto describing the grievances of the people has been issued by the independence committee. Another grievance which strikes deeply to the heart of the Korean is the determination of the Japanese to drive out the use of the Korean language from the schools. The proclamation which provides that Japanese is to be the sole language of instruction comes into force in 1920. The lesson of Poland and other countries seems to be lost upon the Japanese. Then there seems to be an organized attempt to deprive the Koreans in the southern part of Korea—which is the warmer portion—of their land and to force them to emigrate to Manchuria. Pressure is put upon the Korean landholder or tenant to sell, usually at a disadvantageous price, and he and his family go north to make a new home. Japanese settlers replace the Korean. This policy is fostered by a semi-official company called the Oriental Development Co., which receives valuable concessions from the Government.

March 3 was set for the date of the ex-Emperor's funeral—

That is, the Emperor of Korea, who was held as prisoner ever since the country was taken over by Japan, died this year, and March 3 was set as the date of his funeral—

and it had been arranged that the ceremonies inside the city should be Japanese and outside the city Korean. Needless to say, the arrangements for the Japanese part of the ceremony were not made with the hearty concurrence of the Koreans.

The atmosphere was becoming tense. Evidently the authorities had an inkling that something was brewing, for the principals of schools were called before the prefect at the city hall and told to warn their students not to be led away by the actions of the Korean students in Japan. It should be stated here that during February the Korean students who were attending the various colleges in Japan had started a movement for the self-determination of Korea, and many had been imprisoned.

On Saturday, March 1, notices were posted on the streets of Seoul that public gatherings would be held at Pagoda Park, and printed proclamations of independence signed by 33 men were distributed. Shortly after noon a large number of the signers of this manifesto met at a Korean hotel and telephoned to the authorities that they had declared the independence of the country, announcing where they were. The authorities thereupon sent and arrested them. The police published in the newspapers that they had surrounded the ringleaders in an eating house as they were drinking success to their plot.

Meanwhile the people, including many students, had gathered at the park, and from there started to parade some of the principal streets. They walked along in an orderly way, with hands held aloft, calling their national cry of "Mansei," which means "ten thousand years." In front of public buildings, such as police headquarters and the various consulates, they would stop and take off their hats and wave them, uttering their cry of "Mansei." At the consulates they sent in letters and their proclamation manifesto. No single act of violence was done. At one point mounted gendarmes charged the crowd and inflicted some saber cuts. The police were arresting as many as they could, and all that evening and on the following day, Sunday, men were being arrested at their homes on suspicion of having been connected with the demonstration. Of the 33 signers—

Of the 33 signers of the declaration of independence, just note who they were:

Fifteen were members of the native cult, the Chuntokyo; 15 were Christians, and 3 were Buddhists. Of the Christians the majority were ministers of the various city churches, many of them college-trained men; one was a Y. M. C. A. secretary, another was connected with the Severance Hospital. Since that day arrests have been made daily, until at present there is scarcely a city church which has not its minister locked up.

Mr. President, I have already described at some length the first time I addressed the Senate on this question what happened during those days, and I am not going to repeat it now. I got a great deal of my information from eyewitnesses who were there in the streets and saw what occurred. Those witnesses can be produced. They will be glad to testify before a committee of the Senate, if they will request them to, to just what occurred when that declaration of independence was made. Men, women, and children were murdered, killed in cold blood. There was not one of them that was armed; there was not one of them, as this article says, that committed a single act of violence. They were just filled with the enthusiasm and the hope of the heart that they might do something to establish the independence of their native land.

In many cases—

This report says—

the police have questioned demonstrators and have arrested only those who admitted being Christians.

That is a thing that happened often. Particularly were they after the Christians.

An attempt was made to get 24 wealthy Koreans to sign a statement which said that the 33 signers were low-class people. They refused to do so, and pressure was brought to bear on them for several days before the attempt was given up. It should be said here, to make this point clear, that wealthy men are compelled to submit to periodical police audits of their private finances. There is no halfway government in Korea.

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It is not possible at this time to record in detail all of the uprisings in various places. These are fair samples of what occurred throughout the country. The truth will eventually come out as to what has happened in places where no foreigners were present to record what has transpired.

* * * * * * *

Beating and torture are the cardinal principles of police methods in Korea. When making arrest, usually the victim is cuffed and kicked by several policemen.

These are general statements made by the Confederated Council of Churches in Christ in the United States; made, as they say, after full investigation; and they say in anything they publish no statement is included which they will not be able to prove. If there is any doubt about anything, they do not publish it.

From released prisoners stories of cruelty and torture are now pouring out. One student was asked to tell who the leaders were, and his finger nails were pushed back from the skin to assist his memory. Still another prisoner had his finger tips burned for the same purpose. Still another was put in an upright press, which operated with a screw from the back. When the screw is turned the four sides contract, and while the pressure becomes stronger the questioning is carried on—a way of squeezing out information. After being subjected to this torture the same man had a strong cord tied around the middle finger of his right hand; the cord was then passed through a hook in the ceiling, and his body was pulled up until he was resting on the tips of his toes. He became insensible during the process, and when he awoke found himself lying down while a salve was being applied to his wounds. He left the jail with a swollen hand, which had to be lanced immediately.

Mr. President, there was no charge of crime against any of these people. They were arrested simply because they were in a parade or because it was thought by the Japanese authorities that they had done something to instigate the Koreans to cry, "Hurrah for Korea!"

The girls fared even worse. For the first few days after being arrested they were confined in the several police stations. As far as can be ascertained, no matrons were on duty in those jails. Of course, the girls were not allowed to communicate with relatives or friends. The main facts in the story of one released girl are as follows: A few hours after being arrested she was brought before an officer, questioned and beaten by him on the face, shoulders, and legs. The following day the same process was repeated before a second officer. The third day she was taken before a third officer, who called her by vile names, and insinuated that she and the other girl prisoners were pregnant. "You can cut us open and see," she retorted. He then said that the Bible taught that sinless people were naked (some coarse references to Adam and Eve being intended) and ordered her to disrobe. She cried, and he did not press his demand. She was again beaten, and the fourth day, before still another officer, she was questioned and beaten again. One of her ordeals was to kneel down on the floor and hold a heavy board at arms' length for an hour. If her arm trembled she was beaten again. The girls were always accompanied to the toilet under guard. On the fifth day she was removed to the West Gate prison. She and two other girls were summoned to an officer's desk. She was told to wait outside while her two companions went in. A little later she saw them pass out stark naked, with hair down their backs, holding their clothes in a bundle before them. She was then called in and found two Japanese matrons present with the officer. After being questioned by the officer, she was ordered by the matrons to take off her clothes. After resisting for a time, and being threatened, she did so. Her hair had first been taken down by the matrons. There was no apparent purpose in this request except to humiliate her. After standing several minutes disrobed, she was told to follow one of the matrons. She wrapped her skirt around her, and carrying the rest of her clothes, walked through the hall to a cell, where she found two other girls. On the way thither she passed several male employees of the prison. The following day she was taken out by a matron and taken to a room where a very youthful Japanese doctor was waiting. Again she was ordered to disrobe for a physical examination.

After a long altercation she was allowed to retain one garment. The doctor tapped her chest, asked no questions whatever about her health, and she was in due course taken back to her cell. Several days later a gold-braided official came into her cell, asked her to remove her waist, examined her back and chest, and left the cell.

Mr. President, it ought to be said here that the Korean women are modest and are as careful of their virtue and of their persons as are American women. That is not true, however, of the Japanese. I mention this only as a fact. Any nation may have any standard it desires, so far as I am concerned. To a Japan-

ese woman the treatment accorded to these Korean women would not be much of a humiliation. The Japanese officers know that. Their desire is to punish and to hurt and to injure the Koreans, and they know that nothing will injure a Korean woman more than to ask her to disrobe and to stand without clothing in the presence of civilians and soldiers, and to walk the streets in such a condition. So it is done because the Japanese know that it is the severest punishment that they can inflict on the Koreans.

If you will follow the cases—and there are thousands and thousands of them—you will find that almost invariably, even before they are tried, the clothes are taken off the Korean women as a part of the punishment. It is done where they are held, as is stated by this girl, awaiting a trial that may never come; there never will be a charge, probably, against them; but the Japanese want to humiliate them; they want to inaugurate, as the Kaiser did, "a reign of frightfullness," and this being the way they can best accomplish that design it is the method they follow.

Mr. President, I could fill the CONGRESSIONAL RECORD with evidence such as I have read, but I am only going to touch a few of the "high spots" as I go along. I am really not selecting anything because it is worse than something else. I confess when I read it all over I can not tell which is the worst; it is all worst; there is not an incident with one redeeming feature in it. I read a little further from another page of this testimony:

It is quite evident that the most rigorous repression of demonstrations is directed against Christians in those sections of the country where the church is prominent. In the north a number (15 according to credible reports) of churches have had windows, furniture, bells, and Bibles destroyed by soldiers, gendarmes, or authorized thugs, and in many communities where general arrests are made discrimination is always against the Christians.

* * * * * * *

We have not the remotest thought of meddling in politics and we can not hold any brief in defense of Christians who have deliberately committed themselves to a program of revolutionary agitation, but it is maddening to have to stand by and see unarmed and unresisting people treated with brutality and violence and even shot down indiscriminately and to know that these things are daily occurring in all parts of the country.

* * * * * * *

The stirring up of the minds of the Koreans is the sin of the American missionaries. This uprising is their work. In investigating the causes of the uprising two or three missionaries have been arrested and have been examined. There are a good many shallow-minded people among the missionaries and they make the minds of the Koreans bad and they plant the seeds of democracy. So the great part of the 300,000 Korean Christians do not like the union of Japan and Korea, but they are waiting for an opportunity for freedom.

Mr. President, what I have just read is a translation from a Japanese paper that is circulated in Korea for the purpose of injuring Christianity, for the purpose of hurting Christians, for the purpose of working up the minds of the Koreans against the missionaries. There is some more of it:

The missionaries have tried to apply the free customs of other nations to these Korean people, who are not wholly civilized. From the part that even girl students in Christian schools have taken it is evident that this uprising has come from the missionaries.

This is another quotation from the Japanese publication:

These messengers of God are only after money and are sitting around their homes with a full stomach. The bad things of the world all start from such trash as these. They planned this dirty work and got into league with the Chuntokyo. If we take all this into consideration, these missionaries are all hated brutes.

Here is a further description of treatment accorded Koreans who were taken prisoners:

Among those so treated was a young man named Chai Kyusae, a student and a younger brother of one of the Korean policemen. He was crying, as if in great pain; his head hung to one side from a terrible wound in the left side of his head; blood was streaming down his face. This man was sent home after a few days in a critical condition.

Another man was being dragged along toward the police station by two Japanese firemen. Across his head was the mark of a violent blow, and his face was knocked out of shape from a blow on the left side, from which blood was flowing. His left leg also hung limp, and he, too, groaned in pain. This man is a Christian, about 50 years of age. After treatment in the hospital for several days he was set free by the police with no charge against him. His name is Chai Haksung.

Another of those dragged to the police station was Fak Yichin, a student from one of the non-Christian schools. His skull was so badly crushed that after a few days he was sent out in apparently a dying condition to the home of his friends.

On this same day at least seven Korean men and a number of girls were taken to the police station in a pitiful condition from the wounds received.

While these scenes were being enacted, the police and gendarmes seemed to take no part in the arrests, but simply kept guard over the Japanese fire brigade as they clubbed and arrested the Koreans.

So far as was seen, there was no resistance made by the Koreans; they neither lifted a stick nor hurled a stone to defend themselves, nor did they utter a word of abuse against the Japanese.

These missionaries are speaking of instances where these people were brought to their hospitals. By the way, there is another institution which always follows Christianity and missionaries—hospitals where men and women are cured or given relief regardless of their ability to pay, their nationality, or religion.

During the first days of the demonstration in March a crowd of two or three hundred people visited the gendarme station at Suna Ub, Whanghai Province, and told the gendarmes that the country had declared its independence and that they should leave. The gendarmes replied that of course if the country had secured its independence they would leave, but that they would need to receive orders from Seoul before they could do so. This satisfied the crowd and it left. A matter of two hours later another crowd of people came and made the same demand. This time the gendarmes opened fire on them and killed five people. A number of others were wounded and thrown into the prison. Later on an old man went to the gendarme station to protest against the treatment meted out to the Koreans. This man the gendarmes shot dead. His wife came in and, finding the body, sat down beside it, wailing, as is the custom of the Koreans. She was told to keep still, and, not doing so, was also killed. That day or the next morning the daughter of this couple, going to the gendarme station, was slashed with a sword. The wounded men who had been thrown into prison were kept two days, a little bit of rice given them, but not a bit of water. They were in such terrible thirst that they say they drank their own urine.

That was another means of punishment. When they get them in jail sometimes they give the prisoners some food, but almost invariably they give no water to drink. Although water costs nothing, although it is free, and could easily be furnished, the Japanese seem to think that is one way to make men suffer the worst—choke them for want of water.

During the last part of March, after the people at this place—

That is, Maungsan, another place in Korea—

had shouted for independence, 56 people were asked by the gendarmes to come to the gendarme station, which they did. When they were all inside the gendarmerie compound the gates were closed, gendarmes climbed up on the wall and shot all the people down. Then they went in among them and bayoneted all who still lived. Of the 56, 53 were killed and 3 were able later to crawl out of the heap of dead.

Mr. President, I could keep reading testimony of this kind all day, but I am anxious to hurry along, and I will skip over a great deal of what I intended to read.

Here he is describing the experience of a Korean girl who was arrested, not because she committed a crime, but because she was in the parade in March, at the time of the independence jubilee.

As we were nearing the Dok-su Palace, all of a sudden a Japanese policeman seized me from behind by my hair and I was violently thrown to the ground. He kicked me several times with his merciless foot. At this I was rendered almost unconscious. He rushed me along by my hair and I was led to the Chongno police department. At the entrance of the police office 20 or more Japanese policemen who stood in line sneered and kicked me and struck me with their swords and struck me in the face so many times that I became almost unconscious. The cruelty was so great that at times I did not realize whether they were beating me or some one else. This was really more than I was able to bear. My hands and legs were bleeding terribly. My body was black and blue from their blows.

I was led into a room and here again I was handled brutally, as before. They dragged me on the floor, they struck me in the face, they struck me with their swords, they flung me to one corner of the room. At this point I must have been completely unconscious, as I do not remember what happened after that.

On recovering my senses I found myself in a room packed with young men and women. I saw some of them handled so brutally it almost broke my heart to see them beaten. After some time, we were cross-examined by a police officer, one by one. It is beyond my power to convey to another person how those cross-examinations were carried on. I was made to kneel down with my legs bound together and each question and answer was accompanied alternately by blows in the face. They spit in my face. This with curses and invectives of the worst kind. He said, "You prostitute, you vile, pregnant girl!" I was ordered to expose my breasts, but, refusing, they tore my upper garment from me and I was told all sorts of inhuman things, which shocked me terribly. They tied my fingers together and jerked them violently. This made me feel as if my fingers were being torn from my hand. I shut my eyes and dropped down on the floor. Thereupon the examining officers utterd a loud, angry roar and ordered me to kneel down as before, then rushed at me, seizing me by the breast, and struck me violently. Is there anything to be compared with this inhuman treatment? He then said, "You want independence, eh? Preposterous thought. You will get independence when you are locked in jail. Your life will vanish with a stroke of the sword." He then shook me fiercely by the hair. He pulled me by the ear. But he was not satisfied even with this, so he beat me on the head with a stick without mercy. They made me to extend my hands and hold up a heavy chair, which, if I let drop, he would strike my elbow with a stick. He made me kneel down near a window with the chair held up as before. If the chair was lowered, or it touched the window pane, he would come and strike me. An hour or so was passed in this manner, when I was told to go down the stairs. I found that I was completely exhausted. I could not walk; I crawled on the floor with much difficulty, even with the help of one of their professional spies, who followed me. I arose and attempted to go downstairs. As I made the first step down my strength gave out and so I rolled down the whole length of the stairs. I was again unconscious.

On recovering my senses I was obliged to crawl into a room. The policeman in charge of the room was very much amused to see me crawling into the room. He laughed loudly at my misery. Then I prayed, and seemed to see Jesus, and was much comforted from on high. I thank the Lord for the comfort he gave me at this time.

I spent five days in all at the police station. Then I was sent to the West Gate Penitentiary. There I was stripped naked and was looked at by the men. Then I was allowed to put on my dress and was led into a room. I was sneered at and cursed beyond my power to realize. In this room there were 16 persons who were like myself.

The room was not very large, and so we were densely packed together. The toilet arrangements are placed in the room, just like the pig's shelter. The room was so filthy that it was not fit even for pigs. We were given beans and salt to eat. While we were eating now and then some one would look in and call us all sorts of names: "You dogs!" "You pigs!" etc.

On the second day a person, called the police doctor, and several others came in and weighed me stripped naked. They, too, sneered and spat upon me. Now and then I was told by the keeper that I would be tried publicly. I looked forward to that with a great deal of consolation, as I thought I would have some chance to state my case without reserve; but, alas, I was let out one day without trial and without being told the nature of my offense or, indeed, that there had been any legal offense.

Now, Mr. President, this is the story of a girl, vouched for by this organization of Christian churches, who went through all that misery and all that suffering and never was tried, and there never was a charge made against her. She was simply tortured and persecuted almost beyond the power of human endurance and then turned loose, because she was anxious for independence, because she wanted her native land to be free; and we in America are asked to put the seal of condemnation upon her prayer by the approval of this wicked and inhuman treaty that is before us!

Here is another one:

To-day, March 28, 1919, a girl, ———, about 21 years of age, came to our home and told the following: "I was arrested on the streets of Pyengyang the 3d of March and taken to the police station. There were many others, both men and women. They asked if we smoke, if we drank, and if we were Christians. Soon all were let out, with little or no punishment, with the exception of 12 Methodist women, 2 Presbyterians, and 1 Chundokyo woman.

You see, they let practically everybody go except the Christians. They are the ones they are after, and it is the Christian religion that this treaty is going to hit the worst.

Three of the Methodist women were Bible women. They stripped all the women naked in the presence of many men. They found nothing against me except that I had been on the street and had shouted "Mansei." They beat me until the perspiration stood out all over my body. Then they said, "Oh, you are hot," and threw cold water over my naked body. My arms were pulled tight behind my back and tied. Then they beat me again until my body was covered with perspiration, and then threw cold water over me. Then, saying I was cold, they stuck me with the lighted end of their cigarettes. (Some were stuck with hot irons.) My offense was very little compared with those who made flags, took part in the independence, etc. Some were beaten until they were unconscious. * * * One day an old man was beaten until he died. One of the Bible women was right next to him. She asked to be moved, but they compelled her to watch the dead body all night. One of the Bible women not only had her hands bound but had her feet put in stocks. They took our Bibles away and would not allow us to talk or pray. They made vile and indecent remarks to us. All this was done by the Japanese. Though there were Korean policemen in the room they took no part in the beating or in the vileness. The Japanese know the Bible and blaspheme the name of Christ, and asked us if there was not a man by the name of Saul who was put in prison. They asked us most of all as to what the foreigners had said, and were most vile and cruel to those who had been with the missionaries or who had taught in the mission schools. Some of the girls were so changed that they did not look like persons.

Most of these incidents, although I did not give the place, occurred in the central or southern part of Korea; but I have instances of a similar nature that have occurred in every part of Korea. I want to read now one that occurred up in the northern part, and there is very little difference between them. The same thing happened everywhere. The same treatment of women always took place, as far as I have been able to find.

Here is a school that was destroyed:

They also beat the teacher of the day school, and smashed up things in other Christian homes. They broke every window in the church, with the lamps and stoves, and took the pulpit, the Bibles, and the hymn books into the churchyard, where they burned them. They said such low-down people as the Christians had no right to live, and would all be run out of that region.

There has been no demonstration in this village. None of the Christians here took part in any demonstrations for independence in other places.

There was a case where they practically did the same thing, when no demonstration was had, without any claim that they had even cried the national word, "Mansei!" without any claim that they had marched in a procession that had asked for the independence of their country. Simply because they were Korean Christians they were murdered and their churches destroyed. While this incident does not speak of it, there were a good many instances where they not only took the Bibles and burned them, and the pulpits, but they burned the church as well, and often burned it after they had compelled Korean Christians to get inside of it, and there were soldiers standing around to shoot them if they came out.

This organization says that the Kwak San Church was burned on April 25, 1919, and that the Christians were prevented from going to put out the fire, and that they add this:

The atrocious tortures of the prisoners in Tyungju are worthy of African savages and barbarians.

Throughout the country the police immediately began to arrest pastors, elders, and other church officers. Some of these have been released after weeks of imprisonment and examination. Sentences against others are being daily announced, even in the case of men who took no part in the demonstrations, ranging from six months to three years of penal servitude. Of course no apology is intended for those who took part in the uprising deliberately and expecting the consequences. We are emphasizing the fact of the wholesale arrest and beating of Christians simply because they are Christians. In some places the men and women of the village were called together, all those who admitted they were Christians were maltreated or arrested and the others sent away. Wayfarers met by soldiers and gendarmes are asked whether they are Christians, and beaten and abused on the admission of the fact. Korean Christians remaining in the villages are given all sorts of announcements by local police and gendarmes. They are told that Christianity is to be exterminated, that all Christians are to be shot, that meetings are to be forbidden. It has been stated that Chunt Kyo is to be completely abolished because it is a native religion, but that Christianity, because of its foreign affiliations, while not being abolished, will be reduced by legislative restrictions to half its present size. There is, of course, no uniformity in these announcements, but they are all evidently part of a campaign of intimidation. That they are not groundless statements is evidenced by the fact that 19 churches have been partly or wholly wrecked by soldiers; bells, furniture, Bibles, and hymn books being smashed or burned. Seven other churches have been burned to the ground. We have no record of churches of other missions involved except as noted below.

The effect of this treatment varies in different localities. In some places worship is entirely suspended, church officers not under arrest are in hiding, and the congregations are scattered. In some places church meetings have been forbidden; in others the services are continued, but with reduced attendance and with police detectives and spies present; in still others the disturbances have had no effect on the congregational gatherings, and many new inquirers are present, attracted doubtless by the reputation for patriotism which Christians have acquired. It may be said that the local officials are always ready with some absurd explanation of the destruction of church property such as that the Christians burn their own churches to show their abandonment of Christianity or that non-Christians burn them in hostility to Christians.

Since the bringing in of additional troops from Japan things have grown incredibly worse. These troops were brought in with the avowed purpose of "using severe measures," and interpreted in the light of facts this means a campaign of fire and sword and devastation, the burning of whole villages accompanied in some instances with the massacre of inhabitants in the most approved style of Hun and Turk. * * * In all instances the hostility of the soldiers and gendarmes and police is directed against Christians. Christians in districts adjoining the devastated region have been told that the same thing would happen to them, and over large areas the people are sleeping out in the hills without shelter at night because they dare not stay in their villages, which may be burned over their heads at midnight and the inhabitants massacred.

In one village the Christians were ordered to tear down the church building and told that unless they signed an agreement not to be Christians they would be arrested as insurgents. Profession of Christianity is regarded as equivalent to confession of revolutionary purpose.

* * * * * * *

In parts of the country where the reign of terror is being maintained people dare not walk from one village to another for fear of being shot, and the men dare not work in the fields. Frightfulness of another kind is employed. Inhabitants of villages are lined up to be shot and then sent away till another day, when the process is repeated. Even though not actually shot, on these occasions the people have the instances of massacre and devastation before their eyes and never know when the threat will be carried into effect. And always the animus is directed against the Christians.

We can not go into further details in this report. The accompanying documents may be examined. But it can not be doubted that a persistent campaign is being carried on against Christianity under the plea of suppressing revolt.

Vilifying, beating old men and little children, breaking up meetings by armed officers and men, wholesale arrests, brutal treatment of those under arrest, threats and intimidation and massacre are all being employed to break the spirit of Christians and to prevent the spread of Christianity. These statements are supported by photographs, signed statements, and narratives on file.

Now, I want to read something from one of the letters they have here as exhibits, and which this organization vouches for:

The Japanese as a nation do not like Christianity—it is too democratic.

* * * * * * *

Oh, Japan is cruel! Even the best Japanese Christians, of course, back their Empire. I know Japan now. Nationally aggressive, obtaining her ends at all costs; if Christianity and love suit her, they are used; if the foulest methods of Machiavelli are required, they are employed, and all is covered with a smiling lie. I know her, but it took me two years.

Here is a letter from one of the missionaries, from which I quote:

That the Christian Church is right in the midst of the movement no one will deny. The fact that a very large number of our most influential pastors, elders, students, and prominent Christians are in prison now is clear proof that they have been making their influence felt. It is evident that the Christians are the only ones sufficiently in touch with the international situation to realize that the principles of the self-determination of small nations could be applied to their case at this strategic time. The idea that appeal and protest and noise are as powerful as guns would never have swept the country if the Christians were not what they are. The Christians are the only ones who have not been intimidated to the extermination of all hope. Our Christians have felt that our presence was an influence which would compel justice.

* * * * * * *

Their mail is searched and seized at any small pretense. Commercial enterprise is flourishing, but under such conditions as to render Koreans hopelessly the commercial slaves of the Japanese overlords. Competition on a fair basis seems impossible. Public schools are very few. They have changed textbooks so that Korean children are taught history which lauds Japan and ignores the ancient glories of Korea. Fathers clench their fists as they complain that they are compelled to send their children to Japanese schools to learn in a hated language things that they hold to be lies. Christian and non-Christian schools have been crushed and the Bible ordered out of mission schools even. Newspapers are filled with stuff that has been concocted and censored

by the Government till one wonders that manhood could so desert an editor. How can any intelligent human being so garble facts in their papers while admitting that they do so at the order of the powers that be? New roads are good, but the Koreans, who have built them without proper remuneration at the point of a sword in great gangs of forced labor, do not appreciate them. Koreans justly feel outraged that Japan limits their right to have good schools of higher than high-school grade, and then refuse to let their best sons go abroad to get an education, except a limited number who are kept under Japanese tutelage in Tokyo. Japanese salaries for men in the same work throughout the whole Government system are twice what Koreans get. And yet it is the Koreans who pay the taxes. The progress is fine and the ship rides high on the wave, but it has become unbearable to the galley slaves in the hold.

Now, Mr. President, I will read a little further from this report of these charges:

Look at the administration from whatever point you will, the aim of the Japanese to make Korea a preserve for Japanese officialdom and exploit her for the benefit of Japan and Japanese colonists stands out as clear as day. Visit the large harbors and you will find that the land adjoining the docks is monopolized by the Japanese and the Koreans denied building rights within the Japanese section. The Crown lands that have been held in perpetual lease by generations of Korean farmers have been sold by the Government almost exclusively to Japanese settlers. For this reason the immigration to Manchuria has been increasing year by year. The banking system of the peninsula has been greatly extended and improved and is increasingly proving a boon to the natives. But it is surely unfortunate that, with the possible exception of the Kanjo Bank, all the managers and nine-tenths of the clerks are Japanese. It is this wholesale handicapping of the Korean youth that engenders the disaffection which has recently shown itself. This coming as it does, from a people who are so strongly urging their policy of "No race discrimination," is, to say the least, an aspersion on Japanese sincerity. Discrimination runs through their whole imperial policy, is applied in their private business enterprises, and is perpetuated by their school system. For not only are Japanese and Korean children separated in their schools, but the standard of education is higher for the Japanese than it is for the Korean.

Mr. President, further on this report shows that one of the sources of revenue the Japanese get out of Korea is the licensing of wholesale prostitution and the sale of cocaine and other drugs, which the Korean people, and that the Chinese people also, have, with the assent and approval of the whole civilized world, been trying to keep away from their citizens. That is just what they are doing in China, as I have shown in the last two or three days of my effort here, absolutely repeating in China what this history shows they have been doing in Korea for 20 years.

Mr. President, I have a communication here written by Newell Martin, of Milford, Conn. Mr. Martin was born in China, his father, the Rev. W. A. P. Martin, being president of the Chinese Imperial University, probably one of the most esteemed and distinguished American citizens in China. I intended to read some extracts from it, but on account of the lateness of the hour and my desire to finish before the Senate adjourns, I am going to ask permission to print it in the RECORD without reading it. It practically demonstrates, from an eyewitness, every statement that I have made, Mr. President, in regard to China and in regard to Korea.

The PRESIDING OFFICER (Mr. NEWBERRY in the chair). Without objection, leave is granted.

The matter referred to is as follows:

To any Americans that are prejudiced against the use of torture as a means of religious persuasion the following extract is intended:

"For the Korean Christians no relief or remedy can be seen on this side of eternity. My prayer is that your hearts may be touched so that none of those that hear me may consent to the sin of giving over Chinese Christians to the tormentors. If you had lived during the rise of the Dutch Republic would you, for any political profit, great or small, have sold the Netherlands to the Spanish inquisition? In those days of manly faith and honor what English statesman could have debated, even in his mind, the expediency of so dark a reason?"

In this letter is nothing new. In his "Mastery of the Far East" and in his short, clear article in "Asia" for September Dr. Arthur Judson Brown has told how Japan already intimidates and degrades the Shantung Christians and from a certain little brown pamphlet are taken the few examples of persecution in Korea here given.

Nothing about Korea is here stated of my own knowledge. The Korean facts are all taken from that pamphlet in a letter dated July 9, and that pamphlet (certain pages of which I shall refer to thus, "P. 30") is entitled "The Korean Situation: Authentic Accounts of Recent Events." The price is 25 cents. It was issued in August by the Commission on Relations with the Orient of the Federal Council of the Church of Christ in America, 105 East Twenty-second Street, New York City. The foreword is signed by William I. Haven, chairman, and Sidney L. Gulick, secretary. The latter is widely known as a powerful propagandist for Japan. So much of the pamphlet as is written by him and Dr. Haven shows an intense desire that the laity keep quiet and not get excited, and a deplorable eagerness to persuade us that butter will not melt in the mouth of a Japanese torturer. The pamphlet is, obviously, issued reluctantly, under pressure of persistent inquiry from missionaries and other Christians.

The statements of fact in that pamphlet are not like tales of atrocity told by refugees, in places of safety, against a distant enemy. They are statements made in secret, in the hope of bringing some sort of hope or relief. Both victim and reporting missionary are still in the awful grip of the oppressor. Neither can hope to profit by falsehood or exaggeration.

All American missions, indeed, have many times been sternly warned by their superiors that it will be worse for them if they mislead the home office by any exaggeration or show sympathy with any opposition to authority.

Published with reluctance by an advocate of the Japanese Government, the statements of fact tucked away in that pamphlet have more than the weight of charges against that Government. They are the unwilling confessions of its friends.

The first five pages of that brown pamphlet make unintentionally a sinister and terrifying revelation of Japan's hidden hand in America.

The problem before Tokio was:

(1) To blast Korea with a sudden flame of persecution, so that no crop of Christian weeds would ever make head again;

(2) To terrify so profoundly all Koreans and Chinese that prudent men would know without ever being told again that in Japanese colonies faith in a crucified Saviour leads straight to a martyr's crown; to heavenly glory, perhaps, but to certain earthly shame and ruin;

(3) To perfect this advertisement of her heathen power among her slaves before midsummer; and

(4) To keep America and Paris ignorant of the Korean horrors.

Japan achieved these seemingly incompatible triumphs with a skill beyond imagination. She began by choking off such voices as the Japan Chronicle, the most potent English newspaper in Japan, by a rigid perfection of censorship. But how silence the angry murmuring Christians of San Francisco and New York? How keep their murmurs from rising to a roar that might reach Paris over the heads of European censors?

Any American has cause for grave thought when he learns that all this was foreseen and provided for beforehand as carefully and completely as were the rawhides and hot irons that tore the flesh of faithful Christians.

Who knows by what magic or good luck or supernatural persuasiveness heathen Japan controls the time and manner of disseminating—no, of suppressing in a "publicity" department of our own Christian missions—the most important missionary news since Diocletian's day? Hundreds of pages of facts had been brought through all the perils with speed and secrecy to the Presbyterian and Methodist mission boards. Published, those horrifying documents would have roused the most complacent priest of our city churches, the meanest deacon of us all, and the coldest of our politicians; and the persecutors would have been slowed up or inconvenienced; and Paris might have denied their prayer for added power. A machinery, however, had been prepared beforehand, and according to plan, as the Japanese of Europe used to say, the unsuspecting Presbyterians and Methodists poured their facts into the "publicity" department of a "commission," the secretary of which is Dr. Sidney L. Gulick, famous for his eulogies of Japan, many of them entirely just. Those facts were buried forever, then, in the office of a Japanophile enthusiast, who was not less determined than Tokyo to keep them from getting about among the Americans or getting to Paris. Dr. Gulick called in Japanese officials, who controlled and directed the obsequious whispers in which we Christians vented our fiery wrath. Month after month went by, and five months after the persecution broke out Dr. Gulick's "publicity" department, under pressure, reluctantly printed that brown pamphlet. To kill all possible interest in it he prefaced it with five pages of flattery of the Japanese Government and of advice to us to trust Apollyon to execute all necessary "reforms." Who wishes to read one single page of these atrocities when assured by Dr. Gulick in the "foreword" that a most efficient Government is doing what we pray for and that the mission boards themselves are content? God will not be content, nor will the Christians of California.

Perhaps you have not seen Japanese executioners. I have. July 6, 1919, was perhaps the very day on which Dr. Gulick was writing his misleading praise of Tokyo. Months before that day Dr. Gulick had begun prostrating us in respectful telegrams before the Mikado's throne. On July 6, in the capital city of Korea, a muscular Japanese executioner strips to his task again. The swordlike rawhide whistles through the air, and falls with sickening force across the bare flesh of a Christian student. After 10 cruel lashes, delivered with all his might, he is relieved by a second executioner for 10 more cuts; and then comes a third to give 10 more. On July 7, once more three executioners drive the rawhide with full swing and force into the very place that was torn and gashed yesterday. The boy is again dragged back to his jail. If you were he, lying there, waiting for the next day's torture, would you not pray for death? Or would you, perhaps, curse the day you became a Christian: Or, if you knew whose secret hand was guilty of your torments, would you not curse Gulick?

A seventeenth-century writer says that it is sport to see a man on the rack for half an hour. There are sadists that skin cats alive. But neither of these sports is so thrilling to amateurs of pain as the torment of the rawhide, and sadists gather where the police are torturing Christians.

On July 8 the boy is brought out for a third torment, and at the first blow, as if the festering wounds were torn open by steel fingers, blood and pus and gobs of Christian flesh fly up and bespatter the locating bystanders. Thence young Christian goes to the American hospital or sometimes to his grave. He is but one of many; how many none will ever know.

The persecution has done its deadly work; and now the friends of the persecutors will ask us to trust and admire the new governor general and his smooth words about gentleness and reform—the purring of the sated tiger.

I have no part in trade or politics or missions, but I have a powerful motive for beseeching your attention. Chinese is my native language, and I mourn over the all but hopeless enslavement of the land where I was born and which I have always loved. From childhood I have hated with an implacable hatred all those that trade in secrecy and all persecutors and torturers.

NEWELL MARTIN.

MILFORD, CONN., *September, 1919.*

Neither Italy nor the Aegean is so beautiful as Japan, nor is any people more lovable and admirable than the Japanese. Gentlest of men with their own children, fiercest to their foes, these indomitable islanders are aware from a calm observation of facts that they are above common human beings as Hebrews are above Hottentots, but that is no reason why common men should unduly smooth the path for their coming masters.

The Japanese have seen how a handful of Greeks under Alexander, and, in their turn, a handful of British, have risen to world dominion. The cold-blooded Japanese oligarchs think their own turn should come next. In the relentless pursuit of this unwholesome ambition Japanese politicians have set themselves to possess, enslave, and assimilate Korea and Shantung, the two keys of Asia.

To the Koreans, only 15 years ago, they guaranteed independence. To-day in Korea it may be death to speak the word. To the Koreans, nine years ago, they guaranteed freedom of religion. In Korea to-day to be a Christian is to be in deadly peril. To-day, in enslaving the

Koreans, the Japanese recklessly degrade themselves and smirch the honor of their race.

Like forest fires in a season of drought, atrocities now break forth all over the world, and men become despairingly indifferent and wait wearily for the horrors to burn themselves out. But the Japanese atrocities in Korea demand our most intense attention, because: First, pagans are persecuting Christians; secondly, we are using our gigantic power to extend these persecutions to Shantung and the rest of northern China; thirdly, these are not war atrocities or civil-war atrocities, and these tales are not scandals invented by a feeble folk to discredit their tyrants but are the horrors of religious persecution directed against peaceful Christians and unarmed women and children.

We begin to understand that in "opening" Japan we played the perilous part of the Rash Fisherman of the Arabian Nights. We unbottled the appalling Afreet, whose omnipotent form now towers to the stars and blackens all the eastern sky. But yesterday we were condescending to these islanders. To-day, under the dictation of Japanese, our huge Nation turns to paths of shame. Imperious, on their tiny islands, they make cowards of us all.

If you are a Japanese policeman, you can have no end of fun with a Presbyterian schoolgirl (p. 47). Throw her down, kick her, here and there, hard; drag her to your police court. Beat her about the face and head and legs and back until she is all blood and tears and shrieks and convulsive sobs. Tell her to show her breasts. When she refuses, tear off her undershirt. Keep her four days, then take her to another prison. There strip her naked; have her "looked at by the men." This is one of the mildest of the things done in Korea in March of this year, while the silent, inscrutable, secretive, thoroughly informed envoys of Japan, in Paris, were offering every diplomatic courtesy to our commissioners.

But for the calm confidence of those Japanese envoys in America's submissiveness to Japan that girl to-day would be like any New York maiden, securely studying her Bible lesson, and no harm would have come to her from the Japanese officials who, with greedy, lecherous eyes, watched her as she went by, all faith and hope and maiden modesty. The soldiers that gloated over her bare body are a part of the forces with which her own soldiers and engineers are affiliated to-day in northern Asia.

In March, 1919, while we were praying daily that the Paris conference might lay firm foundations for peace, righteousness, and freedom, the Japanese Government secretly ordered its police in Korea to extirpate the Christian religion, which used to flourish there, and also the modern Korean religion, a sort of Sermon-on-the-Mount affair, whose creed begins with the fantastic proposition—

Who waits on God
Will wield God's might.

No nonpagan eye but that of the Recording Angel has ever seen that decree.

You can infer, however, with scientific accuracy, from the acts of Japanese soldiers and police, the orders of their Government, more exactly than you can infer from the movement of a man's hand the action of his brain.

From those actions we know that the Japanese Government had directed that the Korean people must be taught by terror that it pays to be a Buddhist, and that it does not pay to be a Christian or to follow the gentle Korean religion or to have dealings with American missionaries.

The American missionaries had held utterly aloof from politics, but Christianity embarrassed the Japanese Government, because it gave the Koreans an outlook from slavery, a window on the world. You can not be in the house of even an intensely neutral and cautious American missionary without stumbling on incendiary books like Uncle Tom's Cabin, Milton's, or John Bunyan's.

Religious freedom in Korea is guaranteed by solemn treaties, but Tokyo thinks it no longer necessary to wear any pretense about the sanctity of treaties or to make broad any phylacteries.

Tokyo found its opportunity to get rid of these irksome religions in the Korean declaration of independence of March 1. Never was so calm a declaration. As a result of skillful secrecy and combination, without a foreknowledge of missionary, priest, or police, all the people of Korea came forth on one day and peacefully declared themselves independent. Their sole object was to inform the peace conference of Paris that 17,000,000 of Koreans desired to be free (p. 22).

In this outpouring of unarmed multitudes who shouted "Mansay!" meaning "Hurrah!" there was a natural preeminence of people of schooling. As a great number of those who have some education belonged to the two doomed religions, this gave the pagan persecutors their chance.

The Government resolved to strike terror forever into these Korean Christians, so that never again would they lift their meek faces from under the lash and cry out to mankind. They were to be taught that it does not pay to be mixed in the remotest way with Christians or Americans.

Such of the declarants as were not shot down at once had gone peacefully home to wait for Mr. Wilson's justice, now, they thought, thoroughly advised and aroused. To those homes went spies and gendarmes and police, and dragged the Christians away to torment, shame, and death.

In six weeks Korea was quiet with the stillness of death. Every Korean had learned that if he breathed a word about Americans or Mr. Wilson or freedom, he was to be classed with Christians and meet a Christian's doom.

The Christians were swept away like torn paper before a hurricane. We are told of 40,000 arrested and 6,000 killed in the Japanese fury.

Not till the graves give up their dead will the numbers be known exactly. Those figures are probably low. The people of Korea are one-sixth of those of the United States. It is doubtful whether even Japanese efficiency can strike utter terror into so great a population without killing at least 1 in every 2,000 and arresting six times as many. Some Japanese Torquemada may offer to deny these figures. I will not argue with a murderer as to the number of his victims unless he permits me at least to inspect the cellar where he hides their skeletons. Will you, Prime Minister Hara, of Japan, invite an inhabitual commission to report, from sifted testimony, exact statistics as to how many women have been dishonored, how many maidens put to shame? And what can statistics tell us of the torments of Christians slowly done to death in heathen jails? Have the Japanese kept record with algometers and registered the sum total of their torments?

When Torquemada ruled in Spain, what English Protestant would give statistics of his cruelties? When the Waldenses went to the stake and the rack, centuries had to pass before the ledgers of the Inquisition were open to the historian. I offer only a few examples of the different kinds of torture and massacre. You may infer the rest from the dumb terror that now binds all Korea and all Korean Christians.

In this persecution the resourceful Japanese use many different tortures for the body, and, in addition, a torture for the mind that is a sadistic twentieth-century novelty in religious persecution.

"A Korean woman," writes a missionary, "would rather die than expose her naked body in ways not conformable to local custom. But it seems to be the common delight of official depravity just now to humiliate our Christian women by stripping them and beating them while naked" (p. 104).

Ingenious Japanese! Some Korean Christian might dare for himself sword or fire or Damiens's bed of steel; but let him think twice of his wife and daughters put to open shame.

The ordinary slaveholder used to be inclined to encourage modesty among his helots as increasing their market value; but the Japanese, in the systematic degradation of his new slaves, finds a profit in breaking down the personal dignity of wives and daughters. No chief of police would have ventured of his own accord to adopt such a system of organized indecency. It was obviously thought out and directed by the controlling brain at Tokyo.

A government that rests on torture is a government of devils, unfit for even our time. But this Japanese Government plans carefully the violation of sanctities that lie at the base of civilized society. I remember no other modern government that has deliberately schemed to degrade the unhappy women who are its subjects. There is an unparalleled fiendishness in minds that can thus systematically befoul the purity and modesty of young girls. We might make league and alliance with an inhuman brute and put him in a council to rule over us; but we have some pride in our manhood, some reverence for womanhood, and we will not enter into covenant with a Sadist.

Of those that were arrested, be they 40,000 or 4,000, or more or fewer, how can we sleep at night when we remember that every pang they suffered earned pleasure, profit, or reward for their tormentors? Of those that died, be they 6,000 or 600, or more or fewer, how many died an easy death? Those that died quickly were the lucky ones.

Japanese methods are precise and thorough. Christianity in Japan was stamped out utterly in the seventeenth century. Then, if one Christian was found in any house, from four houses to the right of that house and from four houses to the left every man, woman, and child was taken and died the death. Doubt not that in uprooting Korean Christianity to-day the Japanese use a similar perfection of method.

In the recent uprooting machinery, of course, was sometimes used. One man was squeezed in an upright press. Then a cord was tied firmly about one finger, and he was hoisted till his toes barely touched the floor. His two crimes were cheering in a procession and receiving a letter from a friend in America and withholding it (p. 45).

In his case the Japanese applied an unnecessarily spectacular torture, so as to put another stumbling block in John Hay's open door by advertising to Koreans and Chinese that it is bad luck to receive letters from America.

The best modern tortures need no cumbrous machinery. The grewsome complexities so fashionable in medieval Europe were meant to save people from torture by frightening them beforehand.

The Japanese held wounded men in prison two days without water. Think about that quietly. They took out of our missionary hospitals men with gunshot wounds and dragged them away to the horrors of the question (p. 44).

"Beating" is a weak word for a strong torment. Beating can easily be made the seventh hell of agony. With a club discreetly used, a Japanese can break the stoutest heart; he can in a few minutes drive the strongest to scream and beg for death. He can do the same thing with 3 feet of cord.

"Beating and torture," writes a missionary, "are the cardinal principles of Japanese police methods in Korea."

"It is usual for the arrested man to be cuffed and kicked by several policemen" (p. 16).

I offer no schedule of cruelties, but I may tell the story of a dozen or more, and you then know the story of 10,000.

1. The Story of the Pregnant Woman (p. 55). No machinery is needed to torture a pregnant woman. This woman had been a mission teacher, "very bright and intelligent." She was two months advanced in pregnancy. She had gone to the house of one Pyo to comfort the mother, who was distressed because her young daughter had been carried off by the Japanese police. "As she came out of the house several police and soldiers came into the yard. They knew she was the school-teacher and had been searching for her at the school. They told her to come with them. As she stood in front of the police station, a policeman kicked her hard from behind, and she fell forward into the room. As she lay, stunned, on the floor, a policeman put his foot on her head. Then he raised her up and struck her many times over the head and face." He tore off her clothes, "meanwhile constantly kicking and striking her. He also beat her with a heavy stick and with a paddle. He tore off her underclothes and kicked her in the chest and beat her, accusing her of setting the minds of the Korean children against Japan, and said that he intended to beat her to death."

"She tried to cover her nakedness with the underclothes that had been stripped from her," but they were torn away from her. "She tried to sit down, but was forced to rise by constant kicking and beating with a stick. She tried to turn away from the many men in the room, but was constantly forced to turn again so as to face the men. She tried to protect herself with her hands and arms, and one man twisted her arms behind her back and held them there while the beating and kicking continued. All parts of her body were beaten. She became benumbed and was losing consciousness of pain. Her face swelled, and her body became discolored."

2. The story of the widow Chung, an attendant of the Bible Institute (p. 54). She is 31. She was taken into the office, and a policeman tore off her underclothes, and she protested. For this "they struck her in the face" till she was black and blue. She was beaten "systematically on the arms and legs with a paddle. The beating continued for some time. The police then stopped the beating and sat down to drink tea and eat Japanese cakes, meanwhile making fun of the woman sitting there naked. There were many men in the room." Nor was she the only woman there. The beaten mission-teacher woman was lying naked at the side of the room, while the tormentors rested and laughed and ate and drank.

3. The story of the naked Methodist women (p. 50). Fifteen women, 12 of them Methodists and 2 of them Presbyterians, were held at the Pyengyang police station. One of them, a girl of 21, tells the story: "They stripped all the women naked in the presence of many men. They found nothing against me except that I had been on the street and had shouted 'Mansay.' They beat me. My arms were pulled tight behind my back and tied. They stuck me with the lighted

end of their cigarettes. Some were stuck with hot irons. My offense was very little compared with those who made flags.

"Some were beaten until they were unconscious. One young woman was just at the time of her monthly sickness. She resisted having her clothes taken off. They tore off her clothing and beat her all the harder. After four days we were taken to the prison. Here we were packed in a room with men and women. One day an old man was beaten until he died. One of the Bible women was right next to him. She asked to be moved away from the corpse, but was denied. 'They took our Bibles away and would not allow us to talk or pray.' The jailers 'blasphemed the name of Christ,' and asked 'if there was not a man by the name of Saul who was put in prison.' They asked, most of all, as to what the foreigners had said, and were most vile and cruel to those who had been with the missionaries or who had taught in the mission schools. Some of the girls were so changed that they did not look like persons."

4. The story of a young girl (p. 47). "Near the Dok Su Palace a Japanese policeman seized me from behind by my hair and I was thrown to the ground hard." "He kicked me several times." "At the entrance of the 'Chongo' police office 20 or more Japanese policemen who stood in line sneered and kicked me and struck me with their swords and struck me in the face many times. I became almost unconscious. My hands and legs were bleeding.

"I was led into a room, and here they dragged me on the floor. They struck me in the face. They struck me with their swords. They flung me to one corner of the room. On coming to my senses I found myself in a room packed with young men and women. I saw some of them handled so brutally it almost broke my heart to see them beaten."

After some time "we were examined by a police officer one by one. I was made to kneel with my legs bound." Each question and answer was accompanied by "blows in the face." "I was ordered to expose my breasts." "They tied my fingers together and jerked them violently. This made me feel as if my fingers were being torn from my hand." She then tells of her going to the cells. "As I made the first step down my strength gave out, and so I rolled down the whole length of the stairs. I was obliged to crawl into a room. The policeman in charge was very much amused to see me crawling into the room. He laughed loudly. Then I prayed and seemed to see Jesus and was much comforted from on high. I spent five days in all at the police station. Then I was sent to the West Gate penitentiary.

"There I was stripped naked and was looked at by the men."

5. The torturing of one Kim (p. 51). Kim, a young man of promise, a member of the Third City Church of Taiku, was heard by a friend in another cell "to cry out a number of times at the pain of the punishment inflicted on him in the jail." He was frequently beaten on the head with the key of the cell. After his release he suffered terrible pain in his head. "It seemed as if all one side of his head was gone." He died in 10 days.

"The night he died he was protesting in his delirium that he was innocent and that his punishment was too severe. The doctor who attended him states that he died from blows on the head. The neck and the base of the skull were darkly discolored."

6. Chopping a Christian (p. 43). "A young man was peacefully going home (he had, it is true, been shouting 'Mansay'), and was 'walking along a small street' when a policeman from behind threw him down and 'drew his sword and hacked at him.' 'His skull was cut through so that the brain showed. This was done by three sword cuts in the same place.' The photograph showed 10 sword cuts. 'During the next day his little cousin, a mission-school girl,' who was greatly attached to him, 'stood watch over his body.'"

7. The elder's wife (p. 34). On March 24 "soldiers looking for one of the elders" of a certain church "took his wife, a bright-looking woman of about 30." "They stripped her of all her clothing and beat her without mercy" to make her tell where her husband was.

8. Official advice to Christians. One missionary statement runs as follows:

"Wholesale arrest and beating of Christians simply because they are Christians.

"In some places the men and women of the village were called together. All those who admitted they were Christians were maltreated or arrested and the others sent away. Wayfarers met by soldiers and gendarmes are asked whether they are Christians and beaten and abused on the admission of the fact." Korean Christians surviving "are given all sorts of announcements by local police and gendarmes. They are told that Christianity is to be exterminated; that all Christians are to be shot; that meetings are to be forbidden."

"Throughout the country the police immediately began to arrest pastors, elders, and other church officers."

A Japanese vice governor (the real executive of his Province) "in a public meeting advised people to have nothing to do with Christianity. Police officials are urging the same thing everywhere" (p. 89).

"Presbyterian and Methodist organizations are both obnoxious to the Government."

9. Scourged on the cross (p. 67). Four young theological students who had taken no part in any demonstration "were found in the college dormitories by Japanese soldiers. Tied to a wooden cross they were given 39 strokes with a paddle and told that as Christ suffered on the cross, it was fitting that they should."

10. The massacre at Cheamni (p. 74). The village of Cheamni lay only 15 miles from the railroad by which all tourists used to travel on their way from New York to Peking and from Paris to Tokyo. Japanese soldiers were sent there in motor cars.

"The gendarmes and soldiers marching into this village, summoned the men of the village to attend a meeting in the church, where, they were told, certain orders would be read to them."

The Japanese gathered in this way about 12 Christian men and about 25 of the Korean religion. As soon as the men had "been gathered together, the soldiers opened fire upon them through the open windows, after having surrounded the building. To complete their work, the surviving women of the village told the missionaries, the soldiery entered the building and bayoneted all the men whom the bullets had not killed, while two women who had approached the building to learn the fate of their husbands were bayoneted and their bodies thrown among those of the men. Then kerosene was poured upon the dead and the bodies and the church building consumed by fire."

A missionary who saw the place the next day makes these notes: "Heaps of smoking ashes. Groups of women, children, and old men sitting on the hillside watching the ruins in dumb despair. Corpse horribly burned lying just outside of a building, which we learned later had been the church. This body was photographed where it lay. I questioned 'a villager,' but fear and shock had numbed him. He held his head in his hand and said that everything he had and all the results of years of hard work had gone."

The missionary said, "How is it you are alive?" and he answered, "I am not a Christian."

These Christians were Methodists. "These people had lost everything, even their seeds for the coming year." Another man said that "his house had not been set fire because he was not a Christian."

The soldiers seem to have belonged to the Seventy-eighth Regiment. The missionary says that at Cheamni "the odor of burnt flesh" about "the church was sickening."

One of the men who accompanied the British consul to this place says:

"Whenever we started to talk to the natives" the "policemen would saunter up and the Korean would freeze up." "The number of Christian men killed is 12, whose names were secured, in addition to which 2 women who went to find out what was happening to their husbands were killed, one a woman over 40 and the other 19. These may have been the bodies we saw outside the church."

Cheamni is a type of one class of burnings and massacres. In that one district 15 towns were burned.

11. A night massacre (p. 80). A type of another kind of official burning is Soo Chon, where "the people were awakened by finding their houses on fire. As soon as they ran out they were struck with swords or bayonets or shot." A church and 30 houses were burned.

12. Another type of massacre (p. 33). Of massacres we find another type, exemplified in Marengsan, where 56 men were summoned to the police station, locked in the police yard, and shot down by the police from the top of the wall.

The Koreans had heard, as a voice from heaven, the inspiring declarations of our President. It was their plan to march, utterly unarmed, and cheer for independence and their native land and to submit to any cruelty. Their whole aim was to tell the outer world of their woes. The outer world finds it profitable to be deaf to their cry, and hurries to put its obsequious neck under the conqueror's foot, and begs him to accept 30,000,000 new slaves and pass on to fresh conquests. Resolved to use no violence, the Koreans kept themselves under firm control to a surprising degree. That was the case even where two women were carried out from a police station, and the crowd of 500 that had gathered to protest burst into sobs at the horror of their condition. That was the station where the police officer explained that, although it was not necessary to strip men or old women, girls and young women had to be stripped naked in the search for seditious papers (p. 56).

13. The story of a brave young man (p. 16). One young man, seeing the girl that he was engaged to in the hands of the police, went to her rescue. How many of us would have had that daring? Between him and that helpless girl stood all the armies of the league of nations What do you suppose was done to that young man in the dungeon where he lay when last heard of?

14. The story of a man's mother (p. 34). "The mother of one of the wounded men told a policeman that if her son died 'she would take revenge.' The policeman went to her house and again stabbed her son, who was lying on the floor wounded."

15. Respect for gray hairs (p. 32). At Suna Ub an old man went to the gendarme station to protest against the atrocities. In the East reverence is paid to gray hairs, and old men can speak up where others fear to tread. "This man the gendarmes shot dead. His wife came in and, finding the body, sat down beside it wailing, as is the custom of Koreans. She was told to keep still, and, not doing so, she also was killed." The daughter who came to seek her aged parents was spared, being merely slashed with a sword.

This persecution throws light on the part which Japan will take in the league of nations.

The governor general of Korea is close to the heads of the Japanese State and in the closest confidence of the court. What he says and what he does are in a high degree the voice and act of Tokyo.

The great Ito was resident in Korea. The powerful Terauchi was governor general before he became prime minister, preceding Hara, now prime minister. Hasegawa succeeded Terauchi as governor general.

We may expect Hasegawa in a short time to rule over us as Japan's representative in the council of the big five.

This governor general made a proclamation reminding the Koreans, with a view to letting them understand that there is no hope from any quarter, that Japan is "one of the principal factors in the league of nations." He exhorted Koreans "to participate in the great work of humanity and righteousness" of Japan "as one of the leading powers of the world" (p. 109).

Lovers of the league of nations, which this governor general describes so accurately, will be pleased to know what is done in this governor general's house.

Pak Tun Nak, aged 25, met with all the other people of this village at the end of March, and without violence paraded the village, calling "Mansay." Gendarmes told them to go home. This they did, and that day there was no trouble. Five days later gendarmes went from house to house arresting people. Pak Tun Nak and many others were taken to the governor general's and flogged. He received 30 strokes at 12 o'clock and 30 at 2 o'clock. He was taken to the missionary hospital (p. 41).

A government schoolgirl says: "On March 1, at 2, we went to the French consulate and the American consulate and shouted 'Mansay.' We pressed forward to the governor general's, and there the kotung koan (high official) 'came out with his sword, beating all in his way. He struck me with his sword on the back, making a wound 3 inches long. The force of the blow threw me down, after which he stamped on my head with his foot'" (p. 82).

Poor little lamb! Shouting her cry for freedom before France and England and before the august governor general who stands for the might of the league of nations!

A peculiar gravity attends the Korean terrorizing. It has a twofold object. It is to terrify the Koreans into silence; it is also to terrify Japan's new Chinese subjects into silence. When Japan moves in China, she wishes to hear no protests and to be bothered with no Christians. The prudent Chinese study the reports on Korea, and will hasten to avoid being mixed up in any way with Christians and Americans. The prestige of Christianity and of America is gone, and Hara is content. One would suppose that at the first offense the nearest missionary could go to the polished governor general and through him and the polished Viscount Uchida cable all the facts to New York and Paris. Nobody dares to mail even sealed letters from Korea about these crimes.

Japan controlled the mails and telegraphs. America, therefore, could hear nothing of these atrocities. America meekly waits for such news from Asia as Japan thinks wholesome for her weak mind. The peace conference was sitting, and we in our homes were invoking divine light and guidance for its counsels.

The facts about Korea were essential to aid our President in deciding whether he should award the 30,000,000 of Shantung to the cruel taskmasters that hold the whip over the 17,000,000 of Korea. If we had made any promise, it would be void because of the concealment of these material facts about the policy and conduct of the men to whom we awarded Shantung.

A missionary came to New York, a messenger, as if we were back in the days of Erasmus. Messengers, with documents hidden about their clothes made their way out of Korea.

In a famous painting, The Missionary's Story, a shabby priest tries to tell an absent-minded cardinal what the pagan wolves have done to the lambs of his flock. I fear that some of the officers of the great mission boards were alarmed when they heard this Korean missionary's story lest the American people might hear what should fire the coldest heart. Who, with the smell of burning Christian flesh in his nostrils, could vote for Gov. Gen. Hasegawa and his league of nations?

The Commission on Relations with the Orient, which operates as a brake on the mission boards, has consistently followed the policy, in which it has been skillfully seconded by the press, of keeping everything quiet and keeping everybody cool.

There are indications that some of the hierarchy of our Protestant churches have been misled by Japanese diplomatists into believing that everything should be hushed up that may diminish the popular demand for a league of nations and for a permanent alliance between our Government and that of Japan.

On April 16, 1919, the mission boards called a meeting of that commission of the sesquipedalian name.

To two such meetings "important Japanese were invited." "Urgent and full cablegrams" were promptly sent to Japan by some of these "Japanese friends."

The commission sought by these "quiet and friendly methods" to exert influence. "It deemed it only fair and just to take up the matter first with the Japanese" "before giving to the daily press the rapidly accumulating matter from Korea."

Under pressure from anxious, inquiring Christians, that commission scrambled together such papers as they could no longer withhold and printed them in the little brown pamphlet of 125 pages referred to in the preface, entitled "The Korean Situation."

That pamphlet begins by saying that "many exaggerations have been circulated." It says that "there is good ground for belief that even before the uprising"—"uprising" is a strange word to describe the Korean's peaceful protest—"the present cabinet" "was earnestly grappling with the problem of administrative reform in Korea," and that "there is every reason to believe that Premier Hara and his colleagues will exert their fullest power to rectify the wrongs and inaugurate a new era in Korea."

The facts set forth here have been dug out of that pamphlet. You may rest assured, then, that these notes contain none of the "exaggerations" deplored by the Rev. Dr. Gulick.

How much effort has been made by the press and the commission to awaken and inform the public you may infer from the amount of information that you yourself had in regard to the Korean atrocities before reading these notes.

Viscount Uchida will smile and say, "You ask Americans to be more royalist than the king, to be more zealous against pagan cruelty than the mission boards." Let me remind you that there was once a mission board in London that derived revenue from the African slave trade.

Cæsar's image and superscription go a long way with a mission board, but when I hear of Christian maidens dishonored, Christian men with their finger nails torn up by torturers, Christian women tormented to make them betray their husbands, I need no cautious clergyman or prudent prelate to tell me what to think or what to say.

The mission boards are made up of earnest, honest, able, learned men, devoted to spreading the gospel. In every board are ardent servants of God who plead with the board to make no bargain with such Japanese officials as are even now forcing morphine on Shantung, and always there is some unpractical zealot, like John Brown, of Ossawatomie, who feels on his own back every lash that tears the flesh of a Christian slave. But boards of directors bank and cool all apostolic fires. Six mission boards, acting through a commission, operate as a freezing mixture on righteous indignation. After ragged martyrs have told their tale, the chilly voice of Mr. Worldly Wiseman advises pliancy and the conciliation of the powers of darkness.

On April 20 a cablegram was sent to Viscount Uchida, minister of foreign affairs. We can infer from the answer that it was "cordial and friendly" and that the commission declared itself "moderate." The commission seems pleased with the answer they received. In that Hara, while acknowledging the obsequious attitude of the commission, coldly threatens that any publicity, any excitement, any denunciation in the press, will "seriously interfere" with his "reforms." In other words, more torture, more massacre, unless you are silent under the whip. What Premier Hara means is: Not one word from you Americans until we have carried out point at Paris and secured a free hand in China. When we Japanese have stamped out Korean Christianity we may later grant you some "reforms."

The Premier Hara who said, in answer to the mission boards, that he was laboring on reforms is the same Hara who, on August 27, 1919, said: "Japan has no ambitious designs against China. The ministry is urgently advocating closer friendly relations. The day will arrive when China will come to comprehend the sincerity of Japan."

Korea and, I hope, some Americans already understand the sincerity of Japan.

On April 20 the "cordial and friendly" telegram was sent to Viscount Uchida, which elicited the information that "Premier Hara is now in the midst of special investigations for the realization of reforms" and his threat.

The Americans and the American press were humble and silent. Let me describe some of the activities of a liberal Japanese premier "in the midst of" plans for "reform."

On April 19, 1919, Mowry, American missionary, innocent of any knowledge of the agitation, was sentenced to six months at hard labor.

On April 24 a missionary writes, "Since the coming in of fresh troops and the inauguration of 'more severe' methods of repression as announced by the Government, increasing numbers of reports come in regarding the violation of women by the soldiers." "The absence of this form of violence in the past" and "the sudden appearance of such reports coincident with the new order"—these things fit together. "The reports * * * come from trustworthy sources. Complaint made to the police in regard to this has been met by beating" (pp. 85, 101).

On April 26 a missionary writes, "The Kwak San Church burned yesterday morning. Atrocious tortures of prisoners in Tyung Ta."

On April 30 a missionary writes that Christian refugees "have no bedding, no clothes. The church at—better not give its name—was burned the other night."

Under date of May 25, 35 days after the "friendly and cordial" message, you will find a tragic report about nine Christian boys who were "beaten." Perhaps, besides being Christians, they had complained to the police about rapes. Let their case tell you what it means to be beaten, and I need not give more examples of Premier Hara's "reforms."

"Eleven Kangkei boys came here from ———. All the 11 were beaten 90 stripes—30 each day for three days, May 16, 17, and 18, and let out May 18. Nine came here May 22, and two more May 24.

"Tak Chank Kuk died about noon, May 23.

"Kim Myungha died this evening.

"Kim Hyungsun is very sick.

"Kim Chungsun and Song Taksam are able to walk, but are badly broken.

"Kim Oosik seemed very doubtful, but afterwards improved.

"Kim Syungha reached here about an hour before his brother died. The first six who came into the hospital were in a dreadful fix, four days after beating. No dressing or anything had been done for them. Dr. Sharrocks just told me that he feels doubtful about some of the others since Myungha died. It is gangrene. One of these boys is a Chun Kyoin, and another is not a Christian, but the rest are all Christians.

"Mr. Lampe has photographs. The stripes were laid on to the buttocks and the flesh pounded into a pulp" (p. 125).

"Ninety strokes of the bamboo flail, 30 each on three successive days, is a frequent penalty."

Observe that after 24 hours the torn victim is given over again to the tormentors, and the flail falls exactly on the gaping wounds of yesterday. Now hear what the servants of hell were doing 80 days after our "cordial" telegram:

"SEOUL, *July 9, 1919.*—Yesterday we admitted, beaten cases, 15. Dr. Ludlow has been treating cases which have come to us ever since early in March, but these 15 students came straight from the West Gate Prison in Seoul, having received their last 30 blows in the morning. They expect 20 of their comrades to be released to-morrow. These beatings are given either with bamboo rods or rawhide, and the blows are usually delivered on the buttocks.

"We have had cases, however, where the blows extend from the shoulders to the buttocks.

"In some cases the men who do the beating are relieved after each tenth stroke."

I have nothing to say about Korean independence. I wish that in 1917 our President had asked the great powers, then in a frame of mind suited for virtuous resolves, to stipulate that China and Korea should be given such treatment as the American conscience can approve.

I wish our Secretary of State, when the first messenger arrived from Korea, had conveyed to Japan in diplomatic language a statement of views and policy like this:

"I hear that you are stamping out Christianity. That is old stuff and will not go. America maintains that American missionaries can go anywhere in the world and preach their various gospels and set up hospitals and churches and make converts. No man anywhere in the world can interfere with them or their converts. You may threaten that my words will cause fresh sufferings to Korean Christians. Such threats also are old stuff. I require you to admit instantly to Korea commissioners to take account of facts and see that no such threats are carried out.

"You may retort that we have mobs and lynchings in America. That is true, but not in point.

"America is not in form a Christian nation, but to a great extent she is a nation of Christians. Many of these Christians are anxious not to be detected and exposed as hypocrites. If you show the slightest intention of carrying on in any respect a pagan persecution of Christians and Christianity, I shall instantly call on the Governments of England and France to join with me in choking you, and shall ask them at once to lay aside all their crooked bargains with you. If they decline, I shall report your refusal and their refusals to my people and they will be guided in their dealings with other powers by the light that these refusals throw on governments that misrepresent their people."

It is your turn next, America. Japan is moving toward you by way of Korea and Shantung. With northern China enslaved and assimilated, Japan, with her speed and cunning, can smile at your measureless resources. When she chooses to move against you some injudicious economizer will have disarmed you.

No nation can go unarmed while old Pagan gnashes his teeth, particularly when he sits in a high seat of the high council of the league of nations. When she chooses to move against you she will contrive to embroil you in some new European quarrel, and you will have to face Japan and some European power at once. Japan has a right to expect that at the critical moment our rulers will show themselves not infallible.

We can never make a greater blunder than alliance with Japan. We can never make a greater blunder than surrendering China to Japan. We have only one course to follow: Cut loose at once from the league of nations. Demand the withdrawal of America, France, Japan, and England from all illegitimate interference in China. Ask the Japanese afreet to step out of China and confine himself to eastern Siberia.

John Milton lifted up his voice and cried, "Avenge, O Lord, thy slaughtered saints!" The Lord has not avenged them to this day, and the Japanese know it. Milton and Hampden, lovers of God and liberty and honor, could waste their time on such invocations.

Listen to our modern form of prayer: "Lord God of Sabaoth, before whom lie Thy slaughtered saints, Thou dost hear the long agony of tortured Christian women. Grant that there may be on earth the minimum of publicity, and no excitement, and that we may continue in our moderate attitude, and that we may still receive the congratulations of Viscount Uchida on our cordial and friendly spirit.

"Thou knowest, O Lord, that those inquisitors who are paid by Prime Minister Hara commit their deeds of cruelty against his wishes and in violation of his commands.

"Thou knowest, O Lord, that any public criticism will seriously interfere with the realization of the reforms with which Prime Minister Hara has been for some time past most deeply concerned.

"Thou knowest, O Lord, and Prime Minister Hara knows, that during the several months in which he has been most deeply concerned in regard to the introduction of reforms in Korea, bodies of military have been taking more severe measures against Korean Christians which can not be described in church, and that the machinery of the Japanese Government in Korea has been directed to the suppression of all practice and teaching of Christian religion; but Thou knowest how unfaithful human servants are and with what helpless sorrow Prime Minister Hara has observed this disobedience of his orders.

"We pray Thee to open the ears of our people, so that they may aid the Christian powers in extending to China the dominion of Japan and the persecution of the church.

"There now rises to heaven, as the incense of sacrifice, the smell of the burnt flesh of Korean Christians.

"Hasten, therefore, O Lord, the day on which we shall join the league of nations and make firm alliance with the Emperor and the various priesthoods, Buddhist and Shinto, of Japan; and, above all, hasten the day on which the Japanese may enter into undisturbed possession of their promised land, Shantung, so that the smell of the burning flesh of Chinese Christians may float as incense to Thy throne. Amen."

John Bunyan, in the "Pilgrim's Progress," wrote a prophetic description of a Japanese police court and of the trial and execution of Christians in Korea.

"Then were these poor men brought before their examiners again and there charged as being guilty of the late hubbub. So they beat them pitifully and hanged irons upon them * * * for an example and a terror to others, lest any should further speak in their behalf or join themselves unto them. * * * They were brought before their enemies and arraigned. Their indictment was * * * that they were disturbers * * * that they had made commotions and divisions, and had won a party to their own most dangerous opinions in contempt of the law of the Prince.

"Then Faithful began to answer: * * * 'As for disturbance, I make none, being myself a man of peace. The parties that were won to us were won by beholding our truth and innocence, and they are only turned from the worse to the better.'"

Testimony was given against Faithful.

In the course of his defense, Faithful said: "The Prince of this town, and all the rablement of his attendants * * * are more fit for being in hell than in this town and country, and so the Lord have mercy upon me. * * *"

Judgment was given against Faithful.

"Then they scourged him, then they buffeted him, then they lanced his flesh with knives and * * * pricked him with their swords. * * * Thus came Faithful to his end."

"At the end of the Valley of the Shadow of Death," says Bunyan, "lay blood, bones, ashes, and mangled bodies of men. * * * I copied a little before me a cave where the giant Pagan dwelt in olden time, by whose power and tyranny the men whose bones, blood, and ashes lay there were cruelly put to death. * * * I have learned since that Pagan has been dead many a day."

John Bunyan wrote 244 years ago. He thought, in his innocence, that pagan persecution of Christianity was at an end.

I can imagine Uchida and Hara and Hasegawa and Terauchi smiling at this in the library of the Noblemen's Club.

"Old Pagan is dead, is he?" says Terauchi. "We'll show them whether old Pagan is dead or not."

The Japanese Government invites us to enter into a permanent league in the face of George Washington's advice. In that league the fiercest, most ambitious, and most formidable of its controlling members will be a heathen nation, drunk with ambition.

The world was backward enough in 1675, but even then we thought we were beyond pagan persecution. Now the pagans begin again, and we are their obedient acolytes and the familiars of their torture chambers, and we hurry to give them fresh victims.

It is to believe that the powerful priests of the Missionary Cold-Storage Commission say: "Hush; let us be friendly with Old Pagan. Let us act so that he may realize reforms."

I have no prejudice against paganism. I love many pagan temples. Some of the religions of Japan are better than some of the religions that I see about me here. But let us use no tact with torturers. Let us hear of no policy of "cordiality and friendship" with any man in Asia that crucifies a Christian.

The pains and horrors of this persecution came to us here through secret messengers. The telegraph and the wireless were closed by our own associates against the sending of these messages; and then the Government of Japan sends us word that we must not protest or publish. Yes, they threaten us. They say: "For a long time we have been planning reforms, but if you do not shut your mouths we will stop the reforms."

And this is the Government that is to be one of the "big five" who in the league are to dominate our own sublime free Nation.

May my life cease and my hand wither before I consent by any voice or vote, public or private, to any such Japanese dominion.

Mr. NORRIS. The writer of this article is Mr. Newel Martin, of Milford, Conn. Mr. Martin was born in China. His father, Rev. W. A. P. Martin, was president of the Chinese Imperial University and probably the most esteemed and distinguished American resident in China.

Mr. President, no man can read the record, no man can read the evidence, and not reach the conclusion that the signing of this treaty unamended means the driving of the Christian religion out of Asia. It is piled up so high that no disinterested student of the subject can reach any other conclusion.

There is one of the great churches of our country that has a rule which requires every one of its pastors once every year to preach a sermon on the activities of the missionaries in heathen lands and to take up a subscription on that occasion. He can preach as many other sermons as he sees fit, but he is required, under the rules of that great church, to preach at least one in behalf of the missionaries. If we approve this treaty, the church can revoke that rule. If we approve this treaty unamended, we will not need to pass the hat for the missionaries in Asia or to have anybody pray to extend the work of those Christians there. Under articles 10 and 11 of the league of nations it will be the duty of those preachers, instead of preaching for the missionaries of Christ and praying for them, to raise their eyes to heaven and pray, "We thank Thee, O God, for the rule of the Japanese, for the Government of the great Mikado. Give strength, we pray Thee, to the arms of his slaves and soldiers as they strike the dagger to the hearts of Christians, and as they wash their heathen hands in Christian blood give them new courage, O God, to go forth and destroy Christian churches, murder Christian missionaries, ravish Christian women, starve Christian children. Let them go on, O Father, until the teachings of Thy Son, the lowly Nazarene, shall be unknown of man, until all the world shall be under the control of this great heathen nation, Christianity destroyed, and paganism established; and we will ascribe to the great Mikado and his heathen gods all the honor, all the glory, forever and ever. Amen."

That, Mr. President, will be the prayer that our preachers will have to pray. I can not conceive how anyone with a love of Christianity in his soul can ask the Senate to stab the Christian religion to the heart, to destroy it in Asia, and to lift up in its place the reign of heathen paganism.

Mr. President, I am not a member of any church; I am not a member of any religious organization, but my hand shall wither and my lips shall be sealed in eternal silence before I will ever give my official approval to any act that will stamp out the religion of Jesus Christ and establish paganism in its stead. I hope that we can meet every question that comes before us and decide it on the proposition of whether it is right or wrong. If it is right, then let us approve it. If it is wrong, let us turn it down; and let us have the courage to do it regardless of what the consequences may be.

I hope that I may be given the humble privilege of being classed as one of the followers of the religion proclaimed by Abou Ben Adhem. Old Ben Adhem was awakened in the night by an angel. The angel was writing in a Book. Ben Adhem asked him what he was doing, and the angel said, "I am writing the names of those who love the Lord." Ben Adhem asked, "Is my name written there?" and the angel said, "No." Then Ben Adhem said, "I pray you write my name as one who loves his fellow man." The angel wrote and vanished and the next night Ben Adhem was wakened again from his slumber. The same angel appeared and he bore in his hand a scroll, upon which was written in letters of flaming fire the names of those who loved the Lord, and, behold, Ben Adhem's name led all the rest.

Mr. President, we must not take this step against what has been the civilizing influence and the advancement of our race from the beginning of the Christian era. We should not now give approval to this damnable instrument that strikes the worst dagger into the heart not only of Christianity but of civilization—we must not; we can not. We must not forget now that we fought this war not to enslave nations but to free them. Let us remember that we went forth before the people and that on every rostrum and on every stump we said we were fighting for a world democracy: we were going to abolish secret treaties; we were going to establish self-determination; we were going to advance civilization. Here we come now to a step, Mr. President, that if we take it will put the clock of civilization back a thousand years. We can not kill the spirit of freedom or religious liberty, even if we say in our might and in our power that we will, because under God's law paganism in the end must go down. The Christian religion will live, it will thrive, and the world will go forward. This treaty, unamended, will hold it back, will retard progress. It is a crime against humanity, a dishonor to our Nation. In the name of every American boy who breathed out his life's blood in fertilizing the soil of France I ask that this amendment to the treaty be made, and if the treaty is unamended that it be condemned out of honor to the memory of the men who have given their lives for a cause that we have all said was the cause of freedom, of liberty, of Christianity, and of an advancing civilization.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After five minutes the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate, as in open legislative session, adjourned until to-morrow, Tuesday, October 14, 1919, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 13, 1919.

UNITED STATES DISTRICT JUDGE.

Charles B. Faris to be United States district judge, eastern district of Missouri.

REGISTER OF LAND OFFICE.

PUBLIC LAND SERVICE.

William H. Lackey to be register of the land office at Williston, N. Dak.

COAST AND GEODETIC SURVEY.

TO BE JUNIOR HYDROGRAPHIC AND GEODETIC ENGINEERS.

Casper Marshall Durgin.
Francis Lawrence Gallen.
John Aloysius Bond.
William Thomas Combs.
Cornelius Daniel Meaney.

TO BE AIDS.

Lowrie Wilson Burdette.
William McCaslan Scaife.

POSTMASTERS.

NORTH CAROLINA.

Owen Gudger, Asheville.

OKLAHOMA.

Hattie L. Story, Bochito.
Judith L. Black, Marietta.

PENNSYLVANIA.

Charles A. Hoff, Lykens.

VIRGINIA.

Clara Matheny, Fincastle.
Samuel T. Dove, Accotink.
Walter Faunfleroy, Altavista.
Otis M. Joyner, Courtland.
Reuben M. Beazley, Ettrick.
Charles F. Cummins, Fairfax.
Katherine T. Maclin, North Emporia.

HOUSE OF REPRESENTATIVES.

MONDAY, *October 13, 1919.*

The House met at 12 o'clock noon.

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

With all reverence and gratitude welling up in our hearts, our Father in Heaven, for the blessings of the past vouchsafed unto us, we most earnestly pray that Thou wilt continue Thy blessings upon us, since nothing is strong, or great, or enduring, but has its origin in Thee.

Every sentence written, every score of music, every picture painted, every thought or deed which lives, is inspired of Thee.

Guide we beseech Thee our statesmen in all their deliberations, to deeds which shall live and glorify our Republic and all its people. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave was granted as follows:

To Mr. TINCHER, indefinitely, on account of important business.

To Mr. JOHNSON of Mississippi, indefinitely, on account of illness in family.

To Mr. OVERSTREET, for 10 days, on account of business.

CONTESTED-ELECTION CASE—JAMES D. SALTS AGAINST SAMUEL C. MAJOR (H. DOC. NO. 265).

The SPEAKER laid before the House a communication from the Clerk of the House of Representatives, transmitting testimony, papers, and documents relating to the contested-election case in the seventh Missouri district, which was referred to the Committee on Elections No. 1 and ordered to be printed.

PUNISHING TRANSPORTATION OF STOLEN MOTOR VEHICLES.

Mr. DYER. Mr. Speaker, I desire to move to take from the Speaker's table the bill H. R. 9203, which has passed the Senate with two very unimportant amendments. I have conferred with the Committee on the Judiciary and members of the committee, and I desire to call it up and move that the amendments be agreed to.

The SPEAKER. The gentleman calls up the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate or foreign commerce.

The Senate amendments were read.

Mr. WALSH. Will the gentleman yield?

Mr. DYER. I will yield.

Mr. WALSH. I was just going to ask to have the language stricken out in the latter amendment read. Perhaps the gentleman can state what would be the effect.

Mr. DYER. The first amendment strikes out, as reported by the Clerk, "with intent to deprive the owner of the possession thereof," because in the same paragraph it says they are not punishable unless they know the same to have been stolen. It is really a repetition and duplication and it is unnecessary. The second amendment is simply a matter of providing that where action has been taken and brought in a State court it shall bar prosecution in a Federal court. The Senate states that it is unnecessary under the practice, because where a case has been tried upon the merits it is a bar to further prosecution in a criminal case and it is not necessary. I now yield to the gentleman from Ohio [Mr. GARD].

Mr. GARD. All I wanted the gentleman to do was to state the effect of the second amendment. The first amendment striking out language is apparent because one can understand that, but the second amendment strikes out language which the House adopted about a conviction in a State or District of Columbia or Territory being a bar to prosecution under the Federal act.

Mr. DYER. That is language the Senate has stricken out.

Mr. GARD. If the House agrees to the language stricken out by the Senate, is there any protective measure for such language remaining in the bill?

Mr. DYER. As I understand it, Mr. Speaker, the Senate claims, and they inform me, that this language is unnecessary, because where a man has been tried upon the merits in a criminal matter and the case has been disposed of, it is a bar anyway to further prosecution; that it only may complicate matters and interfere with the administration of the act.

Mr. GARD. Has the bill as amended by the Senate been brought to the attention of the Committee on the Judiciary?

Mr. DYER. I have taken it up with the chairman and most of the members of the committee whom I have been able to see.

Mr. GARD. But not the committee sitting as a committee?

Mr. DYER. No; it has not been referred to the committee. The bill has been on the Speaker's table.

Mr. GARD. What is the attitude of the chairman of the committee upon the matter?

Mr. DYER. The chairman of the committee says that both of these amendments ought to be agreed to.

Mr. GARD. I have no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken, and the Senate amendments were concurred in.

PERMISSION TO ADDRESS THE HOUSE.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to speak for 10 minutes.

The SPEAKER. The gentleman from New Jersey asks permission to speak for 10 minutes. Is there objection?

Mr. CLARK of Missouri. On what subject is the gentleman going to talk?

Mr. LEHLBACH. On Saturday the gentleman from Tennessee [Mr. MOON] in effect charged me with making untrue statements on the floor in relation to the postmastership situation——

Mr. CLARK of Missouri. Could not the gentleman wait until the gentleman from Tennessee [Mr. MOON] is here?

Mr. LEHLBACH. I was not present when the gentleman from Tennessee [Mr. MOON] made his statement, and that fact was called to his attention by the gentleman from Kansas [Mr. CAMPBELL].

Mr. CLARK of Missouri. I think it would be better to have both of you here at once and get this thing settled somehow, so I object.

The SPEAKER. Objection is heard.

DISTRICT OF COLUMBIA BUSINESS.

Mr. MAPES. Mr. Speaker, I move that the House resolve itself into the Committee on the Whole House on the state of the Union for the consideration of bills on the District Calendar.

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 consideration of District of Columbia business.

Mr. MAPES. Mr. Speaker, and pending that I would like to see if we can agree upon general debate. I suggest to the gentleman from Kentucky [Mr. JOHNSON] that we have one hour's general debate, one-half of that time to be controlled by the gentleman from Kentucky and one-half by myself.

Mr. WALSH. For all bills?

Mr. MAPES. For the two bills.

Mr. JOHNSON of Kentucky. Does the gentleman mean that debate be limited to the bills?

Mr. MAPES. And that the debate be limited to the bills.

Mr. JOHNSON of Kentucky. I do not object to that.

Mr. WALSH. Oh, well; that is too short.