By Mr. WRIGHT: A bill (H. R. 13484) to repeal an act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products; to the Committee on Agriculture.

By Mr. FESS: Resolution (H. Res. 512) for the immediate consideration of House bill 12266; to the Committee on Rules.

By Mr. MASON: Resolution (H. Res. 513) to investigate the situation in the Republic of San Domingo and to withdraw American troops; to the Committee on Rules.

By Mr. O'CONNELL: Memorial of the Senate of the State of New York, favoring the transfer of all barges and other canal equipment used on the New York canals to the State of New York; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BROOKS of Pennsylvania: A bill (H. R. 13485) for the relief of George W. Cook; to the Committee on Military Affairs.

Also, a bill (H. R. 13486) for the relief of Nathaniel Staub; to the Committee on Military Affairs.

By Mr. EMERSON: A bill (H. R. 13487) for the relief of R. E. Carpenter; to the Committee on Claims.

By Mr. HARRELD: A bill (H. R. 13488) granting a pension to Andrew J. Legg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13489) granting a pension to Capt. R. T. Jacobs; to the Committee on Pensions.

Also, a bill (H. R. 13490) for the relief of Charles Hatch, alias Charles H. Lord; to the Committee on Military Affairs.

By Mr. LANHAM: A bill (H. R. 13491) for the relief of C. L. Hampton; to the Committee on Claims.

By Mr. LARSEN: A bill (H. R. 13492) granting an increase of pension to Crowell Lisenby; to the Committee on Pensions.

By Mr. LEHLBACH: A bill (H. R. 13493) granting an increase of pension to Isabella W. Williams; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 13494) granting an increase of pension to Edward Lewey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13495) granting a pension to Matilda K. Baldwin; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 13496) for the relief of the widow and next of kin of James J. Curran; to the Committee on Claims.

By Mr. SANFORD: A bill (H. R. 13497) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870 (16 Stat. L., 670), authorizing the Postmaster General to continue to use in the Postal Service Marcus P. Norton's combined post-marking and stamp-canceling handstamp patents and directing him to "determine upon a fair, just, and equitable compensation for the use of said inventions" or arising otherwise; to the Committee on the Post Office and Post Roads.

By Mr. SELLS: A bill (H. R. 13498) granting an increase of pension to William A. Turner; to the Committee on Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 13499) authorizing the Secretary of the Interior to sell and patent to J. D. Calhoun, of Lincoln Parish, La., certain lands; to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12471) for the relief of Andrew Spence; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 13127) granting an increase of pension to Lorenzo D. Gill; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13467) granting a pension to Sumner Bumgarner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

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

2838. By Mr. CARSS: Petition of citizens of Minnesota, urging the passage of House bill 1112; to the Committee on the Judiciary.

2839. By Mr. DYER: Petition of the Missouri National Guard, urging certain legislation for the National Guard units, etc.; to the Committee on Military Affairs.

2840. By Mr. FULLER of Illinois: Petition of the La Salle (Ill.) Chamber of Commerce, favoring increase in compensation to the postal employees, etc.; to the Committee on the Post Office and Post Roads.

2841. Also, petition of the H. J. Heinz Co. and the Mills Novelty Co., of Chicago, and the Rockford Mitten & Hosiery Co., of Rockford, Ill., opposing House bills 12379 and 12646; to the Committee on Banking and Currency.

2842. By Mr. GALLIVAN: Petition of Henry K. Fitts, of Boston, Mass., favoring adoption of 1-cent rate on drop letters; to the Committee on the Post Office and Post Roads.

2843. Also, petition of Whittemore Bros. Corporation, favoring exemption of tax on freight charges covering export shipments; to the Committee on Ways and Means.

2844. Also, petition of Thomson-Crooker Shoe Co., the Thorndike Hotel, and F. A. Foster Co., of Boston, Mass., protesting against House bills 12379 and 12646, providing taxes on bank exchanges; to the Committee on Banking and Currency.

2845. Also, petition of Shreve, Crump & Low Co., of Boston, Mass., protesting against the proposed specific tax on advertising; to the Committee on Ways and Means.

2846. By Mr. KELLEY of Michigan: Petition of the Lansing (Mich.) Trades and Labor Council, relative to legislation for the maintenance of American political and civil rights; to the Committee on the Judiciary.

2847. By Mr. LINTHICUM: Petition of the Midleman Waist Co. and the Hennegan-Bates Co., of Baltimore, Md., opposing House bills 12379 and 12646; to the Committee on Banking and Currency.

2848. Also, petition of the Engineers' Club of Baltimore, Md., urging the passage of the Jones-Reavis bill, etc.; to the Committee on Labor.

2849. Also, petition of the North Carolina Pine Box & Shook Manufacturing Association, of Baltimore, Md., urging the repeal of all acts for the special privileges for classes, etc.; to the Committee on Interstate and Foreign Commerce.

2850. By Mr. O'CONNELL: Petition of the Associated Business Papers (Inc.), of New York, urging the passage of the Fess bill, H. R. 10876; to the Committee on the Post Office and Post Roads.

2851. By Mr. ROSE: Petition of Pomona Grange No. 24, of Bedford County, Pa., urging the Congress of the United States to make such necessary appropriation as may be needed for the proper investigation and research as will insure the protection of the lives and health of our citizens from the ravages of the dread disease commonly known as the "flu"; to the Committee on Appropriations.

2852. By Mr. ROWAN: Petition of the Silk Association of America, of New York City, favoring an adjustment of the revenue laws of the United States; to the Committee on Ways and Means.

2853. Also, petition of the American Legion of the State of New York, with a report of the special committee on adjusted compensation; to the Committee on Ways and Means.

2854. Also, petition of Harris Suspender Co., of New York, opposing the passage of House bill 12976; to the Committee on Ways and Means.

2855. Also, petition of Purina Mills, of St. Louis, Mo., opposing the Steagall-McFadden bills; to the Committee on Banking and Currency.

2856. Also, petition of H. J. Heinz, of New York City, opposing the passage of House bills 12379 and 12646; to the Committee on Banking and Currency.

2857. By Mr. TIMBERLAKE: Petition of the Fred Green Post, No. 49, American Legion, of Limon, Colo., urging adjusted compensation for the ex-service men and women; to the Committee on Ways and Means.

SENATE.

THURSDAY, *April 8, 1920.*

Rev. Fitzgerald S. Parker, D. D., of Nashville, Tenn., offered the following prayer:

Almighty God, Thou art the source of our strength. We pray that Thou wilt strengthen us. Thou art the source of grace. We pray that Thou wilt make our hearts gracious. Thou art the author of our being. We pray that we may be issued into the continued being through the life manifest in Jesus Christ. Let Thy blessing be upon us this day as we proceed with our day's toil, remembering that Thy son, Jesus Christ, was pronounced the perfect one in whom Thou wert well pleased, because He wrought well. Let Thy blessing be upon our country in its widely extended interests and its manifold opportunities

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and large responsibilities, upon the countries of the world, upon the kingdom of Jesus Christ as it enters into and pervades all these institutions. And this, our petition, we make in His name. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

PRESIDENT PRO TEMPORE,
Washington, D. C., April 8, 1920.

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. JAMES E. WATSON, a Senator from the State of Indiana, to perform the duties of the Chair during my absence.

ALBERT B. CUMMINS,
President pro tempore.

Mr. WATSON thereupon took the chair as Presiding Officer for the day.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALLING THE ROLL.

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

The PRESIDING OFFICER. The Clerk will call the roll.

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

Beckham	Gerry	McCumber	Sheppard
Capper	Glass	McLean	Simmons
Colt	Harris	Myers	Smith, Ariz.
Comer	Harrison	New	Smoot
Culberson	Henderson	Nugent	Spencer
Curtis	Kellogg	Page	Sutherland
Dillingham	Kendrick	Phipps	Thomas
Elkins	Kirby	Poindexter	Wadsworth
Frelinghuysen	Lodge	Pomerene	Warren
Gay	McCormick	Ransdell	Watson

The PRESIDING OFFICER. Forty Senators have responded to their names. There is not a quorum present. The Clerk will call the list of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. CHAMBERLAIN, Mr. JONES of Washington, Mr. LENROOT, Mr. MCKELLAR, Mr. MCNARY, Mr. NELSON, and Mr. STERLING answered to their names when called.

Mr. GRONNA, Mr. CALDER, Mr. KENYON, Mr. HITCHCOCK, and Mr. BORAH entered the Chamber and answered to their names.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. I ask that this announcement may stand for the day.

Mr. CURTIS. I have been requested to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Pennsylvania [Mr. KNOX] are detained on official business.

I wish also to announce that the Senator from Maryland [Mr. FRANCE] is necessarily absent, and that the Senator from Maine [Mr. HALE], the Senator from New Hampshire [Mr. KEYES], the Senator from Delaware [Mr. BALL], the Senator from Florida [Mr. TRAMMELL], and the Senator from Nevada [Mr. PITTMAN] are absent in attendance at a committee meeting.

Mr. GERRY. The Senator from Arizona [Mr. ASHURST], the Senator from California [Mr. PHELAN], the Senator from Virginia [Mr. SWANSON], and the Senator from Maryland [Mr. SMITH] are absent on official business.

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is unavoidably detained from the Senate, and that the Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 8038) to amend section 4 of the act approved July 17, 1916, known as the Federal farm-loan act, extending its provisions to Porto Rico, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Presiding Officer:

H. R. 202. An act to authorize the Secretary of the Interior to issue patent in fee simple to the county of Huron, in the State of Michigan, for a certain described tract of land for public-park purposes;

H. R. 1275. An act for the relief of W. L. Rose;

H. R. 1791. An act for the relief of O. W. Lindsley;

H. R. 3211. An act for the relief of Emma J. Spear;

H. R. 5213. An act for the relief of occupants and claimants of unsurveyed public land in township 8 north of range 2 west of Salt Lake meridian, Utah;

H. R. 6136. An act authorizing the Secretary of the Interior to sell certain lands to school district No. 21, of Fremont County, Wyo.;

H. R. 6291. An act for the relief of E. Willard;

H. R. 6413. An act granting the sum of $549.12 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as a result of an accident at the Philadelphia Navy Yard;

H. R. 6772. An act authorizing and directing the transfer approximately of 10 acres of land to rural high-school district No. 1, Lapwai, Idaho;

H. R. 6773. An act for the relief of Albert C. Burgess;

H. R. 10207. An act providing for service of process in causes removed from a State or other court to a United States court;

H. R. 12711. An act to amend the act approved December 23, 1913, known as the Federal reserve act; and

H. J. Res. 222. Joint resolution authorizing the Secretary of War to dispose of surplus dental outfits.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions adopted by the Legislature of the Commonwealth of Massachusetts favoring the repeal of restrictions on the freedom of speech, freedom of the press, and the right of free assemblage. I ask that the resolutions be printed in the RECORD and referred to the Committee on the Judiciary.

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

THE COMMONWEALTH OF MASSACHUSETTS, 1920.

Resolutions favoring the repeal of restrictions on the freedom of speech, freedom of the press, and the right of free assemblage.

Resolved, That in view of the ratification of the peace treaty by a majority of the allied countries and the virtual ending of the Great War, so happily consummated, the General Court of Massachusetts declares its belief that the time has now come for the repeal and removal of all restrictions imposed for the duration of the war on the freedom of speech, the freedom of the press, and the right of the people peaceably to assemble.

Resolved, That the secretary of the Commonwealth be instructed to transmit copies of the foregoing resolution to the President of the United States, to the members of his Cabinet, and to the Senators and Representatives in Congress from Massachusetts.

In senate adopted March 3, 1920.

In house of representatives adopted in concurrence March 8, 1920.

A true copy. Attest:

ALBERT P. LANGLEY,
Secretary of the Commonwealth.

Mr. TOWNSEND presented a petition of the Label Manufacturers' National Association, of Cleveland, Ohio, and a petition of the Folding Box Manufacturers' National Association, of Cleveland, Ohio, praying for the enactment of legislation providing that the excess-profits tax be abandoned and a flat tax on sales be substituted therefor, which were referred to the Committee on Finance.

REPORTS OF COMMITTEE ON FINANCE.

Mr. MCCUMBER, from the Committee on Finance, to which was referred the bill (H. R. 12260) to amend section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," reported it without amendment and submitted a report (No. 509) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes, reported it with an amendment and submitted a report (No. 510) thereon.

BUREAU OF WAR RISK INSURANCE.

Mr. SMOOT. From the Committee on Finance I report back favorably without amendment the joint resolution (S. J. Res. 189) authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Utah asks for the immediate consideration of the joint resolution just reported by him, which will be read.

The joint resolution was read, as follows:

Resolved, etc., That for such reasonable time as may be fixed by the Secretary of the Treasury, but not extending beyond the fiscal year ending June 30, 1921, the accounting officers of the Treasury are hereby authorized and directed to allow credit in the accounts of the disbursing clerk of the Bureau of War Risk Insurance for all payments of insurance installments heretofore or hereafter made under the provisions of Article IV of the war-risk insurance act in advance of the verification of the deduction on the pay rolls, or of the payment otherwise, of all premiums.

Mr. SMOOT. Mr. President, I will simply say in explanation of the joint resolution that in substance it provides for the extension for an additional year of the provisions of public joint resolution 52, Sixty-fifth Congress. The War Risk Insurance Bureau is unable to get its accounts audited in time so as to comply with the requirements of the Auditor for the Treasury Department, and this joint resolution proposes to confer the authority on the Auditor for the Treasury Department to credit the disbursing clerk of the War Risk Insurance Bureau with the amounts of payments of insurance installments without being accompanied by a certificate from the proper officer of the Army or Navy Department to the effect that deductions from pay for premiums on such insurance had been paid.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

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

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

BILLS INTRODUCED.

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

By Mr. McKELLAR:

A bill (S. 4197) to provide for loans to enable veterans of the war with Germany to attend educational institutions, and for other purposes; to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 4198) for the relief of certain estates; and

A bill (S. 4199) for the relief of certain estates; to the Committee on Claims.

A bill (S. 4200) authorizing the Secretary of War to donate to the town of Winchester, Mass., one German cannon or field-piece; to the Committee on Military Affairs.

By Mr. FERNALD:

A bill (S. 4201) granting a pension to Affie M. Crockett (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 4202) granting a pension to John H. Vogt (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 4203) for the relief of the Cornwell Co.; to the Committee on Claims.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. POINDEXTER submitted an amendment proposing to appropriate $300,000 toward the development of a submarine, destroyer, and aviation base at or near Ediz Hook, Port Angeles, Wash., intended to be proposed by him to the Naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

ARMY REORGANIZATION.

Mr. McKELLAR submitted sundry amendments intended to be proposed by him to the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes, which were ordered to lie on the table and be printed.

Mr. GORE submitted two amendments intended to be proposed by him to the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes, which were ordered to lie on the table and be printed.

CAMPAIGN CONTRIBUTIONS.

Mr. THOMAS. I present a proposed amendment to House bill 8078, which I ask to have inserted in the RECORD, printed, and lie on the table.

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

The amendment is as follows:

Amendment intended to be proposed by Mr. THOMAS to the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," viz, insert as an additional section:

"That there shall be levied, assessed, collected, and paid in respect of the excess over the sum of $1,000 which any person, firm, association, or corporation shall give, advance, pay, expend, subscribe, or contribute in the aggregate during any taxable year for the purpose, directly or indirectly, of influencing the nomination or defeat of any candidate or candidates for nomination, or the election or defeat of any candidate or candidates for office, or the success or defeat of any proposition, to be voted upon at any primary election or general or special election at which candidates for Members of the House of Representatives or for United States Senator or presidential electors are to be nominated or elected, a tax equal to 100 per cent of such excess; such expenditures or contributions to include all sums in any form contributed, subscribed, advanced, expended, paid or given to or for or against such candidate, candidates, or proposition, or to or for party or other political committees or campaign funds, but not to include lawful expenditures made by such candidates or regular political committees or out of such campaign funds of moneys lawfully contributed to them.

"Every person, firm, and corporation required by law to make an income-tax return shall state therein specifically each item and the date thereof of all gifts, advances, expenditures, subscriptions, payments, and contributions made, and to whom, for the purpose of influencing the result of such primary and general elections and of all taxes due thereon under the provisions of this section. And the treasurer or chairman of all State or congressional committees and of all political committees as defined in the act of Congress approved June 25, 1910, entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' and of all associations or committees organized to promote or prevent or engaged in promoting or preventing the nomination or election of any candidate for Member of the House of Representatives or of the Senate of the Congress of the United States or for presidential elector or electors, shall within 30 days after the election to be held therefor file with the collector for the district where the headquarters or other office where such committee or association is located, a return stating specifically all sums of money received, from whom received, and the date thereof."

GOVERNMENT OPERATION OF RAILROADS.

Mr. MYERS. Mr. President, I have here a brief article, clipped from a recent issue of the Washington Post, showing, on the authority of Hon. Walker D. Hines, the Director General of Railroads, the cost to the Government of Government operation of railroads during the short period of that operation. I ask that the article may be printed in the RECORD.

Mr. SMOOT. Mr. President, under the rule to which we have agreed, I shall have to object.

Mr. MYERS. I will say to the Senator from Utah that the article is only about 6 inches in length.

Mr. SMOOT. But if we permit one such article to be printed in the RECORD we shall have to allow them all to be so printed.

Mr. MYERS. Then I withdraw the request.

The PRESIDING OFFICER. Objection is made to the printing of the article in the RECORD.

Mr. SMOOT. The Senator from Montana may read it if he so desires.

Mr. MYERS. I do not think it would be in order for me to do so now.

Mr. SMOOT. I do not think there will be any objection to the Senator reading the article.

Mr. MYERS. Then, Mr. President, I will read the article, if there be no objection. It is as follows:

Congress was asked formally yesterday to appropriate $420,727,341 to wind up the affairs of the Railroad Administration.

In requesting the fund, Walker D. Hines, Railroad Administrator, placed the loss resulting from the Government's experience in Federal control at $900,478,756. In addition the Government has $966,803,363 owing it by the roads, the money having been advanced for operating expenses and betterments. Ultimately this fund will be repaid.

Mr. Hines explained that no allowance had been made in his request to cover any claims the roads might have against the Government for maintenance of the lines because the net amount for this purpose could not yet be estimated.

Before the carriers were returned to private operation last March 1, Congress appropriated $1,450,000,000 for the expenses of the Railroad Administration, and the new request to liquidate its affairs would bring the total appropriations to $1,870,727,341, incurred by the Government, including $677,513,152 for the operation of the so-called class 1 roads. Operation of smaller lines, sleeping and refrigerator cars, and steamship lines caused loss of $43,011,129 and inland waterways $2,449,739. The American Railway Express was operated at a loss of $38,111,742, while miscellaneous losses were listed as aggregating $125,438,014.

In addition the expenses of the central and regional organizations of the Railroad Administration were placed at $13,954,980, and $3,445,222 will be required for its expenses from last March until next January.

Under the transportation act $270,079,575 of the $966,803,363 due the Government by the roads will be funded for a period of 10 years. This was advances for improvements. An additional $367,806,968, advanced for equipment purchases, will be payable in 15 annual installments. In addition the Government holds $144,422,526 of one-year notes of the carriers, $44,433,664 of long-term notes, $35,221,199 of stocks, bonds, or receivers' certificates, and $90,258,305 as "miscellaneous investments." The inland waterways owe the Government $14,581,126.

Mr. Hines's letter also showed that the Railroad Administration expended a total of $765,821,450 for improvements on the roads, but of this amount he listed $495,741,875 as the "probable deductions" to be made under the railroad bill for debts owed to the lines by the Government in the form of rent.

In comment, I will simply say that during the period of Government operation of the railroads, extending over a little more than two years of time, the cost to the Government was very close to $2,000,000,000, of which about one billion is owing by the railroads and will probably be returned to the Government at some time, if the railroads are ever able to earn it. That will leave the net loss to the Government very close to $1,000,000,000.

HOUSE BILL REFERRED.

H. R. 8038. An act to amend section 4 of the act approved July 17, 1916, known as the Federal farm loan act, extending its provisions to Porto Rico, was read twice by its title and referred to the Committee on Banking and Currency.

ARMY REORGANIZATION.

The PRESIDING OFFICER (at 12 o'clock and 28 minutes p. m.). Morning business is closed.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of Senate bill 3792, the Army reorganization bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

Mr. KIRBY. Mr. President, on February 5 I submitted and had printed an amendment to the pending bill. I now offer that amendment, and move it as a substitute for the pending amendment.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment, which the Secretary will state.

The READING CLERK. As a substitute for the amendment offered by Mr. MCKELLAR, it is proposed to strike out section 51 and all other sections and clauses of the bill providing for compulsory military or naval training.

Mr. KIRBY. Mr. President, this bill furnishes a complete and comprehensive plan for the organization of the Military Establishment and the creation of a cohesive, effective army, and is the result of work well done by the able chairman of the Military Affairs Committee, who, with the members of the subcommittee, labored long and faithfully in its production. It provides for a Regular Army of 280,000 enlisted men with 18,000 officers, and in addition the National Guard and a reserve force of all men who are brought into the service through the compulsory training.

The bill has, I know, the approval of the War Department, as has been stated, and of Gen. Pershing, the great commander of our Army overseas, who, in urging the adoption of the compulsory training system, stated that in addition to the preparation of our young men for service in defense of the country in time of war, that such training would develop physical vigor and manliness and that "the preparation for service to the country increases their patriotism, broadens their views through association with men of all classes, and is thoroughly democratic."

I understand also that the American Legion favors the policy of compulsory military training.

Such approval represents only the military point of view, however. It is the business of the War Department, of course, to insist upon a permanent Military Establishment large enough to preserve order throughout the Nation and our island possessions and to protect against any threatened danger or sudden attack from the outside.

Gen. Pershing is a soldier by profession, and the American Legion, which also indorses it, represents that viewpoint necessarily, since it is composed only of officers and men of our great Army recently demobilized.

The bill should not be enacted merely because it will produce a grand army nor without proper consideration of productive industrial and economic conditions and the other needs of our country and people. It must be remembered that we had a grand army of more than 4,000,000 men in the service; that we have just demobilized this army that had successfully vindicated the Nation's rights upon the battle fields of the world—demobilized it because it was no longer needed. Other things than a great army are needed to promote the public welfare.

Mr. President, I am opposed to the adoption of the policy of universal compulsory military training in times of peace. In the Military Affairs Committee I moved to strike out of this Army reorganization bill section 51 and all other sections and clauses providing for compulsory military or naval training, and have proposed a like amendment here. It reads:

Strike out section 51 and all other sections and clauses of the bill providing for compulsory military or naval training.

Section 51 reads as follows:

SEC. 51. Military training: All male citizens of the United States (excluding residents of Alaska and the insular possessions) and all male persons who reside therein and who have declared their intention to become citizens, other than persons excepted by this act, shall, upon attaining the age of 18 years or within three years thereafter, be subject to military or naval training and shall be inducted into the Army or Navy of the United States for this purpose alone, and shall be subject to training therein for a period of four months and for such further time as may be reasonably necessary for enrollment, mobilization, and demobilization: *Provided*, That under regulations to be prescribed by the President the training of any such person may, with his consent, be continued for an additional period not exceeding two months. After training they are placed in the reserve for five years, and as reservists subject to mobilization and additional training for two annual periods of not exceeding two weeks each.

That makes four months' training; whatever time is necessary in addition to register, mobilize, transport, and demobilize them, and four weeks additional, which necessarily would bring the amount of time up to nearly six months.

CONSCRIPTION LAW REENACTED.

Section 57, also proposed to be stricken out, reads:

In order to carry out the provisions of this act relative to the registration, examination, classification, exception, exemption, and induction into the service of persons liable for the military training provided for in this act, so much of the provisions of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," as may be necessary and applicable thereto are hereby extended and made applicable for this purpose.

I voted against the enactment of the draft law in the first instance and favored the old volunteer system, knowing that the history of the volunteer was the history of America's military glory and achievement, and I shall certainly not vote to conscript our young men for military training in times of peace. It is true, however, that the draft operated effectively and produced a great Army which proved no less valiant than our Armies of other days and carried our standard to victory on the battle fields of the world.

The war has been fought and won. The war was lost to the Allies till the United States entered it, and our entry determined its outcome—changed defeat into victory. America's rights have been vindicated and our great Army has been demobilized. The peace treaty it is true has not yet been ratified by us, but it has been ratified and is effective so far as our enemies, associates, and allies are concerned. Universal compulsory military training is now proposed as a permanent policy of our Military Establishment. Never before in the Nation's history has such a policy been seriously considered. Our wars have all resulted in victory without the suggestion even of the adoption thereafter of any such policy of preparedness.

Such a policy is undemocratic, un-American, vastly expensive, wholly unnecessary, and can not but result in fastening militarism, which this great war was fought to destroy, upon our own beloved land.

It violates the basic truth of the Declaration of Independence, the Nation's charter of liberty, "All Governments derive their just powers from the consent of the governed." Wherein has any consent of the governed, those to be affected by this bill, been given? It only requires, yea, compels, our young men 18 years of age, men who are not allowed to cast a vote or have a voice in the Government, to leave home and farm and school and occupation and business and spend four to six months in training in military camps, subject to the harsh military law and regulations and liable to court-martial for disobedience or infraction thereof. It is even worse than that. The Congress now being urged to impose this un-American, this Prussian military policy upon the country was elected during the war and before this matter was ever proposed, discussed with or considered by the people. They have had no opportunity or chance whatever to determine what should be done about it.

Why the haste about the adoption of this policy, that is so new, that is un-American, that is undemocratic, when, as I understand from the chairman of the Military Affairs Committee, it is not proposed now to put it into effect for two years yet to come? Why not at least let the people who do vote, and who have a right to a voice here, pass upon the merits or demerits of it? The consent of the governed is but a sham, a hollow mockery, so far as this proposal is concerned.

NOT NECESSARY.

No necessity exists for the adoption of such a policy. Notwithstanding we are still technically in a state of war, the peace treaty not having been ratified, our enemies have been crushed, stripped of their military and naval power, their Governments overthrown, and their territory dismembered. They are powerless to harm us. With all the rest of the world we are at peace.

The nations of the Old World, beyond the oceans which are still our best defense, are exhausted from waging the last war and impotent to menace the peace or safety of our country with an attack for years to come. There is no power or combination of powers on this side of the world strong enough to give us any concern even if we were not friendly with them all. Our Army as now organized is twice as large as it was before we engaged in this war.

There is the National Guard also, and in addition we have easily available for service, or that can be immediately made so, nearly 4,000,000 trained soldiers recently demobilized, one-

half veterans from service overseas, where on the battle fields of France the American Army set the Stars and Stripes highest among the standards of the nations, and demonstrated in the face of the battling hosts of the world the incomparable qualities of the American soldier and the invincible prowess of the American Nation.

It is objected, however, that these men, who have served our country so well, should not be expected to render further service. Why not? They are thoroughly trained and fit, and it strikes me it would be far better, if more is to be expended on a program of preparedness, to have them take the possible slight chance of service in any future emergency within the period of their activity and be paid the amount proposed to be used for compulsory training as additional compensation for the service already performed. This course would, at least, prevent the taking of 750,000 men for six months in the year out of industry and production and do but simple justice to our ex-service men.

Mr. President, the ex-service men—the American Legion—have not hesitated, since their return to this country, to give advice on all great public questions, or at least to suggest their opinion about what ought to be done; and it will not be amiss if I, who am a soldier's son—my father fought four years in the Confederate Army—should interpolate here something that I had not intended to say.

I think it should be well understood that the Government may be trusted to do what is right, so far as the payment of additional compensation for the service already so well rendered is concerned. I know, and it is generally agreed, that the Government has already been liberal, has been generous, in making provision for taking care of and maintaining the crippled and the wounded of the last war, and for paying insurance to the beneficiaries of those who died or were killed in battle. I think they might well trust the Government to take care of this additional claim, and that these soldiers of ours who have returned should readjust themselves to existing conditions. It will not do that these men who are young, who are but yet in the morning of life, shall regard their careers as ended and that there is nothing else for them to do hereafter. They have had the great adventure, but it is yet for them the morning of life, and a man can not lay out his life in the morning. There must come a noontide, the burden and heat of the day, and there will come the evening and the dark. They must rely upon themselves in civil life, as they were taught to rely upon themselves in the Army yonder. They must go on with the duties of citizenship and make their places in civil life and careers in the world as best they can and as all others must do. Too much reliance and dependence should not be put upon the Government, and no time should be wasted by them in getting back into civil life or waiting for a bonus that may, in fact, never be provided.

RACE QUESTION.

There is an additional difficulty connected with this matter. The race question will be affected. The adoption of this policy will accentuate the race problem already increasingly difficult in the South because of the return of ex-soldiers of the Negro race.

The Negro on the whole is well disposed, industrious, peaceable, and law-abiding, and makes a good farm laborer and farmer, but when he is given military training it changes his disposition and he becomes idle and arrogant, a troublesome element in the rural districts. The bad effect would not be so noticeable in cities that have adequate police protection, but certainly there is no need for making the industrial and farming conditions of the South at this time more difficult than they are.

VASTLY EXPENSIVE.

The expense is prohibitive, entirely too great for any possible benefit that can be derived from such training. The country is now staggering under the burden of the enormous debt, thirty billions of dollars, incurred in the prosecution of the war and the greatly increased expenses because of it imposed on the Government. The annual expense of administering the Government will reach the amount of four to five and a half billion dollars without this additional burden. Our experience in the war demonstrated that of the 1,000,000 men coming of age yearly about 750,000 are physically fit and would be eligible for training under the provisions of this bill, and if it be estimated that 20 per cent of those eligible would be exempt for one reason or another it would leave 600,000 to be trained annually. The bill provides that they shall be trained for a period of four months and as reservists for another four weeks, and it would require probably a month to mobilize, transport, and release them, taking in all a period of about six months for each man. The average cost per man of the present Military Establishment is about $2,000 a year, and assuming it would cost no more to mobilize, equip, and train a new recruit for the same time than is expended on a regular soldier, which is not really the case, half the amount, or $1,000, may be taken as the cost of training.

This will hardly include the necessary overhead expense and the maintenance of the training camps. The cost of training 600,000 men at $1,000 each for six months amounts to $600,000,000. This estimate may be reduced by deducting the amount of $25 per month for each man, since he receives that amount less while in training than a regular soldier's pay. Deducting the $90 for each man for the term, $54,000,000, we still have $546,000,000, which added to the cost of the Regular Establishment, $503,000,000, will make more than $1,000,000,000 for the Military Establishment.

Mr. President, it will be remembered that the country almost had spasms a short while ago when the expense of administering the entire Government amounted to $1,000,000,000 a year. In addition the value of the time consumed in the training at a soldier's rate of pay of the men eligible, 750,000, would be $135,000,000, an amount equal to what the chairman of the committee says will cover the cost per year of the compulsory training.

The time lost by the 750,000 men in six months in camp at a soldier's rate of pay is worth $135,000,000, as much as the chairman of the committee thinks it will cost to put the entire compulsory system into operation.

I know that the chairman of the Military Affairs Committee of the Senate claims that the cost of the Regular Establishment will be only $503,000,000 for the year 1921, and that when the training system is in working order it will cost only $135,000,000 per year for the four months' training and $124,000,000 for the National Guard, and in all a total cost of $654,000,000 per year.

It is contemplated, however, in his last estimate that by the end of six years the expense for the Regular Army, because of the reduction of 5 per cent a year for five years, will be only $399,000,000, the permanent personnel of the Army being reduced by then to 210,000 enlisted men and 16,200 officers.

Mr. MONDELL, majority leader in the House, discussing the matter, said:

> I have been very much surprised to hear, from sources that ought to be well informed, the very extraordinary statement that a system of compulsory universal military training can be put in operation by the United States for $125,000,000. The man or the organization that makes such a statement as that is either lamentably ignorant or willfully misstates the fact, and the computation of the cost of such a system is so simple that there is no excuse for a misstatement of the facts. The fact is that a system of universal compulsory military training could not be inaugurated in America and operated for the first year for less than $1,000,000,000 and could not be carried on thereafter for less than $700,000,000 per annum, and these figures are conservative and based upon facts so well known that the least-informed citizen may readily grasp them.

And further:

> Army officers have testified that it would cost at least $300,000,000 to put the camps of the country in condition for a system of universal military training and that it would cost at least $60,000,000 per annum to keep these camps in condition. The items, therefore, of a system of universal compulsory military training, with 25 per cent of the able-bodied men excused, would be for the first year as follows:

Enlargement, improvement, and extension of camps	$300,000,000
Assembling, transportation, equipment, and training of 600,000 men	600,000,000
Maintenance camps, one year	60,000,000
Incidental costs, training, equipment, and matériel	40,000,000
Total	1,000,000,000

> This sum might be reduced after the first year by the $300,000,000 used for enlargement of camps, though the probability is that other unanticipated costs would take it up.

A Member of the House from my State returning from a long absence after this provision had been defeated in the House and the bill passed made a speech stating his opposition to the principle because of the great cost, among other reasons.

Senator MCKELLAR, of Tennessee, in his speech on February 9, stated the total cost for the Army with the universal military training in effect would be more than $1,250,000,000 a year, and submitted estimates and figures in confirmation of it. He said, also, that his estimates had been made after conferring with Army officers who had gone over them carefully and who were familiar with the facts and conditions, and some of whom had testified in the hearings before the committee.

It is easily apparent that the expenses of the Army with the compulsory training system added will reach more than $1,000,000,000 a year. You all remember that the country almost had spasms when the expenses of the entire Government amounted to $1,000,000,000 a few years since. The appropriation for the Military Establishment in 1916 was $101,975,195 and in 1917 $267,396,530, and now with the war over the Regu-

lar Establishment, without compulsory military training, requires $593,000,000 a year, as estimated by the chairman of the Committee on Military Affairs and as provided for in this bill. It seems to me if there ever was a time when there might be substantial retrenchment and some little reduction, so far as military expense and protection are concerned, now is the time it should be instituted.

Mr. POMERENE. Mr. President——

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

Mr. KIRBY. I yield.

Mr. POMERENE. Do I understand from the figures just given that it is the judgment of the Senator from Arkansas that the universal military training alone will cost in the neighborhood of $1,000,000,000?

Mr. KIRBY. No; not my judgment, but the judgment of these two men whom I have named. They say that, with the appropriations for the Regular Army, it will cost us necessarily more than a billion dollars.

Mr. POMERENE. How much more than a billion dollars?

Mr. KIRBY. It depends on some other matters which I am unable to determine. I think it will cost over $600,000,000 to mobilize these men and send them to camp and maintain them and supply them while they are there and return them home.

Mr. POMERENE. Per year?

Mr. KIRBY. Per year. That makes no estimate whatever for and does not take into account the overhead expense for camps, officers, and maintenance of the training camps.

Mr. POMERENE. Then I take it that another matter which we ought to take into consideration is what the Senator from Arkansas referred to just a moment ago, that it takes these young men for this period of time out of the industrial life of the country.

Mr. KIRBY. It takes them for six months out of the industrial life. I will reach that point in a moment.

It should be borne in mind also that the bonds of the Victory and Liberty loans purchased by many people with great sacrifice are selling below par, some issues as much as $10 on the hundred. Certainly under the circumstances this great additional amount of unnecessary expense should not be incurred to support a great Army for which the country has no need.

ECONOMIC LOSS.

This does not begin to reflect the true condition. Let the economic loss be also considered. From the four years' war the world is woefully short of manufactured articles, commodities, and agricultural products, and the greatest shortage is of labor that must produce them all. The cost of living is almost prohibitive, and the profiteers are wallowing in a harvest of gold. Seven and one-half million men died of wounds and were killed in battle in the Great War. Millions more died of disease, and yet other millions are disabled from wounds received. We lost in battle and by disease 112,000 and another 100,000 physically disabled. The national conference on immigration held yesterday in New York stated that the industries of our country need 4,000,000 workers; "that at a time when a shortage of labor, principally primary labor, is curtailing production in practically all basic industries, there is a marked tendency overseas to the discouragement of immigration of able-bodied men, with also a tendency in this country to put up the bars against immigration." It states there is a shortage of 4,000,000 immigrant workmen due to the stopping of immigration during the war, not to mention those who have left this country since the armistice, 275,000 or more, with the probability that another 125,000 will go. That is the condition throughout the world, and in this country so far as man power is concerned and the reduction of it. There is a marked shortage of labor in production and industry in this country, in office, in store, in mill and mine and factory, and especially on the farm.

The farms of the country can not be fully cultivated because of such a shortage of labor, and many of them are lying idle on that account. No more than 5 or 10 per cent of the boys who went from the farms to the war have gone back to the farms. It would be nothing short of criminal to take 750,000 men out of industry and production and off the farms under such conditions.

DANGER OF MILITARISM.

Mr. President, I come to what seems to me the greatest objection to this proposed amendment—the danger of militarism.

The adoption of this policy can not but result in fastening militarism, the greatest curse of the world, upon our own country. Its frightful cost is shown in the wreck and ruin of this last war, in the millions of dead, the woe and anguish of the starved and suffering people in its wake, in Kingdoms and Empires overthrown, dismembered, and destroyed.

Men and nations are slow to learn from the experience of the past, and from their own experience even it seems they will not learn wisdom.

Our own experience even seems to be disregarded. It is true that by the terms of the treaty we have prohibited the use in Germany of a system of compulsory military service. It is true that by the terms of the treaty we have limited the German Regular Army to 100,000 men and 4,000 officers and their schools to as small a number as can supply these officers.

In our own schools, under the arrangements made and under the schemes in prospect now, we can train 20,000 officers annually, and it is proposed that that shall be done.

Militarism flourished and developed to its highest point in Germany under the compulsory service system and the kultur incident thereto, impressing the minds of citizens and soldiers alike that the German soldier was superior to the fighting man of any other nation and the German Army invincible. The German Kaiser, the incarnation of the militaristic spirit, when the time was fully come, started upon a world conquest with his mighty military machine, and the other nations, all in combination and self-defense, after four years of terrible fighting, overcame and destroyed it, but at what a frightful cost in life and treasure. The German Government was overthrown, and the German Kaiser, now in exile, broods in silence over the vast and terrible destruction wrought.

Russia, formerly the greatest Empire of earth, presents the most tragic figure—her Government overthrown, millions of her people killed, the Empire dismembered, and anarchy, revolution, and civil war rampant throughout her former confines.

France, too! Unhappy France! The rivers of France ran red with the best blood of her sons and the brave men of other nations; but she, too, seems not to have learned from experience but to remember, rather, the glory of military achievement in the splendid days of the old Empire, when the greatest military chieftain of all time led her mighty armies in an attempt to subjugate the world. She has forgotten the disastrous result that reduced her to a fourth or fifth rate power and the inglorious end of that great military chieftain of whom more pages of solemn history have been written than of any other man—"on a barren island, in an unfrequented sea, in the mouth of an extinct volcano, as a beggar—so died Napoleon."

It is evident that France has acquired more territory in this war by conquest than she has the ability to develop or the power to defend. What is the condition of the world to-day? Has an inventory been taken of our own condition since this war has been fought and won?

We know that we lost 112,000 men in battle and about 200,000 men who have been wounded, and most of whom are disabled. We know that there is a debt of $30,000,000,000 upon the backs of the people of the United States.

What is the condition across the water? We said we fought this war that the freedom of the seas might be established, and that was the chief reason, and the real reason, we had for going into the war, because our rights on the seas had been invaded, our commerce had been obstructed and destroyed, and the lives of our people destroyed. We were denied the right to the freedom of the seas, to which we unquestionably were entitled under international law. What has been the result? In the conference for the settlement of this war and making peace it was found that we could not have the freedom of the seas guaranteed, and that point had to be abandoned.

It was insisted that the war was fought to destroy militarism, and we have now in free America the spectacle of fastening this system of militarism upon these United States in a time of peace, when there is no power who can challenge our peace and safety, or which can hinder or make us afraid.

What further have we? We have not been able to agree upon a treaty of peace and the League of Nations, which would guarantee the peace of the world in the future, for which we also said the war was fought. We have not agreed to that. What is the condition on the other side of the water? France has invaded Germany with her armies, contrary to the spirit of the treaty of peace and against the provisions of the covenant of the League of Nations.

What have we further? The Poles are 150 miles in Russia fighting, when they should be home, under the provisions of the treaty of peace and the covenant of the league.

What have we further? The Italians are encroaching upon the Jugo-Slavs, and the Serbians are taking and grabbing the territory of Austria-Hungary. Beyond that, we have Greece taking the territory of Turkey, and Turkey murdering the Armenians.

That is the condition in the world to-day. It may be said that if we are to go across the water and take an Army suffi-

ciently large to round up all these people and put them back on their reservations, then we would have great need of this particular system of military training. It may be so. But so far as I am concerned, I do not believe that will ever be done, and at least that reason is not urged for it here now.

The Scriptures say that as a man thinketh in his heart, so is he. It is said that if you send men to a military training camp there will be some benefit on account of the training. They say it increases a man's physical vigor and tends to give him self-reliance; it shows him how to take care of himself under ordinary living conditions; it broadens his views. The great commander of our Army overseas said that it is thoroughly democratic. I do not believe that in this country of ours, which is nearer to a pure democracy than any other which has been developed in the civilization of the world, it is necessary to send a man to a military training camp and make him go whether he wants to or not in order to teach him democracy.

What is a soldier taught at the training camp? He is sent there and taught to obey orders and to learn how to fight. That is the sole purpose for the organization of a training camp, and when you send 750,000 men this year to the training camps and teach them the military régime and discipline and teach them how to fight, and 750,000 men next year, and the next year, and the next year, in 10 years you will have an Army of 7,500,000 men; in 20 years, which would not be beyond the period of activity of those who would start now, you would have an Army of 15,000,000 trained men; and you would have all the men and women of the generation thinking about the military glory and power of these United States.

We would have militarism fastened upon this country as firmly as it has ever been riveted upon any of the nations across the world in the past. It seems to me that it is bound to result, and this is the worst and most dangerous feature of it all.

Now, Mr. President, I have urged these things against the military training feature, and I think the objections are all well taken. I think the country would do well now to give heed to the trend of thought. I know it is the custom, I know it is natural, yes, that all men love power. Men from times remote have worshiped power. The great God of the universe who made us all revealed Himself to us as all-powerful, otherwise man would not have worshiped Him. The army is the very highest expression of a nation's power. The people like to think, and our people have been taught to know, that we are a superior people and ours the greatest and richest Nation on the earth, and, as the Army demonstrated in the last war, the most powerful, and a great many want this typified by a great Army, the greatest that has ever been mobilized in the history of the world. But that brings militarism in the end, and militarism brings final disaster and calamity to any nation where it is cultured and gains a foothold.

Mr. President, in the centennial edition of the Arkansas Gazette there was published the following brief article, which I desire to include at this time as a part of my remarks:

"Senator KIRBY, on November 16, 1916, resigned as judge of the Supreme Court of Arkansas to begin service in the United States Senate, since which time our Nation has fought and won the greatest war of all time. He has been a member of the Military Affairs Committee, the most active committee of the Senate, throughout the duration of the war.

"The Senator, thinking the war could be averted without the loss of dignity or honor to our country, opposed some measures regarded unnecessary, ineffectual, and but preliminary declarations of war. He also favored the old volunteer system and voted against the draft, but when our new policy for raising the Army was determined he actively and effectively supported all war legislation and stood by the War Department continuously in the prosecution of the war; was the only Democrat on the committee familiar with the conditions from the hearings in the investigation of the War Department who favored the Overman bill, giving the President plenary power to reorganize and coordinate the agencies of the War and other departments.

"He spoke twice in support of the measure, while the Democratic chairman, and the ranking member, and the only other Democratic member besides himself who had regularly attended the hearings, opposed it and favored another bill, which would virtually have taken the conduct of the war out of the President's hands.

"He favors withdrawing our troops from Russia at once, and all the remainder of the Army from overseas, except such troops as must be kept there temporarily under the terms of the peace treaty, and regards favorably our soldiers' claim for additional compensation or other substantial relief.

"He hopes to have our soldier dead returned for burial here, that of them it may be said:

"Your own proud land's heroic soil
Shall be your fitter grave;
She claims from war his richest spoil,
The ashes of her brave."

"He actively and effectively supported the appropriation of $16,000,000 for vocational training and rehabilitation for our disabled soldiers and sailors, and also a like bill providing for such training and rehabilitation of men disabled in industry.

"He actively and effectively supported the Mississippi River flood-control project authorizing an expenditure of $45,000,000 for preventing its disastrous overflows, and also the laws authorizing the expenditure of about $300,000,000 for improvement of the public roads.

"He is a member of the Commerce Committee, having jurisdiction of legislation for improvement of rivers and harbors and shipbuilding, as well as of the Committee on the Mississippi River and its Tributaries, and took especial interest in having the barge line on the Mississippi River from Memphis to New Orleans established. Much effort was required to get this done after the law was passed authorizing it.

"He is also a member of the Committee on Patents, of which he was chairman during Democratic control, and of the Committees on Interoceanic Canals and Civil Service and Retrenchment.

"He believes the gambling in cotton futures should be absolutely prohibited, and actively assisted in procuring the adoption of the Smith amendment to the Agricultural appropriation bill requiring the delivery of some one of the 10 grades of cotton purchased on contracts made on 'change, instead of permitting the delivery of any one of 21 inferior grades as under the old law, which has had effect with the conditions since developing to increase the price of cotton about $40 a bale.

"He actively supported both the proposed equal suffrage and prohibition amendments to the United States Constitution and the laws necessary to make the latter amendment effective.

"The Senator states:

"'The transportation problem is of supreme importance, and when the railroads are released to private ownership, as now appears will be the case—the Government operated the class 1 roads for the first eight months of this year at a net loss of nearly $275,000,000, a loss of more than $1,000,000 a day—sufficient control should be retained by the Government to guarantee the public reasonable freight and passenger rates and also the payment of reasonable wages to employees engaged in their operation.

"'An American merchant marine should also be established and maintained, and the Government should continue to build ships and to operate all constructed in carrying our coastwise and foreign commerce. No more Government-built ships adapted to such use should be sold or disposed of.

"'A matter of no less vital concern is the utilization of our inland waterways for the transportation of our products and commodities, and the barge line established on the Mississippi River by the Government, now in its experimental stage, must be fostered and the system maintained and extended if the State, the Mississippi Valley, and the South are to progress in accordance with their industry, productive energy, and capacity. Much of the commerce of this great region should not only be diverted to the South Atlantic and Gulf ports, but carried upon our inland waterways.

"'The benefits of the Federal farm-loan act should be extended and the rate of interest reduced as soon as it can be done.

"'Liberal appropriations should be continued for the support of all the activities of the Department of Agriculture.

"'Immigration should be carefully restricted for the next few years.

"'There should also be established a national budget system that will provide an economical and effective method of dealing with the revenues and expenditures of the Government, without which there must continue to be much duplication of effort and appropriations and great waste of public funds.

"'The high cost of living must be reduced. All restrictive war legislation should be repealed, and individual initiative and private enterprise encouraged to their best achievement.'"

Mr. WADSWORTH. Mr. President, may the amendment proposed by the Senator from Arkansas [Mr. KIRBY] be read?

The PRESIDING OFFICER. The Secretary will report the proposed amendment.

The ASSISTANT SECRETARY. As a substitute for the amendment proposed by the Senator from Tennessee [Mr. MCKELLAR] the Senator from Arkansas [Mr. KIRBY] offers the following:

Strike out section 51 and all other sections and clauses of the bill providing for compulsory military or naval training.

Mr. WADSWORTH. This amendment is drawn in a most unusual way. It provides that section 51 shall be stricken out, together with all other sections and clauses of the bill providing for compulsory military or naval training. I am not at all satisfied with the amendment. It is not specific. It does not specify what clauses do provide for military or naval training. It would really, if adopted by the Senate, amount to an instruction to the Secretary or the clerks at the desk to redraft the bill in their own judgment, according to their interpretation of what the amendment of the Senator from Arkansas means.

Mr. KIRBY. Mr. President, it seems to me that the amendment is plain. It strikes out section 51. It proposes to strike out the section that reenacts the old law and all the other clauses and sections which provide for military or naval training. If we take out section 51 we will strike it all out, anyhow, and the Secretary will strike out necessarily all other clauses that relate to the training.

Mr. WADSWORTH. That is just it—"all other clauses that relate to the training." There are hundreds of clauses in the bill that relate to training, directly or indirectly.

Mr. KIRBY. To compulsory military training?

Mr. WADSWORTH. Yes. Some of them relate to one kind of military training and some relate to another kind.

Mr. KIRBY. My amendment proposes to strike out only those sections and clauses relating to or providing for compulsory military or naval training.

Mr. WADSWORTH. How can the Senate pass upon that question without knowing where those clauses are in the bill?

Mr. KIRBY. It can pass upon it by saying that section 51 shall be stricken out, and then the others go with it.

Mr. WADSWORTH. What others?

Mr. KIRBY. All that relate to it necessarily would be left out.

Mr. WADSWORTH. To whom is that to be left to determine?

Mr. KIRBY. It would be left to the judgment of the Senate, and when that is determined, of course, it would be omitted by the Secretary of the Senate.

Mr. WADSWORTH. It can not be left to the judgment of the Senate. The Senate, under this amendment, is really delegating that judgment to the Secretary or to the clerks at the desk.

Mr. KIRBY. I do not so regard it.

Mr. WADSWORTH. I do not know whether an amendment of this sort, under the rule of the Senate, is subject to a point of order. I have never seen anything like it. I suppose if a thing of this sort could be done and the Senate chose to consider it it would be just as competent to offer an amendment to strike out the word "and" in the bill wherever it occurs or wherever it might in the judgment of the Secretary of the Senate occur.

Mr. KIRBY. I will ask that the vote be taken first on striking out section 51 as provided in the amendment.

Mr. WADSWORTH. Do I understand that the Senator from Arkansas offers that as a substitute for the amendment offered by the Senator from Tennessee?

Mr. KIRBY. I offer the whole amendment as a substitute.

Mr. WADSWORTH. I understand the Senator now changes his amendment.

Mr. KIRBY. No; I do not. I only ask that the vote be taken first with reference to section 51. If section 51 can not be stricken out, the whole amendment is necessarily lost.

The PRESIDING OFFICER. The Chair would like to understand the parliamentary situation. The Senator from Arkansas has offered an amendment as a substitute. The Chair desires to ascertain whether the Senator from Arkansas desires to withdraw that amendment and move as a substitute to strike out section 51?

Mr. KIRBY. I do not.

Mr. SMOOT. I understand the Senator from Arkansas desires to divide his proposed substitute and have the vote first taken on striking out section 51.

Mr. KIRBY. Yes; to strike out section 51.

Mr. SMOOT. In other words, the Senator virtually asks for a division of his proposed amendment, and then if the first part of the amendment is carried, of course, the Senator must of necessity, in order to make it complete, follow it with other amendments.

Mr. KIRBY. I will specify the others then.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas.

Mr. FRELINGHUYSEN. Mr. President, I desire to speak upon the bill before the Senate, not to explain it in detail, because that has already been done very ably by the distinguished chairman of the committee, who has made such a complete study of the problem of the reorganization of the Army and under whose leadership we have all worked. I intend to speak only of our future policy of national defense. I think I can safely state that the Military Affairs Committee has made a consistent study of the problem of reorganization, and for seven months they have exhaustively investigated the subject.

We have just passed through a great war and have made enormous sacrifices and borne heavy burdens of taxation, but our sacrifices are not extraordinary when compared with the sacrifices in men and money made by our allies.

However, the war has established one important principle—that we are equal to an emergency and capable of overcoming almost insurmountable handicaps. That we paid for it is true, but we did so with a knowledge and patriotism of which only the American people are capable.

The following lessons have been learned:

1. That wars are inevitable; that the greatest protection against war is a proper organization of national defense; and that the history of America shows that after all great wars we have had a reactionary period in which we have been negligent of the important policy of military preparedness. It has shown us that if we are to learn the lessons of the war and do our duty to the American people there must be a complete change of policy and a firm determination to avoid a condition such as existed prior to our entrance into the war.

2. It has shown that the American people are loyal and patriotic to their Government; that there is a strong national spirit, which was evidenced in the patriotism and sacrifices and the wonderful energy with which the people at home supported the armies in the field.

3. It has shown that, notwithstanding the lassitude and inaction that come from a long era of peace, the American citizen soldier can not be surpassed for bravery, courage, and morale. It has shown that the foreign races that have come to our shores have absorbed the spirit of American traditions and can be relied upon for loyalty and allegiance to the country.

4. It has shown that the measures of preparedness which we have to a limited extent carried out by establishing a Regular Army have given us Regular Army officers able to organize and carry out a campaign on an enormous scale, with a battle field 3,000 miles away, and that we not only cashed the dividends for the Plattsburg system and the vocational and educational plans in the colleges and elsewhere, but that the West Point Academy also paid great dividends for the money expended in the past.

5. The war also showed that, properly organized and coordinated, the efficiency of our vast industries and their ability to function have been clearly demonstrated.

Yet with all this in view we were late in accomplishing what should have been accomplished earlier, and it has cost us probably a score of thousand men and billions of dollars in additional taxation to accomplish what would have been accomplished more easily with proper preparation.

We are not a military nation and the American people hate war, and they hate to prepare for war. Nevertheless our military history is a glorious one. On the other hand, our statesmanship, in its relation to war, is a very black chapter in our history. We read it in the great sufferings of Washington's army at Valley Forge. We read it in the Spanish-American War, with the breakdown of the entire Army system, its casualties from disease and improper nourishment. We read it in the President's position in 1914, in a complete refusal to prepare for the inevitable, although all Europe was in conflagration. We also read it in Congress' meager appropriations and absolute refusal to make the necessary preparations and take time by the forelock prior to our declaration of war. What a fool's paradise we have lived in!

Had we had a simple system of universal training five years prior to the war, or had we had a standing Army of two or three hundred thousand men, hardly sufficient to police the border or the insular possessions, or had we anticipated Secretary Garrison's prophetic vision and created the continental army which he recommended in December, 1916, and had we protested against the violation of the neutrality, then I believe Germany would never have crossed the border at Liege, and I believed the loss of 10,000,000 lives and the crippling of 20,000,000 more would have been avoided.

I have said that our sacrifice was not great. We mourn the loss of 70,000 American youths, and it is with great pity that we observe the 200,000 wounded Americans in our midst. But compare this with the English, French, Italian, or Russian losses. We realize what would have happened to us had not England's great fleet protected our civilization and held back the conquer-

ing hordes of Germany while we built our factories and raised our armies and rushed to her aid.

Had we even prepared 500,000 men in 1916 that crucial period in 1917, when Germany was almost exhausted, would have ended the war and saved millions of lives. Who is responsible? I say that Congress is! As it happened we declared war entirely unarmed. We gave in to public opinion instead of leading it. We refused to see the inevitable. We submitted under a reactionary policy to numerous insults from Mexico. Where is the man to-day who is not ashamed of our Mexican policy? We submitted to the violation of our rights and allowed Germany to sink our ships. We allowed her to flout us and finally to sink the *Lusitania* while bound on a peaceful mission, and destroy the lives of over 200 American citizens. And yet the President and Congress took no action to protect them. With our national honor at stake, with civilization almost overcome, we pursued this weak foreign policy and refused to prepare, until the American people took the matter in their own hands, adopted the theory of Roosevelt, Wood, Garrison, and Gardner, and demanded proper preparedness for the protection of our rights and liberties. From Maine to California was heard the tramp of marching American freemen demanding that this country prepare for its own protection and defense. But yet Congress lagged. It had little realization of the war and the danger to America. And the result is told in the immense national debt under which we are staggering, and the lives of over 70,000 of our youth who are lying in the sacred soil of France.

This is the story of our statesmanship, or our lack of it. The war is over. Civilization has been saved, fortunately, but we arrived almost too late.

The question is, Have we learned the lesson? Our great citizen Army is disbanded and the soldiers have returned to their homes. They have done their duty and yet there are some here who have intimated that they should be called upon again should civilization be endangered instead of Congress doing its duty and providing for the coming generations to bear the burden which these soldiers have so gloriously borne during this conflict.

The question which confronted the Military Affairs Committee and which now confronts this Congress is, How shall we properly organize for national defense? What is our duty to this great people, to this 110,000,000 people under our protection?

We have no right to bring this great question into politics or politics into this great question. It is not a question of politics. It is a question of duty. What are our military needs during peace times, and how far should we go to make our Military Establishment ready for war in case of emergency?

To write a bill in the midst of the confusion of the demobilization of an Army of 4,000,000 men, one-half of whom fought on a battle field across 3,000 miles of sea, is a difficult task. The legislative mind becomes confused and fatigued at the great problems with which it is confronted; we lose our sense of proportion and are indifferent to the future needs of the country. The mind moves along the lines of least resistance. It is easy to slip back into the old groove.

The reaction of the war is conducive to forgetfulness of the lessons it should teach us. We find the same reactionary spirit shown that was shown prior to the war, the same speeches are made and by some of the same men who opposed proper preparation before this war overtook us.

I do not want to present this subject to the Senate in a jingo manner. I am very far from a militarist; I want to see peace during my remaining days and for my children after me. That is why I believe that we should look beyond the present campaign and the present sentiment of the country. In enacting this legislation we should have a vision of the future. We are a great country, and it is our supreme duty to use all of the wisdom and judgment we possess to write the military law of the land so that it will protect the welfare and safety of 110,000,000 people. We should not have a military autocracy, and we should not impose for our national defense excessive burdens of taxation on our people.

Yet, we must remember that we have been negligent of our duty in the past, owing to our lack of preparedness. We have many miles along the Mexican border to protect, and owing to the unsettled and unfriendly condition of that country we must consider the safety of those of our citizens who reside in the States along that border. We have insular possessions to police. We have law and order to uphold, and not only that, but the defense of the Nation and our rights on sea and land. So it becomes necessary that we should annually expend a sufficient sum to maintain an establishment that will uphold these principles.

I have heard the sentiment expressed on this floor that we have 4,000,000 men on the reserve list who are veterans that we can rely on in the event of another war. That is true, should a war come within five or six years. These men have had enough of war. They have returned to their homes and their families. We had an unmarried Army. Thousands of these boys are now married and are breadwinners for their families, and wish to lead a life of domestic happiness.

Conditions are not composed, and there are still wars and rumors of wars. We have become somewhat estranged from the nations which were our allies and friends; deep-seated prejudices prevail on the part of other nations who have come out of this struggle stronger and greater than ever before. Mexico does not respect us, and sooner or later we must show her that she can not wantonly murder our citizens and disregard our property rights within her borders. It is just as essential as that we provide for the financial needs of the country that we should maintain a system of national defense, and only by having a proper organization can we assure the people of the country whom we represent that we are properly providing for the protection of their rights and liberties. We must also show the world that we can not be imposed upon.

Many of us have hoped that this would be the last great war. But the best assurance we can have of making it the last great war is to keep our military household in order, so that other nations will not insult or attack us. This question is not a political one. It is a question of public policy. It is a duty which is imposed upon us as representatives of the people. The questions that we must determine are: What future preparation shall we make, and how large shall our Army establishment be under the conditions that exist in the world at the present time?

I do not intend to go into the details of this bill. For seven months the Military Affairs Committee has diligently addressed itself to the solution of these problems under the leadership of the distinguished chairman [Mr. WADSWORTH], a student of military law of long experience, who has given his constant attention to the preparation of this bill. In its preparation he has been generously assisted by the former chairman of the Military Affairs Committee, the Senator from Oregon [Mr. CHAMBERLAIN], who served in that capacity during the war and who has contributed from his storehouse of experience. Other members of the committee have assisted, with but one thought in view—that is, the good of the country and the establishment of a measure that will not only meet the need of the present hour but will provide for an organization under which, should the emergency of war again arise, the crisis will be met with the minimum of sacrifice, a minimum of expense, of profiteering, and of red tape, the curse of which so handicapped us during this war.

We have tried to capitalize the experience of the war. What we have learned in this conflict, we have tried to utilize in a practical way. Reforms in organization have been accomplished which would never have been possible had we not been faced with this cataclysm and had we not successfully surmounted it. The generals of the Regular Army, the minor officials, as well as the men in all branches of the service who have served both here and abroad, have given the benefit of their advice and opinion in the testimony which we have taken. The National Guard officers and organizations, having the interests of this great branch of our defense system at heart, have willingly collaborated in advising us as to how the National Guard should be coupled up with our Federal system. The citizen soldiers who volunteered and those who were in the selective service have given us their viewpoint. The American Legion, that organization of men formed out of the service in this war, have also presented to us resolutions adopted at a regularly organized convention, in which were debated the questions of future organization of the Army. The medical, scientific, financial, and procurement branches of the Army have all been consulted. The industrial interests have contributed their thought and suggestions to the measure.

The composite result of this thoughtful conclave is now presented in the bill before the Senate. The Secretary of War has stated that it is a statesmanlike bill. While the Chief of Staff believes in the organization as presented in the staff bill as introduced, he has admitted that this bill will work. I feel I can safely state that all have combined to do something constructive to meet the needs of the country. This has been the object we have labored to attain in this measure.

I now come to one of the great reforms of the bill, embodied in provisions which probably will create more debate than any other portion of the measure. I refer to the provision for a uniform and universal system of military training. I shall not attempt to detail this provision. Briefly, it provides that all

males at the age of 18 shall be required to take a period of training for four months and to be mobilized twice thereafter for five years, for a period of two weeks each, with the organization in which they were formerly trained.

This practically provides for the compulsory military training of 600,000 boys at the age of 18 at a cost approximately, as I understand, of $168,000,000. The committee has recognized that a more democratic and simpler method of preparation must be provided; that the country will not support a great military system and a large standing Army. Our Regular Establishment must be limited to the immediate needs of the country, and that establishment must do justice to the great mass of citizen soldiers represented in the National Guard and in the citizen army, who must be coordinated and have a voice and influence in the governing body of the Army, known as the General Staff.

This, in my opinion, has been done by bringing together all of these elements under the General Staff system, making it as democratic as it can be made and avoiding even the semblance of a military autocracy.

In the recognition of the fact that outside of our Regular Establishment we should make further preparation for any emergency which may arise, the bill provides for a system of universal military training. I am aware that there is bitter opposition to this policy. There are some as bitterly opposed to it as they were to the selective draft, which proved such an unmeasured success, which enabled us finally to assist in accomplishing the defeat of the German Army, and without which civilization must have been overwhelmed in its struggle for self-preservation.

I am aware also of the war weariness of the American people and the approaching election, which greatly imperil the chance of adopting a policy of this character. But I believe it to be one of the most necessary policies which this country can and should adopt at this time. I believe that it is a policy which will solve the greatest of the problems we have inherited from the war and give us an establishment which for strength and efficiency means a great step forward in proper national defense.

As one of the members of the subcommittee which drafted the bill, I wish to say that, notwithstanding the claim of the opponents of this provision, it is not compulsory service in a strict sense. A man can not be taken away from training and placed in the Regular Army in peace times. If this is done, they must serve in the citizen branches. But should Congress declare war, I admit that they can be retained for service. So would other boys between the ages of 19 and 21 be retained by the imposition of the selective-service act, but the universal-service man who had been drafted at the age of 18 would have had the advantage of these boys, because they would have to go to camp for four months in the midst of a war to take that period of training.

I do not propose to present at any great length my own individual views regarding the merits of military training.

But I do propose, as briefly as possible, to present certain views from totally different angles and viewpoints, uttered by military men, statesmen, and others, regarding the merits of the system and its imperative necessity, as the only certain method of insuring our national entity and existence.

I shall present certain views before our entrance into the late Great War and certain others growing out of the experiences of that war. They will show the advantage of the system in its relation to the physical well-being of our young men, in its relation to their enlarged mental equipment, and in its relation to our national defense and protection.

I now assemble these witnesses.

From the physical point of view I quote from an article in the New York Medical Journal by Dr. Charles O. Linder, of Spokane, Wash., December 14, 1918:

> The statement has been made that an average of 81 per cent of the men in the draft have been found to be physically defective. The record for the five years before the war shows that the rejected applications for enlistments averaged 81 per cent plus, which was higher than those in the draft. Most of these defects could and probably would have been corrected in early infancy had they been discovered.
>
> It is universally conceded that physical education and training, especially as a preventive against the high percentage of defectives, should begin in early school days. Attention should be given to habits, hygiene, teeth, ears, eyes, nose, throat, feet, etc. Modern school boards are doing much to correct many defects pertaining to the throats and eyes of school children, but in earlier days such matters were considered absolutely no business of the school authorities.
>
> The digest of the Provost Marshal General's report early this year—

That was in December, 1918—

> gives the rejection rate, for physical reasons, as 29.11 per cent of all those examined in all local boards. In addition to this it must be remembered that an average of 5.8 per cent will be further rejected before the troops are inducted into active service. These figures are compiled as a result of the examination of men of the most favorable age group, from 21 to 31 years.
>
> The Provost Marshal General's report is as follows:

Total number called		3,082,996
Men examined by local boards		2,510,706
Number of men rejected by local boards for physical reasons		730,756
Percentage rejected of those examined	29.11	
Add 5.8 per cent as further rejection (estimated at cantonments)	5.8	
Total per cent		34.91

> The intense interest in the findings of the draft examinations can be utilized to arouse the people to their need of physical development. There can be no doubt, with the figures facing us, of the need of child hygiene, of the tremendous importance of universal physical training, and of standardized periodical physical examination. Entirely apart from the actual reclamation of registrants, an immense stimulus can be given to the popular movement for physical reform and for higher ideals of health and hygiene.
>
> Under proper military training where discipline is supreme, proper habits of cleanliness are formed. Training in accuracy and in precision of thought and action, regular hours and regular meals, regular 9 o'clock retiring and early rising, learning to obey and to devote spare time to self-improvement in various ways, will have its effect upon the men thus trained and enable them to carry on their vocations more efficiently when this war is over.
>
> By proper modern military training the soldier boy, instead of being a weakling, becomes a strong and healthy man. Every day drilling develops the muscles, builds up and strengthens the body. He learns to do his duties during each and every day. The instruction in health habits will have a lasting effect and make him as nearly as possible immune to sickness.
>
> The results of military training, discipline, and instruction in health habits are clearly shown in a report from one of the training camps in the Middle West which did not have one death among its 50,000 men for one week—in August of this year—a very different and gratifying record from that which terrified the American people during the Spanish-American War 20 years ago, when the death rate at concentration camps was 25 out of every 1,000 soldiers. Even at the time of America's entrance into the present conflict the death rate at the concentration camps was rather on the increase, but marked improvement in health conditions have taken place within the last few months. The Nation has found a scientific, dependable way to gather its young manhood in concentration camps, cure their minor ailments, build up their physical strength and constitutional vigor, discipline and train them for better service in civilian pursuits, and in various other ways make them efficent, patriotic, and intelligent citizens. We have done this fine work under the whip and spur of a terrific war, but the benefits thus conferred upon the country's youth are no less valuable in time of peace than in stress of war. The lessons which have been taught to boys to avoid preventable diseases and their being brought to a state of physical well-being as a result of military training, will result in lasting benefit to the community, whether the boys are in or out of the Army.
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> When the public has been convinced of what modern military training can accomplish with our youth, the question of universal physical training will have taken a long step forward.
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> * * * * * * *
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> I believe that it is the almost universal testimony of men who have excelled in any branch of life in this country, that one of the most difficult lessons which the young American boy must learn before he can properly progress in any line of activity is discipline. Accidents on the railroad, in the factory, in the operating rooms, failure in positions of trust, whatever they may be, are in great part due to lack of schooling in simple obedience and in the spirit of true discipline. A thorough basing in this rudimental virtue is what we ask of ourselves and what many of us gain only by costly and sad experience. Discipline never truly subordinates the mind that has opinions of its own, nor does it humiliate or debase the body; but proper subordination and obedience inculcate pride and honor and prepare for authority and command. Promptness and dispatch are other military qualities of inestimable value to young men. Do we not daily see the need of such training at the bedside, in the clinic, on the street, everywhere?
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> * * * * * * *
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> In summing up what has thus far been presented on this subject, it would seem that national service or universal physical training is the only agency by which the measures mentioned could be effectively carried out; there is no other schooling, to the knowledge of the writer, which will develop the physique and at the same time teach young men order and method, and obedience to authority. It is true that in a number of schools and colleges a certain semblance of military training is already provided; but as yet, except in a few excellent private military schools, this part of the course is superficial and inadequate; and not much has thus far been achieved in regard to discipline and obedience to authority.
>
> The advantages to the country from universal physical training would be: First, that it would be saved from panic in time of war and from the enormous waste of money that unpreparedness for war entails; second, that the present waste from death and from invaliding caused by low physical standard would cease; third, that with improved health and with higher moral tone the efficiency of the American boy would be increased. He would be imbued with habits of order and self-restraint and would be of inestimable value to the community and Nation.
>
> Whether the physical training of our youth is conducted in special branches of our universities and colleges or in special military schools, the same should be under strict supervision of the Federal Government in order to produce uniform and proper training and so that a proper discipline and course of instruction may be enforced.

Then I quote from the testimony of Prof. John Erskine, of Columbia University, found on page 1671 of the hearings before the Senate Military Affairs Committee on the reorganization of the Army. Prof. Erskine said:

> The mobilization of the American Army demonstrated that an astounding number of native-born citizens are illiterate, and that of our foreign-born citizens a still larger number can not read or write the English language, and in some cases can not understand. The mobili-

zation demonstrated also that an appalling number of our young men are not in proper physical condition. It is unlikely that any economic or social pressure will tend to remedy these evils. The illiterate citizen can make a living of a sort more or less satisfactory to himself, and the foreign born can associate with others of his origin, and both classes can avoid that social criticism which would urge them toward complete citizenship. In fact, economic and social pressure tends actually to segregate in our country the illiterate element and the various groups of foreign born, and unless some strenuous effort is made to weld all these groups into one there is no likelihood of change in these unfortunate conditions.

The program of education in the American Expeditionary Forces has demonstrated, on the other hand, that even brief courses of study, followed intensively under military discipline, are adequate to correct illiteracy and to teach our language. The whole experience of our Army demonstrates further that if brought together in a common purpose the various elements of our population can be speedily made into one nation. We should now find a means to provide these benefits for our country in times of peace.

Before we went into the war Col. Theodore Roosevelt, in a letter read at the National Security Congress, Washington, January 20, 1916, said:

A democracy should do its own fighting. I believe in universal service on the Swiss and Australian models, adapted to our own needs; that is, to military training in the schools after the age of 16, and, too, for a six months' service with the colors in the field for every man some time between the ages of 18 and 21.

With a small Regular Army of a quarter of a million men—a force which relatively to the Nation bears the same proportion that the police force of New York City bears to the population of New York City—we would be given the time to develop from our citizens, if they had universal military training, an efficient Army adequate to our needs.

Military service should no more be optional in a democracy than should the payment of taxes. One should be accepted as an obligation just as much as the other. * * *

Military training should be required as a matter of right and not as a matter of favor of all our citizens. In a free democracy the nation has a right to the services of its citizens both in war and in peace.

Henry L. Stimson, formerly Secretary of War, addressing the National Security Congress, Washington, January 22, 1916, said:

Four years ago, when it became my official duty to study this question, I hardly dared dream that the time would ever come within my lifetime when the American people would seriously consider the institution in this country of any system of universal military training. The searching test of the European war has, however, put its finger squarely upon this weak spot of our American democracy.

In our national development thus far we have focused our attention upon the rights, the privileges, and the benefits which we have expected to get from free government, and we have paid scant attention to the duties or the obligations or the sacrifices which were correlative to them.

But now for the first time we are beginning to realize how far we have fallen behind other nations in this respect. For the first time there has been made clear to us the superior strength and patriotism which have been developed in nations which hitherto we have been inclined to regard with little admiration or even respect. For the first time we have had revealed to us in blinding light the fact that men of other nations for years have been willing to give toward the building up of the efficiency of their nation a measure of time and personal effort which we have have been unwilling to give.

We are beginning to realize the true meaning of the proposition that manhood suffrage postulates manhood services, and that the man who has a right to participate in the making of his own government is bound by the highest obligation of honor to share in the burden of defending it. And so to-day we find an increasing number of our people who believe, as I believe, that this problem of national defense will never be permanently solved until it is distributed among the whole people by some system of universal liability to military training.

I now read from a statement made in a letter of Samuel Gompers, president of the American Federation of Labor, read before the National Security Congress, Washington, January 20, 1916. Mr. Gompers said:

In addition to those who enter the Regular Army and Navy as a profession there must be reserves that can be called into the service of the country quickly to meet an emergency. It is necessary, therefore, that there should be opportunities afforded to the masses of the citizens for military training. However, all military training must be safeguarded to protect democratic ideals and civic institutions.

Not only must there be equal opportunity for all citizens to enter military training organizations and camps, but that opportunity must be attended by such provisions as to make it an equal opportunity for both the poor and the rich. A fair compensation for military training camps must be paid as a substitute for wages lost. In these citizens' organizations for military training there must be no recognition of distinctions, professions, or for any advantage or position that may be held by any citizen or group of citizens.

Maj. Gen. Leonard Wood, on December 18, 1916, said, on page 620 of the hearings before the Committee on Military Affairs of the United States Senate on the reorganization of the Army:

We should prepare and hold in reserve the necessary equipment and supplies for a force of approximately 4,000,000 men. That is essentially the recommendation I made at one of the last hearings I had here before the war, as I remember it.

This is an extract from a statement made by Maj. Gen. Leonard Wood before the Senate Committee on Military Affairs, and I wish to point out to the Senate how prophetic the statement of Gen. Wood was:

In conclusion, I wish to emphasize the necessity of prompt preparation of an adequate force of trained men with the necessary arms, equipment, and supplies for 4,000,000 men. In my opinion, there is nothing of more vital importance than that we should take measures to this end and take them immediately. We are absolutely unprepared in artillery guns and ammunition for war and will continue to be so for many years under present rate of progress.

In speaking of officers the following occurred:

Senator FLETCHER. Does that include officers, General?

Gen. WOOD. Yes; but not the reserve officers. It includes the officers of the Regular Army. It does not seem to me that a larger force is necessary now that we have pending the possibility of a universal training system. We have in our population some four and one-half millions of men who have received fairly good training, some of them very excellent training, and approximately 200,000 officers from which we can commence the building up of such reserve organizations as we may require, pending putting into operation the system which Senator CHAMBERLAIN has recommended.

Gen. Wood made this further statement, as found on page 630:

I do not think the first line of the reserve need include the men of more than the last four years. Probably not over half of our youth will be found fit for line military service, so that we should not train more than 600,000 men a year for purely military service. This should give us between 2,500,000 and 3,000,000 men in the first-line group, and none of them would be more than three years away from his intensive training period of six months.

Officers and noncommissioned officers in the meantime would have received additional courses of instruction. If we attain this condition of efficiency, we shall be as secure as any nation can be in peace and we shall be a positive influence for peace.

Senator CHAMBERLAIN. You would not fear the militarizing of the country or the thought of the country in undertaking to train young men as you have suggested?

Gen. WOOD. Mr. Senator, if you have any fear of that ask the boys who have been over to Europe if they want to go back again or if they like war—you will find that they are against war unless it is unavoidable.

Senator CHAMBERLAIN. I have no fears, but you know that that fear has been pretty generally expressed.

Gen. WOOD. That has been completely answered by the attitude of the men who have been coming home.

Senator CHAMBERLAIN. And want to get back into civil life?

Gen. WOOD. Absolutely. They are exactly like a football team after a hard season; that is, when the last big game has been won and they have thrown off their togs, they do not want anybody to talk football to them until next year.

Senator CHAMBERLAIN. You have not seen any disposition on the part of these returning men to create a row somewhere else in order to fight?

Gen. WOOD. They have come back better men physically, better citizens, more law-abiding, and in every way better and more valuable men.

Senator CHAMBERLAIN. With a broader vision.

Gen. WOOD. Yes; with a much broader vision, with a wider knowledge of the world, and with a better understanding of what our country stands for. I have not seen a man who is not glad that he is back home. The attitude of these men has been a wonderful revelation to the public, and your statement to the effect that military training does not tend to militarism or to a love for war stands unchallenged in every community of America. This attitude of the men will be of the greatest possible value in the establishing of a training policy, because the men and women of America see their men coming back in every way better men than they went, hating war, but willing to do their duty even through war in case of need.

Senator CHAMBERLAIN. If necessary.

Gen. WOOD. If necessary, just as we are willing to make any sacrifice for the country which may be necessary. It has been a splendid thing in that way, and it has killed absolutely the foolish twaddle of the pacifist and the faker to the effect that any kind of military training would tend to build up a military spirit and class.

Senator CHAMBERLAIN. You participated somewhat in the hearings for universal military training about three years ago, and you remember the argument of the people then was that it would Prussianize America?

Gen. WOOD. It has democratized America as nothing that we have ever attempted has done.

The first statement I read made by Gen. Wood before the Committee on Military Affairs of the Senate months before we entered the war was strikingly prophetic in its character. The figures fixed by Gen. Wood in December, 1916, were almost the exact maximum limit of our Army when the armistice was signed two years later.

After we had passed through our strenuous war experiences, before the Joint Military Affairs Committee other witnesses were called, and I shall read from the testimony of the man who led our Expeditionary Forces on the other side, and who accomplished such marvels in the short time with the men who went over there, many of whom had been in factories, workshops, and stores, men who had had only a limited training. Gen. Pershing took that army, and you all know the record, and I think that the testimony of Gen. Pershing illuminates, better than any of the other testimony, the needs of the country for future defense. I think it is the best and the clearest statement that has been made. At least we must credit him with being a military authority. Gen. Pershing said:

The obligation of deciding upon a definite policy of national defense and of working out the details of a system is a matter of national interest. We have just emerged from the greatest war in history, whose successful conclusion was due to the tremendous effort of our people. Their very clear attitude and pronounced determination to provide men and money to the extent of their resources have placed our country in a new light before the world. Our position and influence in world affairs are no longer measured by our wealth and population, nor yet by our free and liberal form of government, but by our purpose to maintain the high principles of justice and humanity upon which our institutions are founded. This influence bears a direct relation to the solidity of our Government and our readiness adequately to defend our rights.

Our success in the war was not due to our forethought in preparedness, but to exceptional circumstances which made it possible to prepare after we had declared war. It is my belief that if America had been adequately prepared, our rights would never have been violated; our institutions would never have been threatened.

* * * * * * *

In addition to the preparation of our young manhood for service in defense of their country in time of war, military training would bring them many other important benefits which our Government should hasten to provide. Such training would develop the physical vigor and manliness of our youth and sharpen their mentality. It would teach self-discipline and respect for constituted authority. Experience shows conclusively that it encourages initiative and gives young men confidence in themselves. Through the preparation for service to the country it increases their patriotism. It broadens their views through association with men of all classes and is thoroughly democratic. It prepares young men for the duties of citizenship. Such training is especially needed among our alien population, a large percentage of whom are illiterate. If these men were taught our language and were made familiar with the spirit of our institutions, we should have less lawlessness and fewer I. W. W's.

I now want to read certain resolutions presented to the committee by the American Legion. These resolutions were adopted at a convention which was held last year. A committee of seven were appointed by the executive committee to consult and advise with the military and naval committees of both Houses of Congress as to working out the details of the organization and training of the future Army and Navy of the United States, using as its basis the resolutions accepted and adopted by this convention. I read:

RESOLUTIONS ADOPTED AT THE MINNEAPOLIS CONVENTION OF THE AMERICAN LEGION ON THE FUTURE MILITARY POLICY OF THE UNITED STATES.

1. That a large standing Army is uneconomic and un-American; national safety with freedom from militarism is best assured by a national citizen army and navy based on the democratic and American principles of the equality of obligation and opportunity for all.

2. We favor a policy of universal military training, and that the administration of such policy shall be removed from the complete control of any exclusively military organization or caste.

3. We are strongly opposed to compulsory military service in time of peace.

4. We have had a bitter experience in the cost of unpreparedness for national defense and the lack of proper training on the part of officers and men, and we realize the necessity of an immediate revision of our military and naval system and a thorough house cleaning of the inefficient officers and methods of our entire Military Establishment.

We favor a national military and naval system based on universal military obligation, to include a relatively small Regular Army and Navy and a citizen army and navy capable of rapid expansion sufficient to meet any national emergency, on a plan which will provide competitive and progressive training for all officers, both of the Regular Army and Navy and of the citizen forces.

We believe that such military system should be subject to civil authority. Any legislation tending toward an enlarged and stronger military and naval caste we unqualifiedly condemn.

5. The national citizen army, which should and must be the chief reliance of this country in time of war, should be officered by men from its own ranks and administered by a general staff on which citizen-soldier officers and Regular Army officers shall serve in equal number.

We recommend that military training in high schools and colleges be encouraged.

6. We favor the continuance of training camps for the training and education of officers to serve in case of national requirement.

The Commercial Club of Chicago assembled a group of officers, who debated the question of the lessons of the war as to universal military training. I shall not read all of them, although I would recommend that some of the Senators on this floor procure a copy and read the statements of the officers who spoke at that meeting. I read from the statement of Col. Henry J. Reilly, colonel of the One hundred and forty-ninth Field Artillery, as follows:

I do think the thing we need to teach in this country is the fact that a citizen of the United States of America enjoys a great many things which he has no right to per se; he enjoys a great many things for which other people have laid down and risked their lives in past generations. Every young man in this country should be taught if he will not risk his life for those things, then he has no right to enjoy them.

From time to time I run across pacifist arguments. I have for a number of years. I am willing to give every pacifist the credit of honest intention, of really being humane, and of really wanting something better on this earth—and that is more credit than he or she has ever given to any opponent.

There is only one question I would like to ask them. They are generally not practical. Leave aside everything that is practical, come down to nothing but the humanitarian point of view, and ask the pacifist man or woman, "Are you willing to give your son, or your husband, or your relatives, or the young men of this country, whom you profess so much interest in when it comes to taking a drink—are you willing to give them a fair chance when it comes to going on a battle field, or are you not? Are you going to give these men a chance to go out properly armed, properly equipped, under officers who have had the opportunity of learning how to lead them?"

* * * * * * *

What I would like to do would be to take every man and woman in this country, particularly the pacifists—I would like to walk them from Chandron Farm to Sommerance in the Argonne as it was the first week of November and let them see the American dead of the Thirty-fifth Division, the First Division, and the Forty-second Division littered over that ground.

* * * * * * *

I do not believe in turning over the things that are past. There is no use saying you might have done this or that or something else, or that that man was to blame or that this man was to blame. The only things of the past I am interested in are the lessons we can take from it to help us in the future. I do not believe any reasonable human being could say for one moment, particularly if he has read any paper—I don't care whether it is the Tribune or some other one—that the day of universal peace has dawned on this earth. It has not. We will fight again or we will give up the things we believe in.

Now, just ask the pacifist, and, above all, the woman pacifist, who, full of the finest emotion, is carried away by it and therefore can not be reasoned with, just ask her to go and stand on the battle fields of Chandron Farm and Sommerance, where I saw more dead as did Tom Hammond there and as did many hundreds of others, just have her stand there and see how many dead Americans lying there could have been saved, how much greater a military victory we could have had had we had prior to the war universal military service and thereby given every American before he went on the battle field the training which would have given him the chance he was entitled to in the face of a real foe.

I read from a statement of Col. Abel Davis, of the One hundred and thirty-second Infantry, as follows:

I believe in military training. I believe that it should be universal in the sense that in times of peace to the extent that the least possible interference may be had with our ordinary peaceful pursuits every young man who fails to equip himself for military service, either in the Regular Army, National Guard, or educational institutions, should be subject to call for military service and preperation. I am not for universal training in the sense that every young man at a certain age, let us say 19 or 20, should be taken away from his educational or industrial work and compelled to be a member of an army for a year or longer. It is an expensive method and quite unnecessary.

I propose that our Federal Government, preferably through action of Congress, determine yearly the number of young men required for training, the number to depend on the strength of the Army, the National Guard, enrollments in educational institutions, and upon international relations as they may tend toward war. When the number is ascertained each congressional district will receive its quota and the young men selected by lot. A system of registration will be necessary as part of the plan.

In my judgment six months of training is all that will be required. It has taken more time heretofore to give a soldier the fundamental training. It was due in a great measure to the enormous waste of time in starting the training machinery going. There was no plan, no system of training, no organized staff of instructors.

With the staff organized, with the plan well prepared in advance, and by improving and utilizing the training centers and camps now in control of the Government, enough work could be crowded into six months to give a young man the fundamental training required. His military education would be continued by the system of reserve of which I shall speak later.

* * * * * * *

The war is over. We hoped this war would end war; we hope so still; but are we thoroughly convinced? And do any of us think that America can afford to find herself again in the position she occupied when war was declared in 1917?

We like to believe that on a matter of national principle or national honor we will fight. Is it not true that in the provisions of the League of Nations there are clauses which, if the league is adopted, may result some day in our finding ourselves actually at variance with the league? And, finally, what is our value as a member of the league if we are in no position to back our views with force?

Gentlemen, there is more than a bare chance that war may come upon us again. If it does, without general training of our young men and without a reserve organization which permits us to develop and systematize our fighting units at once we shall be in the position of the householder who, threatened by burglars, buys a revolver, oils it, loads it, learns to shoot with it, drives off the intruder who ultimately confronts him, and then throws it under the house to rust and rest undiscoverable.

I now quote from a very eminent authority, Secretary Baker, This was published in the Washington Post of February 6, 1920:

"After all is said and done," declared Secretary Baker, "the mind depends upon physical power. There must be power to execute the high ideals of right-thinking men and women."

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"The fear of our becoming a military nation exists no longer," asserted Secretary Baker.

"That idea was dissipated by the war. Now we find ourselves convinced that this country does not desire a military policy, strictly speaking, but a policy of defense that will always enable us to render the greatest resistance to oppression with the least sacrifice.

"Universal training has a large value aside from its military features. It is an education in itself, and we have ceased to regard the Army as an alien institution. Our own sons in future will understand its attitude better and appreciate its qualities under a system of universal military training."

I now read from an editorial in the North American, of Philadelphia, in reference to universal military service:

In July, 1918, it was announced that President Wilson had completely changed his views, and that he favored the principle of obligatory training.

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Eventually, it seems, the views held unanimously by military experts and sustained by the country's costly experiences in the war prevailed over the prejudices and hesitancy of the administration, for President Wilson wrote last week: "I have given my approval in principle to the various very moderate training projects suggested by the General Staff." Thus he has given belated acceptance to the doctrine which Theodore Roosevelt, voicing the very essence of democracy and Americanism, declared so persistently during the last years of his life:

"The fundamental national duty is the duty of self-defense, just as the fundamental political right is the suffrage. A cardinal feature of the permanent policy of this liberty-loving, democratic Republic should be the principle of universal obligatory military training and military service for all our young men."

High praise is due to President Wilson for having taken his stand at last for a system which is the first requisite for national safety—a rational, equitable scheme of defensive preparation. Universal military training does not imply or require universal military service in time of peace—that would be applied only in a great national emergency. The system of training would simply guarantee that if the call ever came the Republic would be ready to defend itself.

Finally I quote the President's letter published in the Washington Star of February 9, 1920. This is the last witness I shall summon to the stand before closing:

In the present circumstances it would seem to me unfortunate to make a party issue upon this subject, particularly since within a few months the party will assemble in convention and declare the principles upon which it deems it wise to commit itself in a national election. The present disturbed state of the world does not permit such sureness with regard to America's obligations as to allow us lightly to decide upon this great question upon purely military grounds while the demonstrated advantage to the youth of the country which came from military service in the war plainly suggests that in the national interest, quite apart from military considerations, the moderate and carefully conducted course of military training may have the highest possible advantages. In our discussion of the subject, you will recall, I gave my approval in principle to the various very moderate training projects suggested by the General Staff, and I would be very glad to have you convey to appropriate Members of the House who will attend the caucus my strong feeling against action by the caucus which will tend to interpose an arbitrary party determination to the consideration which this subject should receive from the best thought of the Members of the House, considering alike the national emergencies which may confront us and the great disciplinary and other advantages which such a system plainly promises for the young men of the country.

Mr. President, I voted in the committee to support the present military training feature of this bill and shall do so on the floor if it comes to a vote. Some Senators feel, however, that the sentiment of the country is against it. That may be so. The opposition probably comes from war reaction, war weariness, and the fear that the compulsory feature would be repugnant to the people of the country, and that what they stood in war they will not stand in peace.

I feel that we are not quite alive to the beneficial advantages of the system. If it is to be defeated here in the House, as seems possible, would it not be well to recognize the existing opposition to the compulsory feature and establish the principle of the system in another manner?

I therefore propose the following plan, which can be accomplished by a simple amendment to the present provision: That we provide for the training by the United States Government, under the military organization, of all youths of 18 years who volunteer for the training period prescribed in the bill. It might be well to fix at the outside a maximum limit to be trained of 200,000 boys, or any portion of that number who may volunteer under the plan of training prescribed in the bill; to provide that the quota of each State shall be determined as the proportion of the population of each State at the last census bears to the entire population of the United States; and that the allotment of each State shall be made through the proper machinery and channels to be established by the Army organization.

I feel that some proper measure should be provided for the expansion in time of war of the military forces, and that this should be accomplished by having the young citizenry of the country, who owe an obligation to the National Government, trained in this manner. I feel that some system acceptable to the American people should be tried. I am deeply interested in the experiment of such training on the morale and physical health of the future citizens of America. I believe that such a trial will show such great benefits that the youth in the future, arriving at the age of 18, as well as their parents, will eagerly welcome the opportunity to have the educational, disciplinary, and physical advantages of such a training. I believe that the benefits to the health and also to the mental and physical growth of the boys will be such that all parents with any spark of filial pride or patriotism will look forward in the future to having their sons perform this voluntary obligation to their country, and will respond gladly to such a voluntary system and will popularly support it.

I make this suggestion at this time in order that we may have the opportunity of considering its advisability. This bill has been written by the members of the Military Affairs Committee, who sat during the entire period of the war and handled all the military legislation necessary to prosecute it. Members of this committee assisted in our preparedness plans. They fought to cut the red tape. They observed the progress of America in the war. During that time they have had but one thought in mind—the service of their country and the successful conclusion of the conflict. The bill has been written with a realization of the errors we have made in the past ever in mind and a firm determination that the mistakes of the past shall not, if the committee can prevent it, be the mistakes of the future; that the people of this country shall have a military policy democratic and simple, but effective enough to protect us against the attack of any nation on the face of the earth; a Military Establishment which will defend our honor and integrity, uphold law and order and the institutions of America, and insure peace and contentment to all the people of the land.

It has been written in the memory of the heroic sacrifices made by the men who served and forgot the neglect of the past, in the memory of the fathers and mothers who gave their sons in the struggle. It has been written in the memory of those heroic American freemen who now lie under the white crosses on the battle fields of France. It is written so that future generations may know that the men in this Congress have not forgotten the great lessons of the war, nor the great service rendered by its citizens in the face of almost insurmountable obstacles which might have been avoided had we had a proper vision of the future. It has been written in the memory of the fact that it is our duty to civilization to preserve inviolable the principle of government for which the fathers fought, the danger of the overthrow of which, by our lack of vision, was almost accomplished by German autocracy and militarism in 1917 and 1918.

I will not answer the absurd criticism of universal military training that it is undemocratic. I shall content myself with quoting the brief, pungent, and preeminently logical comment of that sublime American, Theodore Roosevelt:

Military service should no more be optional in a democracy than should the payment of taxes. One should be accepted as an obligation just as much as the other. * * *

Military training should be required as a matter of right, and not as a matter of favor of all our citizens. In a free democracy the nation has a right to the services of its citizens both in war and in peace.

Whatever may have been the criticism of compulsory military training, there can be no logical criticism of voluntary military training, except upon the ground of the expense involved.

It happens, Mr. President, that I have made something of a study of the Nation's finances. I am aware of the necessity for economy. Our appropriations for next year may reach $6,000,000,000. There is no need to preach economy to me. I recognize the necessity for practicing it. But, let me ask, why do we have this deficit facing us? Why are we called upon to appropriate $6,000,000,000 this year? Why have we a bonded indebtedness of $25,000,000,000?

I will answer if we had prepared for war in time of peace instead of in time of war our expenditures would not have been one-half what they were. Because of our unpreparedness, because every move we made in war time to recruit and equip our Army, it cost us $2 where one would have sufficed in time of peace.

In other words, Mr. President, the chaotic, embarrassing condition of our finances must be placed upon the shoulders and upon the consciences of those statesmen who were either pacifists or moral cowards, who proclaimed that we should never be compelled to wage war again, and who made no provision for the inevitable in the program of human existence.

I do not care to listen to the economy pleas of such statesmen. If they force us to return to our former prewar status of inefficiency and unreadiness, then they will at a no distant day doom us to billions more of unnecessary expenditures and to the tortures of increased taxation and unlimited bond issues. After that will come the deluge and anarchy.

Too long this Nation has been penny-wise and pound-foolish. Economize we must and economize we will, but we must neither preach nor practice that false economy which spells disaster, shipwreck, bankruptcy, and dissolution for this Republic and of human society generally.

If we have learned nothing from the tragedy of this great war, then sad indeed is and will be the fate of America. If we shall be permitted to return to our former prewar condition of unpreparedness, then certainly we have not made the United States, much less the world, safe for democracy. If we have not profited and shall not profit by our calamitous experience of the last three years, then the dead will have died in vain, and hundreds of thousands of other dead must follow in the shadow of the departed.

Senators, let it not be said that in this great crisis in the world's history, standing on the brink of unspeakable possibilities, we have no plans for the future protection and preservation of our country and of our wives and children.

"Lest we forget," "lest we forget," let us here and now highly resolve that the dead shall not have died in vain; that those who lie beneath the poppies on Flanders' fields and beneath the white crosses that dot the sacred soil of France shall not have made the supreme sacrifice futilely and to no purpose.

I do not know how it is with other Senators, but to me the most eloquent, the most appealing voices, are the voices that are mute and hushed in the solemn stillness of death. Trumpet tongued are they, and I can hear ringing down the corridors

of destiny this cry: "We have willingly laid down our lives for civilization, but we demand that this sacrifice shall not be a vain one; we demand that our brothers and our sons left behind shall be saved from a like fate and not led to the slaughter because of unreadiness and unfitness to fight for the liberties and rights of mankind."

It is not conscience that makes cowards of us all, but the lack of it. It is because of a craven fear that a namby-pamby, molly-coddlish constituency may chide us if we vote our convictions and make proper provision for the eventualities, nay, for the certainties, of the future.

I do not know how other men reason, but to my mind the fact is entirely clear that had the United States been ready for war when we entered the struggle the sanguinary contest would have been ended a year sooner than it was, and the last million men who gave up their lives in France would be living to-day, vigorous factors in the world's economy instead of memories only, lost to civilization, lost to humanity, lost to those who loved them dearly.

I can not comprehend the texture of the conscience of those men who, by reason of their inaction and neglect, were responsible for that greatest of the world's tragedies, and who yet can walk the earth, supremely content and utterly oblivious of the consequences of their shirking the call of duty.

Not for the purple of 10,000 kings, not for all the gold of Midas or Crœsus, would I have upon my conscience the knowledge that, by reason of my supineness or remissness, I was responsible for the death of a million heroic young men whose lives were sacrificed because of America's unprepardeness for her great part in the salvation of civilized society.

Mr. President, I send to the desk an amendment, which I now move to strike out and insert in order to perfect the text which the Senator from Tennessee [Mr. MCKELLAR] has moved to strike out.

Mr. KIRBY. Mr. President, I think we can simplify the matter somewhat——

The PRESIDING OFFICER. The Senator from New Jersey offers an amendment, which the Secretary will state.

Mr. KIRBY. Mr. President, as I understand, the amendment is not in order at this time.

Mr. MCKELLAR. Mr. President, as I understand, a substitute has been offered by the Senator from Arkansas for the amendment offered by me, so that the amendment of the Senator from New Jersey is not now in order.

The PRESIDING OFFICER. The Chair is of the opinion that the amendment of the Senator from New Jersey is an amendment to the text, and is offered for the purpose of perfecting the text. It therefore takes precedence over either the amendment proposed by the Senator from Tennessee or the amendment proposed by the Senator from Arkansas.

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

The PRESIDING OFFICER. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

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

Ball	Gore	McCormick	Ransdell
Beckham	Hale	McCumber	Sheppard
Brandegee	Harris	McKellar	Simmons
Calder	Harrison	McLean	Smoot
Capper	Henderson	McNary	Spencer
Chamberlain	Hitchcock	Myers	Sutherland
Colt	Jones, Wash.	Nelson	Swanson
Comer	Kendrick	New	Thomas
Culberson	Kenyon	Norris	Townsend
Curtis	Keyes	Nugent	Trammell
Dillingham	Kirby	Page	Wadsworth
Elkins	Knox	Phipps	Warren
Frelinghuysen	Lenroot	Pittman	Watson
Glass	Lodge	Pomerene	

Mr. SIMMONS. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is unavoidably detained from the Senate.

I desire also to announce that my colleague [Mr. OVERMAN] is detained on official business.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present. The question is upon the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN].

Mr. CURTIS. Let the amendment be stated.

Mr. MCKELLAR. Mr. President, I have the amendment before me, and I want to submit to the Senate that it is absolutely in no sense an amendment to the amendment that has been offered by me to strike out. I should like to read to the Chair just what it is.

The PRESIDING OFFICER. The Chair does not understand that it is an amendment to the motion made by the Senator from Tennessee to strike out.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New Jersey?

Mr. MCKELLAR. I yield.

Mr. FRELINGHUYSEN. This is simply a perfection of the text, and a motion to strike out that part of the text and insert the provisions as presented by me.

Mr. MCKELLAR. Mr. President, the bill has been read and perfected, and this amendment is to strike out and insert various words and phrases and clauses that have no reference in the world to the amendment that is pending; and this amendment can not take precedence, because that has already been done. These sections have been gone over and perfected, the committee amendments have been offered, and after that has been done I have offered my amendment, which is to strike out, on page 65, bginning with line 4, all of sections 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, and 61, being that portion of the bill which provides for universal compulsory military training.

This is an entirely different amendment. As I understand from the Senator's argument a while ago, the object of it is to substitute a voluntary system of training for a compulsory system of training. After the compulsory system is stricken out, if the Senate should vote to strike it out, it strikes me that this amendment would be in order to perfect the bill. That might be true; but surely it can not be in order to insert an entirely new system of training, in view of the pendency of this motion of mine to strike out.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. May the Chair suggest to the Senator from Massachusetts that it would be in order to have the amendment first stated, in order that the Senate may intelligently deal with it? It has not yet been read.

Mr. LODGE. Mr. President, this is, as I understand, a series of perfecting amendments. I only wanted to say that there is nothing better settled than that on a motion to strike out and insert, or a motion to strike out, the passage which it is proposed to strike from the bill is open to perfecting amendments. That is the rule of the Senate, and it is laid down in Jefferson's Manual. Of course the exercise of that right must be always preserved on this motion, because unless you can perfect what it is proposed to strike out you can not tell whether the body will desire to strike it out or not.

I do not mean to argue the question. The rule is absolutely plain on it.

The PRESIDING OFFICER. The amendment will be stated.

The reading clerk read as follows:

Page 65, line 9, strike out "three" and insert "ten."
Line 10, strike out "subject to" and insert "eligible for."
Lines 10 and 11, strike out "shall be inducted into" and insert "may enlist in."
Line 12, strike out "shall."
Line 19, after the word "months," strike out balance of line and all of lines 20, 21, 22, 23, and 24.
Page 66, strike out line 1 and line 2, down to and including the word "desire."
Line 12, strike out "all persons" and all of lines 13, 14, 15, 16, 17, and the word "years" on line 18.
Line 22, strike out "liable" and insert "eligible."
Lines 23 and 24, strike out "inducted into the service" and insert "enlisted for training."
Page 67, commencing on line 11, strike out the remainder of the section.
Page 69, line 4, strike out "liable to" and insert "eligible for."
Line 7, strike out "be required to" and insert "upon their request."
Line 20, strike out "liability to" and insert "eligibility for."
Line 21, strike out "liability" and insert "eligibility."
Page 70, strike out lines 15, 16, 17, and 18.
Line 23, after "development," insert "and who may enlist for such purpose."
Pages 70, 71, and 72, strike out sections 56 and 57.
Page 72, commencing line 18, strike out title of section and all of lines 20, 21, 22, 23, and line 24 to the end of the sentence, and insert new title, "Enlistment and assignment of reservists upon the completion of training," and the following:

"Each reservist who has completed the prescribed training under the provisions of this act may, subject to proper regulation, enlist in the permanent personnel or in an organization of the organized reserves or of the National Guard of the United States established for the locality in which he lives."

Line 25, after "reservist," insert "so enlisted in the organized reserves or the National Guard of the United States."
Page 73, line 8, strike out "assigned" and insert "enlisting."
Line 9, at beginning of line, strike out "to" and insert "in."
Strike out proviso commencing on line 18 and ending on line 24.
Page 74, line 1, strike out "assigned" and insert "enlisting."
Line 2, at beginning of line, strike out "to" and insert "in."
Line 3, after the words "shall be" insert "discharged and."
Line 8, strike out "assigned to" and insert "enlisting in."
Line 24, commencing at beginning of sentence, strike out remainder of the line, and, on line 25, strike out down to and including the word "and." Strike out small "i" in the word "in" and insert capital "I."

Page 75, line 5, strike out comma after United States and strike out "enrollment."
Line 12, strike out "enrolling in."
Page 77, lines 5 and 6, strike out "but not liable for military training under the provisions of this act" and insert "except enlisted men of the permanent personnel and the organized reserves."
Pages 80, 81, and 82, strike out all of section 65.
Page 91, strike out section 76 at bottom of page.

Mr. POMERENE. Mr. President, the Senator from New Jersey has presented here a series of probably 20 or 30 amendments to the original text. It is utterly impossible for me, at least, to understand the effect of the amendments, and I therefore ask that the Secretary be instructed to read the text as it would be if amended in accordance with these proposals.

Mr. FRELINGHUYSEN. Mr. President——

Mr. NELSON. Will the Senator yield to me?

Mr. FRELINGHUYSEN. I yield to the Senator.

Mr. NELSON. These amendments are so numerous that it is difficult to keep track of them from the reading at the desk. I suggest to the Senator from New Jersey that we postpone action on them until we can have the bill printed with the amendments in italics, so that we can see what they are when we read the bill. Otherwise, it will be difficult to pass on the questions. I suggest to the Senator from New Jersey that before we take action on the amendments there shall be a reprint of the bill made showing the amendments.

Mr. McKELLAR. I should like to say that we are exactly in the situation which the Senator from Minnesota so well describes. It is absolutely impossible for anyone who has not been heretofore made familiar with the amendments proposed by the Senator from New Jersey to know what effect they would have. The only way it could be done would be to have the text of the bill printed with the amendments italicized. Then we could see what are the amendments and vote intelligently upon them.

While I am on my feet I want to make a parliamentary inquiry. Are there any circumstances under which we can have a straight vote on the question whether we shall adopt universal military training as reported from the committee? If there is, then we want to have that kind of a vote.

Mr. McCORMICK. Mr. President, may I ask the Senator from Tennessee a question?

Mr. FRELINGHUYSEN. Mr. President——

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

Mr. McKELLAR. I would like to yield to the Chair, because I preferred a parliamentary inquiry.

The PRESIDING OFFICER. The Chair does not think that the Senator from Tennessee has presented a direct parliamentary inquiry. The inquiry of the Senator from Tennessee is whether there might arise a combination of circumstances under which a certain vote might be taken. The Chair can not answer that question.

Mr. FRELINGHUYSEN. Mr. President, I had the floor, and I yielded to the Senator from Tennessee. I understand that I have the floor at the present time.

Mr. McKELLAR. I yield the floor to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I do not intend to yield it at the present time. I simply want to explain the purpose of these amendments.

The amendments were carefully prepared some weeks ago. They provide, instead of a compulsory system, that all applicants, at the age of 18 and for 10 years thereafter, may voluntarily apply for the military training, and that the United States Government will train those volunteers. That is all the amendments do. They change the present system from a compulsory system, which at the present time, I understand, will be defeated here and in the House, and in my desire to at least make some preparation for national defense beyond the organized Army, which I believe under this bill is too small, in order to save that provision, and have at least those trained who volunteer and offer their services to their country, and recognize the obligation, I propose to make the system voluntary. That is all the amendments do.

The question is for those Senators who are so concerned regarding the compulsory feature of this bill to determine in their minds whether they are willing to accept a voluntary system and train those men who offer themselves to their country.

Mr. McKELLAR. Will the Senator yield?

Mr. FRELINGHUYSEN. I yield.

Mr. McKELLAR. I ask the Senator, if that is the case, why can we not have a straight vote on whether we shall have compulsory training, and if the motion to strike out is carried, then, if the Senator will present his amendments, not in the form of amendments to sections that now exist, but as independent amendments, we can all understand it, and it may be that we would all want to vote for the Senator's amendments? It is impossible for any of us to tell, in the form in which they are put before the Senate, whether they are good, bad, or indifferent. We know hardly anything about them.

It seems to me the correct way to get at the matter would be to vote on whether we are going to have compulsory training. If we conclude not to accept compulsory training, then I for one shall be very very glad, indeed, to consider the training offered by the Senator from New Jersey. But I think we ought to have a vote on compulsory training.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Illinois?

Mr. FRELINGHUYSEN. I yield to the Senator from Illinois.

Mr. McCORMICK. May I ask the Senator from New Jersey if his amendments will not permit the Senate to determine the question of compulsory training as distinguished from voluntary training, and if the issue which the Senator from Tennessee seeks to join will not be joined upon those amendments?

Mr. HARRISON. Will the Senator from New Jersey yield?

Mr. FRELINGHUYSEN. I yield to the Senator from Mississippi.

Mr. HARRISON. Did the amendments offered by the Senator from New Jersey represent the views of a majority of the majority of the Senate Committee on Military Affairs? Are they agreeable to the Senator from New York [Mr. WADSWORTH]?

Mr. FRELINGHUYSEN. They do not represent the views of the majority of the committee. I am for compulsory military training, but I recognize at the present time that this question is one which will probably be defeated. There are so many Senators opposed to the compulsory feature, feeling that the sentiment of the country is against it, and that it is unwise to adopt it, that they will vote against it. I believe that it is defeated, and therefore, in order that we may have at least some system of training, as an experiment, if you will, giving an opportunity to test its advantages and having those who gain benefit from it go out and become missionaries, to widen its scope, I have offered these amendments to save the system of military training by providing that, instead of the objectionable compulsory feature, a voluntary feature shall be inserted.

Mr. HARRISON. May I ask if the Senator has consulted with the Senator from New York [Mr. WADSWORTH], to get his views on this proposition, and whether the amendments are acceptable to him as chairman of the Committee on Military Affairs?

Mr. FRELINGHUYSEN. I have consulted with the Senator from New York. I am not willing to quote the Senator. I think the Senator stands as I do. He believes in compulsory military training. He believes it would be a great benefit to the country. He is committed to it, and so am I committed to it. I was a member of the subcommittee. But it is defeated.

Mr. HARRISON. Did not the Senator entertain those views when the committee voted for compulsory military training?

Mr. WADSWORTH. May I answer the question of the Senator from Mississippi?

Mr. HARRISON. I would like to have the Senator from New Jersey answer it. When did he change his view on the proposition and as to whether it could be passed through the Senate? It was voted out of the Committee on Military Affairs by a majority, I understand, standing for compulsory military training.

Mr. FRELINGHUYSEN. Is the Senator interrogating me?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from New York?

Mr. FRELINGHUYSEN. I first wish to answer the Senator from Mississippi by saying that the expressions of various Senators, including many on the Senator's own side, that they intended to oppose it have led me to the belief that it would be defeated, and I think the Senator knows that it is defeated.

Mr. HARRISON. I think, without question, it will be defeated, but I am wondering when the change of heart came over the Senator.

Mr. FRELINGHUYSEN. I am willing to overlook the political side of the question in order to do something for my country and save whatever I can of the principle of military service.

Mr. HARRISON. That is a very commendable course.

Mr. FRELINGHUYSEN. I thank the Senator.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Is this motion to amend divisible? It is a motion to strike out and amend. If it is divisible, I ask for a division of the ques-

tion, so that we can vote first on the motion to strike out and then vote on the amendments.

The PRESIDING OFFICER. It is not a motion to strike out, as the Chair understands; it is a motion to amend. It is a series of perfecting amendments offered to the original text of the bill, and clearly takes precedence over a motion to strike out. A portion of Rule XVIII provides:

> But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question, and motions to amend the part to be stricken out shall have precedence.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Will the Senator suspend until the Chair finishes its ruling?

Mr. HITCHCOCK. I wish to correct the statement of the Chair, if he will permit me.

The PRESIDING OFFICER. Just as soon as the Chair completes the ruling.

Mr. LODGE. I suggest that the Chair be allowed to complete his ruling.

Mr. HITCHCOCK. I am sure the Chair does not desire to convey an erroneous impression. The pending motion is not one to strike out and insert.

The PRESIDING OFFICER. The pending motion is an amendment to the original text.

Mr. HITCHCOCK. But the Chair has read Rule XVIII, which refers to the pendency of a motion to strike out and insert. The pending motion is not to strike out and insert.

The PRESIDING OFFICER. Not at all.

Mr. HITCHCOCK. It is a motion to strike out. So what the Chair has just read is not pertinent to this issue.

The PRESIDING OFFICER. The Chair thinks otherwise. In a recent decision the following ruling was made:

> Mr. SMITH of Maryland. Mr. President, a parliamentary question. I wish to ask whether this amendment (proposed by Mr. SMITH of Georgia to perfect the text to be stricken out) is in order? We are now considering the amendments of the committee.
>
> The VICE PRESIDENT (Mr. MARSHALL). The Chair rules that the amendment is in order, it being always in order to perfect the part to be stricken out before considering an amendment thereto.

Which, of course, must be true, else after that portion shall have been perfected the Senate might not want to strike it out. Therefore a proposition to perfect must take precedence over a motion to strike out.

The Chair holds that the amendments of the Senator from New Jersey are in order and will take precedence over the motion to strike out presented by the Senator from Tennessee [Mr. MCKELLAR].

Mr. WADSWORTH. Mr. President, there is no way, in my judgment, by which the Senate can avoid, in justice to itself, passing upon the question of universal military training. I shall not avoid it. I am in favor of it just as absolutely to-day as I was yesterday, the day before, two years ago, and four years ago.

As I understand it, the Senator from New Jersey offers some amendments to the original text of the bill. They provide that instead of compulsory military training there shall be voluntary military training. The Senate must vote as between those two, when the vote is taken upon the amendments offered by the Senator from New Jersey.

Some gentlemen upon the other side of the aisle seem exceedingly anxious to have a roll call on this question. I am willing that we shall have a roll call on it. They seem to suspect that there is something in the amendments offered by the Senator from New Jersey which will deprive them of an opportunity to do something about this matter which they want to do. It will not. They can vote on the question. I am ready to vote on it now.

Mr. CHAMBERLAIN. Mr. President, the Senator from New York speaks of Senators on this side of the Chamber, but I presume he does not intend to include all, because I am not in the category of those who occupy the position of some of those who oppose universal military training.

Mr. WADSWORTH. No; the Senator from Oregon and I have worked together on this matter for several years. I know just where he stands, and have always known.

Mr. CHAMBERLAIN. I had intended to say something in advocacy of that provision of the bill for compulsory training, but I have not felt well enough to do it in the past few days. However, I take this occasion to say, as emphatically as I know how to say it, that I stand for the sections of the bill that provide for universal compulsory training. I have committed myself to it more than once on the floor of the Senate. Only a short while ago I addressed myself to the pathological side of the question, showing the good which the selective-service law has done for the young men of this country, first, in detecting the deficiencies among them, and, second, in curing defectives and restoring them not only to useful military life but to useful civil life as well.

I had hoped that I might be able to say something on the subject of the traditional policy of this country, Mr. President, from Washington down to the present time. I think the records and history of our country would show that the policy of compulsory service and the policy of compulsory training, too, if you please, do not violate any of the precedents or traditions of our country.

I feel, as the Senator from New Jersey [Mr. FRELINGHUYSEN] feels, that the sentiment of the Senate is rather against compulsory universal military training, although it does not carry with it compulsory service in the true sense of the word; and, feeling as he does about it, in order that something may be saved from this wreck, because I feel that it is a wreck, I hope that the amendments proposed by the Senator from New Jersey may prevail.

There has not been anything in this country that has done as much for the young men of the country as drafting them into the service under the selective-service act; and, in my opinion, nothing would do the country as much good as taking these young men from civil life during peace time into the cantonments, where the rich man's son and the poor man's son would work side by side in the development of our country.

The vocational training which has been provided for them under regulations of the War Department has proved to be efficacious in developing young men. I have gone through the vocational institution at Holabird, where young men are taken from the factory, from the farm, and from behind the counters, and taught vocational training, and after one year's service, taking the lessons which are given to them, they go out from the Army, where they have enlisted for a year's service or more, and accept positions in the automobile factories of the country, for instance, at from $40 to $60 a week. In other words, those young men are benefited by the short experience they have in the Army.

So I hope the amendments offered by the Senator from New Jersey will prevail, and that out of this wreck, where something was attempted to be done to rehabilitate the young men of the country we may at least give to every young man between certain ages an opportunity, if he sees fit, to volunteer for this training.

Mr. LODGE. Mr. President, I am as thorough a believer in compulsory military training as the Senator from New Jersey. I have spoken for it on this floor and voted for it repeatedly, and I have not changed my mind. But it is perfectly obvious, and it is not necessary to go into the reasons, that compulsory military training, as provided in the bill, can not pass the Senate. It is also certain that it could not pass the House. I think the complete defeat of military training for the young men of the country would be a misfortune. I do not see how any objection can possibly be urged if it is made voluntary. Therefore, I agree entirely with the Senator from Oregon [Mr. CHAMBERLAIN] that, in order to save the principle, it is very desirable that the amendments offered by the Senator from New Jersey should be adopted.

I regret exceedingly that we can not take it as reported from the committee by the Senator from New York [Mr. WADSWORTH], but I think it is much better to take the voluntary system than to take no system at all. I believe there is great value in it not merely for military purposes and for the defense of the country but for the discipline that will be received by the young men who take the training. I think it is altogether too valuable and too important to be lost entirely.

I sincerely hope, therefore, that we may adopt the amendments offered by the Senator from New Jersey, which, though necessarily numerous, are changes in language which simply mean making it voluntary instead of compulsory.

Mr. THOMAS. Mr. President, I shall not disappoint those who desire to vote on this very important subject this afternoon. I had not intended to submit any remarks to the Senate upon this or any other feature of the bill, for the statement by the chairman of the committee when it was taken from the calendar was so complete and so satisfactory as to need no further elaboration. But in view of the certain defeat, a result which has been apparent to me from the inception of the consideration of the bill, of this most important feature, I shall give, as briefly as I can, some reasons for my change of opinion regarding the subject of compulsory military training.

It is not a new subject, certainly not a new one as regards the Senate Committee on Military Affairs. It has there been actively discussed, considered, commended, and criticized ever since I have had the honor of being a member of that com-

mittee. It was brought to our attention long before we entered the war; it has accompanied the discussion of every military bill coming to us for consideration, and is a subject which will not down until it shall have been finally disposed of to the satisfaction of the majority of the American people after they shall have become thoroughly informed of the defensive needs of the country.

I am not an enthusiast over the subject of compulsory training. I regard it from the standpoint of any other necessary thing which may be obnoxious to public sentiment or to personal inclination. But the experiences of the past four years, unusual in character and world-wide in their operation, force one to consider the future from a standpoint entirely different from that which prevailed prior to our engagement in the war. We were thrown into it somewhat unexpectedly. Although the certainty of our participation had long been apparent, it came as the armistice came—almost without warning. We were obliged overnight, as it were, to begin the construction of the mightiest military armament, when you consider the distant field of its operations, ever undertaken by any nation since the world began.

Not only so, but the need was immediate. There was little time for deliberation, scarcely any time for anything except action. We were confronted immediately after our declaration of war, therefore, with the problem of raising an army and with the consideration of alternative methods of raising that army, one by the old volunteer process and the other by a system of enforced draft.

I opposed the draft system to the best of my ability. I believed it was thoroughly wrong in principle and would not only prove inoperative but deplorable in practice. I believed that it was entirely within our power to secure all the men we needed by appealing to their patriotism and by inviting their voluntary cooperation. I still believe that system would have been practical.

On the other hand, I have reason now to know that the apprehensions which I entertained regarding the draft system were not realized by the experiences of the Nation after that system was adopted. Resistance to it was sporadic and occasional; so far as its extent may be considered, it was negligible. Under its operation we raised the required Army, one of the greatest, one of the most gallant, and one of the most effective forces ever gathered together for the championing of a great principle or the defense of a great nation. Its success was almost immediate, and ultimately it was overwhelming. Those of the Senate who championed that system have every reason to be satisfied with the vindication of their judgment and with the satisfactory manner in which at all times the system was developed.

The one thing, however, which was needed for a perfect Army, or a comparatively perfect one, was preliminary training, the lack of which resulted in increased loss of life, in a very considerable degree of added expenditure, and possibly in prolongation of the war, the latter conclusion, however, being entirely speculative.

I was upon the subcommittee which prepared this bill. As one of its members it became my duty to hear the arguments for and against the various provisions afterwards crystallized into form, and which make up the bill as it came to the Senate. At the beginning of these hearings my objections to the military training had undergone no change. I was quite as much opposed to it as a universal system in America as I had been prior to our entrance into the war. But, in listening to the arguments and to the experiences, and particularly to the experiences of American officers having in charge large bodies of men at the front, responsible for their efficiency and for their safety, and bound to care for them to the utmost extent compatible with the risks of actual war, I was compelled ultimately, in spite of my preconceived prejudice, to admit the justice of their contentions for the establishment of the policy.

During our consideration of the bill an exhibition drill was given to the members of the committee, I think last September, in front of the eastern portico of the Capitol by a squad of aliens who had been subjected to military training for about three months.

It demonstrated the discipline, both mental and physical, which had been applied to 25 aliens enlisted under the laws of the country and submitted to a system of training at Camp Upton. On the 1st of July, 1919, not a single man of the squad could speak the English language, save one, who was an unlettered American. These men comprised Syrians, Greeks, Serbians, Hollanders, Czechs, Portuguese, and Spaniards, the polyglot representatives of many nations; yet within the short space of less than three months they had acquired a fairly good mastery of the English language, while their manual of arms was the most perfect that I have ever seen exhibited by a similar number of men. It was little short of marvelous.

Immediately after the performance ended we were invited to talk with these men. We took advantage of the privilege and examined them as to their experiences. They declared the system to which they had voluntarily submitted themselves, and which was both military and educational in its features, had transformed them from ignorant foreigners into American citizens. They had been taught the language, the art of reading and writing, music, history, and those physical exercises which are the equivalent of sound physical training, whether for military of any other purpose. They sang the national airs; they gave their opinions of our institutions; they expressed themselves with enthusiasm regarding the military policy of the country, so far as they had come in contact with it; and expressed the hope that they might be permitted to remain until, through this system of training, they had qualified themselves for the active duties of material citizenship.

That object lesson, Mr. President, coupled with the convictions of the men tried in battle, speaking from the fullness of their hearts, citizen soldiers as well as Regulars, tested in the crucible of actual warfare, so appealed to my judgment as to compel my reluctant consent to a favorable consideration of this section of the bill. I believed then, however, that it was premature. I know now that it is, for there is no doubt in my mind that the majority of American sentiment is against compulsory military training. I do not think that sentiment is as widespread as it was prior to the war; I do not think that it is as widespread as it was during the war; and I am satisfied as the stories of men, suffering from the want of training, shall become more and more a part of our universal information, and as it shall develop that this system, compulsory so-called, nevertheless embraces within its area mental education and vocational training, as well as physical exercise and discipline, that it will appeal more and more to the average man, who more than ever needs to learn that respect for law and constituted authority lies at the foundation of law and order, and a lesson to be acquired very largely by the gregarious instruction of our youth.

Another element, Mr. President, working against a fair consideration of this subject at this time, is the approaching presidential election. The daily unfolding of the political kaleidoscope constitutes a perspective upon which our eyes are constantly fixed, and in which we display more interest, active and passive, than in any other subject of present importance. The result is, both as to Democrats and Republicans, that what we do or fail to do at this time is subjected, so far as we can do so, to the supreme test of political opinion; in other words, how will a given policy affect the electorate; how many votes will be repelled by this particular action; how many will be attracted by the other? That is the supreme test of our legislation of to-day, and will continue to be so until the people next November shall determine whom they want for their next President. Consequently, to attempt to impose upon the country any important policy at this time is absolutely impossible. Political cowardice, if there were no other reason, would serve to make us hesitate; and he who hesitates is lost.

The House of Representatives rejected this proposal incontinently. It received recognition at the hands of the Senate Military Affairs Committee; and it is evident now, whatever we do, that the bill will not carry any method of training, either voluntary or otherwise. Whatever we do upon this subject must be done after the next election.

Like the Senator from Oregon, therefore, I shall vote for the amendment offered by the Senator from New Jersey, not with the reluctance which he expresses, for, after all, it may be the best way to draw the attention of the public to the plan, and, by giving to the volunteers that identical equipment which the volunteers at the officers' training school at Plattsburg acquired before the war, furnish an object lesson not only of its importance but of its necessity. No man, Mr. President, I think, can be found to-day who does not recognize that the voluntary training school for reserve officers at Plattsburg was one of the most valuable and important elements of our Army education prior to our entrance into the war. It turned out a large number of men fairly well equipped for the duties of active officers in the new Army, the lack of which would have been a most serious handicap, and at the same time served as a basis for the establishment of similar schools of training elsewhere, thus featuring it as an American institution. The people of the United States owe a debt of gratitude to those who had the moral courage at the time to institute that school, to adopt that system of training, and to apply it to the enthusiastic young men who flocked there to enjoy its advanatges. So, I hope that, if we should be so fortunate as to secure a voluntary system, it may

in its unfolding and in the benefit that it may accomplish go very largely toward removing initial objections to the system as un-American.

Mr. President, I freely confess that if the expense attendant upon the adoption of the system were anything like as here represented to be, I do not believe that, howsoever important it is, we should adopt it at this time; but the estimate of the expense so far as the committee are concerned has not been a matter of haphazard. The committee are as anxious to minimize public expenses as any other Members of this body possibly can be. They have taken no chances upon it, and have sought and received the best possible information to be acquired from every possible source at all familiar with or at all competent to advise us upon it.

Here let me say, Mr. President, that this bill, however unpopular it may ultimately become, is the best considered and most thoroughly prepared piece of proposed legislation that has been placed upon the calendar of the Senate since I have been a Member of it. The chairman of the committee has virtually devoted all his time to it for the last six, eight, or nine months. He has labored upon it in season and out of season, by night as well as by day; he has had about him the best experts that the War Department could furnish, and he has made his own selection of them. He himself, in my judgment, is better informed upon the military affairs of the United States than any other man in public life, and is as sincerely anxious to present to the people a thoroughly prepared, efficient, and economical system for our Military Establishment as any Member of either body of this or any previous Congress.

I here wish to pay my tribute of appreciation of the chairman of the Senate Committee on Military Affairs, because I know the work that he has done, the disinterested efforts he has put forth, and the sincere and patriotic desire that has animated him at all times to prepare and then to effectuate, if possible, the passage of a military bill as nearly perfect as human experience, human prejudices, and conflicting interests and ambitions have permitted.

So in considering the matter of cost naturally the committee were much exercised, but when it appears, not only from the recitals of the bill but from the charts which illustrate it, that the only difference between it and the House bill in the matter of expense is less than $10,000,000, while the results to be obtained from them are as the pink chart on the wall to the blue and green one on the extreme left of the Chamber, then certainly no man should hesitate because of an approximately small difference in supporting that bill which accomplishes so much more and relatively at so much less cost.

But, Mr. President, the Senate wants to vote. I am ready, as the chairman is, to vote either upon the main question or upon any of its features. I hope the amendment of the Senator from New Jersey will be adopted; and I am very sure that as time shall pass, and as we recede from the excitements and passions of the war, and as we perceive the necessity now, as ever, of some system and degree of defensive military preparation, as we shall discover from the operations of whatever peace may be ultimately declared that human selfishness and human nature, although it has experienced the severest affliction of all time, is in its fundamentals altogether unchanged, we shall be able to approach a subject of this kind more in a spirit of patriotic endeavor to serve our country than in contemplation of individual prejudice or political advantage.

Mr. HITCHCOCK. Mr. President, I am very much surprised that the Senator from New Jersey [Mr. FRELINGHUYSEN], who offers this amendment, should have kept it in concealment so long. He advises the Senate now that he has had it under consideration for almost as long a time as the bill has been before the Senate; and now it is presented for the attention of the Senate without giving Senators even an opportunity to read a printed copy.

Mr. President, this amendment as presented by the Senator from New Jersey can not possibly be intelligently considered and voted upon this afternoon; and I hope the Senator will agree to have a print of the bill made with the amendment so inserted as to indicate what effect it will have.

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

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

Mr. HITCHCOCK. I yield.

Mr. SMOOT. I was going to suggest that a print be made, not of the whole bill, but of those sections which involve compulsory military training; and I do that for these reasons——

Mr. HITCHCOCK. Oh, yes; I shall be very glad to have that done.

Mr. SMOOT. I think, if that is done, that will be all that is necessary.

Mr. WADSWORTH. Mr. President, will the Senator repeat his suggestion?

Mr. SMOOT. That the reprint with the amendments suggested by the Senator from New Jersey be made only as to the compulsory military training provisions of the bill.

Mr. FRELINGHUYSEN. The provisions amended?

Mr. SMOOT. Yes; just the sections affected by the amendments, and not have a reprint of the whole bill, because that would be a waste of paper; and not only that, but the clerks at the desk could hardly follow the amendments that have already been agreed to.

Mr. HITCHCOCK. Then, I ask unanimous consent that that may be done.

Mr. FRELINGHUYSEN. Mr. President, before this question is settled, I simply wish to say to the Senator from Nebraska [Mr. HITCHCOCK] that I presume he understands that these amendments simply provide for a change from the compulsory to the voluntary system, and that the bill has been very carefully examined and these amendments prepared with that end in view. Has the Senator from Nebraska made an examination of the provisions as they will be changed by my amendments?

Mr. HITCHCOCK. That is exactly what I am saying. In the hubbub of the Senate, and in the midst of being called out from the Senate several times, I have endeavored to do so; but I have not been able to reach any intelligent conclusion, and I doubt whether anyone can reach an intelligent conclusion, on a number of questions. For instance, I should like the Senator from New Jersey to tell me what this is going to cost. Can the Senator come anywhere within a hundred million dollars of the cost?

Mr. FRELINGHUYSEN. Mr. President, I think—and the Senator from New York [Mr. WADSWORTH] can correct me if I am wrong—that the 600,000 as originally contemplated in the 18-year-old class will cost about $168,000,000. Whatever proportion those who volunteer bear to the entire number 18 years of age, if there are 100,000 who volunteer, at $280 a head, the cost would be $28,000,000. The Senator himself can figure it out.

Mr. HITCHCOCK. There are other considerations here. The original bill provides for training within three years. The Senator's amendment, as I understand, provides for training over a period of 10 years for each individual.

Mr. FRELINGHUYSEN. It provides for one four-month period of training for anyone between the age of 18 and any age beyond that when he may volunteer for training.

Mr. HITCHCOCK. Yes. Now, the Senator says that he has had this under consideration for weeks. It seems to me that if he has had it so under consideration for weeks he ought to be able to give us an intelligent estimate of what the cost is and how it affects this bill; but in introducing his amendment he has made no statement to that effect, and I am entirely in the dark.

I am unable to reach a decision, in looking over these amendments, as to whether the men so trained are subject to compulsory military service in the event of war. Can the Senator answer that question?

Mr. FRELINGHUYSEN. I will answer the first question the Senator asked me, and that is how much it will cost. It will cost the proportionate amount that the number that present themselves for training bear to the entire class of 600,000 which we originally contemplated. If it is one-sixth, it will cost one-sixth of $168,000,000. If it is one-third, it will cost one-third that amount. That is the best estimate I can give. It will cost much less than the compulsory military training, because it has been estimated that only 75,000, and probably only 50,000, men would present themselves for training. I hope it will cost the entire amount, because I want to see at least 600,000 men trained every year.

Mr. WADSWORTH. Perhaps I can answer one of the questions of the Senator from Nebraska.

Mr. HITCHCOCK. I would be very glad to have the Senator answer it.

Mr. WADSWORTH. The Senator asked whether the men who voluntarily take this training and are then assigned to the organized reserves voluntarily would then be subject to service in time of war. The answer is in the affirmative, if the war takes place within the five years of their period of enlistment. There is nothing strange or new about that. A man who enlists in the Regular Army to-day is subject to service in time of war if the war starts while he is still serving his enlistment period.

Mr. HITCHCOCK. That answers that question, which has seemed in doubt, from a hasty examination of the amendments.

Mr. WADSWORTH. It is not nearly so mysterious and dangerous, Mr. President, as it may seem to the Senator from Nebraska. He does not seem to be very enthusiastic about——

Mr. HITCHCOCK. I am yielding for a question. I would not like to lose the floor.

Mr. WADSWORTH. I beg the Senator's pardon.

Mr. HITCHCOCK. We may well be excused for being a little suspicious under these circumstances. Here is a sudden right-about-face of all Senators who have been very ardent in advocating compulsory military training.

Mr. WADSWORTH. I hope the Senator will qualify that statement.

Mr. FRELINGHUYSEN. I hope the Senator will withdraw that statement, in view of the fact that I presented these amendments. There is nothing suspicious about them whatsoever. I am simply giving the Senator from Nebraska an opportunity to vote on a voluntary system. He has objected to the compulsory feature. My position is perfectly plain.

Mr. McKELLAR. Will the Senator from Nebraska yield to me?

Mr. FRELINGHUYSEN. I think the statement that there is something suspicious about it is extremely offensive.

Mr. McKELLAR. I want to ask the chairman of the committee, if I may, in the time of the Senator from Nebraska, whether this scheme of voluntary military service has ever been considered by the committee as a committee; and does not the Senator think that it should be referred to the committee and let them pass on a volunteer scheme?

Mr. WADSWORTH. Mr. President, I can not help expressing my amusement at the way Senators on the other side squirm.

Mr. HITCHCOCK. Now, Mr. President, I hope the Senator will not express——

Mr. WADSWORTH. I hope the Senator will allow me to answer the question, if I can.

Mr. HITCHCOCK. I am not asking the Senator any question.

Mr. WADSWORTH. I thought the Senator from Tennessee asked me a question.

Mr. HITCHCOCK. I yielded to the Senator from Tennessee. I shall be delighted to have the Senator amuse himself at the way we squirm, but I would like to have him amuse himself in his own time.

The Senator from New Jersey misunderstood me. I did not say that there was something suspicious in his action. What I said was that we might well be excused if we entertained suspicions at this sudden conversion.

Mr. FRELINGHUYSEN. Ah!

Mr. HITCHCOCK. We have been engaged here for a number of days in a struggle upon the floor of the Senate against the provision reported out of this committee involving compulsory military service, involving a proposition that the Government shall take a five-year mortgage upon every young man in the country 18 years of age, and proposing to subject him, in the event of war, to compulsory service, without any act of Congress providing for a draft. We have been engaged in fighting and antagonizing that proposition, and we had before the Senate at the time an amendment offered by the Senator from Tennessee to strike out those objectionable clauses.

Now, we are informed that for weeks one of the ardent advocates of compulsory military training and compulsory service, together with the chairman of the committee who reported the bill, have been discussing a plan of substituting for this proposition a volunteer military service, without affording us the opportunity of examining a printed amendment, without affording us even the notice that generally goes with important amendments that are to be offered.

Under those circumstances we may well be excused for being a little suspicious. We would at least like to have time to examine the phraseology of the proposed amendments. We would like to know what we are called upon to vote for.

It is for that reason, Mr. President, that I ask unanimous consent that the parts of the bill which it is proposed to change shall be subjected to a reprint, together with the changes which the Senator from New Jersey proposes to make. It may be that when they are presented and we have had an opportunity to examine them we will vote for the amendments. But we want to know what we are voting for, and I make that request for unanimous consent.

Mr. WADSWORTH. Mr. President, just a word, and I shall not detain the Senate further.

The subcommittee in drafting the bill, upon which we spent months and months, was careful to so construct it that it should constitute, in the first instance, and in the most important particulars, a foundation upon which could be built any kind of training, training for a portion of the young men of the country of a given age, or training for all of them, whether compulsory or volunteer. Our greatest hope was to get sound military legislation. The subcommittee which drafted the bill was unanimously in favor of compulsory universal military training. That subcommittee, may I say, although it may not seem important, was composed of four Republicans and three Democrats. It never occurred to us to bring any partisan discussion into the question.

So it has always been in the minds of the subcommittee which drafted the bill, and of the people who have helped us, that we could impose upon the foundations here built any kind of training by the simplest of amendments one way or another. The bill originally printed, as a bill providing for compulsory military training, would carry the same aspect it has now, except that a few words here and there would be different.

So there is no about face about this thing at all. We have always been willing to face alternatives. The thing we have tried to do is to build a strong and sure foundation.

The Senator from Nebraska has referred to the "about face," or what he calls one. The Senator from New Jersey now proposes several amendments to the text of the bill, perfecting, as he wants done, section 51 and other sections. The Senate must vote upon that; at least, if I can get a roll call, they will. The Senate in that vote will vote their choice as between voluntary training and compulsory training. I shall vote for compulsory training. That is all. There is no about face about it. There is nothing mysterious about it.

Now, may I say to the Senator from Nebraska, and to other Senators who may be interested in this amendment, I do not think I am confessing to any guilt when I say I have known about several alternatives that have been carefully considered, all built upon the one foundation provided in the structure of the bill.

As the Senate knows, section 51 is the key section of the bill, so far as a training system is concerned, and the first sentence is the important one. All that follows is subsidiary in importance. That section reads, in its first sentence, that—

> All male citizens of the United States (excluding residents of Alaska and the insular possessions) and all male persons who reside therein and who have declared their intention to become citizens, other than persons excepted by this act, shall, upon attaining the age of 18 years, or within three years thereafter, be subject to military on naval training.

That is the phrase which carries the compulsion. That is the key phrase of the section. The key amendment offered is to strike out the words "subject to" and insert the words "eligible to," which changes the entire meaning from compulsion to a contract entered into voluntarily. All the amendments offered by the Senator from New Jersey which follow are exactly in line with that idea, with some few exceptions, where it is necessary to strike out an entire sentence that has to do with the choice of the first three years, for instance, in the training. The Senators will find, in going through these amendments, that in several instances the word "liability" occurs.

That is stricken out and the word "eligible" is inserted. The words "subject to" occur, and those are stricken out in each case, and the words "eligible for" inserted.

That is what these amendments of the Senator from New Jersey do. Of course, I do not ask the Senator to take my word for it, or to take the word of the Senator from New Jersey for it, that the thing is absolutely accurate. I do not know how it can be made more so, but if the Senate wants to have the bill reprinted in these particular sections showing the amendments, very well.

Mr. PITTMAN. Mr. President——

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

Mr. WADSWORTH. I yield.

Mr. PITTMAN. I understood the Senator from New York, in reply to a question of the Senator from Nebraska, to state that the soldiers enlisted under this section would be liable to military service in the event of the breaking out of a war during their period of training. Then I do not understand what the words "for this purpose alone" mean, in line 12 of that section. I assumed it meant that they were enlisted for the purpose of training alone.

Mr. WADSWORTH. I do not think the Senator heard exactly what I said. They may enlist for the four months' training, for training purposes alone. Then, I said that if they voluntarily enlisted in the organized reserves they would be subject to call for service in time of war during the period of that enlistment in the organized reserves.

Mr. PITTMAN. I did not hear the Senator say "their enlistment in the reserves." I thought he was referring to their enlistment for training during the four months' period.

Mr. POMERENE. Mr. President——

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

Mr. WADSWORTH. I yield.

Mr. POMERENE. In view of the statement made a moment ago by the chairman of the committee, I do not think there is any disposition on the part of any Senators not to accept the explanation which has been made either by the chairman of the committee or by the Senator from New Jersey as to what would be the effect of these proposed amendments. But there are quite a number of them, and even if some of us should vote in favor of voluntary training, we might have differences of opinion as to the details.

To illustrate, under a proposed amendment, as I now carry it in my mind, all young men who are between the ages of 18 and 27 would be eligible to these privileges for training. It may be that Senators would have a different opinion as to what ought to be the limit as to age or whether married men should be permitted to enter this service. There are quite a number of questions of that character which come up, and I think every Senator should have an opportunity to consider them before he votes upon this question.

The amendment as it has been presented is divisible, but we are now near the hour of adjournment and it can be printed so that we can have it before us to-morrow.

Mr. WADSWORTH. I was not insisting that the Senate go ahead without having the amendments printed. I merely wanted to explain how they came to be drawn. There is nothing new about them and nothing mysterious about them. The Senate, of course, has a perfect right to have them printed, and I would not beg the Senate to forego that right.

May I suggest, however, that the amendments offered by the Senator from New Jersey are applicable only to sections affected by the amendment offered by the Senator from Tennessee?

Mr. McKELLAR. I believe there are two other sections.

Mr. WADSWORTH. I think not.

Mr. McKELLAR. Yes; on page 80 and page 91. But there probably will be no objection to that.

Mr. WADSWORTH. Section 76?

Mr. McKELLAR. Section 65, on page 80.

Mr. WADSWORTH. The amendment affects that?

Mr. McKELLAR. I think it does.

Mr. WADSWORTH. And also section 76, on page 91?

Mr. McKELLAR. That is right. My amendment does not refer to those two sections. I think the Senator's amendment there is very proper. I do not think I shall object to that.

Mr. WADSWORTH. May I explain one or two more things about the structure of the bill, Mr. President, so that the Senate may understand exactly what we are doing?

The amendments of the Senator from New Jersey were intended, I understand, to affect only the amendment offered by the Senator from Tennessee.

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

Mr. WADSWORTH. Certainly.

Mr. LENROOT. I would like to ask whether the amendments offered by the Senator from New Jersey strike out the sections relating to registration?

Mr. WADSWORTH. Yes. I have tried to commence three or four times, and I would like to get a chance to explain. There will be a few more amendments—about six in number—necessary in the bill at the first part of it if it is determined to make the training voluntary instead of compulsory—very simple and perfectly obvious amendments—and my suggestion is that, if the Senate is going to vote on this question as between compulsory and volunteer training, those changes should be indicated.

There is another thing in connection with it, and one which I regret having to relate. In my humble judgment—though the Senate may differ from me—if the Senate abandons compulsory universal military training it can not afford to accept that provision of the bill which reduces the Regular Army from 280,000 men to 210,000 men in five years. The Senate, I think, in its best judgment, will make up its mind to maintain an Army of 280,000 men, which, incidentally, will add to the cost of the bill if this is to be the military policy of the country.

Mr. LENROOT. Will not the National Guard at the end of that time, under the Senator's own estimate, be so much increased as to leave just as much protection as there will be under the bill as now framed?

Mr. WADSWORTH. I do not know. How can we tell how large the National Guard will be under the volunteer system?

Mr. LENROOT. Certainly the Senator knows that the increase would very largely exceed the reduction which would take place in the Regular Army.

Mr. WADSWORTH. I am not so sure of that. There are 40,000 men in the National Guard now. If we add 90,000 men to them, which is the number we propose to take off of the Regular Army in five years, we would have 130,000 men in the National Guard. That is a little more than we have ever had before.

Mr. LENROOT. What is the Senator's own estimate, under his plan, of the National Guard at the end of five years?

Mr. WADSWORTH. Under our plan of universal military training applied to the Guard, men could take their training in the Guard as an alternative, and we expected that that would keep the Guard full. We do not know what number the Guard will go to. The national-defense act authorized 425,000 men. I said yesterday that I did not believe it could ever pass 350,000 under any circumstances.

Mr. LENROOT. That is the estimate the Senator himself has made?

Mr. WADSWORTH. Exactly. I said it could not under any circumstances pass that number due to lack of facilities. I put that just as high as I could in order to make those estimates as generous as possible. I do not know what number the Guard will go to if we do not have universal military training and use the Guard as one of the vehicles for that training, but I do suggest to the Senate, as I think it is my duty to do, that it may seem wise not to reduce the Regular Army to 210,000 men if we are not going to have universal compulsory military training.

Mr. McKELLAR. Mr. President, I shall not detain the Senate more than a moment. As I have gathered from the amendments offered by the Senator from New Jersey, sections 56 and 57 of the bill are stricken out entirely. Section 56 requires the registration of persons liable to military training. Section 57 provides, however, for the reenactment, so to speak, of the conscription law passed on May 18, 1917, during the war. Of course, the striking out of those two sections effectually does away with the universal military training provided for in the bill. The striking out of those sections is an absolute striking out of the universal compulsory military training provision.

The Senator from New York says that I am squirming. I made a bad impression on him if that is so, because it has been those two sections that I have been fighting against ever since the proposal was first made. I am very happy that those sections are going out and that when they do go out of the bill universal compulsory military training is defeated by the Senate. I am glad to know, too, that the Senate is overwhelmingly against the proposition, and that there seems to be a majority on both sides of the Chamber against it, as I believe they ought to be against it for the reasons I have heretofore stated.

So far as the preparation of the bill is concerned and the attitude of the Senator from New York, I may be pardoned for saying a word. The Senator from New York, the chairman of the committee, has indeed been an earnest, intelligent, vigorous, active supporter of universal compulsory military training. He has never wavered in it, he has never faltered in it, and I have the highest respect for him and his views. I believe he is wrong, but that is all the difference between myself and the Senator from New York. His splendid efforts in behalf of that system were, I believe, unwise. It is very unfortunate that his efforts could not have been expended in a better cause.

In regard to the voluntary features of the bill, as proposed in the amendments offered by the Senator from New Jersey, I have very hastily gone over them, and I am glad we are going to have unanimous consent to have that portion of the bill reprinted, so that we can see just what the provisions are.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New Jersey?

Mr. McKELLAR. Certainly.

Mr. FRELINGHUYSEN. The Senator, of course, understands that the request for unanimous consent is open to objection. I shall not object if it is agreed to under certain conditions, one of which is that this shall be the pending question.

Mr. McKELLAR. I would not want to preclude myself from offering an amendment to the amendment. Of course, it will be the pending question to-morrow. There is no question about that. The parliamentary situation is such that when we adjourn it will be the pending question to-morrow.

I can not say whether I am in favor of the proposal of the Senator from New Jersey or not. After having examined it carefully it may be that there will be no question about it or no objection to it. It may be best for the country, in my judgment, but I would like to have until to-morrow, so that I can see just what it means.

I am glad to see that there is practical unanimity, as it appears now, on the part of the Senate that the measure pro-

viding for universal military training shall not become the law. I am delighted to see the overwhelming sentiment that causes a practical withdrawal of the proposal from the Senate entirely. I construe the amendments offered by the Senator from New Jersey as an abandonment by the Senate of any such proposal.

Mr. WARREN. Will the Senator allow me?

Mr. McKELLAR. Certainly.

Mr. WARREN. Perhaps the Senator is using rather strong language about it. I agree entirely with the remarks made by the Senator from Oregon [Mr. CHAMBERLAIN] a short time since. I have never been otherwise than a champion of universal military training. I am sorry that I can not vote for it, and I am sorry that it can not prevail.

Mr. McKELLAR. I understand that. I have always understood that to be the position of the Senator from Wyoming.

Mr. WARREN. But in case it can not prevail and this matter comes up, as it will come under the parliamentary situation, I shall vote for the amendment.

Mr. POMERENE. Mr. President, I desire to ask the chairman of the committee a question or two if I may do so. I assume, of course, that the organization of officers, and so forth, was prepared having in mind the existence of compulsory training. Of course, if that is to be entirely eliminated or if there is substituted for it a system of voluntary training, I wondered whether it would necessitate or make advisable any change in the number of the commissioned personnel as organized under the bill?

Mr. WADSWORTH. I think so; I think it can be reduced; in fact, I know it.

Mr. WARREN. Undoubtedly.

Mr. POMERENE. That is the thought I had in mind, and I wondered what plan the committee had in view in the event that we should substitute the voluntary system for the compulsory system.

Mr. WADSWORTH. The allotment of the commissioned personnel of the permanent organization would have to be reduced, and it should be reduced. As soon as the Senate votes on this question and makes its choice between the two systems of training, if it chooses the voluntary training system I shall present amendments which the Senate can consider and which will immediately fit those little points in the bill to the different kinds of training.

Mr. POMERENE. Without having any technical knowledge on the subject, it occurred to me that some changes would be, at least, advisable.

Mr. NELSON. Has the request of the Senator from Nebraska [Mr. HITCHCOCK] been granted for a reprint?

The PRESIDING OFFICER. It has not. The Chair has not stated it, because there has been debate. If there be no further debate, the Chair will state the question.

Mr. HITCHCOCK. My request for unanimous consent has not been granted?

The PRESIDING OFFICER. It has not been granted. The Chair is about to state it. The Senator from Nebraska asks unanimous consent that that portion of the pending measure affected by the amendments proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] be reprinted, showing how the bill would read if amended.

Mr. NELSON. With the amendments in italic, I suggest.

Mr. FRELINGHUYSEN. Would it not be better to have the text printed as it will appear when perfected?

Mr. NELSON. We want to have it so printed that we can tell at a glance what the amendments are in the text.

The PRESIDING OFFICER. Is there objection?

Mr. WADSWORTH. Of course, as I said a moment ago, there will be about six more amendments necessary to the bill besides these, but I am not disposed to ask that they be included, as they have not been offered in the list of amendments proposed by the Senator from New Jersey. They are so simple that I think the Senate, when I point them out in the event the amendments of the Senator from New Jersey carry, will accept them without cavil.

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

Mr. FRELINGHUYSEN. I now ask unanimous consent that the pending question, which is on my amendment, be voted upon at 1 o'clock to-morrow.

Mr. HITCHCOCK. I think the Senator had better make it "not later than 1 o'clock to-morrow."

Mr. FRELINGHUYSEN. I request that the vote on my amendment be taken not later than 1 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey?

Mr. McKELLAR. I understand that vote is simply to be taken on the pending amendment of the Senator from New Jersey, because there are other amendments that will have to be voted upon. The Senator's request refers merely to his amendment?

Mr. FRELINGHUYSEN. It refers merely to the amendment which I have offered.

Mr. McKELLAR. I have no objection to the request.

Mr. LENROOT. The Senator from New Jersey has offered a large number of amendments, and until we have an opportunity to examine the amendments in order to ascertain what they are we can not tell whether there will be any debate upon them. I am sorry I shall, therefore, have to object.

The PRESIDING OFFICER. Objection is made.

INVESTIGATION OF RAILROAD STRIKES.

Mr. McCORMICK. Mr. President, I ask unanimous consent to offer the resolution which I send to the desk, in order that it may be read and referred to the appropriate committee.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent to offer a resolution, which will be read.

The resolution (S. Res. 346) was read, as follows:

Resolved, That the Senate Committee on Interstate Commerce is hereby authorized and directed to conduct an inquiry, by subcommittee or otherwise, respecting any existing strike of interstate railroad employees not conducted or authorized by any recognized organization of railroad employees. For this purpose such committee, or any subcommittee thereof, is hereby empowered to sit during the recess and sessions of the Senate, at such times and places as may be deemed advisable, to require by subpœna or otherwise the attendance of witnesses and the production of books, papers, and documents, to administer oaths, and to employ a stenographer and such other clerical assistance as may be necessary. A report of the results of such investigation, including a statement of the causes and purposes of such strike and the merits of the controversy involved therein, shall be made to the Senate as soon as practicable, accompanied by such recommendations as may be deemed proper. The expenses of such investigation shall be paid out of the contingent fund of the Senate.

Mr. WARREN. Does the Senator desire the resolution to go to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. McCORMICK. I am afraid that despite what the Senator may desire, it will have to go to that committee.

Mr. WARREN. Under the rule, it will have to be referred.

The PRESIDING OFFICER. Inasmuch as the resolution provides for an expenditure from the contingent fund, it will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. POMERENE. Will the Senator yield for a question?

Mr. McCORMICK. Certainly.

Mr. POMERENE. I assume that the resolution refers to the strike reported in the city of Chicago or thereabouts.

Mr. McCORMICK. It refers to that strike, Mr. President, and to other strikes which, as I am now informed, have taken place from New York to California without the authority of the officers of the 16 responsible railroad brotherhoods.

Mr. POMERENE. I was going to follow that question by another, and to ask the Senator what information he has as to the extent and character of the strike. It might be of some value to the committee to know that.

Mr. McCORMICK. Mr. President, the information which I have is meager. It has been coming to me during the course of the day. At noon men had walked out in Buffalo, Toledo, Chicago, Kansas City, and Los Angeles, according to the reports which come to me, together with other smaller cities which are important railroad centers. These walkouts have taken place despite the efforts of the responsible leaders of the 16 railroad crafts. According to the newspaper reports, the immediate and precipitating cause of the Chicago strike was the dismissal of a conductor; but, so far as I have been able to learn, the actual cause of the strike is the failure of the President to appoint the wage board provided by the new act for the determination of disputes regarding wages.

As the Senator remembers, some 10 days ago the committee of executives and the representatives of the brotherhoods failed to reach an agreement. The men, led or misled by some among their number, impatient and restless, in these cities have disregarded the judgment of their elected officers and have walked out. The later reports indicate that in some of the centers the situation is very grave indeed. Since no commission or wage board has been appointed under the law, it seemed to me appropriate that the Interstate Commerce Committee of the Senate, or a subcommittee of its members, should take steps to discover the facts and publish them to the country, and to acquaint the Senate with them, all to the end that such moral pressure as may be brought to bear may induce the men to return to work pending the lawful arbitrament of the wage dispute.

Mr. POMERENE. I have no accurate information upon the subject, but——

Mr. McCORMICK. I do not speak by the book, Mr. President.

Mr. POMERENE. I saw a statement in the papers this morning to the effect that the brotherhoods had recommended those who were to be representatives of the labor organizations, and that the railroad companies had recommended those who were to be representatives of the companies, but that great difficulty was being found in the selection of men who were to be representatives of the public and who would accept those positions. I simply state that for what it is worth. I know nothing about it.

ADJOURNMENT.

Mr. WADSWORTH. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 9, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 8, 1920.*

The House met at 11 o'clock a. m.

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

Dear Lord, we would approach Thee in the spirit of Him who taught us when we pray to say: Our Father which art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth as it is in heaven. Give us this day our daily bread, and forgive us our debts as we forgive our debtors, and lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory forever. Amen.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3664. An act for the relief of the Link-Belt Co., of Philadelphia, Pa.;

S. 3663. An act for the relief of Gaetano Davide Olivari fu Fortunato as managing owners of the Italian bark *Doris;* and

S. 3662. An act for the relief of Th. Brovig as owner of the bark *Bennestvet.*

The message also announced that the Senate had passed with amendment the bill (H. R. 6025) to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto, in which the concurrence of the House of Representatives was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3664. An act for the relief of the Link-Belt Co., of Philadelphia, Pa.; to the Committee on Claims.

S. 3663. An act for the relief of Gaetano Davide Olivari fu Fortunato as managing owner of the Italian bark *Doris;* to the Committee on Claims.

S. 3662. An act for the relief of Th. Brovig as owner of the bark *Bennestvet;* to the Committee on Claims.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3779. An act to authorize the Ozark Forest road improvement district of Baxter County, Ark., to construct and maintain a bridge across the White River, near Norfork, Ark.;

S. 3263. An act to authorize the construction of flood-control and improvement works in Minnesota River and Big Stone Lake between the States of Minnesota and South Dakota;

S. 2786. An act authorizing the sale of lands in Gregory County, S. Dak.; and

S. J. Res. 167. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

CALL FOR A QUORUM.

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

The SPEAKER. The gentleman from New York makes the point that no quorum is present. Evidently there is not.

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

The motion was agreed to; accordingly the doors were closed and the Sergeant at Arms was directed to notify absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Crowther	Heflin	Riordan
Anthony	Curry, Calif.	Hill	Robinson, N. C.
Ayres	Davey	Hoey	Rodenberg
Bacharach	Denison	Holland	Rowan
Bankhead	Dooling	Kahn	Sabath
Barkley	Doughton	Kennedy, Iowa	Scully
Bell	Drane	Kiess	Sears
Benson	Eagan	McCulloch	Shreve
Bland, Mo.	Eagle	McFadden	Siegel
Bland, Va.	Ellsworth	McKenzie	Smith, N. Y.
Booher	Esch	Mann, Ill.	Smithwick
Brinson	Garland	Merritt	Steagall
Britten	Garrett	Morin	Stedman
Buchanan	Godwin, N. C.	Nichols, Mich.	Strong, Pa.
Burke	Goodykoontz	O'Connor	Sullivan
Campbell, Pa.	Graham, Pa.	Oliver	Sweet
Caraway	Greene, Vt.	Parker	Ward
Carew	Hamill	Pell	Wason
Carter	Hamilton	Rainey, Ala.	Whaley
Clark, Fla.	Harrison	Rayburn	Williams
Costello	Hayden	Reed, N. Y.	Winslow

The SPEAKER. Three hundred and forty-three Members have answered to their names; a quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

TERMINATION OF STATE OF WAR WITH GERMANY.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report, which the Clerk will report.

The Clerk read as follows:

House resolution 511.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider H. J. Res. 327, being a House joint resolution "terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes." That the House shall meet at 11 o'clock antemeridian on Friday, April 9, 1920. That the House joint resolution shall be read in extenso. That general debate shall continue on said resolution until 5 o'clock postmeridian on Friday, April 9, 1920, the time to be controlled, one-half by the gentleman from Pennsylvania, Mr. PORTER, and one-half by the gentleman from Virginia, Mr. FLOOD. That at the conclusion of the general debate the previous question shall be considered as ordered on the said House joint resolution to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, may I ask the gentleman from North Carolina if we can agree on time for debate on the rule?

Mr. POU. I was hoping the gentleman would be willing to agree to an hour and a quarter on a side. The demand for time on this side is very great.

Mr. CAMPBELL of Kansas. I will say that there has been great demand on this side also, but I have been unable to arrange for more than one hour on a side. If that is satisfactory to the gentleman from North Carolina I will ask unanimous consent that the debate on the resolution be limited to one hour on a side.

Mr. POU. That will be satisfactory.

Mr. CAMPBELL of Kansas. Mr. Speaker, I will ask that debate on the rule be limited to one hour on a side, and also ask unanimous consent that the previous question be considered as ordered on the rule at the end of the debate.

Mr. CALDWELL. Mr. Speaker, I should have to object to that, because, unless we can vote down the previous question, it would be impossible to amend the rule.

Mr. CAMPBELL of Kansas. It would be a waste of time to have a roll call.

Mr. CALDWELL. Under the rule as it is written, if the previous question is considered as ordered, the rule would be adopted and there would be no opportunity to offer an amendment to the resolution except on a motion to recommit.

Mr. CAMPBELL of Kansas. I will say that if we can hold our forces together there will be no opportunity to amend this resolution.

Mr. CALDWELL. I understand; but you may not be able to hold your forces together.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time for debate on the rule be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from North Carolina, and at the termination of the two hours the previous question may be considered as ordered. Is there objection?

There was no objection.

Mr. FLOOD. Before the gentleman from Kansas begins, will he permit me to put a unanimous-consent request?

Mr. CAMPBELL of Kansas. I will.

Mr. FLOOD. The views of the minority—I do not know what number were printed—has been exhausted, and I ask unanimous consent that there be another print of it—say 2,000 copies.

Mr. SNELL. We would like to have the majority report printed, which has been nearly exhausted.

Mr. WALSH. They will be printed as one document.

Mr. CAMPBELL of Kansas. I have no objection to the request of the gentleman from Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent that there be printed 2,000 copies of the majority and minority reports. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, the reading of the rule makes it perfectly clear what its purpose is. I shall not take the time of the House to repeat its provisions. It is the intention, I am sure, of every Member of the House to get at the questions involved at the very earliest possible moment, so that Members may discuss the merits of the proposition rather than the technicalities that might be involved in the rule.

The resolution declaring that a state of war with Germany no longer exists is opposed by the President and his party friends. Then, he "kept us out of war," now he keeps us in. In considering the questions involved it is proper to say that the resolution does not end the war. It declares the fact that it is already ended. The President with great formality told Congress and all the world on November 11, 1918, that the war with Germany had come to an end. Germany surrendered arms and implements of war and withdrew from the invaded territory she had occupied during the war and retired within her own borders.

Those associated with us in the war have long since agreed with Germany upon a treaty of peace and have resumed trade relations with the German people. Our own people are trading with our former foes, though the President has not yet, with the advice and consent of the Senate, arrived at a treaty of peace. A year and a half have passed since the armistice terminating the war was agreed to. The question therefore as to whether it is advisable for Congress to declare that a state of war no longer exists, when reduced to simple common sense, admits of but one answer. The war is over and Congress should make formal declaration of that fact.

What is there that is subtle or mysterious in the situation? The President and others who object to the resolution give no reason that appeals to the judgment and common sense of the American people for the position they take. Can the President hold, in the face of all the facts, including the fact that all the former foes of Germany have resumed trade relations with their former enemy, that a state of war still exists? If so, it is not only the President's right, but it is his duty to interrupt the trade not only of our own people, but the trade and commerce of the people of all other nations with Germany. If we are still at war with Germany, our own citizens and our former allies are giving aid and comfort to the enemy. No suggestion has come from the President that trade with Germany by any nation or people should not continue. The knowledge, common to all, of these undisputed facts make it so clear that a state of war no longer exists that it scarcely leaves a question even for academic discussion. The effect of the resolution declaring the fact that a state of war no longer exists will be to clear up that shadowy question.

Our rights under the conditions of the armistice are continued under the terms of the resolution, and Congress is exercising its power over foreign commerce by declaring the conditions of reciprocal trade relations with Germany. The President, with the advice and consent of the Senate, may negotiate and conclude a treaty with Germany at any time. The questions arising out of the causes of the war and growing out of the war which affect the Government and people of the United States are neither forfeited, laid aside, nor abandoned. They are left for settlement by the terms of a treaty to be negotiated in the future. This may be done before the 4th of March next year. If not, it will be done after the 4th of March next year. [Applause on the Republican side.]

In the meantime we have grave domestic questions of the greatest importance that make the proposed action not only advisable but imperative.

But the President and his party adherents say the resolution formally declaring that a state of war does not now exist with Germany is an encroachment upon Executive functions. By what process of reasoning does the President or anyone else arrive at such a conclusion? The Constitution nowhere prescribes the method by which war may be terminated or a declaration be made that a state of war no longer exists. On April 6, 1917, Congress declared that a state of war existed between the Imperial German Government and the United States. The war has long since ended. American sons on land and sea, in the air and under seas, so acquitted themselves as to bring victory to American and allied arms. Our boys added imperishable glory to the valor of American citizens bearing arms.

The war is over. That fact is known of all men. Congress, therefore, is within its rights in formally declaring that a state of war no longer exists. It is the duty of Congress to withdraw from the President the powers granted to him for war purposes. [Applause on the Republican side.] We take no powers from him that belong to him in time of peace. Does the President or the Secretary of State or any of the President's supporters contend or assume that in negotiating a treaty with Germany the President has a constitutional right to have at his instant command the armed and naval forces of the United States? Does the President have in mind that in such negotiations he may resort to force if perchance Germany should hesitate or refuse to agree to the terms on which he insists? That would be a monstrous perversion of the treaty-making powers of the President and an assumption of the powers of Congress. In the event of failure in diplomatic negotiations it is for Congress to declare whether or not there shall be a resort to the arbitrament of arms. It is the duty of the President to send to the round table men fortified by ability and experience in diplomatic negotiations, not by armed forces.

Besides, an examination of the terms of the treaty which the President heretofore submitted to the Senate and which was by that body rejected does not justify the assumption that he contemplates such reparations and indemnities for the United States from Germany as would justify the American people in resorting to force of arms even in the event they were refused. At Versailles the President sought and secured obligations for the people of the United States rather than reparations and indemnities. [Applause on the Republican side.] So the denial by Germany of anything for which the President has contended since the day of the armistice in 1918 would not justify the American people in resorting to war. No one has suggested a possible justification or excuse for resuming a state of war with Germany or for continuing war powers in the President. He is left with the utmost freedom to negotiate a treaty, with the advice and consent of the Senate, as provided by the plain terms of the Constitution. It does not now fall to the President's lot nor is it incumbent upon him as a duty to negotiate a treaty ending the war, but rather a treaty under which the United States shall resume the normal conditions of peace with the Government and people of Germany after the war. The war is over, as the President solemnly declared a year and a half ago, and Congress is in the rightful exercise of its authority in declaring a state of war no longer exists. The resolution should be agreed to by Congress.

We may then terminate the war powers of the President and restore normal constitutional government to the people of the United States. The people are wearied by a year and a half of life under an Executive with war powers in time of peace. They long for the freedom of a Government with three separate and independent branches. [Applause on the Republican side.]

Autocratic war powers are galling to a free people in time of peace. Labor, industry, business, and commerce are all impatient to resume a status under the laws and conditions that pertain to peace. [Applause on the Republican side.]

Mr. POU. Mr. Speaker, it is difficult to discuss the pending rule without including in such discussion the so-called peace resolution. If the House has authority under the Constitution to deal with the question of agreeing upon terms of peace with Germany, then the so-called peace resolution is of supreme importance. However that may be, the majority of the Committee on Rules decided to take no chances. If you adopt the special rule, no amendment of any kind will be in order. So once again we are back to the old order of things.

One motion to recommit; one motion only will be in order. What a peculiar spectacle is therefore presented. For two days the so-called peace humbug will be debated. Not a line can be changed. Not an "i" dotted or a "t" crossed. [Applause on the Republican side.] I am not surprised that the Republican

side of the aisle, from which there was so much opposition to the war, should applaud again when you are playing Germany's game, for that is what you are doing. [Applause on the Democratic side.] After all, you are proposing to enter into a treaty agreement with Germany, but you must take the so-called peace resolution in its entirety, no matter what your views may be. This situation, Mr. Speaker, would be humiliating to the Members of this House if we did not remember that all legislation is subject to the control of four members of the Republican steering committee. When one remembers this, he is hardly surprised at anything that is done.

The so-called peace resolution is carefully safeguarded in the pending rule against any possible amendment. The minority members of the Committee on Rules offered a substitute for the special rule, wherein it was provided that after 10 hours of general debate the so-called peace resolution would be considered under the general rules of the House. We could see no good reason why all amendments should be cut off, but, of course, we did not prevail with the majority of the Committee on Rules. Therefore the House must accept the resolution in toto or reject it. This is typical of the autocracy which has ruled this House since the day it was organized for business. Perhaps it makes little difference, after all, Mr. Speaker, whether the so-called peace resolution is or is not amended, for this House has no more power to propose peace with Germany than any other body of 435 Americans. [Applause on the Democratic side.]

When the Constitution was framed the power to negotiate peace was left to the President and the Senate. The Constitution is plain. We have no authority. If anything is accomplished, it will not be affected one way or the other by any action taken by the House of Representatives. We have no more authority in the premises than the board of aldermen of the town of Smithfield, in which I live. If I believed, Mr. Speaker, this resolution would bring peace—honorable to America—God knows I would vote for it, for there is no man living who more earnestly yearns for peace than I.

Now, Mr. Speaker, what is the controversy? Why is it so difficult to bring back longed-for, prayed-for peace? Let us for a moment consider what has taken place. The war ended in a blaze of glory for America. Thrilled by the immortal messages of President Wilson, our boys astonished the world and brought the war to an end fully a year sooner than anybody supposed possible. Proud, indeed, was the place then occupied by America. A great, unselfish Nation, under the leadership of a great, unselfish President, had attained a position absolutely unique and without parallel in the history of the world. Statesmen of all nations believed that militarism and autocracy had received their death blow.

At length the time came to build a treaty of peace. True to her best traditions, America was asking nothing for herself from the council of the nations soon to be convened at Versailles. But there was one hope in the heart and mind of every American: It was the hope that the treaty would be so framed as to make another world war impossible. From every stricken home that prayer went up to the God of nations. Good men prayed to God to help President Wilson win out in his fight for a League of Nations. In every stricken home fathers and mothers said, "We can stand our sorrow a little better if the great men in council at Versailles do all in their power to make another war impossible." [Applause on the Democratic side.]

President Wilson won his great fight; and, whatever you Republicans may think, that alone would entitle him to immortality. [Applause on the Democratic side.] For the first time in the history of the world it looked as if an agency was about to bet set up which would substitute reason for brute force. Mr. Wilson brought back the first draft of the treaty. It was criticized. He took into account the criticisms made, returned to Versailles, and had changes made which seemed to answer every reasonable objection of those who favored the setting up of a League of Nations. He returned to America and submitted the work of the council of Versailles to the Senate.

What was the result? During every hour of the long debate in the Senate more than two-thirds of that body favored the essential provisions of the treaty. The fight raged around the League of Nations, and more than two-thirds of the Senate wanted a League of Nations. The only living ex-President stood for a League of Nations. [Applause on the Democratic side.] The candidate of the Republican Party who opposed Mr. Wilson stood for a League of Nations. But it was impossible to agree, and the result is this humbug which is to be presented to the House. This anomaly in treaty making, this bastard resolution [applause on the Democratic side], is the result presented here to a body which has no jurisdiction at all under the Constitution—a body as utterly powerless as any other set of men. Yet we are asked to initiate a treaty-making process with Germany.

What is the purpose of this so-called peace resolution? I do not believe there are a half a dozen men in this body who believe that anything is going to come of the resolution. It was introduced for the purpose of embarrassing President Wilson. [Applause on the Democratic side.] It was introduced for the purpose of making political capital to be used in the next campaign. [Applause on the Democratic side.] It is hoped to use it as the excuse for broken pledges. It was framed and introduced not in good faith but for the purpose of enabling somebody to go before the people and say, "We tried to get peace with Germany. We introduced a peace resolution. The House of Representatives passed it; President Wilson vetoed it. The blame is therefore upon President Wilson." And any man who makes that argument before the American people will know that he is perpetrating a lie. [Applause on the Democratic side.] Nevertheless the purpose of this resolution is to enable somebody to build up a fictitious argument whereby the Republican Party hopes to ride into power in the coming campaign. If you wish to do something practical why do you not repeal some of the statutes made necessary by the war? Why not repeal some of the legislation you yourselves so bitterly denounced? Why not begin now and pass some of that constructive legislation you talked about so much in your campaign? Why do nothing but attack the President? What has he done to justify any of the assaults that are constantly being made upon him? In all his course of action he has been a typical American. He had no selfish ambition. He was not striving to accomplish something to the detriment of somebody else. He believed that a stricken world longed for peace. He believed that the people of America wanted a tribunal established which would substitute reason for force. This is his offense—his only offense. An effort to make war impossible—an effort to set up an agency which will forever render it impossible for any set of men without any warning whatever to embroil the world in another war. And yet he is charged with plotting and designing with somebody to set up a tribunal which will send American boys across the water to their death. This, Mr. Speaker, is just such a lie as was uttered when it was stated immediately before the McLemore resolution was considered by this House that President Wilson actually wanted war with Germany. He has done nothing selfish, but he led America to heights to which she had never attained before. [Applause on the Democratic side.] Splendid as her traditions are; unselfish as she has always been; high and lofty the purpose which she has always cherished, never in her history had she attained such splendid heights as were reached under the leadership of this immortal American. [Applause on the Democratic side.]

Why this turning away now from the splendid ideals for which the boys fought? There can be but one answer. The President must be discredited in the eyes of the world if the Republican Party is to win another victory. You saw him at once step into the leadership of the world. You heard the great men of Europe cheerfully acknowledge his leadership. You saw him held up as the apostle of democracy and peace. You knew that it was a title which was rightfully his. Point out one single act in his career from the day he took the oath as President down to this good hour of which America may not be justly proud. Recount the splendid things he has done. Measure after measure, so righteous, so just, so necessary that it was impossible to hold organized opposition against their passage. That is the record of this man. You feared that his leadership had become so powerful your party would be permanently displaced from power. Shame upon the men who have engaged in the plot to discredit this great world leader. The damnation of history will be upon you, and in my humble judgment your damnation by the American people is very near at hand. [Applause on the Democratic side.]

Mr. Speaker, we do not linger long upon the stage of action. It may be that in the years to come some descendant who bears my name will read of the things we do here and now. I put in the RECORD my protest against the assaults which have been made and are being made upon this great American in the White House. I put in the RECORD here and now the pride that I feel in following his leadership. I put in the RECORD my condemnation of the plot to discredit him. And this miserable makeshift resolution which you are going to pass to-morrow is but a part of that plot. [Applause on the Democratic side.]

One other thing I put in the RECORD also. It is this plea: The men who conscientiously favor the establishment of a

League of Nations whereby reason may be substituted for force ought to be able to get together. The men who would stop the building of great navies, who oppose great standing armies, necessary only when men are killing each other; the men who love peace and are willing to accept the principles laid down by the Prince of Peace Himself—these men, in the providence of God, ought to be able to get together. [Applause on the Democratic side.] For my part, I declare here and now I would walk out of my party to-morrow if I thought it stood against the principles I have just enunciated.

Suppose Germany refuses to accept the conditions set forth in your resolution, what will you do about it? Go to war again? That is your only recourse, unless you appeal to the League of Nations—the only hope for peace in the world.

Now, Mr. Speaker, let me say this in conclusion: If our Republican friends wish to do something practical, why does not your steering committee direct that bills be reported simply repealing some of the burdensome laws made necessary by this war? You promised constructive legislation during your campaign. Constructive legislation—save the mark! The sum total of your record is the defeat of the treaty and this miserable makeshift resolution. All the while business is staggering to hold up under the burden of war-time legislation.

I say here and now that a more incompetent Congress than this never assembled under the dome of this Capitol. You have talked and talked, and killed time, and done nothing but defeat the treaty and play politics. [Applause on the Democratic side.]

And what is the position of America to-day with respect to the treaty of Versailles and the League of Nations? That treaty has been ratified by nearly all of the nations of the earth. The League of Nations is an accomplished fact. It is organized ready for the great work it was brought into being to perform—the work of preventing war, the duty of restraining men from killing each other. The question is not whether the League of Nations shall be set up, but whether America shall become a party to an agreement to substitute reason for brute force.

Mr. Speaker, I hang my head in shame when I contemplate the position now occupied by America. Where do we stand, with the great democracies of the world? With England, with France and Italy, with heroic Belgium, with our neighbors in South America? Oh, no; we stand no longer with our allies; we stand with Germany and Russia and China. And all this is the work of this Republican Congress. While other nations have agreed to submit their differences to the League of Nations, America stands off in company with Germany and Russia and China. And she stands there because this Republican Congress would not permit her to stand anywhere else.

And all the while the people are burdened with war taxes, and these taxes can never be reduced unless we enter the League of Nations. Do not forget that. We may as well speak plainly; we have now come to the parting of the ways; we must choose our associates; we can not stand forever alone. We must become a member of the League of Nations or continue to tax the people to build a still greater Navy and maintain a still greater Army. A great Navy and a great Army will always be necessary unless we resolve with the other democracies of the world to submit our differences to the League of Nations.

I thank God my party has always stood for a small Army. With perfect confidence we submit the work of Mr. Wilson to the American people. God help us if they repudiate his earnest, unselfish efforts to make war impossible. That and that alone has been and is his purpose. [Loud applause on Democratic side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, no rule has been presented to this House during this session of Congress that is so thoroughly in accord with the wish, desire, and demand of the American people as the one that is now before you for consideration. [Applause on the Republican side.] This rule provides for the regular and orderly consideration of House joint resolution 327, and I desire to consider briefly each section of the resolution, so that there can be no misunderstanding as to what we are trying to do at this time and what kind of legislation this rule proposes to make in order.

Section 1 simply declares—

> That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

This resolution is predicated absolutely on information formally given to Congress by the President about 17 months ago, when he said:

> The war thus comes to an end, for having accepted these terms of the armistice it will be impossible for the German command to renew it.

I understand the opinion of the minority of this House is that the statement made by the President of the United States that the war now comes to an end does not mean anything. Let me tell you that, if I understand the English language, it does mean something. Let me tell you something further, that the day he made that announcement to the people of the United States it meant something to them; it meant that the war was over. Furthermore, it meant something to him at that time, because if you follow up and read the balance of the sentence you will see that he says "because it is impossible for the German command to renew it," and it is absolute folly, and everybody knows it, to say at this late day that it did not mean anything. [Applause on the Republican side.]

Furthermore, every man, woman, and child knows the war is over, knows that hostilities have ceased, knows that we have brought home and disbanded our armies and navies, and also knows there is no desire or attempt on the part of anyone to renew these hostilities. With such a condition confronting us and the usual and normal treaty-making bodies having failed of accomplishment, it is plainly the duty of Congress to declare officially that this state of war is at an end. [Applause on the Republican side.] Or, in other words, this is simply an official recognition of a condition that already exists, and is done in the normal, logical way and in no way interferes with or encroaches upon the rights of the treaty-making authorities to conduct such negotiations as they see fit in regard to final treaty.

Section 2 simply provides for an official date for the termination of the present state of war for the purpose of terminating various emergency acts of Congress, joint resolutions and proclamations by the President, which are absolutely dependent on the date of the termination of the present emergency. This resolution proposes that in lieu of a date fixed by presidential proclamation we shall have the date when this resolution becomes operative as the official date of the termination of the war, but otherwise it has no effect on existing laws different from a proclamation by the President or the final ratification of the treaty in the usual way.

As you all know, we have some emergency legislation for merely the period of the war. Other laws that continue for various periods after the war, among them the maintenance of the Shipping Board, War Risk Insurance Bureau, food and fuel control under the Lever Act, employment bureaus, authorization of foreign loans, espionage law, War Finance Corporation, trading-with-the-enemy act, Overman Act, and countless numbers of boards, bureaus, and commissions created under these acts that can not be done away with, expenses that can not be stopped, until we have an official date for the ending of this state of war. That is done by section 2 of this resolution. And, above all, it is a definite step toward ending extravagant war-time expenditures for things no longer needed and to-day are a useless burden on an overtaxed people.

Section 3 deals entirely with foreign trade and commerce and a resumption of trade relations with Germany, matters that have always been entirely under the control of Congress and never before have been disputed. It is plain legislation based upon facts to be ascertained by the President. It has ample precedent, and we know that the wording of the section follows closely a Supreme Court decision on a similar matter, and its legality and constitutionality can not be successfully assailed. This section provides for an immediate resumption of trade and business between Germany and the United States under the same conditions and on same basis as our allies are now trading with them for a period of 45 days. But if during that period Germany does not notify the President of the United States that it has also declared a termination of the war with us and that it waives and renounces on behalf of itself and its nationals all claims and demands against the United States or our people that they would not have a right to assert had the United States ratified the treaty of Versailles, then the President shall so proclaim the fact and further commercial intercourse shall be prohibited except as at present on a special permit granted by the President. Or, in other words, this section puts us immediately on the same commercial basis as England, France, and Italy are under the treaty of Versailles. The legitimate business of the country will have just so many more war-time restrictions removed and once more may proceed to handle all foreign trade under the orderly peace-time conditions that prevailed before the war. And this is one thing above all others that the American people are clamoring for at the present time—"the removal of war-time restrictions on business." [Applause on the Republican side.]

I was told only yesterday that there are many chemicals and supplies of special manufacture that are sorely needed in this country which are for sale cheap in Germany, but on account of

the state of war still existing we can not buy them direct, but England is buying them and reselling the same things to us at an enormous profit.

Section 4 simply provides for the enforcement of the act.

Section 5 amply provides for and protects all the property rights, privileges, and advantages to which the United States has become entitled to under the terms of the armistice signed November 11, or that we are in any way entitled to by reason of our participation in the war. We give up nothing and maintain our rights in every particular, under this resolution.

Mr. Speaker, this is the most important piece of constructive legislation presented to this House during this session. It is a business proposition from start to finish. It is what the people of this country want, and in the minutest detail protects every constitutional and property right at home and abroad.

Every man in this House knows in his own heart this is the proper thing to do at this time, and if it was not for outside political reasons there would not be one vote in this House against this rule or this resolution. [Applause on the Republican side.] It is certainly most amusing to find the political party that came into power on the slimsy pretext that "he kept us out of war" to-day almost unanimously opposing this resolution and trying to keep us out of peace. If there is any criticism at all it will be because Congress has not been more alert and presented a similar proposition many months sooner. Seventeen months have passed since the signing of the armistice, and we are still suspended in the air. And if present conditions continue, and if some definite action is not taken soon, we will lose here in Washington the fruits of the victory that were so gloriously won by our boys in France. It is up to us now to act and to act promptly. Let us adopt this rule and this resolution by the same overwhelming vote that declared a state of war to exist three years ago now, declare that it no longer exists, and show the people at home and abroad that we are going to prepare for peace with the same vigor as we prosecuted the war, and as far as we are concerned, and it is in our power, we stand for an immediate and effective peace. [Applause.]

Mr. POU. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from North Carolina has used 22 minutes.

Mr. POU. Mr. Speaker, I yield 15 minutes to the gentleman from Kentucky [Mr. CANTRILL]. [Applause.]

Mr. CANTRILL. Mr. Speaker and gentlemen of the House, those of us on this side, of course, realize that the ways are greased for the passage of this resolution through the House to-day and for the adoption of this rule. However, there is a grave responsibility resting upon the minority of this House here to-day and that is to expose to the American people the fact that this great House has become so reactionary that it has gone back to the old days of the gag rule, and comes in here with a rule to-day that absolutely denies to the House of Representatives the right to voice its opinion on this great subject which is now before the House. We realize that fully. We realize furthermore that it is the purpose of the majority side of this House to bring in this resolution, as has been so clearly pointed out by my colleague, Mr. POU, to embarrass the President of the United States and to lay the foundation for another plank in the Republican platform to undertake to fool the people at the polls in November. I had sincerely hoped that the House of Representatives would have been spared the odium in the public mind which now rests upon another legislative body in this Nation because after eight months of long debate they have not been able, because of their incompetency, because of their personal hatred of President Wilson, to ratify the treaty of peace and put us back upon a peace basis. [Applause on the Democratic side.] I had sincerely hoped that the House of Representatives would maintain its standing before the American people and not be placed in the same category as another legislative body in this country is in the eyes of public opinion. But it seems that our Republican friends who are in control and who are manipulating this program here to-day are determined that the House of Representatives shall have a say in this matter; although the Constitution gives the House no voice in it, they are determined to pull off this game of camouflage to-day and undertake to discredit this great body of Representatives of the American people by their action. [Applause on the Democratic side.] So far as I am concerned, speaking as a member of the Committee on Rules and as a member of the minority, we welcome the issue which you gentlemen have presented, and we are more than willing to go before the great bar of public opinion in November on the question which you have raised here to-day. Now, gentlemen, so far as the merits of this resolution are concerned, they will be debated by other Members of the House who are members of the Committee on Foreign Affairs. It is not my purpose as a member of the Committee on Rules to go into that matter, but I do want to emphasize the fact that the great House of Representatives here to-day is afraid under its present leadership to give a chance to Members of this House to go on record on this proposition. This is not the voice of the House of Representatives. This is the voice of the steering committee of the majority side, who have passed the word to the majority members of the Rules Committee to bring in this old gag rule, which absolutely denies not only to the minority but denies to the members of the majority the right to offer amendments and express their own views on this proposition.

You have gone back into the old reactionary days, afraid to trust the Representatives of the American people on a great issue like this. Now, gentlemen, I want to call the attention of the country and of this House to the attitude of the majority Members of this House toward the President of the United States. My colleague, Mr. POU, went into detail and showed the purpose of the majority side is to embarrass the President in his relations with the other great nations of the world at this time, the most critical in the history of the world. They are not only trying to embarrass him, but it is a personal hatred on the majority side against the President, and they never let slip an opportunity in order to criticize him and in order to denounce him and in order to humiliate him before the eyes of the world. And here day before yesterday an opportunity came, and it is in the RECORD where every American citizen can see it, which expresses the real attitude of the majority Members of this Congress toward the President of the United States. A distinguished Republican of this House, in making a speech, undertook to ridicule the President of the United States. He undertook to denounce him when the President was doing what he thought was his full duty in undertaking to bring this matter to the attention of the American people and was speaking through the Western States, appealing to the citizens of that section of our Nation, and in ridiculing the President that distinguished gentleman said—and here is the RECORD—that while he was doing this that he was "taken sick," and immediately after those words in the RECORD are the words "Applause on the Republican side."

Ah, gentlemen, has the great Republican Party of this Nation come to that? I do not believe the people out in the country are that way. I am speaking of the Representatives here on the floor. Great God, gentlemen, think of it! That the Representatives of the Republican Party on this floor are cheering and applauding when one of their Members says that the President of this Nation has been stricken and is on his sick bed. I presume had the same gentleman announced that he had been stricken and was now at the point of death, which, thank God, is not true, the RECORD would have shown cheers and prolonged applause on the Republican side.

Ah, I remember a number of years ago that I presided over a Democratic convention in Kentucky when the great McKinley was stricken, and by a unanimous vote that Democratic convention adopted a resolution of sympathy for the stricken President and gave publicity of it to the world. [Applause on the Democratic side.] But, my friends, here on this floor, seeing President Wilson, a Democratic President in the White House, lying upon a bed of illness, when one of the Representatives upon the Republican side mentions the fact that he is sick the Republican side of this House applauds the statement, and there it is in the RECORD for the American people to read.

SEVERAL MEMBERS. Give the page.

Mr. CANTRILL. It is in the first column of page 5266 of the CONGRESSIONAL RECORD.

SEVERAL MEMBERS. What date?

Mr. CANTRILL. April 6. The words used are:

> That is when he got sick. [Applause on the Republican side.]

Ah, my friends, that tells the story, the whole story. It is an effort upon the part of the majority party in this House to discredit the President of the United States. Why are you afraid to trust the people on your side under this rule to offer an amendment? Why, there is not a man in the House but knows that when this resolution goes to the Senate it will be debated for days and for weeks and will be thrown open to amendment in every particular phase of it. Has the majority party in this House sunk to such a low level of intelligence that they are afraid to risk even their own membership to offer an amendment to this resolution, which they say will bring peace to the country? Gentlemen on that side of the House may cry, "Peace, peace," but there is no peace until it is brought about in a constitutional way through the President of the United States, with

two-thirds of the Senate concurring, and every sensible man in the United States knows that is true, and every sensible man knows that this rule and this resolution is nothing on earth but the worst type of camouflage to embarrass the President in this critical time in the history of the world. [Applause on the Democratic side.]

Ah, my distinguished friend from Kansas [Mr. CAMPBELL], the chairman of the Committee on Rules, said that after the 4th day of March certain things would happen. I have an idea that before the 4th day of March certain things will happen in this country when the people pass upon the great issues which come before them in the November election. [Loud applause.] Why, my good friend from Kansas would undertake to make it appear that after the 4th of March his party will be in power in the Nation, but if he would read, as no doubt he has but fails to say anything about it here, what is going on in the daily newspapers to-day, where one of their candidates now for President says that the other candidate bought and stole the State of Minnesota from him in a primary election, going out with the greatest corruption fund in the history of the party, I can imagine that our Republican friends will have great harmony when they get to that convention and undertake to railroad and run the steam roller over some of these gentlemen who even now are beginning to cry fraud and corruption on the part of the Republican Party in taking delegate votes away from them in their own primary. [Applause on the Democratic side.] Ah, gentlemen, there has never been anything like it before in the history of the country. Courts in the country are indicting and convicting men for the corrupt use of money in Republican elections, and yet they undertake to stand up here and make it appear that all is peace and harmony in their ranks, and that they will sweep the country in November. I do not believe it. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, after listening to the utterances of the two Democratic Members, and noting their deep concern and intensity, the only thing appropriate that I can think of just now is, "Whom the gods would destroy they first make mad." [Applause on the Republican side.] And after the ebullitions of political animosity we have just heard I am not surprised at the general exodus on the Democratic side. There has been nothing said by either gentleman about the resolution except generalities, and the unguarded charge that the only purpose of putting an end to the war is purely personal, and has no significance whatever beyond the desire of the majority to do an unkind thing to some man's reputation. I do not care now to discuss the political fortunes of any man. That should be the least of our concern. But the country's interests in peace is commanding and must not be refused on the grounds that some one's reputation may suffer. Such personal misfortune can easily be relieved by the President's willingness to agree with a majority of the Senate and the people. [Applause on the Republican side.]

I take it that every Member of the House, Republican and Democrat, is anxious to see the war ended, not only actually, as it has been for the past 17 months, but technically as well, so that all the war legislation that depends upon the technical ending of the war will cease to operate by the terms of the legislation. Members will note that most of the war legislation ends with the ending of the war without further action, and will therefore continue until the war is ended. Those who had suggested before the debate opened that there was no such thing as ending the war without a declaration of peace, through a peace treaty, do not do themselves the greatest credit, because the vast number of wars in history have ended without a formal peace treaty. The peace treaty, it is true, is the general form of ending a war in our country, because of the definition in the Constitution. But as the President, by his own acts, can make war without a declaration, which under the Constitution is made by Congress as the authoritative body to make war, so can peace be reached without the act of the President, even without the act of the Congress. This plan has not been used in our own history, since never before did any Executive create the situation now before us. Technically there would be confusion and doubt if we permitted the present status to continue, for the war legislation would remain with us. The Constitution of the United States declares that Congress is the war-making power; but, gentlemen of this House, the American Navy, under the orders of President Wilson, was landed at Vera Cruz. That was an act of war, and there was a state of war existing between this Nation and Mexico by the act, not of Congress, but of the Executive. [Applause.] The reason we have a declaration of war is not to notify our enemy that we are going to fight but to announce to neutral countries that there is a state of war between these nations and all other countries must respect the rights of belligerents. The laws of nations on matters of war, chiefly in the interest of countries not in war, supply the reason why it has been the common practice in the interest of all countries that, when a state of war exists, Congress will make the proclamation. In the present war Congress did not declare war, but that a state of war exists by the overt acts of Germany. The war was here before the declaration of war, and could not depend upon a declaration.

No man who respects his own opinion would dare say that this country could not be put in war without an act of Congress. It has been done; and no man, it seems to me, in the light of what has taken place in the past history, not of our country but of other countries, as reinforced by the finest opinion yet collected by the greatest international lawyers and authorities upon the relations of nations—no man would say that the only way to end war or to bring peace is by a treaty by the President. That indefensible position would permit our President in spite of the wishes of the Nation to make of himself a dictator in times of peace by refusing to make peace. We would be glad to have the President bring the peace and thus end war-time legislation. This side would be glad to see that, as well as the Democratic side. But in the regular processes, constitutionally considered, the treaty of peace was submitted on the 10th of last September, and after the most exhaustive consideration by that body, on the 19th of November, after contest followed contest, covering more than a score of test votes, each of which showed that the ratifying body by a decisive majority was ready to ratify the treaty and end the war upon conditions to prevent the surrender of American sovereignty and independence, it was defeated by Executive influence. [Applause on the Republican side.] On the 18th of November, the day before the final vote came, which was two and one-half months after the treaty was presented to the Senate, came the Executive order, "Defeat it," and it was defeated. To appeals from treaty friends he replied, "I have no concession in mind." Three months later a second effort was made, when it was taken up again, when all the reservations were again attached by decisive majorities, most of them two to one; the treaty with the reservations were favored, but the necessary two-thirds failing, again came the short statement, "Unacceptable," and the treaty has not been ratified although in every case it was demonstrated that only one obstacle stood in the way.

There has not been a moment since the 1st of October when the war could not have been ended technically, as it has been practically, in 24 hours if the President had been willing to have ended the war. [Applause on the Republican side.] And if my Democratic friends are right, that there is no way to end this war except by the treaty form, coming from the President and ratified by the Senate, then I want to say to the country that there will be no ending of the war [applause on the Republican side] until after the initiation of a treaty shall be placed in some other hands than those of the present President. [Applause on the Republican side.]

Now, why do I say that? I say that because the President announced, after he had received an official statement signed by 39 Members of the Senate, 7 more than enough to defeat it, to the effect that the treaty in the present form, with the League of Nations as written, could not be passed, "When the treaty comes back, gentlemen on this side will find the covenant not only in it but so many threads of the treaty tied to the covenant that you can not dissect the covenant from the treaty without destroying the whole vital structure." I quote his exact language.

Mr. EVANS of Montana. Mr. Speaker, will the gentleman yield?

Mr. FESS. I will not. That treaty came back and in spite of the wish of the other American and European commissioners to separate them for the sake of peace the league was intertwined 79 different times with the treaty by actual count. In other words, the threat was fulfilled. You can not, as I see it, separate them. That means that to end the war you must either ratify the treaty with the protection of America safeguarded by reservations adopted by decisive majorities or ratify it without providing that safeguard which has never received but a small minority of the Senate, one of the two.

The President says you must ratify it without change. Reservationists are nullifiers, including the mild reservationists. His position can not be accepted, and will not, by the American people, because on September 6 he made the remarkable state-

ment in Kansas City, Mo., that his "cause"—that is, the league—was more important than the Government of the United States.

The SPEAKER. The gentleman's time has expired.

Mr. FESS. Can I have one minute more?

Mr. CAMPBELL of Kansas. I yield one minute more to the gentleman from Ohio.

The SPEAKER. The gentleman is recognized for one minute more.

Mr. FESS. I accept the situation that you can not end the war, if the only way to end it is by the treaty method, until after the 4th of March. The President will not let loose his hold on the war measures until he has his way. The Senate will not, and should not, allow a surrender of our sovereignty. I say that the American people demand the ending of the war, but they will not surrender our independence. That means a deadlock only to be ended by this resolution. [Applause on the Republican side.] The President, refusing to end the war upon the basis of protecting America, continues to exercise war powers over laws dependent upon the continuance of war—not only to continue, in my judgment, his war powers, but, as Members will recall, he is asking this Congress not only to continue these war powers but to enlarge them. The one supreme demand of the country is peace, that we may speedily return to normal again. I as one Member of this House will vote to stop the war-time legislation in peace times, and the way to do it is now to make peace by this Congress. [Applause on the Republican side.]

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. SMALL].

The SPEAKER. The gentleman from North Carolina is recognized for 10 minutes.

Mr. SMALL. Mr. Speaker, I shall not discuss the rule. It is sufficient to say, regarding the rule, that it proposes to make in order legislation of which this House has not jurisdiction, legislation which is intended as a substitute for the ratification of a treaty in the constitutional way which has been entered into by the President, and as a subterfuge intended to deceive the American people and to invoke a partisan spirit.

Section 2 of the resolution in effect is intended to bring to an end certain war legislation. Gentlemen of the majority of this House know full well, and the country knows, that they have had the power at any time during this session, if you please, to introduce and pass bills repealing or limiting any one of these pieces of war legislation; so that there is no necessity for the passage of this resolution for that purpose, nor is it the orderly way of bringing this war legislation to an end.

Besides, Mr. Speaker, this resolution is an indirect attempt to ratify in part the treaty of Versailles. Section 3 attempts to coerce the German Government, by penalizing them if they do accept all the terms of the treaty of Versailles which bind them. That proposition is so clear that there should be no hesitation in declaring that it is the purpose of this resolution so to ratify in part. It does not attempt to ratify that part of the treaty which binds the United States, but it does attempt to give us all the benefits of the armistice of November 11, 1918. It omits, however, the covenant of the League of Nations. To destroy the league is one of the chief purposes of the majority in this House, as it was of the majority which controls another body.

I am proud to proclaim my individual opinion that the covenant of the League of Nations, as negotiated and made a part of this treaty, constitutes the greatest advance in civilization in more than a century; and the President, who was in large degree responsible for it, whose genius for statesmanship, whose great personality only made it possible, has translated the dreams of righteous men and women for a thousand years into a workable plan for the maintenance and preservation of universal peace.

What has been the nature of the opposition to this treaty? It has been intensely partisan. It is one of the unfortunate features in the consideration of this resolution that evidences abound on every side that the majority in this House are considering it in a partisan spirit. The opposition to the covenant of the League of Nations which gentlemen have said has been intertwined in this treaty has come from two sources. There are those who oppose it outright—irreconcilables they have been termed—men who stand up in the open and declare that under no circumstances do they favor an association of the civilized nations of the world with the United States to maintain peace. There is another class who, while openly professing to favor a league of nations, yet by intrigue, by astute manipulation of language, give the falsehood to their profession, and have thrust the stilleto into the heart of the league with a view of destroying it and disparaging the President who brought it before them. As between the two classes of opponents, the open, outright enemy, and the enemy who, under the guise of favoring the league, seeks means to destroy it, I prefer the open rather than the deceitful enemy.

Partisanship, Mr. Speaker, may temporarily thwart the realization of this ideal for international righteousness and peace, but it will appear again either under President Wilson or some later Executive, and the United States will assume her proper place among the nations of the world.

There has been a willful and persistent propaganda proceeding for months to disparage the President of the United States. Gentlemen know this is true. Gentlemen know that such a propaganda was organized. Gentlemen know that its mailing list comprises every city and hamlet in the United States, to which are constantly mailed veiled attacks upon the President, under various guises but intended nevertheless to destroy him. Why destroy and disparage our President? Because the Republican Party in the United States, upon his triumphal return to this country after the negotiation of this treaty, saw that he was regarded among the civilized peoples of the world as the most momentous figure in current history. Looking ahead, they dreaded his influence and his power with the American people, and they determined deliberately, in so far as they could, to destroy that great influence and prestige.

Gentlemen may as well understand that they can not destroy character, idealism, vision, particularly of the kind which seeks to make for peace, and so far as humanly possible to avoid war, and that it will continue to live and live forever, and that around that vision will be entwined in all history the immortal name of Woodrow Wilson. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SMALL. Has the gentleman any more time?

Mr. POU. I yield to the gentleman from North Carolina five minutes more.

Mr. SMALL. There have been other Presidents maligned. The great Washington had his traducers. Jefferson, the tribune of the people, who spoke for popular rights, had his enemies. John Adams and the other great men who have served the American people were slandered by men of their times.

I had occasion recently to visit the library and to read for nearly a day current newspapers of the last year of the administration of Abraham Lincoln. I have never seen in any current press of the day more vicious, indefensible denunciation and characterization of any man than appeared concerning that great man at that time. Yet to-day the gentle spirit, the magnanimity, the modesty, the courage, and the patriotism of Abraham Lincoln are a part of our common heritage North and South. [Applause.] And when the history of this present administration comes to be written there will be found more constructive legislation than perhaps in any administration of the country, unless it be that of Thomas Jefferson. In most of that legislation Republicans joined with what was then the Democratic majority in this body to enact it into law. In fact, you seek to justify this resolution here by citing an alleged declaration of the President to the effect that the war had ended. Great pity it is that the Republican majority should not only seek to cite and follow the declarations of the President when it suits their purposes, great pity it is that while you followed him in the various pieces of constructive legislation which he recommended during the past three Congresses, you do not continue to follow him in this Congress, but have permitted the heat of party passion, the desire for party success, to induce you to leave the ways that have illustrated the best that is in your party when you were followers in that respect of Woodrow Wilson, and for the sake of selfish, partisan success have in this Congress attempted to destroy him.

Mr. Speaker, a partisan majority may pass this resolution. The other body by a bare majority may pass it. But not only is it without warrant under the Constitution, but it will not, as it is intended to do, deceive the American people. Partisan spirit may ebb and flow, but in the end the American people will do the righteous thing and approve the essential features of this treaty, including the covenant of the League of Nations. [Applause.]

The SPEAKER. The gentleman's time has again expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania, Dr. TEMPLE. [Applause.]

Mr. TEMPLE. Mr. Speaker, the plain fact is that the war is over in every sense except that which is purely technical and legal. The passage of this resolution will be a mere declaration of the truth, and will make the technical state of affairs correspond to the facts. That is its purpose, and it has no other purpose.

Gentlemen on the other side say that we have no constitutional power to recognize an existing fact. They have said repeatedly to-day that the war can not end except by the ratification of a treaty of peace, and that Congress has no constitutional author-

ity to recognize any other termination. I wish to point out a provision in the act known as the trading with the enemy act, approved October 6, 1917. I read from the United States Statutes at Large, volume 40, page 412.

The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the end of the war within the meaning of this act.

[Applause.]

Gentlemen say the war can not end until the ratifications are exchanged and proclamation of that fact made by the President. But by this act, passed by the Sixty-fifth Congress, in which the Democratic Party were in the majority, these words were enacted into law. You voted for that act and I voted for it. The majority of the Members on the Republican side, almost all of them in fact, voted for it. We declared that the date of the end of the war should be the date of the President's proclamation announcing the ratification of the treaty of peace—

unless the President should by proclamation announce a prior date, in which case the date so proclaimed shall be deemed to be the end of the war within the meaning of this act.

Now, what we had the right then to authorize the President to do we have the right now to take up ourselves. We have the right to repeal that authorization and to fix some other mode of determining the date which shall be the end of the war within the meaning of that act and of all other war legislation. The President's authority to announce a prior date is an authority conferred upon him by act of Congress. We may repeal that provision in the act and ourselves assert the right to name a prior date. We could not have conferred on him a right that we did not ourselves possess. [Applause.]

Gentlemen have told us that this resolution is intended to dispose of the pending treaty in the Senate, and that support of it is an evidence of partisanship. I should like once more to put on record the facts concerning the last vote that was taken in the Senate on the question of ratifying the treaty.

On that vote there were, including the pairs, by which Members announced their position on the question, 34 Republicans who were in favor of ratification and 23 Democrats. Against ratification there were 15 Republicans and 24 Democrats. The majority of the Republicans, more than 2 to 1, voted for ratification with the reservations which had been adopted by the majority of the Senate, and it was the votes of the 23 Democrats, added to the votes of 15 Republicans, that prevented ratification. At any rate, the passage of this act will in no way affect that treaty. It has been sent back to the President with a notification that the Senate has rejected it.

It must not be supposed, however, that such action by the Senate is necessarily a final disposition of a treaty. The history of the treaty for international protection of industrial property is somewhat unusual, but it plainly shows what has happened, and what may happen again, to a treaty rejected by the Senate. The treaty referred to was signed at Paris March 20, 1883, by representatives of the United States and other powers, great and small. It was not until June 12, 1884, more than a year after the date of its signature, that the Senate unanimously voted against its ratification. Nearly two years afterwards, on February 2, 1885, President Arthur sent the treaty back to the Senate with a message recommending reconsideration. Two years more went by, but at last, four years after the negotiation and signature of the treaty, on March 2, 1887, the Senate advised and consented to its ratification.

Now, if there should be a like state of affairs, even for a much shorter time, in regard to the present treaty, on what basis are we to live and do business until the treaty question is finally disposed of? The passage of this resolution will not affect the future of the treaty at all, if it has a future, nor will it interfere in any way with the negotiation of another treaty, if such a course should become necessary. It will simply give us a modus vivendi in the meantime.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. TEMPLE. No; I have not the time. Gentlemen have said that we ought to repeal all war legislation and put the country on a peace basis. I wonder if the gentlemen have examined the war legislation. I have looked at 61 different acts of emergency legislation passed for the purposes of this war only. Thirty are to come to an end on the proclamation of the treaty of peace. Thirty-one are to come to an end at different periods—3 months, 6 months, 18 months, 3 years, 5 years, and in one case 10 years after the ratification of peace. The one that makes certain arrangements continuing for 10 years after the ratification of peace provided, however, that the corporation created by the act should take up no new business six months after the date of the ratification. If we should go over these acts one by one and repeal them, or repeal those parts which are not intended to remain in force after the end of the war, and retain those provisions which must remain in force after the war, it would be more than a full session's work for the Congress.

In addition to this there are permanent acts that provide special powers for the President under special conditions in time of war. Nobody wants to repeal the permanent legislation, but if we provide now that for the purpose of interpreting any act of Congress, whether permanent or emergency legislation, which contains provisions contingent upon the termination of the war, the date of the approval of this legislation shall be considered the date of the termination of the war, every one of these acts will operate just exactly as if the treaty had been ratified and the President's proclamation had been made. Those that were to operate only during the war will cease; those that were to continue for three or six or eight months or longer after the cessation of the war will operate as they were intended to operate. We merely substitute one date for the other; we merely assert and act upon a right which Democrats and Republicans alike asserted in passing the act of October 6, 1917, in which we authorized the President to fix the termination of the war at a date prior to the ratification of the treaty of peace. We repeal that provision and ourselves fix a date prior to the ratification of any treaty.

I do not think that any argument can support the statement that we have no right to repeal that provision of the act of October 6, 1917, and to fix another prior date, when we had the right to give the President authority to fix the termination of the war at a date prior to the ratification of the treaty. [Applause.]

Mr. POU. Mr. Speaker, may I ask how much time is remaining?

The SPEAKER. The gentleman from North Carolina has 8 minutes and the gentleman from Kansas 17 minutes.

Mr. POU. I ask unanimous consent, Mr. Speaker, that I may extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that all Members who have or may speak upon this matter have leave to extend their remarks in the RECORD, on both the rule and the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. BLANTON. Reserving the right to object, why not give every Member of Congress an equal right on that proposition? The great majority of us are cut off by the rule, and certainly all Members should have an equal right.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to extend remarks on this rule and resolution.

The SPEAKER. The gentleman from Kansas asks unanimous consent that all Members have five legislative days to extend their remarks on the rule and the resolution. Is there objection?

Mr. BLACK. Reserving the right to object, I shall object unless it is confined to their own remarks, with such quotations as may be necessary.

Mr. CAMPBELL of Kansas. I will accept that modification.

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

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield seven minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, in any discussion of the rule or the peace resolution we ought first to sweep aside all technicalities and personalities and the question of the constitutionality of the resolution, which has been so ably discussed by the gentleman from Ohio, Dr. FESS. Everyone in this House knows that if this House passes a peace resolution, if it is ratified by the Senate and is signed by the President, and is ratified by Germany, we will be at peace without any further discussion.

Mr. MONTAGUE. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I beg the gentleman's pardon, but I have not the time. I would be delighted to yield, but I have little time.

Second, we ought to sweep aside the camouflage of this partisan debate. The House is sick, sore, tired, weary, and disgusted with it, and the people of the country are tired of it, and we ought to approach the discussion without it. We did not indulge in it during the war and we ought not to in discussing this resolution.

Third, whether we happen to like or dislike the President, that question ought not to enter into the debate. We have our own personal views concerning what has been his attitude, but his

personality does not enter into the discussion, and we ought to sweep any of those feelings aside.

The peace resolution then resolves itself into three questions:

First, as a matter of fact, is the war over or does it continue? We know that the war is over. If it is, what, if any, is the objection to an announcement of the fact in this House, and in the Senate, and what is the objection to having the President admit it when the matter is presented to him?

Second, are we in favor of war, or peace, and are we in favor of returning to peace-time conditions? If we are in favor of returning to those conditions, and I believe the people of this country want us to return to them, why should not this House and the Senate and the President of the United States say so, without further debate?

Third, the question comes to us, Shall we or shall we not allow one willful man to inflict his sole view of foreign relations, enforced by secret diplomacy, on 120,000,000 free American citizens, or shall we let the majority rule in this House, shall we let it rule in the Senate, and shall we let the people of this country again say what they desire?

Is it possible that the minority in this House will contend that only one man in the United States is competent and able to say what the people want or what the Congress wants? It was ably said by the gentleman from Mississippi [Mr. HUMPHREYS] the other day that there are more and always will be more than one man who can say what we ought to have or do in the United States. And parenthetically I might say that I, myself, believe it is time the President of the United States did express himself upon the question of the third term, which was so ably discussed by the gentleman from Mississippi [Mr. HUMPHREYS], and also upon the question of exactly what he desires or will accept with respect to the peace treaty.

The gentleman from North Carolina [Mr. POU] stated that two-thirds of the Senate of the United States had always been in favor of the League of Nations. If two-thirds of the Senate were always in favor of the League of Nations, I can not help asking myself the question why it was not ratified. That statement can not concur with the facts, because any time that two-thirds of the Senate of the United States favor that league they will secure it, and they will secure it in the form in which the Senate desires it. I think that the gentleman perhaps forgets that either 21 or 23 Democrats, of the Senate minority, voted against that treaty and against that League of Nations because they wanted it Americanized. The President can secure the League of Nations in the treaty any moment that he will go as far as England is willing to go in securing the Americanization of the league.

Why does the President of the United States take so many inconsistent positions? It is inconceivable to me, and I do not believe that the minority of this House, whom we know desire to state the facts when they can, will agree with me. On page 7607 of the CONGRESSIONAL RECORD of October 27, 1919, in discussing the prohibition law, we find the President stating as follows:

> I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of the Congress.

Did he not say, then, in effect, that the war was ended? Yet we find on page 7583 of the RECORD of the same date, October 27, 1919, the following statement by the President of the United States:

> The country is confronted with this prospect at a time when the war itself is still a fact, when the world is still in suspense as to negotiations for peace, when our troops are still being transported, and when their means of transport is in urgent need of fuel.

The President has thus taken two absolutely inconsistent positions, and I do not believe the Democratic membership of this House can indorse any man who does such a thing. I know they can not indorse them both. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, gentlemen of the minority have taken the name and fame of the President of the United States into this discussion.

Mr. MONTAGUE. Mr. Speaker, will the gentleman permit me to ask him a question, before he proceeds along that line, for information?

Mr. CAMPBELL of Kansas. Yes.

Mr. MONTAGUE. Why is it that the resolution desires that a state of war be concluded as respects Germany but not as respects Austria-Hungary? Why want peace with Germany and not with Austria-Hungary?

Mr. CAMPBELL of Kansas. The Senate was offered a treaty by the President terminating the war with Germany, and we are dealing with the status as we find it.

Mr. MONTAGUE. I thank the gentleman for his answer.

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

Mr. CAMPBELL of Kansas. Yes.

Mr. REAVIS. I take it for granted that neither the Rules Committee nor the House has any desire to bring the war to an end by resolution until the opportunity to end it by treaty has been afforded. The President has never presented to the Senate any treaty with Austria.

Mr. MONTAGUE. But the contention of the gentlemen is that they do not need any treaty.

Mr. CAMPBELL of Kansas. Mr. Speaker, I do not yield any further. I was about to say that in so far as this discussion brings in the name and the fame of the President of the United States, it has been brought in by the minority of this House. The majority members of the Committee on Rules did not assail the President. The House of Representatives does not contemplate assailing either his character or his reputation. His reputation has been and is now in his own keeping.

When he went to Europe no man had greater fame than he, and no nation in all the annals of time stood higher in the estimation of the people of the world than did the United States. Both the President and the Republic he represented occupied the highest place in fame that could be attained by any man or any people. The President was received in every land he visited in a manner befitting the reception of an emperor. But the President was ambitious. His ambitions were not satisfied with the Presidency of the United States, and yet the office of President of the United States is the most powerful office in the world. The duties and responsibilities resting upon the President call upon him to make many sacrifices and to forego many pleasures.

He can not gratify his personal wishes nor all his desires for foreign travel. He must lay aside every ambition for applause except by the people of his own country. He must smother every hope for honor beyond the Presidency of the United States. But President Wilson did not observe these limitations.

The President must remain in the country, whose servant he is. He can not freely mingle with the people of other lands without endangering his own prestige and inviting trouble for the Government and people of his own country.

The Presidency carries with it such great power that artful diplomats and international statesmen in other lands should not be tempted to beguile the President with unusual attentions, courtesies, and presents to exercise his power for the welfare of other people than those of the United States.

It is not improper to draw a lesson for future Presidents from the experiences of President Wilson's absence from his own country and seat of government and to call attention to some of the conditions his visit made possible that seriously affect the future of the Republic and the welfare of its people.

On the 1st of December, 1918, the people of the United States were honored and esteemed in every land beneath the sun. Strict adherence to our own business for a century and a third made us powerful as a Nation and independent and free as a people from the vexations and turmoil of European politics.

At the moment when the world needed the help of a great and powerful country the United States offered its manhood to save the world from the brute force of Germany. The soldierly conduct of our boys on land and sea won additional honor and respect for our country from every people who know of their chivalry in the camps and their valor in the field. The American people had a place in the affections of England, France, and Italy, and of all the allied countries, and at the same time commanded the respect of the people of the central powers.

The President's arrival in Europe was marked with the unusual attentions that have ever been given to princes of the royal blood or to emperors with imperial power. In Paris, in London, in Rome, every art of the entertainer was exhausted upon the President.

He approached royal palaces amid the applause of the multitude; he entered royal banquet halls in ancient and regal procession; he was wined and dined in royal state in every capital he entered. He was flattered with every attention that mankind can give to man. He liked it all.

Diplomats and international statesmen constantly attended him and paid him homage. If he had vanity it was encouraged. Nothing that could please him was omitted from the preliminaries that marked his approach to the peace table.

The statesmen of other lands, intent upon the welfare of their own countries, artfully led him to see their countries' needs. He was easily beguiled into assuming the rôle that had been carefully created for him.

Masters in the art of international statesmanship do not always disclose their purposes. The Government and the people of the United States are to pay for all these honors and attentions in the years to come.

The President wanted a League of Nations. It was given to him. Those who sat with him at the peace table wanted to add more territory to their domains; wanted more friendly harbors at the doors of teeming millions at the ends of the paths they controlled on the seas; wanted dominion and control over smaller and weaker nations; wanted indemnity for the losses they sustained in the war; wanted security and prestige for the Government and people for future years; and wanted the United States to share the burden of policing Europe and maintaining the boundaries of their nations, and they got what they wanted.

The peace conference ended a part of its work early in July, 1919, and the President left Europe amid the silence of the multitude and without even the honor of attention from his former flatterers. If Woodrow Wilson only were concerned, the affair might pass without serious comment. But every returned traveler and uncensored report from Europe tells the story of American unpopularity in every country overseas.

The cordial feeling for the Government and people of the United States that formerly existed is wanting now. Civilized and Christian people covet the good opinion of mankind. The President's presence in Europe, his absence from his own country, left the people of the United States without that good opinion.

No country can safely permit its chief executive to intrude himself into the domestic affairs of another country. When the President of the United States in France, in England, and in Italy mistook the royal reception he had received from those in high places and the applause that was given him by the multitude for an invitation to become their political master, he lost his own prestige and that of his country. It will require the work of years to restore the Government and people of the United States to their former cordial and congenial relationship with the other countries of the world with whose people the President came in contact.

When he left Europe he did not leave with the fame he took there with him, and if there is in this country to-day a justification for the President's lack of fame asserted by members of the minority, the President alone is responsible for it. [Applause on Republican side.] The House of Representatives can not tarnish his fame. If his fame does not satisfy his friends or gratify him, it is his fault and not the fault of the House of Representatives. The merits of this resolution should not be connected with the character or reputation of the President of the United States. The people of the country want a solemn declaration that a state of war no longer exists with the Imperial German Government.

Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

Mr. POU. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 214, nays 155, answered "present" 1, not voting 57, as follows:

YEAS—214.

Ackerman	Dempsey	Greene, Mass.	Kleczka
Anderson	Dickinson, Iowa	Greene, Vt.	Knutson
Andrews, Md.	Dowell	Griest	Kraus
Andrews, Nebr.	Dunbar	Hadley	Kreider
Anthony	Dunn	Hardy, Colo.	Lampert
Baer	Dyer	Harreld	Langley
Barbour	Echols	Haugen	Layton
Begg	Edmonds	Hawley	Lehlbach
Benham	Elliott	Hays	Little
Bland, Ind.	Ellsworth	Hernandez	Longworth
Boies	Elston	Hersey	Luce
Bowers	Emerson	Hickey	Lufkin
Britten	Esch	Hicks	Luhring
Brooks, Pa.	Evans, Nebr.	Hoch	McKenzie
Browne	Evans, Nev.	Houghton	McKinley
Burdick	Fairfield	Hulings	McLaughlin, Mich.
Burroughs	Fess	Hull, Iowa	McLaughlin, Nebr.
Butler	Focht	Husted	McPherson
Caldwell	Fordney	Hutchinson	MacCrate
Campbell, Kans.	Foster	Ireland	MacGregor
Cannon	Frear	James	Madden
Chindblom	Freeman	Jefferis	Magee
Christopherson	French	Johnson, S. Dak.	Mapes
Classon	Fuller, Ill.	Johnson, Wash.	Mason
Cole	Gallivan	Jones, Pa.	Merritt
Cooper	Ganly	Juul	Michener
Copley	Garland	Kearns	Miller
Crago	Glynn	Keller	Monahan, Wis.
Cramton	Goldfogle	Kelley, Mich.	Mondell
Crowther	Good	Kelly, Pa.	Moore, Ohio
Currie, Mich.	Goodall	Kendall	Moores, Ind.
Dale	Goodykoontz	Kennedy, R. I.	Morgan
Dallinger	Gould	Kiess	Mott
Darrow	Graham, Ill.	King	Nelson, Wis.
Davis, Minn.	Green, Iowa	Kinkaid	Newton, Minn.
Newton, Mo.	Ricketts	Snell	Vare
Nolan	Riddick	Snyder	Vestal
Ogden	Robsion, Ky.	Steenerson	Voigt
Olney	Rogers	Stephens, Ohio	Volstead
Osborne	Rose	Stiness	Walsh
Paige	Rowe	Strong, Kans.	Walters
Parker	Sanders, Ind.	Summers, Wash.	Watson
Peters	Sanders, N. Y.	Sweet	Webster
Platt	Sanford	Swope	Wheeler
Porter	Schall	Taylor, Tenn.	White, Kans.
Purnell	Scott	Temple	White, Me.
Radcliffe	Sells	Thompson	Wilson, Ill.
Ramsey	Sherwood	Tilson	Winslow
Ramseyer	Sinclair	Timberlake	Woodyard
Randall, Wis.	Sinnott	Tincher	Yates
Reavis	Slemp	Tinkham	Young, N. Dak.
Reber	Smith, Idaho	Towner	Zihlman
Reed, W. Va.	Smith, Ill.	Treadway	
Rhodes	Smith, Mich.	Vaile	

NAYS—155.

Almon	Dupré	Lee, Ga.	Rainey, J. W.
Ashbrook	Eagan	Lesher	Raker
Aswell	Eagle	Linthicum	Randall, Calif.
Ayres	Evans, Mont.	Lonergan	Rayburn
Babka	Ferris	McAndrews	Riordan
Barkley	Fisher	McClintic	Romjue
Bee	Flood	McDuffie	Rouse
Black	Fuller, Mass.	McGlennon	Rubey
Blackmon	Gallagher	McKeown	Rucker
Bland, Va.	Gandy	McKinley	Sanders, La.
Blanton	Gard	McLane	Sims
Box	Garner	Maher	Sisson
Brand	Goodwin, Ark.	Major	Small
Briggs	Griffin	Mann, S. C.	Stedman
Brumbaugh	Hardy, Tex.	Martin	Steele
Buchanan	Harrison	Mays	Stephens, Miss.
Byrnes, S. C.	Hastings	Mead	Stevenson
Byrns, Tenn.	Hayden	Milligan	Stoll
Campbell, Pa.	Hersman	Minahan, N. J.	Sumners, Tex.
Candler	Holland	Montague	Tague
Cantrill	Howard	Moon	Taylor, Ark.
Carew	Huddleston	Mooney	Taylor, Colo.
Carss	Hudspeth	Moore, Va.	Thomas
Casey	Hull, Tenn.	Neely	Tillman
Clark, Fla.	Humphreys	Nelson, Mo.	Upshaw
Clark, Mo.	Igoe	Nicholls, S. C.	Venable
Cleary	Jacoway	O'Connell	Vinson
Coady	Johnson, Ky.	Oldfield	Watkins
Collier	Johnson, Miss.	Oliver	Weaver
Connally	Johnston, N. Y.	Overstreet	Welling
Crisp	Jones, Tex.	Padgett	Welty
Cullen	Kettner	Park	Wilson, La.
Davis, Tenn.	Kincheloe	Parrish	Wilson, Pa.
Dent	Kitchin	Pell	Wingo
Dewalt	Lanham	Phelan	Wise
Dickinson, Mo.	Lankford	Pou	Woods, Va.
Dominick	Larsen	Quin	Wright
Donovan	Lazaro	Rainey, Ala.	Young, Tex.
Doremus	Lea, Calif.	Rainey, H. T.	

ANSWERED "PRESENT"—1.

McArthur

NOT VOTING—57.

Bacharach	Dooling	McFadden	Shreve
Bankhead	Doughton	Mann, Ill.	Siegel
Bell	Drane	Mansfield	Smith, N. Y.
Benson	Fields	Morin	Smithwick
Bland, Mo.	Garrett	Mudd	Steagall
Booher	Godwin, N. C.	Murphy	Strong, Pa.
Brinson	Graham, Pa.	Nichols, Mich.	Sullivan
Brooks, Ill.	Hamill	O'Connor	Ward
Burke	Hamilton	Reed, N. Y.	Wason
Caraway	Heflin	Robinson, N. C.	Whaley
Carter	Hill	Rodenberg	Williams
Costello	Hoey	Rowan	Wood, Ind.
Curry, Calif.	Kahn	Sabath	
Davey	Kennedy, Iowa	Scully	
Denison	McCulloch	Sears	

So the resolution was agreed to.

The Clerk announced the following pairs:

On the rule:

Mr. MANN of Illinois (for) with Mr. ROBINSON of North Carolina (against).

Mr. RODENBERG (for) with Mr. BELL (against).

Mr GRAHAM of Pennsylvania (for) with Mr. HEFLIN (against).

Mr. DENISON (for) with Mr. BENSON (against).

Mr. MCCULLOCH (for) with Mr. STEAGALL (against).

Mr. MCARTHUR (for) with Mr. WHALEY (against).

Mr. BACHARACH (for) with Mr. SCULLY (against).

Mr. SHREVE (for) with Mr. CARAWAY (against).

Mr. WARD (for) with Mr. CARTER (against).

Mr. CURRY of California (for) with Mr. DRANE (against).

Mr. SIEGEL (for) with Mr. DOUGHTON (against).

Mr. REED of New York (for) with Mr. SMITH of New York (against).

General pairs until further notice:

Mr. WOOD of Indiana with Mr. DAVEY.

Mr. WILLIAMS with Mr. BLAND of Missouri.

Mr. BROOKS of Illinois with Mr. SULLIVAN.

Mr. WASON with Mr. DOOLING.

Mr. KAHN with Mr. BANKHEAD.
Mr. STRONG of Pennsylvania with Mr. GARRETT.
Mr. NICHOLS of Michigan with Mr. BRINSON.
Mr. BURKE with Mr. HAMILL.
Mr. MUDD with Mr. GODWIN of North Carolina.
Mr. MCFADDEN with Mr. SMITHWICK.
Mr. COSTELLO with Mr. FIELDS.
Mr. HAMILTON with Mr. SABATH.
Mr. MORIN with Mr. O'CONNOR.
Mr. HILL with Mr. ROWAN.
Mr. MURPHY with Mr. SEARS.
Mr. KENNEDY of Iowa with Mr. MANSFIELD.

Mr. MCARTHUR. Mr. Speaker, I have a pair with the gentleman from South Carolina, Mr. WHALEY. If he were present he would vote "no"; and I therefore change my vote from "aye" to "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Under the provision of the resolution the House will proceed to the consideration of House joint resolution 327, which the Clerk will report.

The Clerk read as follows:

House joint resolution No. 327, terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

Whereas the President of the United States, in the performance of his constitutional duty to give to the Congress information of the state of the Union, has advised the Congress that the war with the Imperial German Government has ended:

Resolved, etc., That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

SEC. 2. That in the interpretation of any provision relating to the date of the termination of the present war or of the present or existing emergency in any acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the date of the termination of the war or of the present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of the termination of the war or of the present or existing emergency.

SEC. 3. That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose, it is hereby provided that unless within 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles, the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned, and thereupon and until the President shall have proclaimed the receipt of such notification commercial intercourse between the United States and Germany and the making of loans or credits and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited.

SEC. 4. That whoever shall willfully violate the foregoing prohibition whenever the same shall be in force shall upon conviction be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States.

SEC. 5. That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise; and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

The SPEAKER resumed the chair.

The SPEAKER. The gentleman from Pennsylvania [Mr. PORTER] is recognized.

Mr. PORTER. Mr. Speaker, the master minds that conceived and adopted the Constitution undoubtedly recognized that the highest degree of efficiency in time of war could best be obtained by making the President Commander in Chief of the Army and Navy. This was the policy of the Romans, and their successes in warfare may have influenced the framers of our Constitution in their decision. Justice Story, in his Commentaries on the Constitution, illustrates the wisdom of such a policy in the following convincing language:

> Of all the cases in the concerns of government, the direction of war most peculiarly demands those qualities which distinctly exercise the power by a single hand. Unity of plan, promptitude, activity, and decision are indispensable to success, and this can scarcely exist except where a single magistrate is intrusted exclusively with the power.

In the War of 1812 with England, Congress, in harmony with this policy, vested in President Madison extraordinary war powers, some of which were similar to the existing war measures, and he was enabled thereby to bring the war to a successful conclusion. In the Mexican War, Congress, adhering to this policy, vested similar war powers in President Polk, and that war ended in victory for American arms. In the War between the States, Congress, still adhering to this successful policy, delegated similar powers to President Lincoln, who suppressed the rebellion and preserved the Union, and, lastly, the grant of the same powers to President McKinley effectually terminated the Spanish-American War. Our Republic has never been unsuccessful in war [applause on the Republican side], which is persuasive evidence of the soundness of our war policy and a conclusive argument against any departure therefrom.

Immediately after declaring the existence of a state of war between the United States and the Imperial German Government on April 6, 1917, Congress, recognizing the wisdom of our war policy of the past, enacted many laws, in some instances upon the request of the executive branch of the Government, conferring upon the Chief Executive greater powers than those granted to any of his predecessors. They placed at the disposal of the President every resource of the Nation in men, money, and industry, and the activities of the individual were restricted in every way that would aid in the successful prosecution of the war; in fact, the war legislation was so drastic in character and application that the liberties of the individual were largely abridged. The war was fought to a successful conclusion, and hostilities ceased with the signing of the armistice on November 11, 1918, and since that time every reasonable person must admit the war is ended and a state of peace exists. Even the President himself admitted the war was ended in an address to Congress on November 11, 1918, when he said:

> * * * The war thus comes to an end * * *. We know only that this tragical war, whose consuming flame swept from one nation to another until all the world was on fire, is at an end. * * *

It is now upward of 17 months since the signing of the armistice. The President still retains all these powers, and refuses to surrender them unless the Senate yields to his arbitrary views as to the terms and the conditions of the treaty of peace. The Senate is without power to negotiate a treaty, the President originating and the Senate having only the negative. The treaty of Versailles, signed on June 28, 1919, has been rejected by the Senate and returned to the President, and no one can predict how long this controversy between the Senate and the President will continue. It is certain to last for many months. The Republic remains legally in a state of war, and the people are still subject to the penalties provided in the trading-with-the-enemy act, the food-control act, the espionage act, and other similarly drastic legislation.

Mr. VENABLE. Will the gentleman yield?

Mr. PORTER. I decline to yield.

President Madison, at the close of the War of 1812; President Polk, at the close of the Mexican War; President McKinley, at the close of the Spanish-American War, promptly annulled their extraordinary war powers by treaties of peace, and President Johnson—Mr. Lincoln's successor—did likewise by congressional enactment and proclamation. Everyone assumed that President Wilson would follow a like policy and exercise the powers vested in him by the act of October 6, 1917, United States Statutes, volume 40, page 413—trading with the enemy—which provides for the termination of that law by the "ratification of a treaty of peace unless the President shall by proclamation declare a prior date, in which case the date so proclaimed shall be deemed to be the end of the war," and thus promptly remove the shadow of this restrictive war legislation from the activities of the American people so that constitutional government could be resumed and prewar conditions reestablished, which the country has been rightfully demanding for many months. [Applause on the Republican side.] The war measures should have been vacated and annulled immediately after it became apparent that the controversy over the ratification of a treaty of peace might be prolonged indefinitely. All of these war powers were intrusted to the President, and his unfortunate and long-continued illness places their enforcement in the hands of subordinates, a result which Congress obviously never intended, and a condition which endangers the constitutional rights and liberties of our people and adds to the imperative necessity for their immediate termination. [Applause on the Republican side.]

The authorities on international law agree that there are three ways of terminating war between belligerent States: First, by a treaty of peace; second, by the conquest and subjugation of one of the belligerents by the other; third, by the mere cessation of hostilities so long continued that it is evident that there is no intention of resuming them.

War may be terminated in three different ways: Belligerents may (1) abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty, or (2) belligerents may formally establish the condition of peace through a special treaty of peace, or (3) a belligerent may end the war through subjugation of his adversary. (Oppenheim, International Law, vol. 2, p. 322.)

There are three ways of terminating hostilities between belligerent States, namely, (1) by a mere cessation of hostilities of both sides without any definite understanding supervening; (2) by the conquest and subjugation of one of the contending parties by the other, so that the former is reduced to impotence and submission; (3) by a mutual arrangement embodied in a treaty of peace, whether the honors of war be equal or unequal.

Under the first mode the relationships between the parties remain in a condition of uncertainty, and owing to the numerous difficulties involved, combatant States have very seldom resorted to this method of withdrawing from the war without arriving at some definite and intelligible decision. (Phillipson, p. 3, Termination of War and Treaties of Peace.)

It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, a situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances. (Mr. Seward, Secretary of State, July 22, 1868, Dip. Cor., 1868, vol. 2, pp. 32 to 34, cited Moore's International Law, vol. 7, p. 336.)

It is true that the usual and normal method of terminating a war status is by a treaty made by the President, by and with the advice and consent of two-thirds of the Senate. If this were the only means by which the war could be ended Congress would be powerless to grant relief, but the authorities on international law cited above agree that there are two other ways of terminating war, one of which is the cessation of hostilities for a long period of time without any intention on the part of either of the belligerents to resume them, and the other by conquest and subjugation of one of the contending parties by the other.

Mr. Seward said, in one of the cases cited:

What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and it must in every case be determined with reference to the collateral facts and circumstances.

The power to determine this question of fact is undoubtedly in Congress. Now, what are the facts? The armistice was signed on November 11, 1918, and neither of the belligerents has indicated the slightest intention of resuming hostilities; on the contrary, the armies of both sides have been demobilized, commercial relations between the peoples of the United States and Germany have been partially resumed, and all the nations associated with us in the war have formally ended the war by treaty with Germany, and the Imperial German Government has been supplanted by a Republic.

Germany has conceded our demands by the treaty of Versailles, and the only controversy remaining is the one between the Chief Executive and the Senate over the ratification of the treaty. Under this state of facts no reasonable mind can escape the conclusion that the war is long since terminated. It therefore becomes the imperative duty of Congress to declare officially the fact that the war is ended. The Constitution does not withhold from Congress the power to declare war at an end, as it has the power to repeal or amend any of its legislative acts. Neither does the Constitution require that war declared by Congress must be ended by a treaty of peace negotiated by the President by and with the advice and consent of the Senate. This, no doubt, is the customary way of ending a war, but it is not the only way of doing so, and the peace by treaty having failed of accomplishment, such action on the part of Congress is not an infringement of the treaty-making power of the President. Congress, which alone has the power to declare war, to raise and support armies, to provide and maintain a navy and to marshal all the resources of the Nation for the successful prosecution of war, surely has the power to vacate its official acts by declaring the war at an end, and thus fulfill its obligations to the country.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. PORTER. I decline to yield. The Constitution contains no such absurd provision that a resolution declaring a state of war and the laws passed in the prosecution of that war are irrepealable, so the power of annulment by Congress follows by necessary implication. If it were otherwise, and these great powers remain in some mysterious way in the hands of the President until a treaty of peace has been made and proclaimed, and there is no other way to end such a state of war except by a treaty of peace, the President could maintain a dictatorship just so long as he is able to hold the presidential office—a condition repugnant to every fundamental principle upon which this Government is founded.

It is an unprecedented situation in the history of our Government, the evil of which necessarily requires an unprecedented remedy. It therefore becomes the plain duty of Congress to exercise its constitutional powers and declare the state of war at an end, and fix a date whereby these laws will automatically terminate according to their own provisions. The passage of this resolution will not disturb in the slightest degree the status of the treaty negotiations.

The President will be as free and untrammeled in the negotiation of the treaty after its passage as before. It simply declares the war to be at an end, fixes a date for the termination of the war legislation, and upon certain conditions permits the resumption of trade with the German people.

America is exclaiming, in the words of Gen. Grant, "Let us have peace." [Loud applause on the Republican side.]

Mr. FLOOD. Mr. Speaker, I yield 20 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, no man in Congress is more desirous of securing peace between the United States and the Central Powers of Europe than I am. No man is more desirous of again establishing unfettered business relations than I. I want again to enjoy with all the people of my country that business and social relation with the peoples of the world which existed so pleasantly before the war.

I can not believe, however, that the joint resolution under discussion will bring that result. It is an attempt to establish by joint resolution peace with Germany without the settlement of the vast questions existing between our country and the German Government. It is an attempt on the part of the Republican Party to curry favor with the citizens of the land by establishing a false peace by resolution and thereby endeavoring to accomplish unconstitutionally what the Republican Senate had a chance to accomplish constitutionally and in accordance with the precedents established and followed during the entire history of our Government, from the time of the adoption of the Constitution to the present day.

The framers of our Constitution were fresh from contact with the inefficiency and lack of cooperation under the Articles of Confederation. They had beheld, as is so often expressed, with their own eyes, the difficulty in negotiating a treaty of peace by the legislative body under the powers conferred. They had in mind the difficulty of a large legislative body performing the task of making peace and negotiating a treaty. They had tried out that system and realized how difficult it was to establish a stable, efficient, and lasting government upon that basis.

When it was therefore proposed in the Constitutional Convention that Congress should "make war," the word "declare" was substituted for the word "make," because it was feared that the word "make" might be construed to give Congress the power to wage war and the conduct thereof. Having in mind the disasters of that experience under the Continental Congress, they had no liking for its continuation. When it was proposed to insert, after the words "declare war," the words "and peace," the amendment was unanimously voted down, in spite of the fact that the Articles of Confederation had invested in Congress the power to determine both peace and war. In his notes recording the proceedings, Mr. Madison says that on August 17, 1787, on the motion for adding "and peace" after "war," it was unanimously negatived, the motion, of course, being to amend the phrase to declare war by adding "and peace," so that, if adopted, the amended clause would read "to declare war and peace."

To-day, after a glorious history of nearly a century and a half, after having conducted many wars and never lost one, after relying solely upon the Executive for the declaration of peace and negotiating treaties, it is proposed by the majority side of this House that we shall wrest from the executive branch the power allotted to it by the Constitution. Peace they would have without a written treaty. How can we have peace without the settlement of existing disputes? How can we accomplish satisfactory business relations without our governmental representatives in Germany? Who is to look out for American interests and business operations? Who is to protect American citizens who visit Germany, believing peace under this resolution to exist?

One man may start a fight, but it takes two to settle it. One nation may declare war, but it takes two to settle the controversy. The only way our country has ever terminated a war with a foreign foe and brought about peace has been by treaty. This method and this alone has ever been adopted by the Government of our country. No one will contend that any other method was ever contemplated under our Constitution, or that it can be successfully employed. [Applause on the Democratic side.] No precedent can be found for any different method; certainly none can be found for peace by congressional resolution. We have always left such matters to the Executive under Article II, section 2, of the Constitution, which declares that "He shall have

power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur," and so forth. Writers upon international law evidently had no idea of such authority existing in Congress, or else they would have discussed the question. I have been unable to find any authority dealing with it. They mention but three ways to accomplish peace, namely, by conquest, by negotiation, and by abandonment of hostilities.

It may be possible with the approval of the President and the coaction of the other nation to open up trade relations by a joint resolution of this kind through the repeal of emergency legislation which restricts or prohibits trade and all forms of intercourse with the enemy and that which has become unnecessary since hostilities ceased. This the Republican majority has had nearly a year to do and has failed absolutely in its opportunity and duty. Is it safe, however, by one fell swoop to set aside such legislation without careful and minute consideration of each particular measure and without the stipulations of a treaty to assume control? This joint resolution does not settle the great number of questions still pending adjustment. It is likely to become, as has been well said, "peace by lawsuits," similar to that which followed the various proclamations which were issued after the Civil War when the United States courts became clogged with litigation upon questions depending upon the date of the termination of hostilities and establishment of peace.

We lose the innumerable advantages to be acquired under the treaty. It leaves the concourse of personal and national questions in statu quo. It removes none of the irritating and vexatious matters from controversy; it leaves the field wide open for further disagreement, unpleasantness, and a bait, indeed, for further war; it accomplishes nothing further than we now have as to trade relations. Our people are now doing business with Germany under license, and this method can be broadened as circumstances require and advantages permit until the ratification of the treaty. The armistice provides that the United States shall be paid for the expense of the army of occupation, but does not provide the manner of payment. The treaty, which supersedes, provides that the money for this purpose shall be paid to the reparation commission, but if we are not a party to the treaty, and therefore have no representation upon the all-powerful reparation commission, how and in what manner shall this vast expense be paid? The joint resolution fails to specify and can not do so. [Applause on the Democratic side.]

We have taken over German ships located in our ports to the extent of some $25,000,000. Title to them is questioned. Who shall decide, as we are not of the reparation commission, and have no member to protect our interests? Our title is largely subject to their decision. Only the courts in the absence of the treaty can decide. Peace by lawsuits, as I have said. In the meantime they are subject to libel in any neutral port.

Article 231 provides:

The allied and associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the allied and associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

Article 248 provides:

Subject to such exceptions as the reparation commission may approve, a first charge upon all the assets and revenues of the German Empire and its constituent States shall be the cost of reparation and all other costs arising under the present treaty or any treaties or agreements supplementary thereto or under arrangements concluded between Germany and the allied and associated powers during the armistice or its extensions.

From this fund comes the occupation expenses and all other funds to which we are entitled.

Article 274 provides:

Germany undertakes to adopt all the necessary legislative and administrative measures to protect goods the produce or manufacture of any one of the allied and associated powers from all forms of unfair competition in commercial transactions.

Germany undertakes to prohibit and repress by seizure and by other appropriate remedies the importation, exportation, manufacture, distribution, sale, or offering for sale in its territory of all goods bearing upon themselves or their usual get-up or wrappings any marks, names, devices, or description whatsoever which are calculated to convey directly or indirectly a false indication of the origin, type, nature, or special characteristics of such goods.

A most salutary provision in the interest of the manufactures and commerce of our country. One which gives to the business men of our land a guaranty of fair business dealing, which should be of inestimable benefit and advantage.

Article 278 provides:

Germany undertakes to recognize any new nationality which has been or may be acquired by her nationals under the laws of the allied and associated powers and in accordance with the decisions of the competent authorities of these powers pursuant to naturalization laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.

This settles a question which might well be a very disturbing element. Happily, if the treaty be ratified, this question would forever be closed.

Articles 297 and 298, entitled "Property rights and interests." By this long article the question of private property rights and interests in an enemy country are settled according to the provisions laid down therein. It is most valuable to many of our citizens. It provides for the settlement of property interests now under the control of the Alien Property Custodian. It is most essential to many.

Article 439 of the treaty provides:

Without prejudice to the provisions of the present treaty, Germany undertakes not to put forward, directly or indirectly, against any allied or associated power signatory of the present treaty, including those which without having declared war have broken off diplomatic relations with the German Empire, any pecuniary claim based on events which occurred at any time before the coming into force of the present treaty.

This is a most valuable provision, as it sets at rest all questions prior to the war and removes from controversy all questions of that nature.

GENERAL PROVISIONS.

Under this has been enumerated various matters in which our people are vitally interested and financially concerned, such as contracts of various kinds, negotiable instruments, insurance—fire, life, and marine.

I might continue, Mr. Speaker, with a great array of other subjects gleaned from this great document, which fairly bristles with matters of inestimable worth and advantage to the American people, all of which we lose without treaty ratification.

It is true that if this resolution can become a constitutional law, and Germany acts in accordance with the provisions thereof, then Germany on behalf of itself and its nationals waives and renounces any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles. What about all those rights and benefits which the United States and its nationals have against Germany? What about the mutual agreements, such as I have mentioned, wherein the United States is financially interested and are of such importance to our business relations? It only further demonstrates what I have said, that there can be no satisfactory peace between sovereign powers except through treaty regulations, and this authority being definitely delegated to the Executive and the Senate by the Constitution, this body has no jurisdiction in the premises. [Applause on the Democratic side.]

Some will say, "But the Executive and Senate have failed to agree. Shall we continue under war-time conditions indefinitely?" To this I reply that no branch of our Government has any power except that specifically delegated by the Constitution. Congress has no more authority to assume the powers of the Executive and of the Senate because they refuse to act than the Executive would have to assume legislative power because Congress refused to act upon some legislation which the Executive deemed advisable. [Applause on the Democratic side.]

The failure to ratify the treaty has not alone been injurious to our own country, but likewise to the German people, in that we have no representative upon the reparation commission and are therefore unable to use any direct influence either for or against the German people. The powers of exacting tribute and reparations from Germany and the control of the economic conditions in Germany are vested in the reparation commission, and the attitude of that commission toward Germany will be the cause of alleviating or of perpetuating the present status for the moderation of which a great clamor has arisen. America, however, through nonratification is rendered powerless to act, powerless to help; her hands are tied. Now, if the treaty were ratified and America had her representative on the reparation commission, with the American people back of him, his influence would be most powerful, and, with Great Britain, she could make it possible for Germany to produce and play her part in the world. America could make it possible for Germany to carry out the provisions of the treaty. No joint resolution such as the one proposed can give us this representation and grant us the great influence to which we are entitled. No resolution can benefit mutually Germany and America.

America went into the war asking nothing for herself. History records that she has ever been just even unto being magnanimous to her vanquished foes. Yet here is a resolution, a so-called peace resolution, which attempts to bind Germany to the treaty terms, negotiated in good faith with us, while we refuse

to adopt it ourselves, and which leaves America free and independent of its terms and stipulations.

It double-crosses the American people by depriving them of the rights and benefits of the treaty, a document framed by the brightest minds of the universe. It double-crosses the German people by exacting from them every provision of the treaty while we give them nothing in return—no guaranty of its approval by us. It is but a peace mirage, which leads to confusion, litigation, and trouble. [Applause on the Democratic side.]

The resolution is unfair to our people and to the people of Germany. It requires Germany to perform in 45 days, with a distracted people and partial revolution brewing throughout the land, what the Republican Senate of the United States has been unable to accomplish in the past 12 months, during which time they have been debating the question and providing campaign material for the fall election.

What happens if the German Government is unable to pass the necessary legislation within 45 days, which, to my mind, is absolutely impossible? Why, then, it is provided "that commercial intercourse between the United States and Germany and the making of loans or credits and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the people of the United States shall, except with the license of the President, be prohibited under a penalty of not more than $10,000 or, if a natural person, imprisonment for not more than two years, or both." No person under this provision could send food, clothing, or money to a starving relative or friend without being subject to jail sentence unless he first obtained a license, no matter how small the gift might be. I have been much impressed and amazed by the drastic features of the Volstead Act, but am constrained to believe that it is an innocent babe when compared to the drastic penalty features of this joint resolution, under which no natural person convicted of the slightest infraction could escape the penitentiary and might also be compelled to pay a heavy fine in addition. [Applause on the Democratic side.]

The fact is, Mr. Speaker, that the proponents of this resolution have no idea that it can ever become a law, and hence fear not its unconstitutionality. The Republicans well know that no President, having in mind his oath of office, would for a moment consider the signing of a resolution which is diametrically opposed to both the letter and spirit of the Constitution—a resolution that runs counter to every precedent in our history. They know it is an utter impossibility to secure a two-thirds vote which is necessary to pass it over the President's veto. What, then, can be their object? It is plain to behold. It is merely another mode by which they hope to gain political advantage; to still more harass the President and to fool the American people with this false hope of peace; it is an endeavor to divert the attention of the American voter from the utter failure of the Republican Senate to bring peace by treaty adoption according to the Constitution. [Applause on the Democratic side.]

America, when the President left Paris with the great treaty document in his possession, stood out as the beacon light of freedom and the friend of all distressed nations and peoples wheresoever dispersed; America held the torch on high and the world looked to her gigantic form with love, adoration, and a firm sense of help and protection. Not alone did the allied nations do this but the vanquished also relied upon the justness and fairness of America. The fame of America had spread over the world. Little nations felt secure under the protecting wing of the American eagle, and great nations felt the cooperating power of America would still the troubles of all lands. The Stars and Stripes became the symbol of peace and the Statue of Liberty the emblem of freedom and love. [Applause on the Democratic side.]

Such was the situation when the President returned with the treaty document, which many were wont to call the "constitution of the world." When the President landed in New York crowds choked the streets and cheered themselves hoarse. No victor was ever greeted by greater numbers nor more enthusiasm. It was too much for the Republicans. Means must be employed, thought they, for the destruction of the popularity of this Colossus of the American Government. The sages of the Republican Party were consulted. A propaganda was put forward to persecute him, even unto the brink of the grave. A committee was named by the Senate to intrude unto the very sick bed of the President under the guise of obtaining information concerning Mexican affairs. It was determined that the treaty must not be ratified unless upon Republican terms, that they might cry, "We saved the country." Investigation committees were named, and after expending some two millions of the people's money in hearings, junketing trips, and so forth, demonstrated nothing but the fact that this was the cleanest war America ever fought. Accusations and vituperations were leveled at the great men of our Navy and that wonderful Army which sprang up overnight to the dismay of the Central Powers. All to no avail. They could not fool the people. The Republican leaders have become distracted, and now, as a last resort, they endeavor to take from the Executive the power to make peace, even though it hazard the very structure of the Constitution. [Applause on the Democratic side.]

Mr. Speaker, so great has been their endeavor to destroy the glory and luster bestowed upon the temple of democracy by the Democratic Party during both peace and war that the Republican Party has actually ceased to function on all the great and important legislation so badly needed. Nothing constructive has been performed by them during their congressional control. It is a sad commentary, indeed, that the Republican legislative branch should be so callous to American needs in its partisan pursuit of the Democratic Party. Well did the President know whereof he spoke when he asked the country to give him men of his own party to legislate in the conduct of the Government. The election of a Republican Congress has been disastrous, not alone to our own country but to the world at large. The failure of the Senate to ratify the treaty has deprived us of that representation which would have no doubt kept the world at peace and prevented further strife, bloodshed, and devastation. America was the hope of the world—a hope blasted by Republican policies and politics. [Loud applause on the Democratic side.]

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, I regret exceedingly to find myself at odds with the bulk of the Members on my side of the Chamber. But I am unable to deal with this matter as a party question. It does not seem to me to be a matter for partisanship. The American people want peace. We should not make their desire for peace a matter of partisanship nor make it a political football. It is not only unwise from a political standpoint, but it is bad from the standpoint of public policy. I can not give my consent, my conscience will not permit, to voting against this resolution. [Applause.]

I concede to gentlemen who may differ from me the privilege of doing as they see proper. I do not doubt that they are inspired by high motives. I do not call their motives into question and I ask of them the same consideration. It would be easier for me to fall in and go with the majority of my side, to go with the crowd; it would be easier, and would take much less courage, than to take a position which I realize is not popular. It is not pleasant to be in a minority, especially in a small minority.

THE POLITICAL SITUATION.

Let us see what the political situation is. Gentlemen upon my side of the House say that this is a partisan measure, that it is presented by the Republicans for party reasons, and not in good faith. Well, with the reasons and motives which inspired those who brought forward this resolution I have small concern. The thing that concerns me is what is for the good of my country. [Applause.] I refuse to deal with this question upon any other basis. If, as is said, the Republicans are mean and insincere in advocating this measure, that does not affect me. I am concerned alone with my own motives and must follow my own conscience, no matter what kind of company it may take me into. [Laughter.]

Let us frankly consider what the political situation is. The country wants peace. That desire has been thwarted for 17 long months by obstinacy, selfishness, and political considerations. At present the country is in some doubt as to who is to blame. The great mass of the people feel that both sides are to blame. They blame the President for his attitude in insisting upon the acceptance of the covenant of the League of Nations exactly as he had submitted it and for refusing to accept reasonable reservations. They think he has tried to dictate to the Senate, "Sign on the dotted line."

And the people have no patience with the way in which the treaty has been kicked and cuffed around by the opposition. They believe the treaty would long ago have been ratified in some form or other acceptable to them had opposition not been inspired by selfishness, hatred, and other unworthy motives. At present the blame is placed by the people upon both parties and upon both sides.

In order to end that situation and to avoid it, our Republican brethren, with great astuteness, have brought forward this resolution in the House, where quick action may be had. Their

plan is that they will vote for it and thereby gain the reputation with the people of the country that they are for peace and want to do all they can to bring it about—and that we shall vote against it and thereby take upon ourselves the odium for the delay and place this side of the House in the attitude of saying "No; we will not agree to peace, except on condition that the League of Nations be accepted without reservations just as our President desires." Shall we Democrats, as men of good sense, permit the Republicans to mix this draught, load it with poison, and set it in front of us, then will we drink it down to the last drop and say, "Thank you"? "Vain is the snare set in sight of the bird." [Applause.]

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

Mr. HUDDLESTON. No; the gentleman will please excuse me. The people will visit upon the public man or the party that takes that obstinate position against their proper desire for peace a punishment which I shall not accept for myself, because I do not intend to deserve it. [Applause.]

PRESIDENT AND SENATE IN HOPELESS DEADLOCK.

What is the situation as to the treaty? In his letter to Senator HITCHCOCK of March 8 of this year, the President of the United States said with reference to article 10 of the League of Nations:

If article 10 is not adopted and acted upon, the governments which reject it will, I think, be guilty of bad faith to their people whom they induced to make the infinite sacrifices of the war by the pledge that they would be fighting to redeem the world from the old order of force and aggression. They will be acting also in bad faith to the opinion of the world at large to which they appealed for support in a concerted stand against the aggressions and pretensions of Germany. If we were to reject article 10 or so to weaken it as to take its full force out of it, it would mark us as desiring to return to the Old World of jealous rivalry and misunderstandings from which our gallant soldiers have rescued us, and would leave us without any vision or new conception of justice and peace. We would have learned no lesson from the war but gained only the regret that it had involved us in its maelstrom of suffering.

And, again, he said:

Either we should enter the league fearlessly, accepting the responsibility and not fearing the rôle of leadership which we now enjoy, contributing our efforts toward establishing a just and permanent peace, or we should retire as gracefully as possible from the great concert of powers by which the world was saved.

And, further, in his letter he said:

I need not say, Senator, that I have given a great deal of thought to the whole matter of reservations proposed in connection with the ratification of the treaty, and particularly that portion of the treaty which contains the covenant of the League of Nations, and I have been struck by the fact that practically every so-called reservation was in effect a rather sweeping nullification of the terms of the treaty itself. I hear of reservationists and mild reservationists, but I can not understand the difference between a nullifier and a mild nullifier. Our responsibility as a Nation in this turning point of history is an overwhelming one, and if I had the opportunity I would beg everyone concerned to consider the matter in the light of what it is possible to accomplish for humanity rather than in the light of special national interests.

What does that mean, gentlemen? It means that the President is resolved upon the League of Nations, in substance and in effect, exactly as he submitted it to the Senate, and that he will not accept any reservation whatever in a matter of substance. That is what it means. Nobody can read that letter and fail to understand the President's position.

What further is the fact? The Senate for the second time has rejected the League of Nations. The Senate adopted reservations. They had been discussing it for months and months. The discussion has gone on until the people of the country are tired and disgusted, and can not endure it any longer.

The Senate has shown to any man who understands the situation that the League of Nations will not be accepted without substantial reservations. It seems to me all ought to realize that. The issue is projected into the next campaign. It will become further, to a lower degree, the football of partisan politics. It is kicked and cuffed around. Another twelvemonth will go by. Is there any man of good sense who believes that two-thirds of the Senate will be found 12 months from to-day who will vote to accept this League of Nations without any substantial reservation? I do not believe there is a man before me who will give his assent to such a conclusion.

Then where will we be if we do not accept this proposition or some other of similar purport? We will project this issue into the next political campaign. We will distract the public attention from grave domestic questions that need to be solved. We will divert the thought of the people of America away from problems which concern them and enter into the troublesome foreign questions with the certainty that at the end of the campaign we shall be found exactly where we are to-day, hopelessly divided, and a deadlock existing between the President and the Senate. The result will not be, as I believe every reasonable man who is informed on political considerations will agree, that two-thirds of the Senate of the United States, as it will be constituted one year from to-day, will accept the League of Nations exactly as it is and without any substantial reservations.

THE TREATY IS DEAD.

The people of this country want peace, and they need peace. For over a year we have been discussing this question. The treaty of Versailles is dead. So far as the United States is concerned it might as well not have been written. [Applause.] The President is in irreconcilable deadlock with the Senate. Twice has the Senate rejected the treaty. Twice has it been demonstrated that the Senate will not ratify the treaty without material amendments to section 10 and other sections of the covenant of the League of Nations. The President indicated in his recent letter to Senator HITCHCOCK that he would not consent to any substantial change in these sections. There is no hope that either Senate or President will yield. They are immovably deadlocked. It can not be hoped that two-thirds of the Senators will vote to approve the treaty in any form acceptable to the President. We can go neither backward nor forward. The treaty is dead. Let us recognize that fact and deal with it accordingly.

ACTUAL WAR ENDED MONTHS AGO.

America wants peace. Actual warfare came to an end 17 months ago. For weary months an agonized world waited on the deliberations at Versailles. Finally the treaty was agreed upon, and now for an anxious yearlong distressed America has looked on while peace was made the football of politics, selfishness, and obstinacy. A weary year of waiting with nothing accomplished. We stand to-day where we stood when the treaty was agreed upon.

America wants peace. Our enemy is beaten and humiliated. Germany's ships have been sunk or surrendered; her armies have been disbanded; her military power has crumbled into dust; from the mightiest she is become the weakest of nations. Even now Germany is torn by revolution and civil disorder. Actual warfare with Germany has been over for months; she has abjectly surrendered; she has accepted the hard terms imposed upon her; she sues for peace; she grants our every demand. Civil disorder in Germany threatens to spread and engulf the world. In good faith we owe it to her, even an enemy, as well as to the interests of our own country, to recognize formally the ending of the war which has been accomplished in actuality.

It were better, I agree, that the technical ending of the war should be by formal treaty. But if the authorities which have to do with formal treaties remain in hopeless conflict we can not afford to haggle over technicalities, but should proceed in a practical way in the exercise of reason and good sense to extricate ourselves from the situation. If peace can not be had by treaty, then let us have peace by other proper means—peace, if need be, by congressional action. It seems foolish to strain over procedure and to refuse to move because we can not have it just in our own way when we are in substantial agreement as to the end.

AMERICA WANTS PEACE.

America wants peace. Unrest and discontent are universal. The rich are dissatisfied with their taxes. Labor cries out against profiteering and exploitation. Suspicion and distrust are everywhere. The faith of the people in their officials is shaken. Officers of the Government are suspicious of the loyalty and fidelity of our citizens. The masses point to the vast accumulations of profiteers and war contractors and in turn are denounced as "reds" and "radicals." Distressing economic conditions are aggravated by uncertainty as to the future and by the consciousness that peace has not yet come. Business halts and is uncertain which way to go. Stimulated by inflation of money, there is a spurious activity, but enterprise and development hesitate and fear to advance. They do not know what a day may bring.

HARSH LAWS HARSHLY ENFORCED.

Actually the war has been over for more than a year, yet the people continue to groan under harsh and restrictive war laws. The conscription act remains unrepealed, while militarists seek to make it a part of our permanent system. The espionage act is yet in force. Under it numerous prosecutions have occurred since the armistice.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. PORTER. Mr. Speaker, I yield to the gentleman 11 minutes.

The SPEAKER. The gentleman from Alabama is recognized for five minutes more.

Mr. HUDDLESTON. Good citizens are yet afraid to express their honest opinions. [Applause.] The explosives act, the trading-with-the-enemy act, the food-control act, and other op-

pressive war laws are yet in effect. Workingmen dare not insist upon adequate wages and fair conditions because of laws passed to help to win the war. The people are heartily weary of the harsh war laws and the conditions arising from the war status. They are tired and cry for relief. Without regard to the merits of the League of Nations and the treaty, those who press for ratification must be made to understand public sentiment. The people will not tolerate that the war laws be held at their heads like a loaded pistol to force them into accepting the treaty. They claim the right to consider the treaty and the league upon their merits. They resent the attempt to intimidate them and to demand their acceptance of the treaty as the price of relief. Public men and parties which seek thus to impose upon the people will find themselves the mark of hearty disapproval.

Actually we are not at war, but technically there is no peace. Patrioteers and profiteers, reactionaries, militarists, war contractors, and their kind, yet draped in the flag, pose as models of civic virtue. The present is their opportunity. They praise themselves and decry all the rest, and improve the time to press the measures and systems which they favor.

PEACE THE CRYING NEED OF THE WORLD.

The good of America demands an immediate return to peace conditions. We must get to lower prices and to the lower cost of living of normal times. We need to order our lives on a peace basis and to devote our energies to increased production and to stoppage of waste by a return to prewar methods and conditions. We need to repair the home life, to restore spiritual things, to bind up the wounds of mankind, and to turn anew to feelings of amity, kindness, and world brotherhood. Peace is the crying need of America, as it is of all the world.

The proposed resolution carefully safeguards all American rights. Section 3 requires Germany to waive and renounce—

* * * on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles.

Section 5 of the resolution provides:

That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise; and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

In view of these provisions there is no danger of any loss on account of the operations of the Alien Property Custodian or under the trading-with-the-enemy act.

ONLY TWO ALTERNATIVES.

The imperative need of our country is for peace without further delay. The President and the Senate are in hopeless deadlock. It is clear that they can not agree upon the treaty. There are only two alternatives to an indefinite continuation of the present uncertainty and controversy. The President may negotiate a new treaty with Germany for submission to the Senate. This course it appears the President will not take. He appears resolved upon the existing treaty. This situation will plunge the matter into the coming political campaign, with resulting bitter strife and controversy, and the distraction of public attention from pressing domestic questions, with the certainty that in the end the necessary two-thirds will not be found in the Senate, so that in all probability a year hence will find the treaty exactly where it is to-day.

The other alternative is the adoption of the pending measure—peace by resolution—termination of the war by congressional action. This alternative is forced upon us unless we agree that peace may yet be deferred for another year or more. I can not hesitate to make the choice. [Applause.]

NOT A MATTER FOR PARTISANSHIP.

It is with regret that I find myself at odds with the majority of Democratic Members. They argue that the pending resolution is a Republican measure and pressed on us for partisan purposes. I despise a partisanship which would baffle with our country's welfare, but I must not allow any meanness of purpose which inspires the measure to swerve me from what I conceive to be my duty. I refuse to accept this as an issue for partisanship. If it be true that the measure is inspired by the desire for petty party advantage, yet I must support it without regard to its partisan effect. I must act for the public welfare, no matter if that course should take me into bad company. [Applause.]

Again, my friends on the Democratic side charge that the resolution is aimed at the President and is intended to embarrass him. They urge that I should accept the President's leadership and decision, and leave the matter in his hands. I respect the office and personality of the President. But I am not thinking of the President; I am thinking of the welfare of my country. [Applause.] I want to smooth away the friction that is growing among our citizens. I want to still discontent and dissatisfaction and the possibility of domestic strife and civil disorder. I want to do whatever I may to restore my country and to promote the peace and welfare of the world. The issue is not the President's issue. It is America's issue. It must be decided without regard to the personal or political fortunes of any man.

CONGRESS HAS POWER TO END THE WAR.

It is asserted that the measure is unconstitutional, but this contention gives me small concern. Congress has the power to declare war—it is absurd to contend that it may not end the war which Congress has put on foot. The Constitution gives the President the right to appoint ambassadors and, "with the consent of the Senate, to make treaties." He has no express authority to end war, nor has he any exclusive jurisdiction of foreign affairs. Treaties made following a war usually provide for the terms of peace, but this function is not a necessary incident to a treaty. Actual warfare might go on despite a treaty, and also might warfare cease as an actuality though no treaty be made. The Constitution makes it the exclusive duty of Congress to declare war, to provide our armed forces, and to create and control the militia. It lays the exclusive duty on Congress "to provide for the common defense and general welfare." If the power to end war is not granted exclusively to the President, undoubtedly Congress may exercise it.

The President is given no express power to make peace. Such authority as he has in making peace is implied from his constitutional warrant to negotiate treaties. He has no power to make peace except as an incident to a treaty. If a case should occur in which no treaty could be made, the President could exercise no function in connection with ending a war. For instance, if there were no responsible government in Germany with which a treaty might be agreed on, the President could do no act to make peace. If the United States should fight a war of conquest and as a result should annex the enemy country, there would be no government for the President to make a treaty with. In such a case there could be no treaty, and unless Congress has power to terminate a state of war we would remain perpetually in a war status. Thus is reduced to an absurdity the argument that Congress can not end the war status. Congress can not "make peace," for that involves negotiations with a foreign government and the agreeing upon a treaty, which is the President's exclusive function; but there is no doubt in my mind that Congress may terminate a war status, leaving the President to negotiate the terms of peace. [Applause.]

THE SOURCE OF ALL AUTHORITY.

I hold that under the American system such powers as are not expressly or by implication conferred upon the executive and judicial branches of Government are reposed in Congress, the legislative branch, composed as it is of the representatives of the people of the United States, who at last are the source of all authority. To hold that Congress can not end a war which it has declared to exist is to say that Congress has no authority to repeal one of its own laws—the act declaring war. It involves the shocking theory that, no matter how complete our victory nor how unanimous the minds of the people, we can not end a state of war except by the exercise of the will of the Executive. [Applause.]

Only the President can "make peace," for making peace involves an agreement with an enemy government—a treaty, the agreeing on which is an exclusive presidential function. The error of those who argue that Congress can not terminate a war seems to be due to the wrongful assumption that "to end war" is "to make peace." The two phrases are not at all synonymous.

It has been argued with a show of reason that by the proposed resolution Congress purposes to "negotiate" with Germany, to make a proposal for German acceptance, to "agree" with Germany. This is a fundamental error, as an analysis of the resolution shows. The resolution does three distinct things. Sections 1 and 5 terminate the status of war and provide that the resolution shall not be a waiver by the United States of any of its rights. Section 2 provides that the war laws shall no longer be in effect. Sections 3 and 4 cover the third subject of the resolution and provide for the resumption of trade with Germany upon conditions named. It is only to these conditions that Germany is required to assent. As to no other matter connected with the resolution is German agreement required. It is upon these sections that those who argue that the resolution is an effort to make an agreement with Germany rely. These sections may be stricken from the resolution and yet leave it a perfect

whole. If they are unconstitutional, that fact can not affect the validity of the other sections of the resolution. But sections 3 and 4 are not unconstitutional.

In almost the same language has Congress passed previous laws. Section 3 of the McKinley Tariff Act of October 1, 1890, was almost identical in substance. That law was held constitutional by the Supreme Court of the United States in the case of Field against Clark, one hundred and forty-third United States, page 649. The court held that the placing of conditions upon trade with a foreign country which involved affirmative action by that country was not an interference with the treaty-making powers of the President and did not constitute negotiation.

Gentlemen upon my side of the Chamber argue that Democrats should oppose the pending resolution, for that it will be vetoed by the President and its passage by Congress avail nothing. The President has a responsibility belonging to his office which he will no doubt exercise with his wonted admirable discretion. But Representatives also have a responsibility. It is not for Congress to dictate what the President shall do, nor for the President to direct what Representatives should do. [Applause.] I am bound to believe that he has no desire to do so. It is upon us to deal with this measure upon its merits and with the conscientious purpose to promote the public good. This I shall do, and will be quite content with whatever action the President may take.

AMERICA IS FREE TO ACT INDEPENDENTLY.

I can not agree with those who argue that we are bound in honor to join in a treaty with the nations associated with us in the war. They entered the war without our leave. We entered it upon our own initiative. We cooperated with them to defeat the common enemy. We went into the war unpledged to our associated nations. We have come out of the war without owing them anything; to the contrary, they are our debtors. [Applause.] The honor of America is not pledged to unite in a common treaty with our associated nations. It is pledged neither expressly nor by implication. The people have not pledged American honor, neither has it been pledged by Congress nor by anyone authorized by the people to speak for them. We entered the war for reasons of our own; we spent our blood and treasure without stint; we have asked neither land nor money, favors nor indemnity; we fought in defense of the civilization of the world. Continued cooperation with the nations associated with us in the war is neither obligated nor compelled. We will hereafter, I hope, act freely, as heretofore, for the welfare and dignity of America and for the peace and hope of mankind. [Applause.]

The nations associated with us in the war have made peace with Germany. America alone of all the nations retains her war status. We do not abandon our associated nations by terminating the state of war. We do but join them in their status of peace. We do not abandon them to a common enemy. They are at peace and no longer require our support or protection. It is absurd to say that American honor is pledged to stand alone among the nations in a state of war with Germany. If in any sense American honor is under pledge, it is to promote peace, harmony, and good will at home and among the nations of the world. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield 45 minutes to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

Mr. CONNALLY. Mr. Speaker, on April 6, 1917, the Congress of the United States, acting under power conferred by section 8, Article I of the Constitution, "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water," by a joint resolution declared the existence of a state of war between the Imperial German Government and the United States, and on December 7, 1917, declared the existence of a state of war between the Imperial and Royal Austro-Hungarian Government and the United States.

The Congress, in the exercise of power conferred by section 8, Article I of the Constitution, "to raise and support armies," and "to provide and maintain a Navy," and the President of the United States, under the power conferred by section 1, Article II of the Constitution, "the executive power shall be vested in a President of the United States of America," and section 2, Article II of the Constitution, "the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States," prosecuted the war, already declared, to a successful and triumphant conclusion. The President, acting conjointly with the allied military commanders, on November 11, 1918, under authority of his powers as Commander in Chief of the armed forces in the field, concluded with the authorities of the Imperial German Government an armistice, the effect of which was to suspend military operations pending negotiations for the conclusion of a treaty of peace.

Thereafter the President, under authority conferred by Article II, section 2 of the Constitution, "he shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur," and by authority of Article II, section 1, vesting in the President the executive power, concluded and signed on the 28th day of June, 1919, a treaty of peace with the Imperial German Government by which matters at issue between the United States and the Imperial German Government were either settled or agencies for their settlement set up. In due course the President submitted the treaty to the Senate of the United States for its advice and consent or its rejection. The Senate, in the exercise of its constitutional power, refused its consent to the treaty.

In the course of the war measures were enacted which, by their terms, were to expire with the existing state of war between the United States and Germany, or "when the national emergency resulting from the existing state of war shall have passed," or "six months after the present war," or "the date of the proclamation by the President of the exchange of ratification of the treaty of peace," or which contained a term or clause fixing the date of their termination with relation to the legal state of war.

After the refusal of the Senate to consent to the ratification of the treaty of peace it was returned by the Senate to the President, in whose hands it now rests. Neither of the allied powers nor Germany has been notified by the President that the United States has declined to ratify the treaty. Thus stands the history of the case. Thus far each department of government has acted clearly within its constitutional prerogative.

In this posture of our international relations the House of Representatives is presented with House joint resolution 327 by the gentleman from Pennsylvania [Mr. PORTER], chairman of the Committee on Foreign Affairs, as follows:

Joint resolution terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

Whereas the President of the United States, in the performance of his constitutional duty to give to the Congress information of the state of the Union, has advised the Congress that the war with the Imperial German Government has ended:

Resolved, etc., That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

SEC. 2. That in the interpretation of any provision relating to the date of the termination of the present war or of the present or existing emergency in any acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the date of the termination of the war or of the present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of the termination of the war or of the present or existing emergency.

SEC. 3. That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose, it is hereby provided that unless within 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles, the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned, and thereupon and until the President shall have proclaimed the receipt of such notification commercial intercourse between the United States and Germany and the making of loans or credits and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited.

SEC. 4. That whoever shall willfully violate the foregoing prohibition whenever the same shall be in force shall upon conviction be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation, shall be forfeited to the United States.

SEC. 5. That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise, and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed, and maintained.

It will be observed that section 1 undertakes in the name of Congress to declare at an end the state of war between the Imperial German Government and the United States; that section 2 pretends to fix a date for the termination of all legislation enacted by Congress whose termination was fixed as contingent upon the end of the war or the ratification of a treaty

of peace, and so forth; that sections 3 and 5 seek to set up a plan whereby all questions growing out of the war may be settled in a treaty of peace with the Imperial German Government, negotiated and ratified by an act of Congress.

That the powers of the Federal Government are delegated powers is a truism so generally accepted and so long recognized that its repetition should not be necessary but for the audacity of the resolution in challenging heretofore well-accepted principles. That the powers of the Congress, of the Executive, and of the judicial department are all derived from the Constitution is likewise a maxim that is hoary with age. The Congress in the exercise of any power must find its warrant in the Constitution and not elsewhere. [Applause.]

Let us then examine the resolution section by section and seek to ascertain the source and basis, if there be such, of the authority sought to be exercised. Section 1 decrees—

the state of war * * * is hereby declared at an end.

It will not be contended, by even the boldest, that anywhere in the Constitution will there be found express authority in Congress to "declare peace" or "declare a state of war at an end."

However, it may be suggested in some quarters that "the same power which has the right to declare and carry on war would seem naturally to be the proper power to make and conclude a treaty of peace." The language is from Kent; but the same author proceeds as follows:

But the disposition of this power will depend upon the local constitution of every nation; and it sometimes happens that the power of making peace is committed to a body of men who have not the power to make war. In Sweden after the death of Charles the Twelfth the King could declare war without the consent of the national diet, but he made peace in conjunction with the Senate. (b) So by the Constitution of the United States, the President, by and with the advice and consent of two-thirds of the Senate, may make peace, but it is reserved to Congress to declare war. This provision in our Constitution is well adapted (as will be shown more fully hereafter) to unite, in the negotiation and conclusion of treaties, the advantage of talents, experience, stability, and a comprehensive knowledge of national interest with the requisite secrecy and dispatch.

The department of the Government that is intrusted by the Constitution with the treaty-making power is competent to bind the national faith in its discretion; for the power to make treaties of peace must be coextensive with all the exigencies of the Nation, and necessarily involves in it that portion of the national sovereignty which has the exclusive direction of diplomatic negotiations and contracts with foreign powers.

A power to make treaties of peace necessarily implies a power to decide the terms on which they shall be made, and foreign States could not deal safely with the Government upon any other presumption.

In this connection Dr. William Rawle, in his view of the Constitution (Philadelphia, 1829, pp. 110–111), remarks:

Treaties, by which peace is completely restored, may, as already shown, be made by the President and Senate alone, without the concurrence and against the will of the House of Representatives.

It has been made a subject of doubt whether the power to make war and peace should not be the same, and why a smaller part of the Government should be intrusted with the latter than the former. Sufficient reasons may certainly be assigned for the distinction. Peace is seldom effected without preparatory discussions, often of length and difficulty, the conduct of which, of course, belong only to the President and Senate.

If there should be any question that the clause of the Constitution vesting the treaty-making power in the President and the Senate is not absolutely exclusive, and if there should be any doubt that such grant does not wholly comprehend all of the powers of ending war and of making and declaring peace, that doubt should be conclusively removed by reference to the debates in the Constitutional Convention of 1787, when the function of Congress with reference to making or declaring war and the treaty-making clauses were under discussion.

On August 17, 1787, the convention debated the clause appearing in the tentative draft as "to make war," and the following transpired, as will appear in Elliot's Debates:

FRIDAY, AUGUST 17, 1787.

On the clause, "to make war,"

On the motion to insert "declare," in place of "make," it was agreed to: Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia—ayes, 8; New Hampshire—no, 1; Massachusetts, absent.

Mr. Pinckney's motion to strike out the whole clause was disagreed to, without call of States.

Mr. Butler moved to give the legislature the power of peace, as they were to have that of war.

Mr. Gerry seconds him. Eight Senators may possibly exercise the power, if vested in that body, and 14 if all should be present, and may consequently give up part of the United States. The Senate are more liable to be corrupted by an enemy than the whole legislature.

On the motion for adding "and peace," after "war," it was unanimously negatived.

Adjourned.

It will be noted that the issue was sharply and clearly drawn in the convention, and the distinction between the powers to declare war and to declare peace were well defined. After the language had been made to read "to declare war" instead of "to make war" the convention by unanimous vote of the States declined to confer on Congress the power to declare "peace." This action was not supported by any claim or argument that the Congress in any other clause possessed such a power, because such was not the case, but the action can only be explained upon the hypothesis that not only did the convention not intend to confer on Congress the power to declare peace, but, on the other hand, expressly forbade such a power to the Congress.

Mr. Joseph Storey, in his celebrated work on the Constitution, makes the following comment upon the action of the convention:

In the convention, in the first draft of the Constitution the power was given merely "to make war." It was subsequently, and not without some struggle, altered to its present form. It was proposed to add the power "to make peace"; but this was unanimously rejected upon the plain ground that it more properly belonged to the treaty-making power. The experience of Congress, under the Confederation, of the difficulties attendant upon vesting the treaty-making power in a large legislative body, was too deeply felt to justify the hazard of another experiment.

Under the Articles of Confederation Congress had "the sole and exclusive right and power of determining on peace and war," and though Yorktown was fought in 1781, peace did not come until 1783. Under the Confederation there was no President or Executive and both the legislative and executive powers necessarily reposed in Congress. It was the bitter lesson of experience with the Confederation that the States were convinced that a new plan was necessary and under a compulsion that wisdom dictated separated the powers of war and peace.

It may with reason be inferred that the convention by changing the clause "to make war" to that of "to declare war" intended to leave the prosecution of war, which is executive in its nature, to the President.

This distribution of powers did not occur by chance. It was not by mere hazard that the function of declaring peace was not allotted to Congress. There was no casting of lots as to where the various parts should be placed in a mere mechanical process of composition. It was an evidence of that marvelous system of checks and balances that like a thread runs with fixed and designed purpose through the plan of Federal Government. Congress may raise armies, but the President commands them; though he commands them, supplies and money can only be provided by Congress; the Executive may spend money, but Congress alone may appropriate it; the Executive may collect taxes, but Congress alone may levy them; Congress may pass laws, the judiciary alone may construe them; Congress may declare war, the President and Senate alone may declare its end or peace. Other instances suggest themselves to your mind without their statement.

A state of war creates a status that affects two nations, not one. Its termination must be brought about by the concurrence of both. Should one declare itself at peace and the other refuse, the "status" would remain and a state of war would still exist. The resolution admits that fact when it employs the language "state of war * * * *between* the Imperial German Government and the United States." If one nation only is involved, there can be no state of war.

I hold in my hand Report No. 2680, second session, Forty-eighth Congress, prepared by John Randolph Tucker, the eminent authority on constitutional law, then chairman of the Judiciary Committee of the House, in which the treaty-making power is exhaustively and elaborately treated. From that report I quote:

The status of war created by Congress may be determined by a status of peace created by treaty. Congress can not create the status of peace by repealing its declaration of war, because the former requires the concurrence of two wills, the latter but the action of one.

[Applause.]

Mr. J. I. C. Hare, in his treatise on American Constitutional Law (Boston, 1889, pp. 171–172), first contrasts the systems of government in the United States and England, and then with reference to the President of the United States he adds:

He is as much the representative of the entire people of the United States as any Member of Congress can be of his district, and should therefore exercise the discretionary powers confided to him by the Constitution in the way that he may deem best calculated to promote the welfare of the country, which may not be the way deemed best by Congress. Take, for instance, the case of a war which Congress thinks unnecessary or unjust, and wishes to close on terms that the enemy is willing to accept. Still, it is the right of the President, and not of Congress, to determine whether the terms are advantageous, and if he refuses to make peace the war must go on.

In the preamble of the resolution an effort is made to predicate its action on the claim that the President has stated to Congress that the war is at an end. That ridiculous contention and the question of the "conclusion of the war" were raised in the recent case of Hamilton against Kentucky Distillery Co., in which the Supreme Court on December 15, 1919, in passing upon the validity of the war-time prohibition act, said:

In the absence of specific provisions to the contrary the period of war has been held to extend to the ratification of the treaty of peace or the proclamation of peace. (Hijo *v.* United States, 194 U. S., 315–323; the *Protector*, 12 Wall., 700–702; United States *v.* Anderson, 9

Wall., 56–70.) From the fact that other statutes concerning war activities contain each a specific provision for determining when it shall cease to be operative, and from the alleged absence of such a provision here, it is argued that the term "conclusion of the war" should not be given its ordinary legal meaning; that instead it should be construed as the time when actual hostilities ceased; or when the treaty of peace was signed at Versailles on June 28, 1919, by the American and German representatives; or more generally, when the actual war emergencies ceased by reason of our complete victory and the disarmament of the enemy, coupled with the demobilization of our Army and the closing of the war activities; or when the declared purpose of the act "conserving the man power of the Nation, and to increase efficiency in the production of arms, munitions, ships, food, and clothing for the Army and Navy" shall have been fully satisfied. But there is nothing in the words to justify such a construction. "Conclusion of the war" clearly did not mean cessation of hostilities. * * * The "date of which shall be determined and proclaimed by the President" is a phrase so definite as to leave no room for construction. This requirement can not be satisfied by passing references in messages to Congress, nor by newspaper interviews with high officers of the Army or with officials of the War Department. When the President mentioned in his veto message the "demobilization of the Army and Navy" the words were doubtless used in a popular sense, just as he had declared to Congress, on the occasion of the signing of the armistice, "The war thus comes to an end."

Discussing the end of the War with Spain, it is said in Hijo *v.* United States (194 U. S., 323):

A state of war did not in law cease until the ratification in April, 1899, of the treaty of peace. "A truce or suspension of armies," says Kent, "does not terminate the war, but it is one of the commercia belli which suspends its operations—at the expiration of the truce hostilities may recommence without any fresh declaration of war."

Though no warrant can be found in the Constitution, ingenious minds may suggest, and, in fact, the report of the majority of the Committee on Foreign Affairs has already suggested, that upon some principle of international law a valid argument in behalf of congressional termination of war may be hung.

As to the methods by which a war may be terminated, authorities on international law are in substantial accord.

Oppenheim says:

SEC. 261. Be that as it may, a war may be terminated in three different ways: Belligerents may, first, abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty. Or, secondly, belligerents may formally establish the condition of peace through a special treaty of peace. Or, thirdly, a belligerent may end the war through subjugation of his adversary.

SEC. 262. The regular modes of termination of war are treaties of peace or subjugation, but cases have occurred in which simple cessation of all acts of war on the part of both belligerents has actually and informally brought the war to an end. Thus ended in 1716 the war between Sweden and Poland, in 1720 the war between Spain and France, in 1801 the war between Russia and Persia, in 1867 the war between France and Mexico. And it may also be mentioned that, whereas the war between Prussia and several German States in 1866 came to an end through subjugation of some States and through treaties of peace with others, Prussia has never concluded a treaty of peace with the Principality of Lichtenstein, which was also a party to the war. Although such termination of war through simple cessation of hostilities is for many reasons inconvenient and is therefore as a rule avoided, it may nevertheless in the future, as in the past, occasionally occur.

In Hall on International Law, sixth edition, page 553, it is stated:

War is terminated by the conclusion of a treaty of peace, by simple cessation of hostilities, or by the conquest of all or a part of all of the belligerent States by the other.

Halleck on International Law states that there are three methods by which war may come to an end—by subjugation, by de facto cessation of hostilities, or by a treaty of peace.

Fiore on International Law, Borchard's edition, September 1, 1917, states (sec. 1953):

A war between two or more States can only be considered as legally ended by the conclusion of peace stipulated in a final treaty of peace. * * *

If Congress possesses the power under the public law of nations to bring a war to an end it must do so in one of the three methods indicated. That it can not terminate the war by making a special treaty of peace with Germany will be conceded. It can not now establish the condition of peace by subjugating Germany, because it is not commander of the armies, and the Army has been demobilized. By the same token it can not end the war by ceasing military operations because it does not control military operations. The prosecution of war being in the Executive, the Commander in Chief of the armies, necessarily Congress is expressly excluded and has no control over the movements of the armies or the Navy and can exercise no command to either advance or retreat. It may, of course, deny supplies or money, but there its authority ends. The President can terminate hostilities by ordering the armies to cease firing, just as he did on November 11 under his power as Commander in Chief, and from such mutual and continued cessation of hostilities might in time flow impliedly a state of peace, but this state would in no wise be attributable to any act on the part of Congress. Such a state would arise not from an express peace but from a presumption arising from the lapse of time.

I hold that if the Congress now possesses the power to make peace or to terminate the war by the means proposed it had that power in the spring of 1918 when the German armies in their final drive at the heart of France were bending almost to breaking the allied lines and when many weak hearts despaired; if it now possesses such a power it could have exercised it in the midst of the St. Mihiel operation; if within that body it is now lodged it subsisted all through the great Argonne drive from September 26 to November 11, 1918; if there now inheres in Congress the strength to end the war, it could, before its purposes were accomplished, have brought it to a premature and untimely end.

Routed from their first and second lines of defense it will probably be contended by gentlemen on that side of the House that the War between the States was terminated by act of Congress. This contention can not be maintained in fact, and if so maintained has no application to the matter now in hand. The Federal courts in a number of decisions have held that the proclamations of the President of April 2, 1866, and August 20, 1866, fixed the termination of the Civil War. It is true Congress fixed by a statute such date as being the time from which the operation of certain laws should be computed. However, the Supreme Court, in the case of the United States *v.* Anderson (9 Wall., p. 56), clearly distinguishes that case from the present one in the following language:

In a foreign war a treaty of peace would be the evidence of the time when it closed, but in a domestic war, like the late one, some public proclamation of legislation would seem to be required to inform those whose private rights were affected by it of the time when it terminated, and we are of the opinion that Congress did not intend that the limitation in this act should begin to run until this was done.

At the end of the War between the States the gallant armies of the Confederacy had been overwhelmed and disbanded; the president and other civil officers were either in prison, in flight, or in exile. The Confederate States, whose intrepid soldiers had dazzled the whole world by the brilliance of their achievements on the battle field and thrilled with admiration their enemies, and whose civil institutions had proved amazing in their resourcefulness and energy, had now crumbled and fallen apart. The Union had never recognized that the Confederacy constituted a government, but from the beginning treated the secession of the Southern States as rebellion; that the War between the States was merely an insurrection and not a conflict between two nations. Whether it be considered from the Northern standpoint as merely an insurrection or from the Southern standpoint that it was a war between two independent nations, the practical result and method of treatment are the same. In the latter case it was terminated by the entire subjugation of the Southern States, and as has already been pointed out, no treaty was necessary. The Confederacy and its government were absolutely extinguished and their dust scattered to the winds. There was no recognized agency with which the Federal Government could or would treat.

I submit that a review of the transactions of the Constitutional Convention and the whole scope of the law by a candid and impartial mind will absolutely compel the conclusion that, wherever the power "to declare peace" may reside, it does not reside in the Congress.

Coming to section 2, it may be affirmed without hesitation that Congress may repeal or fix the time for the termination of war-time legislation. Such is purely a legislative function. The Congress now has, and has ever had since enactment, the undisputed authority to terminate any or all of the emergency acts. It is in no way dependent on the state of war. The majority party has been in control since May, 1919, during the entire life of the Sixty-sixth Congress, and could have repealed any act at its election. It easily can be demonstrated that the only legitimate objects of the resolution are embraced in section 2, if the section can be considered as properly drawn, to effectuate the repeal of legislation, but being connected and intertwined with the unlawful sections will be invalid and ineffective. It may be observed, however, that those features of war legislation which affect the status of alien property in the custody of the United States and that of the German ships ought not to be repealed or terminated at this time, until through orderly processes a settlement regarding them can be had with Germany. I am in hearty sympathy with the repeal of restrictive measures. But it would seem much better that a substitute should be adopted, and one will be offered, providing for the termination of emergency legislation, but preserving such as those indicated. Further than this we are powerless to go.

Our examination now leads to section 3, which should properly be considered in connection with section 5.

Those of us who oppose, insist that these sections, taken together with the treaty of Versailles, constitute the terms and stipulations of a treaty which is sought to be established. Gentlemen, on that side of the House, will with vehemence seek to

answer all of the argument and authority which may be adduced in denial of the authority of Congress to treat or contract with a foreign power by boldly and bluntly maintaining that a treaty is not to be made. That the subject may be approached in logical and appropriate sequence, let us first inquire "what is a treaty," then analyze the facts as to whether a treaty is contemplated and then inquire "has Congress the power to make a treaty."

Webster defines a treaty as "An agreement between two or more independent States."

A treaty may be defined to be a compact between nation and nation. (Tucker on the Constitution.)
Treaty is international compact. The root of the word indicates negotiation between two or more. In itself, treaty is a bargain, not law. (Tucker.)
A treaty is primarily a contract between two or more independent nations and is so regarded by writers on public law. (Whitney v. Robertson, 124 U. S., 194. Head Money Cases, 112 U. S.)

A contract or compact or agreement imports a mutuality or a meeting of minds of two or more parties thereto. One party agrees to do or to forego doing some particular thing, while the other agrees to do or to forego doing some other thing. A contract or agreement may be evidenced by one written instrument, or it may be evidenced by two or more instruments, such as an interchange of letters or diplomatic notes, or a contract in the common acceptation may arise through words spoken or acts done. Every layman knows that by a letter he may make a proposal to another party, which, when accepted by another letter, rises to the dignity of a contract whose terms are defined by construing the two letters together. A contract may likewise be consummated by an exchange of telegrams. An order for goods may be forwarded by mail or telegraph, to which no reply may be made by the recipient other than by promptly shipping the goods, but a contract or agreement immediately arises.

These principles apply generally to all contracts and agreements. Whenever the minds of the parties concur or agree a contract or compact comes into being.

May we not dissect these sections and determine whether or not reciprocal action is expected by two Governments, and whether or not it is intended that each shall govern its conduct by the conduct of the other, predicated upon this resolution. For a moment look beyond the specious and seductive appearance of its fair-sounding terms; pull aside the diaphanous veil that cloaks the bronze that lies at the heart of these sections. [Applause.]

A proposal is made to Germany "that unless within 45 days from the date when this resolution becomes effective the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States, and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles"—certain things may happen. She is given the option to accept or reject the proposal. She may exercise complete liberty of action; she may agree to the contract, but if she fails to do so "the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned, and thereupon, and until the President shall have proclaimed the receipt of such notification, commercial intercourse between the United States and Germany, and the making of loans or credits, and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited."

It has already been pointed out that a party to a contract may agree to forego the doing of an act in consideration of the doing of an act by the other party. Assuming that we have the power and the right to absolutely cut off Germany from all intercourse, is it not proposed that if Germany will consent to the terms of the treaty of Versailles, so far as it may confer advantages on the United States and its nationals, that as a consideration for such agreement, as its price, we shall forego the exercise of the right which we possess to deny to her intercourse and remove from her the threat which is so bravely asserted? Can there be any dispute that the real purpose is either to induce or require the German Government to do an affirmative act—the acknowledgment of its obligation under the treaty—in barter, in bargain, and in exchange, for the promise voiced in the resolution that the United States will forego the destruction of German commerce with the United States? Suppose for a moment that at the peace table the same proposition should have been made to Germany—"sign the treaty or we shall commercially destroy you"—and she had signed, or admitted its obligations, would this not have constituted a treaty, an agreement? It will be borne in mind that the whole contract or agreement need not be expressed in the same instrument. So, in this instance, the proposal is contained in the resolution; the acceptance will be the acceptance by Germany of the treaty which she has already signed and a copy of which is in our possession.

Most treaties of peace are dictated by force—the vanquished usually assumes all of the obligations, while the victor merely refrains from further military pressure and makes no promises conferring benefits on the conquered. It is not competent to say that because the United States does not assume any obligations under the treaty of Versailles that it, when accepted by Germany under this resolution, is not a treaty. If there be any terms in the original treaty imposing obligations on the United States, eliminate them, and the remainder of the treaty, so far as it affects Germany and the United States, taken together with this resolution, constitute not the old treaty but a new and entire treaty or agreement or compact between two independent nations. It can not be said that it will not eventuate in a treaty because Germany may not accept. If that eventuality is contemplated, nevertheless it is a negotiation for a treaty, which is as much beyond our province as the making of a treaty. It will be noted that the act requires no act by the President in negotiating with Germany; all he is to do is to inflict the penalty.

Is there any substantial difference between holding Germany by the throat with an army and saying, "Sign here," and threatening her with the starvation of her people and the destruction of her commerce as proposed, and saying, "You must acknowledge the obligations in so far as they are beneficial to the United States"? Does not this constitute a compact or contract between nations, just as though negotiated and agreed upon by diplomats across a table? There are present the elements of mutuality—the action of one contingent on the promise of another. The essentials of bargain, trade, and barter are at the very surface of the resolution, whose force and purpose are based and predicated on a promise and action thereunder by one particular and denominated foreign power, whose promise and anticipated action, in turn, are to be based and predicated upon action taken or threatened and defined in the terms of this act. Can there be anyone so brazen or ingenuous as to assert that the genuine purpose is not to accomplish an agreement with Germany?

To those who say that no treaty is to be made let me inquire. The treaty of Versailles, if ratified by the United States, would be a binding and legal treaty, would it not? But hereafter, so far as Germany's obligations to the United States are concerned, it is to be as binding as though ratified. Then, will it not be a treaty between the United States and Germany? To whom will the obligations which Germany may assume be due—to the United States? Where are those obligations defined? In the treaty of Versailles. Suppose Germany violates the rights of some American citizen, where will you look to find the character of obligation which Germany violated? Will you simply look to this act, or must you not look to the treaty of Versailles. [Applause.]

The very fact that this act proposes to induce or compel Germany to avow her willingness to observe the treaty imports the expectation of benefit to be derived therefrom by the United States. If the treaty of Versailles were now a treaty between the United States and Germany, the fact that the United States will be released from obligation under it will not change the fact that it will remain a treaty upon Germany assenting to the amendment. The contract may consist in part of this act and in part of the treaty, just as it might consist of two diplomatic notes exchanged between us. We send Germany by cable this resolution; she sends back acceptance of the treaty of Versailles. Is there not a meeting of the minds; is not an agreement created whose terms are defined by the two instruments?

It is not a question of the degree of obligation or the extent of benefit; all of the one may be in one party and all of the other in the remaining party. As has heretofore been observed, an agreement may place all of the obligations on one party. An ordinary promissory note is a familiar example; it is only signed by the maker, but is construed to be a written contract enforceable between the parties. In the present instance our armies are now on German soil. By this resolution we agree to end the war with Germany, and there of course arises implied obligation on our part to withdraw our troops. The test is whether there is an agreement between two nations; the fact that the obligations imposed are owing by one to the other, and that to determine the character of rights conferred or duties enjoined

recourse must be had to such agreement. Measured by this standard there certainly will be a treaty. If it be not a treaty—no agreement—then Germany, not being bound, could withdraw at any time. Will anyone claim that she could do so without violating a treaty? If an American right should be violated, the United States would demand redress of Germany. Suppose Germany should deny liability. Our reply would be, "You agreed to abide by the treaty." If she should then assert that this resolution and her agreement is not a treaty, we should, of course, answer, "Whether you call it a treaty or a resolution or legislation, you 'agreed and contracted' to observe the treaty, and you are bound. If you break your promise, you will justify a renewal of the war by the United States." Will anyone longer deny what is so plain? If not a treaty, it is nothing—a vain thing, a fraud, a pretense, a hypocritical deception, and a deliberate delusion. [Applause.]

If the authors of the resolution would but come out in the open and not seek longer to dissemble, we might proceed mutually to inquire, Has Congress the power to make a treaty? But they refuse to go beyond a denial that a treaty is contemplated. Believing, however, that the country is more candid and is not actuated by the motives and necessities that compel the majority party, I shall hope to here set down the answer to that question.

At the very threshold I invite attention to the debates in the Constitutional Convention. Madison's Journal on September 7, 1887, relates that—

> The fourth section, to wit, "The President, by and with the advice and consent of the Senate, shall have power to make treaties," etc., was then taken up.
> Mr. Wilson moved to add after the word "Senate" the words "and House of Representatives." As treaties, he said, are to have the operation of laws, they ought to have the sanction of laws also. The circumstance of secrecy in the business of treaties formed the only objection; but this, he thought, so far as it was inconsistent with obtaining the legislative sanction, was outweighed by the necessity of the latter.
> Mr. Sherman thought the only question that could be made was whether the power could be safely trusted to the Senate. He thought it could, and that the necessity of secrecy in the case of treaties forbade a reference of them to the whole Legislature.
> Mr. Fitzsimmons seconded the motion of Mr. Wilson; and, on the question—ayes 1, noes 10.

There was definitely denied to the House of Representatives participation in the making or ratification of treaties, and the question was removed forever beyond the zone of doubt.

The discussions in the Federalist papers unmistakably disclose that there existed no question concerning the exclusive grant of the treaty-making power to the President and the Senate at the time of its submission to and ratification by the States.

Tucker, in speaking of the objects to be accomplished by treaties, says:

> This object, as all those mentioned, must be the result not of the will of one nation alone, but of the concurrent will of two nations. The power to make the contract is given neither to the legislative nor to the executive department alone, but to a combination of the two, by intrusting it to the President and the Senate. (Tucker on the Constitution.)

Halleck's International Law:

> By the Constitution of the United States of America, the President has the exclusive power of making treaties of peace, which, when ratified with the advice and consent of the Senate, become the supreme law of the land—

And so forth; but observes that Congress may compel the President to make peace by refusing the means of carrying on the war.

We have heard the voices of many distinguished men who are now in the grave. It will be interesting to hear one who yet is in our midst, and who perhaps collaborated in the preparation of the resolution.

In Senate Document No. 104, first session Fifty-seventh Congress, entitled "The Treaty-Making Powers of the Senate," Senator HENRY CABOT LODGE quotes the following from Curtis's Constitutional History of the United States:

> The power to make treaties, which had been given to the Senate by the Committee of Detail, and which was afterwards transferred to the President, to be exercised with the advice and consent of two-thirds of the Senators present, was thus modified on account of the changes which the plan of government had undergone, and which have been previously explained. The power to declare war having been vested in the whole Legislature, it was necessary to provide the mode in which a war was to be terminated. As the President was to be the organ of communication with other Governments, and as he would be the general guardian of the national interests, the negotiation of a treaty of peace and of all other treaties was necessarily confided to him.

The following is the language of Senator LODGE himself:

> The obvious fact that the President must be the representative of the country in all dealings with foreign nations, and that the Senate, in its very nature, could not, like the Chief Executive, initiate and conduct negotiations, compelled the convention to confer upon him an equal share in the power to make treaties.

One of the striking and among the most distinctive characteristics of the Constitution is its distribution of the powers of government. It does not vest the identical power in separate departments to be exercised by each independently of the other. The treaty-making power, vested in the President and the Senate, is vested nowhere else.

> The great powers of the Government are divided into separate departments, and, so far as these powers are derived from the Constitution, the departments may be regarded as independent of each other. (Kendall *v.* U. S. ex rel. Stokes, 12 Pet., 254; 9:1181.)
> The legislative, executive, and judicial branches of the Government are potentially coextensive. (Per Marshall, Ch. J. Osborn *v.* Bank of U. S. 9 Wheat. 738; 6:204.)

The President possesses the authority and the discretion to make or not to make a treaty as he may choose, contingent alone upon the consent of two-thirds of the Senate to such as he may make. He may be willing to conclude a treaty upon stated terms, but on other terms may be absolutely unwilling to sign. If such be the case he may decline to conclude it, and remain clearly within his constitutional prerogative. But if Congress may make a treaty by joint resolution and the President disapprove it, two-thirds of both Houses may pass the measure over his veto and thus make effective a compact violative of the will of the creator of all constitutional treaties.

How can the language, "He shall have power, by and with the advice and consent of the Senate, to make treaties," be reconciled to the making of a treaty by two-thirds of both Houses, over his protest, and in defiance of his will? The Senate can not "make" a treaty, though it may "unmake" one by withholding its consent. Its function is limited to giving or refusing its "advice and consent." Until the President negotiates the compact it can not consent. Consent does not imply initiative—it does not imply affirmative action—but merely assent or acquiescence in what has been already initiated or proposed by another.

On the other hand, if it could be maintained that Congress can by joint resolution either make or ratify a treaty, let us assume a case in which the President is anxious to secure ratification of a treaty, but can not secure the vote of two-thirds of the Senate. In that event and in the assumed case only, Congress by a bare majority of each House—perhaps a partisan majority—could ratify a treaty by joint resolution, which only requires a majority, in defiance of the Constitution, which in the most solemn and binding fashion requires the consent of two-thirds of the Senate to give validity to a treaty.

In 1795 Washington concluded the Jay treaty with Great Britain, which was ratified by the Senate. In 1796 the House of Representatives passed a resolution requesting him to lay before it the papers and correspondence pertaining thereto. His opinion was that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate. With some further remarks he concluded by observing that as it was perfectly clear to his understanding that the consent of the House of Representatives is not necessary to the validity of a treaty, as the treaty with Great Britain exhibited in itself all the objects requiring legislative provision, and on these the papers called for could throw no light; and as it is essential to the due administration of a government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and the duties of his office forbade a compliance with their request. (Message Mar. 30, 1796, and Marshall's Life of Washington, vol. 5.)

It may perhaps be urged that the joint resolutions of Congress providing for the admission of Texas into the Union furnish a precedent in that by the resolution of March 1, 1845, proposals were made by Congress to the Republic of Texas for admission into the Union, and that Texas, having accepted the proposals, was admitted by resolution of December 29, 1845. The complete answer is that the treaty-making power operates on the subjects properly within its scope only to such extent as is not prohibited or qualified by some other clause or provision of the Constitution. Thus the President and Senate may not by treaty provide that slavery may be established in a State nor that a State may have other than a republican form of government nor that trial by jury shall be denied. Other clauses of the Constitution of dignity equal to that of the clause creating the treaty-making agency deny the existence anywhere of the power to do such things. Article IV, section 3, of the Constitution provides "New States may be admitted by the Congress into this Union." Thus the power to admit new States is plainly lodged in Congress. Such power, being in Congress, can only be exercised by Congress and not by the President and Senate alone. In enacting the joint resolutions of March 1 and December 29, 1845, the Congress acted within its constitutional authority; it did not pretend to act in a capacity other than that defined in section 3, Article IV. It would have been competent for the

President to negotiate a treaty, but its terms could not have been put into effect except through subsequent legislation by Congress conformable thereto. As illustrative of this principle, it may be noted that the treaty with France for the cession of Louisiana was concluded April 30, 1803; ratified, October 20, 1803. Congress on October 31 passed a law authorizing the President to take charge of said territory. As to the treaty with Spain for Florida Congress, on March 3, 1819, passed a similar act. The Ashburton treaty of 1842 fixed the boundaries of Maine and Canada. The Oregon boundary in 1846 and that between Mexico and the United States were adjusted by treaty, and Congress passed acts authorizing the President to take possession. In 1867 Alaska was secured from Russia by treaty; the Philippines were similarly acquired from Spain. These territories were not added as States, but are instanced as indicating the propriety of securing territory by treaty.

It is contended that the case of Field *v.* Clark (143 U. S.) supplies a precedent for legislation of this character. Congress passed a tariff act in which the President was authorized to "suspend" the operation of the act permitting imports under favorable conditions as to a country which should adopt restrictions on American commerce which "he may deem to be reciprocally unequal and unreasonable," and so forth. An attempt will be made to demonstrate that this was tantamount to a proposal by Congress to foreign nations of terms upon which trade and commerce might mutually be carried on, and in the event of acceptance by a foreign power would amount to an agreement similar to that proposed to be accomplished by sections 3 and 5 of the present resolution. The act was attacked not upon the ground that it constituted an infringement of the treaty-making power—and that question was not involved in the decision—but on the theory that it delegated legislative power to the President to determine the existence of facts authorizing the suspension of the act and in exercising the power of suspension. But, again, let me remind gentlemen that the treaty power is qualified and limited by other clauses of the Constitution. Section 8, article 1, provides:

> The Congress shall have power to levy and collect taxes, duties, imposts, and excises, etc. * * * To regulate commerce with foreign nations—

And so forth.

Congress was undertaking to exercise such power in enacting the tariff law discussed in Field *v.* Clark (143 U. S.). Congress was not assuming to negotiate a treaty, but was legislating. Though a treaty affecting tariff duties or foreign commerce might properly be negotiated by the President and ratified by the Senate, yet in the respects in which it might affect the authority of Congress to levy tariff duties or to regulate commerce the consent of Congress would be necessary to carry out the treaty, not in the exercise of a treaty power nor in the form of a ratification of the treaty, but in the form of supplementary legislation to carry into effect the terms of the agreement with another nation. A treaty might embrace other subjects concerning which the Congress need not be consulted, but as to those matters peculiarly within its legislative sphere its legislative but not treaty-making consent would be necessary. A treaty regularly and constitutionally concluded might provide for the payment by the United States of a sum of money, and while the treaty would be complete in itself, its undertaking could not be fulfilled until Congress, not in a treaty-making capacity but in its legislative capacity, should appropriate the money.

Congress has power to enact tariff legislation providing reciprocity clauses by which preferential duties may be allowed to countries which conform their own regulations thereto. However, there is no contractual or treaty relation established thereby. The country which adjusts its commerce to our stipulations does not "promise" or "agree" or bind itself to continue to maintain such duties, but has complete liberty to abandon such preferential tariffs or continue. On our own part, there is no contract or agreement to permit the continuance of such arrangement. Any act of legislation is always dependent for its operation upon the acts of parties who may or may not by their conduct bring themselves within the operation of the laws. The operation of criminal laws depend upon the act of individuals in bringing themselves within their scope by committing or refraining from committing prohibited acts. Civil laws operate in the same way. Congress may attach conditions or stipulations as to the entry of goods and tariff duties, within the operation of which nations may bring themselves by meeting the conditions, but there is neither privity of contract nor obligation nor agreement created whose violation would be considered a breach either of honor or of law. Legislation affecting only duties and imposts, as to which Congress has power to legislate, is quite another thing from a treaty of peace with Germany affecting termination of war, the rights and status of citizens of each country, immovable and movable property situate in each country, over none of which Congress has authority. In Altman *v.* United States (224 U. S.), a commercial agreement under the tariff act of 1897 is held to be a treaty, though not submitted for ratification, Congress having acted in advance, and no question having been raised as to the necessity therefor.

As the treaty-making power is limited by the power of Congress to regulate tariffs, to the extent that the President may not make a treaty, even though ratified by the Senate, affecting tariffs, without the "consent" of the House, the power of the Congress to regulate or suspend tariffs in turn is limited by the treaty "making" power to the extent that Congress can not itself "make" a treaty regarding even tariff duties. It may legislate but not make treaties. The grants are of equal force and must be construed together.

Mr. Tucker, in his work on Constitutional Law (vol. 2, p. 354), places it beyond the pale of cavil—

> For example, Congress has power to levy and collect duties; the President and Senate have power to make and contract with a foreign nation in respect to such duties. Can any other construction be given to these two apparently contradictory powers than that the general power to make treaties must yield to the specific power of Congress to levy and collect all duties; and while the treaty may prepare or contract as to duties on articles coming from a foreign nation, such an executory contract can not be valid and binding unless Congress, which has supreme authority to levy and collect duties, consents to it. If it is then asked how are you to reconcile these two powers which appear to be antagonistic, the answer is clear.
>
> Congress has no capacity to negotiate a treaty with a foreign power. The extent of its membership makes this impracticable. The Constitution, therefore, left the House of Representatives out of all consideration in negotiating treaties. The executory contract between the United States and a foreign nation is therefore confided to the one man who can conduct the negotiations and to a select body who can advise and consent to the treaty he has negotiated. But this executory contract must depend for its execution upon the supreme power vested in Congress "to levy and collect duties."
>
> It is therefore a contract not completed, but inchoate, and can only be completed and binding when Congress shall, by legislation, consent thereto and levy duties in accordance with the executory contract or treaty.

To the same effect is Foster *v.* Neilson (2 Pet., 314), where Judge Marshall says:

> A treaty is in its nature a contract between two nations, not a legislative act, and does not generally effect of itself the object to be accomplished but is carried into execution by the sovereign power of the respective parties to the instrument.

How comprehensive is its scope is stated in Wheaton's Elements (p. 329):

> The power "to make treaties" is, by the Constitution, general; and, of course, it embraces all sorts of treaties, for peace or war, for commerce or territory, for alliance or succors; for indemnity for injuries or payment of debts; for the recognition and enforcement of principles of public law; and for any other purposes which the policy or interests of independent sovereigns may dictate in their intercourse with each other.

Some gentlemen justify a vote for the resolution by an admission that in the first instance and primarily the right to declare peace and to negotiate treaties is in the President and Senate, but aver that, such agency having failed to declare peace or to ratify the treaty, the duty to do so devolves upon Congress. The error of such a contention is easily exposed. If the organic law contemplated such a devolution, it would have so provided. The existence of such a power in the Congress would necessarily imply or draw with it the further power to judge as to when or how the President or the Senate may fail to properly exercise that or any other function; it would invest the Congress with a complete and supreme supervision over the treaty-making power, the full and unbridled discretion in one branch of the Government to review and reverse the actions of another "coordinate" branch. With equal logic each department could assert similar pretensions as to all others. Each would collide with and neutralize the activities of others. The absurdity of such a conception is obvious.

Neither judicial decision nor commentary, though multiplied, can make more perspicuous the words of the Constitution. Nothing can be added to the simple, explicit, and unequivocal text of the instrument itself. Nothing is needed to clarify that which is already clear. In the presence of its lucid and luminous language the Congress must confess its own utter impotence to either declare the war to be at an end or make peace, or make a treaty with Germany. Let us, for the moment, consider the position in which the enactment of the resolution would place the United States and their people in the event Germany should decline to accept proposals that are made. At the end of 45 days commercial intercourse between the United States and Germany becomes unlawful and those who may engage in it, without the license of the President, may be deemed guilty of crime. At this moment American beef and meat and food and cotton and other raw materials and manufactured goods are going to German markets. Trade must be stimulated and increased if we are to compete in the markets of Europe.

Great Britain and France have resumed commerce with Germany.

Is a partisan majority, to promote its political ambitions and to gratify its rancor, prepared to cut off all trade with Germany, to visit their country with such a commercial plague? Is it prepared to blight and blast the business of the United States, or will it betray the welfare of the whole people and permit England and France to preempt the entire German trade merely for the sake of a desperate and hypocritical political maneuver?

Regardless of Germany's action under section 3, it is declared in section 1 that the state of war is at an end. Should Germany decline to act under section 3 what is to become of the German ships seized and taken over by the United States? What will be the status of the millions of dollars' worth of alien property now in the custody of the United States? What will become of the property of American citizens which was taken over by the German Government and is now in its custody? Thus would be suspended, like Mohamet's coffin, these questions, between a state of war and a state of peace, unsettled and undetermined. Would the old treaty between Prussia and the United States revive or would it be no longer effective? These are problems that will rise to vex and confound our citizens if the measure should be enacted.

What will be the relations of the United States to the Allies without an agreement or convention to settle them? Obviously the United States can claim no right based solely on the treaty as against the Allies, because she has not ratified the treaty. However, the treaty is already effective between Germany and the Allies. By its terms Germany deals with the Allies as an entity. The reparations and indemnities to be paid by Germany are to be adjusted by the reparations commission and not severally by Germany and the respective States. This is but an instance of the difficulties that this resolution invites. Many others equally embarrassing could be enumerated.

There is another phase of the matter that must not be overlooked. If the state of war with Germany could be brought to an end would there then be peace? The United States is now, and has been since December 7, 1917, at war with Austria. The resolution does not seek to end that state of war, but is limited in its application to the case of Germany. This is but an illustration of the pretense and the insincerity of this resolution. Though it pretends to bring peace, by its terms it provides there shall be no peace.

Of all reasons and arguments professed by proponents of the resolution, some specious, others chimerical, others wearing the attractive garb of sophistry, but of such delicate texture as to reveal every lineament of limb and figure, none is so persuasive or potential as the one motive which has not been openly avowed—that of party expediency.

Gentlemen may delude themselves, they may beguile their own fancy, they may obfuscate their own minds, as to their powers and purposes, but they can neither deceive nor mislead the American people. The whole country, lawyer and layman alike, already is aware that the President and Senate can alone accomplish what is now demanded by the majority. One of the surest proofs lies in the fact that it has required two weeks' labor by the brightest minds and the dullest consciences in the Republican Party to draft the resolution in terms that would not provoke intellectual nausea in their own ranks. [Applause.] The people of the United States want peace. The general verdict is that the treaty of peace should have been ratified in some form—and it may be conceded that the Senate has so far failed to meet the expectations of the country that the treaty would through compromise finally be ratified with reasonable reservations and that the stubborn minds which clashed over its terms might in wisdom and patriotism have found a common ground of agreement. That does not justify the House in usurping a function that does not lie within its jurisdiction. Whatever our private or individual views as to ratification with or without reservations or as to the form of reservations or as to the whole treaty matter may be, officially and as the House they are not of our concern. They are exclusively within the domain of the Senate and the President. That agency having failed to agree on the treaty as originally drafted and having failed to agree on reservations, the responsibility rests there and must so remain. It is hoped that by this resolution the country may be hypnotized into the belief that a way has been found that leads out of the difficulty. It is sought to induce into the public mind the fiction that there is peace and that a settlement of the war's issues has been made.

Gentlemen who drafted the resolution dismissed the Constitution and the law of nations from their councils. I solemnly warn you that in times like the present—with the world seething with unrest—the Constitution is a wiser and safer counsellor than hate or revenge. Amidst the passions and storms of faction the Constitution is the only safe and sure and secure refuge. It is the only unwavering compass in the tempest of these times. Against its living light, against the opinions of its makers, against the overwhelming opinions of commentators, and the solemn judgments of the Supreme Court, gentlemen on that side of the chamber set up the opinion of their steering committee—an unofficial body that owes no allegiance save that of party—a hand-picked seven who meet behind closed doors, and drawn blinds, and with blinded eyes and whispering voices, and ears heedless to every voice save that of partisan advantage, decide and decree and issue an edict that Congress has the power to declare and to make a peace treaty with a foreign power.

Before you commit such a blunder contemplate the spectacle our country will present to the world. Confessedly we shall stand convicted by our own verdict of failure under our democratic Constitution; we shall appear in the unenviable light of renouncing every obligation of the treaty and at the same time claiming every benefit and advantage which it confers; we shall be in the attitude of starving the women and children of our beaten enemy unless she releases the United States from every provision of the compact which was dictated in part by the United States and to which Germany gave her assent, believing that we would keep the faith. Are you willing to set America so circumstanced before the judgment bar of history? [Applause.]

Mr. Speaker, the Declaration of Independence and the Constitution which crystallized its principles and wove them into the fiber of this great Government's structure epitomize our conception of democracy and free institutions. Of the former Buckle, the Englishman, exclaims:

> In 1776 the Americans laid before Europe that noble declaration, which ought to be hung up in the nursery of every king and blazoned on the porch of every royal palace.

Of the latter Mr. Gladstone once said:

> The most wonderful work ever struck off at a given time by the brain and purpose of man.

The obligations and the duties enjoined by and the limitations of that solemn and sacred charter we are severally sworn to observe and uphold. When we usurp a power not delegated to Congress by that instrument we exercise tyranny no less than the Executive or the judiciary when either passes beyond the limits of its authority. Congress becomes a despot the instant it crosses the boundary of its power; it sins against the people the moment it transgresses the power which the people placed elsewhere, power which, though exercised by the President and the Senate as constitutional agents, is the people's. Congress breaks its faith with the people when its arm invades a jurisdiction not its own. This has been the conviction of American statesmen from Washington until now. It was to vindicate the right of our people to live under the Constitution and to secure foreign respect for them under the law of nations that Congress declared war. This resolution transgresses both. It was to preserve their sanctity that America poured out without stint its resources and its wealth; in their name Congress summoned from their homes her best and bravest to lay down their lives on foreign soil or to wear all the way to the tomb in their maimed bodies the badge of courage; they answered the summons and across the face of Europe blazed a path of glory. On every fighting field from Cantigny to the Argonne they gathered up the richest garlands of victory, the acclaim and applause and gratitude of a world, and laid them at their country's feet.

What shall you say to the living, what shall you say at the grave of those who sleep in France, if you violate that for which they fought and died? [Applause.]

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. ROGERS]. [Applause.]

Mr. ROGERS. Mr. Speaker, the armistice with Germany was signed November 11, 1918. The treaty with Germany was signed by the powers June 28, 1919. The treaty was presented to the Senate by the President in person July 10, 1919. It was rejected after several months' debate on November 19, 1919. After again having been taken up and further debated for many weeks it was again rejected exactly four months later, on March 19, 1920. On the same day the Senate ordered the return of the treaty to the President, with the information that it had failed to advise and consent to the ratification, being unable to obtain the constitutional majority of two-thirds.

There is now no German treaty pending before the Senate. I deeply deplore the failure of the treaty. I believe strongly that the failure is a calamity to the United States and to the world. From the point of view of this Nation we are left in a state of uncertainty; our status partakes both of war and of peace; business, and especially foreign business, is uncertain

and anxious; domestic affairs generally, and the viewpoint of our people, are adversely affected because a formal peace has not yet been achieved. Furthermore, most thoughtful Americans recognize that we have an obligation to the rest of the world. They may differ as to the degree and nature of the obligation, but they are in accord as to the fact of its existence. Without the definite fixing of our rights, which can come only with the formal conclusion of the state of war, it is impossible for us to do what we might otherwise deem it our duty to do to promote the well-being of the rest of the world.

But the treaty has failed, and as far as we can now foresee, irrevocably failed. Why? The responsibility is upon the head of one man, and that man is the President of the United States. Although the Senate is, by the Constitution itself, of equal power and importance in the making of treaties, the President demanded from the outset that the Senate should ratify his treaty "without changing the dotting of an 'i' or the crossing of a 't.'" A majority of the Senate considered it its duty to attach reservations. This majority was made up of members of both the political parties in the Senate. These reservations, speaking generally, were intended to safeguard the sovereignty, the well-being, and even the existence of the United States in the new and perilous adventure involved in its membership in the League of Nations. I personally believed in the treaty, but I believed also that several of the reservations were essential to our national safety.

With the reservations attached the treaty, as we know, failed of the necessary two-thirds vote. The administration Senators, acting in accordance with the instructions of the White House, refused to accede to the reservation program. The reason for the attitude of these Senators was concisely stated by Senator OWEN, himself a loyal Democrat, just before the final vote was taken. (CONGRESSIONAL RECORD, Mar. 19, 1920, p. 4596:)

> I do not believe there is a single Democratic Senator who would not vote for this resolution of ratification if it were not for the belief of such Senators that the President of the United States desires them to defeat the resolution of ratification now pending and would regard their failure to do so as a refusal to follow his view as party leader.

Thus, in the opinion of an eminent Democratic Senator, speaking solemnly and after much reflection, the failure is solely attributable to the demands of the President for unconditional ratification, which demand was unwillingly acquiesced in by men who put party loyalty before loyalty to their country.

The result, I say, is deplorable. A comprehensive treaty of peace, with proper safeguards to this Nation—all of which would have been cordially acquiesced in by the other powers—was and is supremely desirable from the standpoint of the United States and of the world. But owing solely to the obstinacy of one man, and that man the President of the United States, our hopes for a treaty with Germany have, for the present at least, been dashed to the ground.

Now arises the question, What is the next best thing to repair the havoc that the President has wrought? After the treaty failed in November I considered, and even drew up, a resolution of peace. But because I was anxious that no possible obstacle should be raised in the path of the treaty, and because I still hoped against hope that a way out might be found, I refrained from introducing my proposal. At this moment, however, nothing is pending before the Senate; we must all sadly recognize the indisputable fact that the treaty is dead.

And so, as I say, we have sought for the next best thing, fully conscious that nothing can be so satisfactory or so normal as the conclusion of peace by formal treaty.

Even before the form in which our resolution is now cast was known even to those engaged in its preparation, we were officially informed that whatever the nature of the resolution was, it would have the bitter opposition of President Wilson. The gentleman from Virginia [Mr. FLOOD], ranking Democrat on the Foreign Affairs Committee, conferred with Secretary of State Colby, whose mind in this important matter certainly "goes along with" that of the President. According to press reports Mr. FLOOD said "Mr. Colby was of the decided opinion that a resolution declaring peace would be unconstitutional." Thus, before the resolution was even drafted, before anyone knew what it would contain, the administration had prejudged the case and had decided that, whatever the resolution said, it would be unconstitutional. In other words, the same mind that deliberately wrecked the treaty has now determined deliberately to wreck the next best thing. I question whether this premature verdict of opposition to any proposal whatever will commend itself to a country which is crying aloud for peace. The incident, however, is interesting as illustrating the state of mind of a person who can not tolerate anything which is not the child of his own brain, a state of mind which, in the opinion of Senator OWEN, forced many Senators to deny against their will what is supremely desirable for a war-tossed country and world.

Let us see what this resolution does. It declares at an end the state of war recognized by the joint resolution of Congress of April 6, 1917. Congress then declared that the state of war with Germany, forced upon the United States by Germany, was an existing thing. It certainly seems reasonable to assume that Congress shall have a constitutional right to terminate that which it initiated or recognized as a fact to exist. If Congress has not this right, it follows that the President may keep the country in a state of war indefinitely. Certainly no such power is vested in common sense or can be found granted to the President by the Constitution. Similarly, it seems highly reasonable that Congress should have the right to repeal that which it itself passed. And this is all that section 1 does.

But Secretary Colby—without, to be sure, having any idea exactly what was contemplated—delivers a blanket utterance that the plan is unconstitutional. He presumably bases his opinion upon the assumption, first, that a war must be terminated by a treaty of peace, and, second, that under the Constitution a treaty must be negotiated by the President and ratified by two-thirds of the Senate. If his first assumption were well founded, the second unquestionably would follow as a matter of course. The fact is, as the Secretary of State should have well known, that a war may be concluded by other means than by a treaty of peace. Hence, his second assertion falls to the ground, for the President and Senate have not power over peace as such, but only over a peace which is predicated upon a treaty.

It thus becomes important to examine the numerous precedents illustrating the ending of war without treaty. Before proceeding, however, it may be well to reiterate that a treaty of peace is unquestionably the normal and the desirable method of concluding war. I still hope that a formal treaty may in the future be ratified. It is only when for some reason a treaty of peace proves impracticable that recourse is had to other methods.

Perhaps the most interesting precedent for our purpose is the situation which arose in the sixties as a result of the war between Peru and Chile on the one hand and Spain on the other. In 1868 actual hostilities had been terminated about two years. Peru had purchased of the United States two monitors, which were awaiting delivery in New Orleans. If a state of war was still operative, it was improper for the United States, as a neutral, to make delivery. If war had ended—which was claimed, although no treaty of peace had been executed—delivery was perfectly proper. The minister from Spain to the United States protested against the delivery by us which was then anticipated, on the ground that war was still continuing. Secretary of State Seward replied, on July 9, 1868, in part, as follows:

> The situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences.

Here we have a formal recognition by an American Secretary of State of the fact that a war need not be ended by treaty.

As a matter of fact, as Secretary Seward said, history is full of such instances. Sometimes peace comes as a result of a long-continued drift from a state of war into a state of peace, the consequence either of the exhaustion of the belligerents, of distaste for the war, or of some other change of circumstances which makes the prosecution of the war impossible or undesirable. Sometimes peace comes as a result of the conquest and subjugation—often followed by annexation—of one of the powers by the other.

Historic instances of a drift into peace are the following:

1716. Sweden against Poland. (An armistice was signed when hostilities actually ended, but it was 10 years before anything like a treaty resulted.)

1720. Spain against France. (Both nations withdrew their forces.)

1801. Russia against Persia.

1825. Spain against her revolted colonies in South America. (The war of independence began about 1810; hostilities ceased about 1825. But Spain did not recognize the independence of the South American Republics or resume diplomatic intercourse with them until the decade beginning in 1840.)

1866. Prussia against Lichtenstein.

1866. Spain against Chile and Peru. (See Seward note mentioned above.)

1867. France against Mexico. (Amicable intercourse was not completely restored until 1886.)

Historic instances of the ending of war by subjugation of one of the belligerents are:

The war resulting in the third partition of Poland in 1794 and 1795.

The subjugation of Hesse-Cassel by France during the Napoleonic era.

The various subjugations by Great Britain in Heligoland, India, and, in 1885, Upper Burma.

The subjugation by Sardinia, in 1859 and 1860, of the two Sicilies, Tuscany, Parma, and Modena.

The termination of the American Civil War in 1865. (This instance may not be precisely in point, because the United States regarded the Civil War as an insurrection and not as an actual war.)

The subjugation by Prussia in 1866 of Hanover, Nassau, Hesse-Cassel, and the free city of Frankfort.

Some of the campaigns of Russia in central Asia resulted in annexation of certain areas there without a treaty of peace of any kind.

The most recent instance is that of the conquest, subjugation, and annexation by Great Britain of the Orange Free State and the Transvaal, as a result of the Boer War in the early part of this century.

The foregoing instances, then, are illustrative of wars which have been ended without a treaty. International lawyers and jurists have recognized for centuries that a war may be so ended. As Secretary Seward stated in his note:

> What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled and must in every case be determined with reference to collateral facts and circumstances.

The facts in the particular case now before us are very extraordinary and conclusive. A year and one-half has elapsed since the armistice. At that time President Wilson advised Congress: "The war thus comes to an end; * * * it will be impossible for the German command to renew it." The armistice has been complied with. The war in which we were engaged was not a separate war, but was war carried on by us jointly with other nations in which our armies took part in the same military operations under the same supreme command, and all of the other and associated nations have formally ended the war by treaty with Germany. Peace has been thus formally and definitively established through the entire theater of the war. There are no outstanding demands on our part against Germany or on the part of Germany against us which would warrant a resumption of hostilities. The questions which prevented our treaty-making power from ratifying the treaty of peace with Germany were not questions between the United States and Germany. The Imperial German Government, against which in terms our Congress declared war, has ceased to exist, and a republic has taken its place. The Army which Congress raised and supported for the purpose of the war has been brought home and demobilized, as stated by the President in his veto of the Volstead Act on October 27 last. Commercial relations between the people of the United States and of Germany have been resumed. Over and over again has the President in formal utterances declared to Congress that the war was ended, and, indeed, that peace had actually come.

Because of these reasons, among others, the world will agree that as a fact the war has long since ended. The President of the United States is the Commander in Chief of the Army and the Navy. He has assured us and reiterated that the war is ended. Congress surely has the right and the obligation to take him at his word. Otherwise war might last forever, with no possibility of the representatives of the United States being able to terminate it. The logic of the situation is inevitable, even if Congress had not itself been responsible, in April, 1917, for the recognition that a state of war had been forced upon the United States. What Congress did it can also undo. What it began, or declared to have begun, it can terminate.

Of course, if a war could be ended only by treaty, Congress as such could not speak, because the Constitution provides another way of making a treaty. But, as we have seen, a treaty is only one way of several ways by which a war may be ended. The collateral facts which warrant in this case the conclusive presumption and recognition that war has ended are probably stronger than in any instance in the history of the world. As President Wilson put it on December 2, 1918, in his annual address to Congress, "The armistice * * * is in effect a complete submission of the enemy." Nearly a year and one-half has since elapsed. It is both the right and duty of Congress, now that the treaty of peace has failed, to declare the fact thus so compellingly and truthfully asserted by the President.

It is true that the Constitution, while it gives Congress the power to declare war, does not in terms give it the power to make peace. Indeed, this second power was expressly omitted by the framers of the Constitution, and the debates upon the question in the Constitutional Convention are very interesting in this connection. The reason for the omission is perfectly clear—that the fathers of the Government very properly recognized that a treaty of peace would be the normal method of terminating war. The wisdom of this conclusion is evident from the fact that every previous foreign war in which we have engaged has been ended by a treaty of peace. But the omission of the power in the grant to Congress is not by any means equivalent to a denial and an exclusion of the power. This is what the opponents of this resolution seem to overlook.

The proper reasoning is somewhat as follows: War, as we have seen, may be ended without treaty. Where, in our scheme of Government, does the power to end war without treaty rest? It is clearly not among the powers reserved to the States, for questions of war and peace are inherently National and Federal. It is not in the President; while he is Commander in Chief of the Army and the Navy, he is equally commander in peace and in war, and nowhere is there the suggestion that a power of this nature should be exercised by him. It is not in the President and Senate together, for their powers are limited to treaties. We are then inevitably led to inquire whether it must not be in the Congress. Congress has the duty to raise and support armies; to pay the debts and provide for the common defense and general welfare of the United States; to regulate commerce with foreign nations; to declare war; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions; to provide for organizing, arming, and disciplining the militia; to define and punish offenses against the law of nations; and to make all laws necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

These are extraordinarily broad powers. In the absence of an expressed prohibition in the Constitution, it follows by necessary implication that the constitutional grant of power to declare war carries with it power to declare an end of war. This power must necessarily rest with Congress, just as the power to lay a tax implies the power to abolish the tax; just as the power to establish uniform laws on the subject of bankruptcies implies the power to repeal all laws relating to bankruptcy. There is no one but Congress who can determine the question. The President can not determine it, because he can not overrule the act of Congress declaring war. If Congress has not the power we should have to admit the existence of an irrepealable resolution of Congress, which is, almost in terms, an absurdity.

To sum up this phase of the argument my conclusion is derived from the following circumstances:

War may end without a treaty. The power thus to end it must vest in some agency of the United States. It is not in the President alone, or in the President and Senate. The natural place is Congress, first, because of the extraordinarily broad powers given to Congress by the Constitution; and, second, because Congress creates or recognizes the status of war. Unless it is expressly denied to Congress by the Constitution, common sense and legal reasoning combine to make it certain that the power to end the state of war is vested in Congress. The argument becomes absolutely conclusive when we find that the Commander in Chief of the Army and the Navy has told Congress that the war has, in fact, ended. We are simply, through constitutional means, giving legal recognition to a fact which we know to exist, and of which we have been informed by the Executive.

So much for section 1, which Secretary Colby, before it had been drafted, airily declared to be unconstitutional. No one who has even perfunctorily examined the precedents or considered the question in the light of reason or good sense will agree with him. No one who is not blinded by partisan considerations will venture to vote against a resolution which simply declares a notorious and long-continued fact.

Section 2 simply substitutes the date when this resolution becomes effective for the date of the proclamation by the President of the treaty of peace, in connection with the various grants of war powers to the President in the two or three score war measures passed by Congress since April, 1917. Of this I need say little. As early as December 2, 1918, in his annual address to Congress, President Wilson intimated that there would not be much need for the continuance of these powers after a few weeks from that date. To use his words, "The moment we knew the armistice to have been signed we took the harness off. * * * Restraints are being relaxed as much as possible and more and more as the weeks go by." Nearly a year and one-half has since elapsed. It is time to start the period running at the end of which the war powers of the President shall cease and conditions of peace shall be substituted for the numerous restrictive measures suitable and even permissible only in days of war and stress. Even the Democrats on the Committee on Foreign Affairs voted "present" on this section, which was

perhaps as far as they dared to go in view of the warning served by Secretary Colby.

Section 3 is obviously desirable because it leads the way to a formal recognition on the part of Germany that it also accepts the state of peace and recognizes our rights under the treaty of Versailles. Both admissions are desirable for the welfare of the United States and its citizens, for they will pave the way toward a settling of business conditions and toward the resumption of unhampered trade.

But the suggestion is occasionally heard that in some unexplained way this involves the making of a treaty; some critics calling it a treaty of peace, others calling it a treaty of trade. Of course, it is neither in fact.

It is not a treaty of peace because it involves a mere recognition on the part of Germany that the undoubted status of peace is admitted and accepted by her as a fact.

Nor is it a treaty of trade or commerce. In substance, it provides that if Germany does not send the requisite notification within the stipulated period the President shall proclaim that fact and thereupon commercial intercourse shall cease, except, in effect, under such a system of licenses as are now in effect under the trading with the enemy act.

The fallacy fallen into by the critics of this section results from their failure to recall that by no means all international arrangements, whether simple or complex, important or trivial, constitute treaties and hence involve the necessity of Executive and senatorial concurrent action. The Executive alone may effect many international arrangements. He may negotiate a protocol; President McKinley, for example, negotiated the original peace protocol with Spain in 1898. Similar protocols were negotiated with Costa Rica and Nicaragua in connection with the Interoceanic Canal and at the conclusion of the Boxer troubles in China in 1901. In like manner the President alone may negotiate a modus vivendi or by a simple exchange of notes may conclude a diplomatic agreement with another country. The international postal conventions of 1891 and 1897 were concluded by the Executive without submission to the Senate.

Many acts of Congress, some of them dating almost from the beginning of the Government, others as recent as the Underwood Tariff Act, provide that if other nations do or do not do certain things the President shall have the power to do certain other things. These acts have been questioned, first, because they are in reality treaties, and hence beyond the powers of Congress as such, and second, because they involve the delegation of legislative power by Congress to the President. The great case of Field against Clark, decided by the United States Supreme Court in 1891, put an end to these objections for all time. The President's power under this section does not involve the exercise of legislative authority. It simply requires him to find a fact, upon the ascertainment of which certain things follow. It is not a delegation of power, it is not the making of a treaty; it is simply a trade arrangement. As such it is in line with many established precedents and is squarely under the authority of Field against Clark.

In conclusion, I repeat my regret and chagrin that peace has not been attained through the normal and far preferable medium of a treaty. But the treaty having failed because the President demanded its adoption without reservations, we must do the best we can. This resolution ends the war; it safeguards the interest of the United States and its citizens; it paves the way for the resumption of a peace status and of peaceful trade relationships, and it will rid the United States and the world of the hateful continuance of a technical war. The measure is constitutional, and I believe it to be essential. It is framed in no spirit of hostility to any man, any party, or any nation. I call upon the Democrats of the House not to be bound by the dictation of any man, but to vote for this resolution as their duty to their country imperatively demands.

ANNEX A.

EXTRACTS FROM MESSAGES FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS INDICATING THAT IN THE OPINION OF THE COMMANDER IN CHIEF OF THE ARMY AND NAVY THE WAR WITH GERMANY HAS ENDED.

(1) November 11, 1918 (Armistice Day), the President, after reciting the armistice terms that morning signed by Germany, said:

The war thus comes to an end; for, having accepted these terms of armistice, it will be impossible for the German command to renew it. It is not now possible to assess the consequences of this great consummation. We know only that this tragical war, whose consuming flames swept from one nation to another until all the world was on fire, is at an end and that it was the privilege of our own people to enter it at its most critical juncture in such fashion and in such force as to contribute, in a way of which we are all deeply proud, to the great result. We know, too, that the object of the war is attained; the object upon which all free men had set their hearts; and attained with a sweeping completeness which even now we do not realize.

(2) The President's address to the Congress December 2, 1918, refers to "the great processes by which the war was pushed irresistibly forward to the final triumph"; "the war could not have been won or the gallant men who fought it given their opportunity to win it otherwise" if those at home had not done their duty. After Chateau-Thierry "it was only a scant four months before the commanders of the Central Empires knew themselves beaten; and now their very Empires are in liquidation." "If the war had continued," certain taxation would have been necessary in 1919. The Government must have operated the railroads "so long as the war lasted."

(3) On July 10, 1919, when the President presented the treaty to the Senate, he said "the war ended in November, eight months ago." In his message on the high cost of living, August 8, 1919, he said "the world has just destroyed the arbitrary force of a military junta."

(4) In his veto of the Volstead Prohibition Act on October 27, 1919, he said:

I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress. Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

It will not be difficult for Congress in considering this important matter to separate these two questions and effectively to legislate regarding them, making the proper distinction between temporary causes which arose out of war-time emergencies and those like the constitutional amendment of prohibition which is now part of the fundamental law of the country.

(5) In his annual message to Congress on December 2, 1919, the President refers to "the recent war" and to some of the questions "resulting from the war." He also mentioned the farmer who "indispensably helped to win the war," and referred to "the terrible tragedy of war which has just ended."

(6) In some of his utterances the Commander in Chief has also mentioned the coming of peace. In the December 2, 1919, message he said:

And now we are sure of the great triumph for which every sacrifice was made. It has come, come in its completeness, and with the pride and inspiration of these days of achievement quick within us we turn to the tasks of peace again—a peace secure against the violence of irresponsible monarchs and ambitious military coteries and make ready for a new order, for new foundations of justice and fair dealing.

We are about to give order and organization to this peace not only for ourselves but for the other peoples of the world as well, so far as they will suffer us to serve them. * * * So far as our domestic affairs are concerned the problem of our return to peace is a problem of economic and industrial readjustment. * * * It is surprising how fast the process of return to a peace footing has moved in the three weeks since the fighting stopped.

(7) In his August 8 message he pointed out that America "saved Europe by her action in arms; she must now save it by her actions in peace," and said that our people "will address themselves to the tasks of peace" with devotion.

ANNEX B.

TERMINATION OF WAR WITHOUT TREATY.

I print Chapter I of Phillipson's Termination of War and Treaties of Peace.

Chapter I. Termination of war by reciprocal intermission of hostilities.

MODES OF TERMINATING HOSTILITIES.

There are three ways of terminating hostilities between belligerent States, namely: (1) By a mere cessation of hostilities on both sides without any definite understanding supervening; (2) by the conquest and subjugation of one of the contending parties by the other, so that the former is reduced to impotence and submission; (3) by a mutual arrangement embodied in a treaty of peace, whether the honors of war be equal or unequal.

Under the first mode the relationships between the parties remain in a condition of uncertainty, and owing to the numerous difficulties involved combatant States have very seldom resorted to this method of withdrawing from the war without arriving at some definite and intelligible decision. Of the second mode history presents a larger number of instances, especially in earlier times when, on the one hand, might predominated over or was synonymous with right, and, on the other, when inequality of civilization and less settled national life conduced to territorial expansion and absorption. The third is the more usual mode of putting an end to hostilities and offers the largest number of examples. Let us take each of the methods in turn and examine its application and effects as illustrated by the leading instances of modern times. First as to the de facto cessation of hostilities and the de facto revival of peace relations.

For our present purpose there is no need to go back further than the eighteenth century for examples. Thus in 1716 the war between Charles XII, of Sweden, and Frederick Augustus, King of Poland, came to an end in this manner: An armistice was concluded, whereby the actual fighting was suspended, but the state of war between the two countries remained. For no less than 10 years did this precarious condition continue, neither side being disposed to resume military operations against the other. Finally a state of peace was declared, and therefore recognized de jure, by means of letters exchanged between the two monarchs.

DE FACTO CESSATION OF HOSTILITIES.

This example, however, is not an entirely satisfactory one, owing to the various exceptional features that characterized the conflict. As a result of the victories of Charles XII at Cracow and Warsaw in 1702, Frederick Augustus abdicated, and Stanislas, a nominee of the victor, ascended the throne of Poland. In 1709, however, the Swedish sovereign was defeated at Pultawa, and Stanislas was deposed. This

marked a de facto, but not necessarily a de jure, cessation of hostilities. Moreover, Frederick Augustus had taken up arms against Sweden contrary to the decision of the Polish Diet, so that some doubt has been expressed as to whether the war was a justum bellum at all, and hence whether it furnished a legitimate precedent. (Cf. Sir R. Phillimore, Commentaries upon International Law, 3d ed., 4 vols. (London, 1879–1889), vol. iii, sec. 511; A. W. Heffter, Das Europäische Völkerrecht der Gegenwart (Berlin, 1882); French ed. (Paris, 1883), sec. 176.)

In 1720 the war between Spain and France was terminated by the mere withdrawal of their respective forces.

In 1801 the Russian war with Persia, which was begun by Catherine II, was similarly ended by Paul I.

The conflict between Spain and her revolted South American colonies offers a further instance. It was in 1810 that the war of independence began; hostilities did not actually cease till 1825, but a state of peace was not formally established until some 20 years had elapsed, when diplomatic relations were instituted. With the victory of Bolivar at Carabolo in 1820, Venezuela acquired her independence, which was not, however, formally recognized by the mother country till 1850. After the battle of Pichincha, 1822, Ecuador asserted her freedom, but not before 1840 was shipping of the new Republic permitted to enter Spanish ports. In 1843—that is, nearly 20 years after the de facto cessation of hostilities—the independence of Chile was formally acknowledged by Spain.

Again, in 1866, in the war between Prussia and the German States, Prussia did not reduce to submission or conclude peace with the principality of Lichtenstein, though hostilities were terminated with some of the States by conquest and subjugation and with others by means of treaties of peace.

Finally, in 1867, the war between France and Mexico came to an end by the withdrawal of the French troops, effected at the instance of the United States Government. A considerable length of time passed by before diplomatic relations were resumed between the former belligerent countries; at first Mexico appointed only commercial agents in France. However, with the fall of Napoleon III the ill feeling between the two States disappeared, though it is noteworthy that in 1878 France did not invite Mexico to take part in the universal exhibition held in Paris. After a good deal of negotiation an agreement was arrived at whereby both parties engaged to waive their respective claims; in November, 1880, their international reconciliation was formally signalized by a diplomatic instrument, and in November, 1886, it was confirmed and completed by a treaty of friendship, commerce, and navigation. (Cf. D'Estournelles de Constant, "Relations extérieures" [of Mexico], in Le Mexique au début du XX siècle. By several writers (Paris, n. d.), vol. ii, p. 304.)

RESULTING DIFFICULTIES.

The above examples of the reciprocal intermission of hostilities show that there are several serious difficulties that attend this mode of procedure. In the first place, the relationships between the Governments in question remain uncertain; secondly, their subjects, so far as commercial intercourse is concerned, are in a doubtful position; thirdly, the relationship between the two Governments and third Governments give rise to some embarrassment. When the belligerent operations cease and the forces engaged are tacitly withdrawn, do third States remain neutrals, subject to the various obligations of neutrality, until a formal declaration of peace has been made? And what is their position should such declaration be deferred for a considerable length of time? On this point reference may be made to an American pronouncement which, notwithstanding its expression in general terms, furnishes a satisfactory answer to the questions raised. "It is certain," observed the American Secretary of State in 1868, "that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances." With regard to the affairs of Spain and Chile, he maintained that if either power claimed that the war between them still existed—seeing that active hostilities had long ceased—it would be obliged to substantiate its claims. "Peru, equally with Spain, has an absolute right to decline the good offices or mediation of the United States for peace as either has to accept the same. The refusal of either would be inconclusive as an evidence of determination to resume or continue the war. It is the interest of the United States, and of all nations, that the return of peace, however it may be brought about, shall be accepted whenever it has become clearly established. Whenever the United States shall find itself obliged to decide the question whether the war still exists between Spain and Peru, or whether that war has come to an end, it will make that decision only after having carefully examined all the pertinent facts which shall be within its reach, and after having given due consideration to such representations as shall have been made by the several parties interested." (Mr. Seward, Secretary of State, to Mr. Goñi, Spanish minister, July 22, 1868; Diplom. Corr., 1868, vol. 2, pp. 32, 34; J. B. Moore, Digest of International Law, 8 vols. (Washington, 1906), vol. 7, pp. 336–337.)

CLAIMS OF THE CONTENDING PARTIES.

Another difficulty that arises concerns the claims of the contending parties. When they merely discontinue de facto their armed contention, are their claims to be regarded as being dependent on the principle of the status quo ante bellum or on that of the uti possidetis; that is, the status quo post bellum. In other words, are they put back into the position in which they were before the outbreak of war, or is their position in which they find themselves on the termination of active hostilities to be considered their definitive legal position?

PRINCIPLE OF UTI POSSIDETIS.

There is a difference of opinion on this question among publicists and jurists. The majority hold the second alternative—that the position of the States in question is to be considered that which exists at the time hostilities have actually terminated. On principle this is the more reasonable view. The fact that the war has ceased and that neither party is disposed to prosecute hostilities further in order to obtain a more decisive solution, may justifiably be interpreted to mean that they are willing to let matters rest where they are, and to remain satisfied with their relative positions, and with their respective positions in regard to third States. This is the status, then, that may be held to be the point of departure for their future relations. But a final rule to cover all possible cases can not be laid down. The circumstances of each case have to be considered. Thus it may well be that soon after an aggrieved State has taken up arms against another State for the purpose of obtaining redress, it decides to postpone its enterprise, but expressly and openly reasserts its claims which, it is manifest, it intends to exact afterwards by warlike means. In such a case the general principle of uti possidetis can scarcely be supplied as the determining criterion. War is the final method—the ultima ratio—for settling international disputes; but in the absence of a definite decision in the clash of arms, the previous dispute can not, obviously, be considered to have been settled. But some qualification is necessary to this statement, if the war has gone on for some length of time, and the aggrieved belligerent has withdrawn from the conquest, allowed its grievances to drop, and has not manifested any intention to seek further reparation. The intention is the vital consideration, and the intention of the withdrawing State is to be gathered from its conduct and its attitude.

STATUS QUO ANTE BELLUM.

However this may be, to adopt as a general rule the principle of the status quo ante bellum—as does, for example, Sir R. Phillimore (Commentaries, vol. 3, p. 511: "In such a state of things the presumption of law would be that both parties had agreed that the status quo ante bellum should be revived")—would be fraught with greater difficulties, especially with regard to third States. If, after a period of hostilities, one of the belligerent States takes possession of property—say, a certain portion of territory or a vessel—belonging to the other, and then, though not fully satisfied in respect of its grievance, withdraws from the war for the time being, without implying that it will not renew active hostilities, it is clearly more reasonable for third States to consider the then position—namely, the status quo post bellum—as the basis for future international relationships. It is impossible to hold that third States should refuse to recognize the captured territory or vessel as the captor's legitimate possession and expect it to be restored to the dispossessed State before normal relationships can be resumed between those third States and each of the contending powers. Where there are such claims as have not been settled or affected by the actual condition of affairs existing at the time the warlike enterprise was abandoned, it is, of course, open to the parties to come to a mutual agreement on them. But if within a reasonable length of time after the termination of hostilities no steps are taken to come to an agreement on or to assert by force the prior claims, it is a justifiable presumption that such claims have been waived, and that the principle of uti possidetis—and not that of the status quo ante bellum—is to determine the starting point of future relationships.

In any case, it is desirable that a formal declaration of the resumption of peace should be made by the belligerents. Their subjects will then know when they are entitled to recommence commercial intercourse with each other, and third States will ascertain at what date they cease to be neutrals and become again members of a normal society of nations.

PUBLIC PROCLAMATION NECESSARY.

A public proclamation is, similarly, desirable when a civil war is brought to a conclusion. The observations of Mr. Bayard, the United States Secretary of State, may be here referred to on this point, as well as by way of supplementing what has been said above. In reference to the American Civil War he wrote in 1886 in a dispatch to the Spanish minister:

"I have yet to learn that a war in which the belligerents, as was the case with the late Civil War, are persistent and determined, can be said to have closed until peace is conclusively established, either by treaty when the war is foreign or, when civil, by proclamation of the termination of hostilities on one side and the acceptance of such proclamation on the other. The surrender of the main armies of one of the belligerents does not of itself work such termination, nor does such surrender, under the law of nations, of itself end the conqueror's right to seize and sequestrate whatever property he may find which his antagonist could use for a renewal of hostilities. The seizure of such property, and eminently so when, as in the present case, it is notoriously part of the war capital of the defeated Government, is an act not merely of policy and right but of mercy, in proportion to the extent to which the party overthrown is composed of high-spirited men who are ready to submit only when their military resources are wholly exhausted, and not until then. This, in the summer of 1865, was the condition of things in the Southern and Southwestern States of this Nation. The period was one in which the maintenance of military rule and the taking into the possession of the United States of all the property capable of use as military resources of those States was essential to the permanent restoration of order, peace, and a common municipal law. This was so from the nature of things, and such was the course of public action. It is in accordance with this principle that the Supreme Court of the United States has formally decided that the late Civil War terminated in the particular sections of the United States at the period designated in the proclamations of the President of the United States." (Brown *v.* Hiatts (1872), 15 Wall., 177; Adger *v.* Alston (1872), 15 Wall., 555; Batesville Institute *v.* Kauffman (1873), 18 Wall., 151.)

And by the President's proclamation of April 2, 1866, "the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida is at an end, and is henceforth to be so regarded. Up to and before that date the insurrection in those States was held to exist. After that date it was held to be at an end." (Mr. Bayard, Secretary of State, to Mr. Muruaga, Spanish minister, Dec. 3, 1886, Foreign Relations of United States (1887), pp. 1015, 1019; Moore Digest, vol. 7, pp. 337–338.)

I also print a translation of three sections of Bonfils' work on international law:

1692. The only real methods of terminating war, says Hefter (op. cit., 176), are: A general cessation of hostilities and the reestablishment of the prior friendly relations between the States; the absolute surrender of one of the belligerent States to the other; the conclusion of a formal treaty of peace. This is the method most used and the most normal.

1693–A. The belligerents can, by a tacit agreement, stop hostilities and establish between themselves reciprocal friendly relations. The status quo accepted by the belligerent States at the time of the general cessation of hostilities will be the base upon which peace relations will be established. History cites a few examples of wars terminated in this manner, without the conclusion of a formal treaty of peace. Thus ended, in 1720, the war between France and Spain. The Czar, Paul I, suspended, in 1801, the war begun against Persia by Empress Catherine II. By a cessation of hostilities, without a treaty of peace, also ended the war between Spain and her colonies who had revolted (No. 200). In the same manner ended the war between Spain and Chile and that between France and Mexico (1862 to 1866). Between the two latter countries diplomatic relations were reestablished only in 1881.

The state of affairs created by such a proceeding is subject to many difficulties. The relations of the two adversaries and those of their subjects remain unsettled and confused. Embarrassing also are the relations with other countries. Are the latter, still neutral, responsible for the performance of certain duties? Also, will a formal declaration of peace always be useful? Only such a declaration can set forth the agreement reached on the litigation which caused the war and fix clearly the new status of the various States, neutrals or ex-belligerents. The complete surrender of one of the belligerents to the other puts an end to the war by the complete political annihilation of one of the adversaries. It is one of the States which disappears, which dies, as a judicial entity, such as Hanover and Hesse in 1866. Also the Republic of Transvaal and the State of Orange, which, in 1902, were annexed to Great Britain; the act of capitulation of 1902 confirmed the surrender. Since, by the act of August 21, 1909, the Transvaal and Orange form, with the Cape and the Natal, a confederate State—the Union of Austral Africa, the constitution of which became operative on May 31, 1910. Between civilized countries such a conquest, says Geffcken, is title to property in the least desirable manner, as it rests merely on strength.

1695. Treaties of peace are diplomatic conventions by which the belligerent States declare the termination of hostilities and fix the conditions upon which friendly relations are reestablished. Treaties of peace, says Messrs. Funck-Brentano and Sorel, are the acts by which the belligerents figure out the state of their strength and settle from the results of the war their respective claims and the conversion of their rights.

Also chapter 9 of Hall's International Law:

CHAPTER IX. TERMINATION OF WAR.

SEC. 197. War is terminated by the conclusion of a treaty of peace, by simple cessation of hostilities, or by the conquest of one, or of part of one, of the belligerent States by the other.

SEC. 198. The general effect of a treaty of peace is to replace the belligerent countries in their normal relation to each other. The state of peace is set up, and they enter at once into all the rights and are bound by all the duties which are implied in that relation. It necessarily follows that, so soon as peace is concluded, all acts must cease which are permitted only in time of war. Thus if an army is in occupation of hostile territory when peace is made, not only can it levy no more contributions or requisitions during such time as may elapse before it evacuates the country, but it can not demand arrears of those of which the payment has been already ordered. It is obviously not an exception to this rule that an enemy may be authorized by the treaty of peace itself to do certain acts which, apart from agreement, would be acts of war, such as to remain in occupation of territory until specific stipulations have been fulfilled or to levy contributions and requisitions if the subsistence of the troops in occupation is not provided for by the government of the occupied district; a State may, of course, always contract itself out of its common-law rights. It can also hardly be said to be an exception that although prisoners of war acquire a right to their freedom by the simple fact of the conclusion of peace, it is not necessary that their actual liberation shall instantaneously take place; their return to their own country may be subordinated to such rules and they may be so far kept under military surveillance as may be dictated by reasonable precaution against misconduct or even by reasonable regard for the convenience of the State by which they have been captured. (Vattel, liv. iv, ch. ii, sec. 19; Halleck, sec. 265; Bluntschli, secs. 708, 716, 717; Calvo, secs. 3147, 3148.) [Hague Regulations, art. 20.]

By the principle commonly called that of uti possidetis it is understood that the simple conclusion of peace, if no express stipulation accompanies it, or in so far as express stipulations do not extend, vests in the two belligerents as absolute property whatever they respectively have under their actual control in the case of territory and things attached to it, and in the case of movables whatever they have in their legal possession at the moment; occupied territory, for example, is transferred to the occupying power, and movables, on the other hand, which have been in the territory of an enemy during the war without being confiscated, remain the property of the original owner. The doctrine is not altogether satisfactory theoretically, but it supplies a practical rule for the settlement of such matters relating to property and sovereignty as may have been omitted in a treaty, or for covering concessions which one or other party has been unwilling to make in words. This advantage could evidently not be claimed by the necessarily alternative doctrine that, except in so far as expressly provided, all things should return to their state before the war. (Vattel, liv. iv, ch. ii, sec. 24; Heffter, sec. 181; Phillimore, iii, sec. dlxxxvi; Bluntschli, sec. 715; *Nuestra Senora de los Dolores* (1809), Edwards, 60.)

When a stipulation to the latter effect is made, it is to be understood, if couched in general terms, to mean only that any territory belonging to one party, which may be occupied by the other party, with the buildings, etc., on it, is to be handed back with no further changes than have been brought about by the operations of war, or by acts legitimately done during the course of hostilities. The clause covers neither property which has been appropriated, nor property which has been destroyed or damaged, in accordance with the laws of war. (Vattel, liv. iv, ch. ii, sec. 22, and ch. iii, sec. 31; Phillimore, iii, sec. dlxxxiv.)

Section 199. Notwithstanding that treaties only become definitely binding on the States between which they are made on being ratified (*The Eliza Ann* (1813), 1 Dodson, 244), a treaty of peace, whether it be in the form of a definitive treaty or of preliminaries of peace (preliminaries of peace are an agreement intended to put an end to hostilities at an earlier moment than that at which the terms of a definitive treaty can be settled. They contain the stipulations which are essential to the reestablishment of peace, together sometimes with arrangements having a temporary object; minor points which lie open to discussion or bargain, and details for the settlement of which time is required, being held over for more leisurely treatment. Preliminaries thus constitute a treaty which is binding in every respect so far as it goes, but which is intended to be superseded by a fuller arrangement, and is so superseded when the definitive treaty is signed. For an example of preliminaries and of a definitive treaty of peace, see the preliminaries of Versailles and the definitive treaty of Frankfort in D'Angeberk, Nos. 1119 and 1179), is so far temporarily binding from the date of signature, unless some other date for the commencement of its operation is fixed by the treaty itself, that hostilities must immediately cease. It acts as an armistice, if no separate armistice is concluded. (It is the practice to conclude an armistice before signing a treaty of peace; the above rule could therefore seldom, if ever, come into operation, unless as the result of accidental circumstances. [The conclusion of peace between Russia and Japan in 1905 preceded an armistice pending the ratification of the treaty, see N. Arlga, La Guerre Russo-Japonaise, chap. xx.])

The rule is obviously founded on the fact that the chance in any given case that ratification will be refused is not sufficient to justify fresh attempts on the part of either belligerent to secure a better position for himself at the cost of effusion of blood, and of infliction of misery on the population inhabiting the seat of war.

The exceptional case that a future date is fixed by a treaty for the commencement of peace occurs when hostilities extend to regions with which immediate communication is impossible. Under such circumstances it is usual to make the termination of hostilities depend upon the length of time necessary for sending information that a treaty has been concluded and to fix accordingly different dates, after which acts of war become illegal in different places. When in such cases duly authenticated information reaches a given place before the time fixed for the cessation of hostilities, the question arises whether further hostilities are legitimate, or whether, as a margin of time is only given in order that knowledge may be obtained, they ought at once to be stopped. The latter and reasonable doctrine seems now to be thoroughly accepted in principle; but its value is somewhat diminished by the reservation, which is perhaps necessarily made, that a naval or military commander is not obliged to accept any information as duly authenticated, the correctness of which is not in some way attested by his own government. In the case of the English ship *Swincherd*, for example, a vessel provided with letters of marque sailed from Calcutta for England before the end of the period of five months fixed by the treaty of Amiens for the termination of hostilities in the Indian seas, but after the news of peace had reached Calcutta, and after a proclamation of George III, requiring his subjects to abstain from hostilities from the time fixed and therein mentioned, had been published in a Calcutta paper. The *Swincherd* had a copy of this proclamation on board. She was captured by the *Bellone*, a French privateer, without resistance, there being only enough powder on board for signaling purposes. The *Bellone* had been informed by a Portuguese vessel bearing a flag of truce, which had put into the Mauritius, by an Arab vessel, and by an English vessel which she had captured that peace was concluded; her commander was shown the proclamation in the Gazette extraordinary of Calcutta, and he could see for himself that a privateer, which by the date of the Gazette must have sailed lately from Calcutta, was without powder; so that there was no room to doubt the accuracy of the information given or the good faith of the statement that the intentions of the *Swincherd* herself were peaceful. The vessel was nevertheless condemned in France as good prize. In a case like this, in which the fact that peace had been concluded was established beyond all possibility of question, the rule that an officer in command of armed forces of his State may disregard all information which is not authenticated by his own government operates with extreme harshness, and though the right of seizure could scarcely be abandoned there seems to be no reason for not subsequently restoring ships captured after receipt of information which should turn out in the end to be correct. For most purposes of war, however, the rule must be a hard and fast one. The consequences of suspending hostilities upon erroneous information might easily be serious, and if it were once conceded that commanders were ever bound to act upon information not proceeding from their own government it would be difficult to prevent them from being sometimes misled by information intentionally deceptive. (Kent, Comm. I, 172; Wheat. Elem. pt. iv, ch. iv, I 5; Heffter, sec. 183; *La Bellone contre le Porcher*, Potoye et Davenly, I 149.)

SEC. 200. A treaty of peace has the following effects with reference to acts done before the commencement of the war which it has terminated:

1. It puts an end to all pretensions and draws a veil over all quarrels out of which the war has arisen. It has set up a new order of things, which forms a fresh starting point and behind which neither State may look. War consequently can not be renewed upon the same grounds.

2. It revives the execution of international engagements of a certain kind when such execution has been suspended by one or both of the parties to a war. (See ante, p. 399.)

3. In a general way it revives all private rights and restores the remedies which have been suspended during the war; contracts, for example, are revived between private persons if they are not of such a kind as to be necessarily put an end to by war (see ante, p. 403), and if their fulfillment has not been rendered impossible by such acts of a belligerent government as the confiscation of debts due by subjects to those of its enemy; the courts also are reopened for the enforcement of claims of every kind. (Wheaton, Elem., pt. 4, ch. 4, sec. 3; Heffter, sec. 180.)

SEC. 201. As between the contracting States a treaty of peace is a final settlement of all matters connected with the war to which it puts an end. If, therefore, any acts have been done during the course of hostilities in excess or irrespectively of the rights of war under the authority of one of the belligerent States, the enemy State can not urge complaints or claims from the moment that a treaty is signed, either on its own behalf or on behalf of its subjects.

It is possible, however, that ordinary acts of war may have been done without sufficient authority, that wrongful acts may have been done wholly without authority, and that subjects of one of the two belligerent States, without having committed treason, may yet have compromised themselves with their own Government by dealing with the enemy. In order to bury the occurrences of the war in oblivion, and to prevent ill-feeling from being kept alive, in order also to protect men who may only have been guilty of a technical wrong, or who may at any rate have been carried away by the excitement of hostilities, and finally in the common interests of belligerents who may be in occupation of an enemy's country, it is understood that persons acting in any of the ways above mentioned are protected by the conclusion of peace from all civil or criminal processes to which they might be otherwise exposed in consequence of their conduct in the war, except civil actions arising out of private contracts, and criminal prosecutions for acts recognized as crimes by the law of the country to which the doer belongs, and done under circumstances which remove them from the category of acts having relation to the war. [By article 3 of The Hague convention on land warfare, 1907, it is expressly agreed that a party which violates the provisions of the regulations annexed to it shall, if the case demands, be liable to make compensation, and that the State shall be responsible for all acts of persons forming part of its armed forces.] Actions, for example, can be brought on ransom bills; if a prisoner of war borrows money or runs into debt, he may be sued; or if a prisoner of war or a soldier on service commits a common murder, he may be tried and punished. The immunity thus conceded is called an amnesty.

Usually, but far from invariably, the rule of law is fortified by express stipulation, and a clause securing an amnesty is inserted in treaties of peace. Though unnecessary for other purposes, it is re-

quired as a safeguard for subjects of a State who, having had distinctly treasonable relations with an enemy, are not protected by an amnesty which is only implied. (Halleck, i. 337; Bluntschli, secs. 710–12; Calvo, secs. 3145–48; Lord Stowell in the Molly (1814), 1 Dodson, 396; Crawford & Maclean *v.* The William Penn (1815); 3 Washington, 491–93, and the cases there cited; and for examples of amnesty clauses see the Treaties of Tilsit (De Martens, Rec. viii, 640 and 666), and that of Paris in 1856 (Hertslet, 1254). Some writers, e. g., Vattel (liv. iv, ch. ii, secs. 20, 22), Wheaton (Elem. pt. iv, ch. iv, sec. 3), and Heffter (sec. 180), treat an amnesty as applying to conduct of one belligerent State toward the other, and the language of some of the older treaties stipulates for oblivion of all acts done on the two sides, respectively; see, e. g., the Treaty of Teschen (De Martens, Rec. ii, 663).)

SEC. 202. Acts of war done subsequently to the conclusion of peace, or to the time fixed for the termination of hostilities, although done in ignorance of the existence of peace, are necessarily null. They being so, the effects which they have actually produced must be so far as possible undone, and compensation must be given for the harm suffered through such effects as can not be undone. Thus, territory which has been occupied must be given up; ships which have been captured must be restored; damage from bombardment or from loss of time or market, etc., ought to be compensated for; and it has been held in the English courts, with the general approbation of subsequent writers, that compensation may be recovered by an injured party from the officer through whose operations injury has been suffered, and that it is for the Government of the latter to hold him harmless. It is obvious, on the other hand, that acts of hostility done in ignorance of peace entail no criminal responsibility. (Hallock, II, 341–343; Phillimore, III, sec. 518; Bluntschli, sec. 709; Calvo, sec. 3155.) In the case of *The Mentor*, which was an American ship captured off the Delaware by English cruisers, all parties being ignorant that a cessation of hostilities had taken place, Lord Stowell said, "If an act of mischief was done by the King's officers, through ignorance, in a place where no act of hostility ought to have been exercised, it does not necessarily follow that mere ignorance of that fact would protect the officers from civil responsibility. If by articles, a place or district was put under the King's peace, and an act of hostility was afterwards committed therein, the injured party might have a right to resort to a court of prize, to show that he had been injured by this breach of the peace, and was entitled to compensation; and if the officer acted through ignorance his own Government must protect him"; * * * he is to be "borne harmless at the expense of that Government." (*The Mentor* (1799), I. C. Rob, 183.) It was held by the Japanese prize courts in 1905 that the right of capture ceases on the restoration of peace, but captures made previously are not affected by it. A prize court, unless bound by some special treaty or ordinance, is entitled, even after the conclusion of peace, to decide whether the captured property, neutral or belligerent, is to be condemned or not. (*The Australia*, Russ. and Jap. Prize Cases, II, 373; *The Montara*, ib., II, 403; Cf. Oppenheim, II, sec. 436. (The treaties of Zurich, 1859; Vienna, 1864; and Frankfort, 1871, provided for the restoration of captured vessels which remained uncondemned at the conclusion of peace).)

SEC. 203. The termination of war by simple cessation of hostilities is extremely rare. Possibly the commonly cited case of the war between Sweden and Poland, which ceased in this manner in 1716, is the only unequivocal instance; though it is likely that if anything had occurred to compel the setting up of distinct relations of some kind between Spain and her revolted colonies in America during the long period which elapsed between the establishment of their independence and their recognition by the mother country, it would have been found that the existence of peace was tacitly assumed. No active hostilities appear to have been carried on later than the year 1825, and no effort was made to hold neutral States or individuals to the obligations imposed by a state of war; but it was not till 1840 that intercourse with any of the Central or South American Republics, except Mexico, was authorized by the Spanish Government. In that year commercial vessels of the Republic of Ecuador were admitted by royal decree into the ports of the kingdom, and at various subsequent times like decrees were issued in favor of the remaining States. It was only, however, in 1844, three years after commercial relations had been established, that Chile, which was the earliest of the Republics, except Mexico, to receive recognition, was formally acknowledged to be independent; and Venezuela, which was the last, was not recognized till 1850. (Lawrence Commentaire, II, 327. (For some other instances see Oppenheim, II, sec. 262).)

The inconvenience of such a state of things is evident. When war dies insensibly out the date of its termination is necessarily uncertain. During a considerable time the belligerent States and their subjects must be doubtful as to the light in which they are regarded by the other party to the war, and neutral States and individuals must be equally doubtful as to the extent of their rights and obligations. Nevertheless a time must come sooner or later at which it is clear that a state of peace has supervened upon that of war. When this has arrived the effects of the informal establishment of peace are identical with those general effects flowing from the conclusion of a treaty which are necessarily consequent upon the existence of a state of peace. Beyond this it is difficult to say whether any effects would be produced. It is at any rate certain that the pretensions which may have given rise to the war can not be regarded as abandoned, and that the quarrel can not be assumed to have been definitively settled. It would always be open to either side to begin a fresh war upon the same grounds as those which supplied the motive for hostilities in the first instance.

SEC. 204. Conquest consists in the appropriation of the property in, and of the sovereignty over, a part or the whole of the territory of a State, and when definitively accomplished vests the whole rights of property and sovereignty over such territory in the conquering State.

As in the case of other modes of acquisition by unilateral acts, it is necessary to the accomplishment of conquest that intention to appropriate and ability to keep shall be combined. Intention to appropriate is invariably, and perhaps necessarily, shown by a formal declaration or proclamation of annexation. Ability to keep must be proved either by the conclusion of peace or by the establishment of an equivalent state of things; the conqueror must be able to show that he has solid possession, and that he has a reasonable probability of being able to maintain possession, in the same way and to much the same degree as a political society which claims to be a State must show that it has independence and a reasonable probability of maintaining it. A treaty of peace by which the principle of uti possidetis is allowed to operate affords the best evidence of conquest, just as recognition of the independence of a revolted Province on the part of the mother country is the best evidence of the establishment of a new State; but possession which is de facto undisputed, and the lapse of a certain time, the length of which must depend on the circumstances of the case, are also admitted to be proof when combined; and recognition by foreign States, though in strictness only conclusive, like all other unilateral acts, against the recognizing States themselves, affords confirmation which is valuable in proportion to the number and distinctness of the sources from which it springs.

Notwithstanding the necessary uncertainty in the abstract of evidence supplied by possession and recognition, the fact of conquest is generally well marked enough to be unquestioned. One instructive modern case, however, exists in which the conclusiveness of an alleged conquest was disputed. In the beginning of the nineteenth century the elector of Hesse-Cassel held as private property domains within his own territory and sums lent on mortgage to subjects of other German States. Shortly after the Battle of Jena he was expelled from his dominions by French troops, and he did not return until French domination in Germany was put an end to by the Battle of Leipzig. For about a year after its occupation Hesse-Cassel remained under the immediate government of Napoleon; it was then handed over by him to the newly formed kingdom of Westphalia, the existence of which was expressly recognized by Prussia and Russia in the treaty of Tilsit, and, through the maintenance of friendly relations, by such other European States as were at peace with France and its satellites. Napoleon intended to effect a conquest; he dealt with the territory which he had entered as being conquered, and was acknowledged by a considerable number of States to have made a definitive conquest. One of his acts of conquest effected before the transfer of the territory to the Kingdom of Westphalia was to confiscate the private property of the elector, which, as the latter after his expulsion had taken service in the Prussian Army, was seized apparently as that of a person remaining in arms against the legitimate sovereign of the State. However revolting it may be morally that Napoleon should have taken advantage of the position which he had acquired through his own wrongdoing to inflict further injury upon a man whom he had already plundered without provocation, there can be no doubt that if his conquest was complete he was within his strict legal rights. Was then his conquest a complete one? The question was first raised in a suit brought by the elector after his return before the Mecklenburg courts as creditor of the estate of a certain Count Hahn-Hahn. The count had borrowed money on mortgage from the elector before his expulsion and had obtained a release in full from Napoleon on payment of a portion of the debt. The elector contested the validity of the discharge. The Mecklenburg court appears not to have given judgment, but to have remitted the matter to the University of Breslau, whence it was successively carried by way of appeal to two other German universities. The ultimate judgment affirmed the legality of the act of confiscation on the grounds—

1. That the restored government of the Elector could not be regarded as a continuation of his former government, because he had not been constantly in arms against Napoleon during his absence from Hesse-Cassel and because he had been treated by the peaces of Tilsit and Schönbrunn as politically extinct, the Kingdom of Westphalia having been recognized as occupying the place of the electorate.

2. That Napoleon had in fact effected a conquest and consequently had a right as sovereign to confiscate the property of an active enemy of the State.

3. That even if the property of the Elector could have been held to revert with the conclusion of peace, a restored owner, "according to the letter of the Roman law," must take his property as he finds it, without compensation for the damage which it may have suffered in the interval. (Phillimore, pt. 12, ch. 6.)

The above judgment appears to have met with very general approval, and though the congress of Vienna refused to interfere to prevent the resumption by the Elector of alienated domains within the electorate, there is nothing to show that any of the powers represented there considered his action to be right under the circumstances of the particular case; Prussia pronounced herself adversely to it. (Sir R. Phillimore points to the fact that "Austria, Prussia, Russia, the Bourbon sovereigns in France and Italy, Sardinia, and the Pope" left undisturbed titles acquired through the intrusive rulers of territory which they had lost during the revolutionary and Napoleonic wars, as confirmatory of the view that the conduct of the Elector was wrong. The conduct of the Elector was no doubt wrong, but the case against him is not made stronger by suggesting inexact analogies. Possession of the territory wrested from Austria, Prussia, and Russia was in all cases confirmed by treaty; the alienations made in France were the result not of foreign conquest but of internal revolution; and though the case of the Italian States is very much nearer to that of Hesse, it is prevented from being identical by the much greater duration of the foreign intrusion to which they were subjected. The government of Hanover, which was in exactly the same position as Hesse, acted in the same manner as the Elector.) There can, indeed, be no doubt that the title which Napoleon assumed himself to have acquired by conquest became consolidated by lapse of time, and that alienations made in virtue of it were consequently good. It does not follow from this that the confiscation was in the first instance valid. It took place immediately after the conclusion of the treaties of Tilsit. Although it was impossible to suppose that Hesse-Cassel would ever be able to shake off the yoke of France for herself, there was nothing in the aspect of Europe to induce the belief that the settlement Germany then made was a final one; war still continued with England; it was certain that war would sooner or later be renewed on the Continent, and it was necessarily uncertain how soon it might arrive; finally most of the recognitions given to the Kingdom of Westphalia were of little value, because they were given by States which were hardly free agents in the matter.

In such a state of things time was absolutely necessary to consolidate the conquest. At first Napoleon and those who derived their title from him were merely occupiers with the pretensions of conquerors. But with the lapse of time the character of occupier insensibly changed into that of a true conqueror; and when the fact of conquest was definitively established, it validated retroactively acts which the conqueror had prematurely done in that capacity. It would be idle to argue, in all the circumstances of the case, that possession had not hardened into conquest during the interval between 1806 and 1813. (It is sometimes not only very difficult to be sure whether a conquest has in fact been effected, but also to determine what view of the facts, which may be supposed to have constituted a conquest, has in the long run been taken by States interested in forming an opinion, and by the occupied or conquered country itself, after it has been freed from the control of its enemy. The Kingdom of the Netherlands offers a singularly confused instance of this kind. In 1795 the Republic of the United Netherlands was overrun by French troops, and a republic of the French type, practically dependent on France, was substituted for the government previously existing; in 1806 the Republic was converted

into a kingdom under Louis Bonaparte; and in 1810 the country was forcibly annexed to France, to which it remained attached until 1814. Whether in the then condition of Europe these four years of union sufficed to effect a conquest in the absence of treaties confirming it may be doubtful; but in 1815 the Netherlands regarded the political existence of Holland as having ended at the date of the annexation; and though the identity of a State is not usually affected by a change of government, it would have been reasonable in the special circumstances of the case to argue that Holland had so lost her separate life at the accession of King Louis as to make it fair to assume that date instead of 1810 as the commencement of French possession. In 1814, however, this view was not taken by the four great powers. Article 6 of the general treaty of peace placed Holland under the sovereignty of the House of Orange, and provided that it should receive an "increase of territory"; and the Congress treaty of the 9th June, 1815, provided that the "ancient United Provinces of the Netherlands" and the late Belgic Provinces shall form the Kingdom of the Netherlands. Holland was regarded as a State already in existence, which was merely to receive enlargement and a new form of government, and which was to resort to its former name so far as it could do so consistently with its new position as a kingdom. But at the very moment that Holland was reconstituting itself in this manner under the sanction of Europe, it denied the continuity of its existence by regarding a treaty made before the French Revolution as annulled by subsequent events. So early as February, 1815, the Dutch minister at Washington was instructed to open negotiations for a new treaty of commerce upon the basis of the treaty of 1782, and it is clear from two notes written by Mr. Monroe to him, that he stated the treaty in question to be, in the opinion of the Dutch Government, no longer in force. Subsequently the American Government, in order to claim compensation for the seizure and confiscation of vessels and cargoes belonging to subjects of the United States under the reign of Louis Bonaparte, urged that the identity of the State had not been changed; and it appears from a dispatch of Mr. Adams of the year 1815, that both States at that time were acting on the supposition that the treaty of 1782 was binding upon them. The Government of the Netherlands, in order to meet the American demands, reverted to the view that the treaty had been annulled; and argued that the identity of the State had been destroyed by its incorporation into France. The United States yielded, and abandoned their claims, but without admitting the validity of the argument from incorporation. They simply took the fact that the Kingdom of the Netherlands repudiated the continued identity of the State, together with the further facts that the form of government was different, and the territory enlarged, as sufficient ground for supposing that a new State had been created. Hertslet, map of Europe by treaty; Wharton, Digest, sec. 137.)

SEC. 205. The effects of a conquest are:

1. To validate acts done in excess of the rights of a military occupant between the time that the intention to conquer has been signified and that at which conquest is proved to be completed. (Halleck, ii. 1505; Calvo, sec. 2465.)

2. To confer upon the conquering State property in the conquered territory, and to invest it with the rights and affect it with the obligations which have been mentioned as accompanying a territory upon its absorption into a foreign State. (See antea, secs. 28 and 29, and compare also sec. 27.)

3. To invest the conquering State with sovereignty over all subjects of a wholly conquered State and over such subjects of a partially conquered State as are identified with the conquered territory at the time when the conquest is definitively effected, so that they become subjects of the State and are naturalized for external purposes, without necessarily acquiring the full status of subject or citizen for internal purposes. (Dana, note to Wheaton's Elem. No. 169; Lord Mansfield in Campbell v. Hall (1774) Cowper, 208. For the position of the inhabitants of a country conquered by the United States, see antea, p. 253, note. For French law and practice, see Fœlix, sec. 35, and Cogordan, La Nationalité, 2de éd. For the action of the allied powers in 1814, see Lawrence, Commentaire, iii. 192. "A rule of public law," it is laid down in an American case, "is that the conqueror who has obtained permanent possession of the enemy's country has the right to forbid the departure of his new subjects or citizens from it, and to exercise his sovereign authority over them." United States v. De Repentigny (1866) 5 Wallace, 260.) The persons who are so identified with conquered territory that their nationality is changed by the fact of conquest, are, of course, mainly those who are native of and established upon it at the moment of conquest; to these must be added persons native of another part of the dismembered State, who are established on the conquered territory, and continue their residence there. Correlatively persons native of the conquered territory but established in another part of the State to which it formerly belonged ought to be considered to be subjects of the latter.

SEC. 206. In strictness, the effects of a cession, of a treaty concluded on the basis of uti possidetis, and of conquest, upon the inhabitants of territory which changes hands at the conclusion of a war are identical, though for somewhat different reasons in the three cases. In each case the population is subjected to the sovereignty of the State by which the territory is acquired; but while in the cases of bare conquest and of conquest confirmed by a treaty grounded on the principle of uti possidetis the sovereignty is simply appropriated by the conquering State, in that of express cession a transfer of it is effected through an act of the State making the cession, by which the members of that State are bound.

It has, however, been usual in modern treaties to insert a clause securing liberty to inhabitants of a ceded country to keep their nationality of origin. (Like provisions sometimes appear in older treaties, e. g., those of Ryswick and Utrecht.) In the case of persons native of, and established in, the ceded territory, and even in the case of persons who are established in, without being natives of, the ceded territory, this liberty is commonly saddled with the condition that they shall retire within the territory remaining to their state of origin, a certain time being allowed to them to arrange their affairs and dispose of landed and other property which they may be unable to take with them. (The treaties of Vienna in 1809 (De Martens, Nouv. Rec. i. 214), of Paris in 1814 (id. ii. 9), and of Vienna in 1864 (Nouv. Rec. Gen. xvii. ii. 482) gave six years, that of Frederikshamm in 1809 gave three years (Nouv. Rec. i. 25), and those of Zurich in 1859 (Nouv. Rec. Gén. xvi. ii. 520), of Turin in 1860 (ib. 540), and of Vienna in 1866 (id. xviii. 409) afforded one year. The treaty of Frankfurt in 1871 conceded liberty of emigration until October 1, 1872 (Nouv. Rec. Gén. xix. 689). Halleck (ii. 506–7) and Calvo (sec. 2467) think that inhabitants of a ceded country have a right of keeping their old allegiance if they choose to emigrate. It is unquestionable that to prevent them from doing so would be harsh and oppressive in the extreme, but as the possession of such a right is inconsistent with the general principles of law, it could only have been established by a practice of which there is certainly as yet no reasonable evidence. In the United States *v.* De Repentigny, already cited, it was expressly laid down that persons choosing to adhere without permission to their former state "deprive themselves of protection to their property" situated within the conquered portion; and the alienation of the property of the Elector of Hesse-Cassel (antea, p. 607), which, on the assumption that a conquest was effected, has universally been held to be good, would have been illegal if persons have a right to withdraw themselves from an allegiance imposed by conquest, and therefore a fortiori by cession. It is, of course, not to the point that, as between persons adhering to their former State, and removing into it, and that State, the national character of origin is always preserved; the State of origin has no reason for rejecting them or for refusing them the rights of subjects. It is to be remarked that as the individual has no right of keeping his old allegiance, irrespective of treaty, he may find that the sovereign, for whom he would wish to elect, declines to accept him as a subject, if the treaty merely gives a right to emigrate and contains no specific stipulation providing for choice of nationality. After 1814 and 1815 the restored monarchy of France considered that "les habitants des pays annexés à l'Empire Napoléonien n'avaient pas été plus légitimement Français que l'Empereur n'avait été légitimement souverain de la France." It was unwilling to add to the Napoleonic element in the population. Accordingly persons emigrating from the restored Provinces into France were required to obtain naturalization as ordinary foreigners. (Cogordan, La Nationalité, 2de éd., 333.)

In a recent treaty of cession a more liberal treatment was accorded; natives of Alsace and the ceded districts of Lorraine, who chose to retain their French nationality, though compelled to emigrate, were allowed by the treaty of Frankfurt to keep their landed property within the ceded territory. (It may be pointed out that the treaties usually fail to deal with all the classes of persons which are affected by them and that their language is often insufficiently precise. Thus the treaty of Turin left open the position of minors and natives of Savoy and Nice residing outside their own country, and many delicate questions have arisen upon the construction of the treaty of Frankfurt. (See Cogordan, ch. 7, secs. 5 and 8.)

Residence in foreign countries being a frequent incident of modern life, withdrawal from a ceded district is not conclusive of the intention of the person withdrawing to reject the nationality of the conquering State. It is therefore usual to exact an express declaration of intention as a condition of preservation of the nationality of birth from persons against whom there is a presumption of changed nationality; that is to say, from persons born within the territory and living there and from persons born within the territory but absent at the date of annexation. There being no such presumption against persons born in another part of the State making the cession, the simple fact of withdrawal is in their case sufficient.

Also a paragraph of Lawrence's The Principles of International Law:

THE TERMINATION OF WAR.

It has sometimes happened that the belligerents have exhausted themselves and tacitly ceased from further operations, but there are no recent instances of such a termination to hostilities in a struggle of any consequence, except the withdrawal of the French troops from Mexico in 1867, at the instigation of the United States. Wars may come to an end through the destruction of one of the communities engaged in them, as Poland was destroyed by the third partition or as the Southern Confederacy fell after four years of strenuous conflict. In such cases no treaty is possible, because there is no body politic left for the victor to treat with. Great Britain, however, strained a point in 1902 because of the special circumstances of the Boer War and consented to negotiate with the leaders of the Boer commandoes still in the field against her, though the governments in whose name they waged war had ceased to govern and no longer exercised any powers of sovereignty over definite territorial areas.

I also print a note, several times mentioned in the text of my remarks, sent by Secretary of State Seward to the Spanish minister at Washington on September 9, 1868. Extracts from this letter will be found in the seventh volume of Moore's Digest of International Law (337–338). It is printed in full in Diplomatic Correspondence, 1868, volume 2, pages 32–34:

DEPARTMENT OF STATE,
Washington, July 9, 1868.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of a note from Mr. Goni, minister plenipotentiary of Her Catholic Majesty, written on the 30th of June last, in which Mr. Goni directs the attention of the undersigned to the affair of the monitors *Catawba* and *Oneota*. Mr. Goni mentions two circumstances which move him to insist upon the detention of those monitors, namely, first, that the minister plenipotentiary of Peru has solicited permission from the United States Government to take possession of the monitors, contending that the existing situation between Spain and Peru is no longer one of war, which assertion Mr. Goni pronounces to be entirely without foundation; and, secondly, that the monitors, now in the port of New Orleans, are not apparently sufficiently guarded to prevent them from going to sea, as the undersigned is aware of no official measures having been taken to prevent their departure.

Mr. Goni dwells upon the fact that the United States have tendered their good offices to Spain and to her antagonists, the Pacific Republics, and that while Spain has promptly expressed her disposition to accept those good offices with a view to the establishment of peace, Peru has not accepted them nor given any conclusive reply upon the subject. Mr. Goni argues from this fact that the Government of Peru can not rightfully claim that the Government of the United States shall during those overtures pronounce the state of war to be closed and the state of peace to have been reached by the silent consent and concurrence of the parties.

Upon the grounds thus mentioned Mr. Goni feels himself obliged to insist upon the adoption of peremptory measures to prevent the departure of the monitors in question. He fortifies this position by stating from common report that the vessels are not in the hands of the local authorities, and it is not known what orders have been issued about them. He begs, therefore, that immediate measures be taken to detain the monitors *Catawba* and *Oneota*.

The undersigned has the honor in reply to inform Mr. Goni, in the first place, that the Peruvian Government on its part insists that the situation of war between herself and allies on the one part and Spain on the other has practically come to an end by the cessation of all hostilities on either side since the 2d day of May, 1866.

The undersigned has further the honor to inform Mr. Goni that the Peruvian Government alleges in support of its position the fact that Chile and Spain, Chile being one of the allied belligerents and Spain the other belligerent, have in the present year voluntarily joined themselves together in peaceful and friendly concert and cooperation in waiving objections to the clearance from British ports of ships of war for the respective parties. So far as this department is informed, this statement is not controverted by the Spanish Government, and Peru insists that the proceeding is equivalent to an acknowledgment on the part of Spain of the pretensions made by Peru that the situation of war between the belligerent Republics and Spain has come to an end. Peru agrees in this respect that Spain can not claim before the Government of Great Britain to be at peace and at the same time claim before the Government of the United States to be at war with Peru and her allies, the position of the United States and Great Britain in regard to the belligerents being identical.

Mr. Goni is informed, in the third place, that the Peruvian Government distinctly proposes to the Government of the United States that, if it shall consent to the clearance of the *Catawba* and the *Oneota*, the Peruvian Government will give adequate security that those vessels shall not be employed in any hostile proceeding against Spain or any other nation on their way to the port of Callao, in the Pacific, but shall keep the peace until the vessels shall have arrived in the harbor of Callao, there to be used for purposes of domestic defense and security.

Mr. Goni is further informed, in the fourth place, that the House of Representatives, having taken the subject of the sale and proposed departure of these vessels into consideration with a view to some possible legislative action thereupon, directions have been given by the President that those vessels shall not receive clearance or be permitted to depart while the subject is engaging the attention of Congress. The vessels are for this reason detained at present, and will be so temporarily detained, whatever appearances or presumptions to the contrary may anywhere exist.

In consequence of the proceedings of the House of Representatives which have been referred to, it seems to the President that the occasion has not yet arrived when it will be necessary for him to decide the grave question which has been raised before this Government between the ministers of Spain and Peru, namely, the question whether the war which was heretofore waged between those nations has been practically brought to an end or not. Frankness, however, obliges the undersigned to say that unless some unforseen circumstances shall soon occur, the time for acting upon that question would seem to be near at hand.

The undersigned freely admits the difficulties which are likely to attend the decision of the question. It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances.

The proceedings of Spain and Chile which have been referred to, although inconclusive, require an explanation on the part of either of those powers which shall insist that the condition of war still exists. Peru, equally with Spain, has as absolute a right to decline the good offices or mediation of the United States for peace as either has to accept the same. The refusal of either would be inconclusive as an evidence of determination to resume or continue the war. It is to the interest of the United States, and of all nations, that the return of peace, however it may be brought about, shall be accepted whenever it has become clearly established. Whenever the United States shall find itself obliged to decide the question whether the war still exists between Spain and Peru, or whether that war has come to an end, it will make that decision only after having carefully examined all the pertinent facts which shall be within its reach, and after having given due consideration to such representations as shall have been made by the several parties interested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Señor DON FACUNDO GONI, ETC., ETC., ETC.

I also print an excerpt from volume 3 of the Madison papers, pages 1351–1353, quoting the debates in the Federal convention, August 17, 1787, on the power to "make war":

"To make war."

Mr. Pinckney opposed the vesting this power in the legislature. Its proceedings were too slow. It wd. meet but once a year. The Hs. of Reps. would be too numerous for such deliberations. The Senate would be the best depositary, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in Senate, so as to give no advantage to large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war and another peace.

Mr. Butler. The objections agst. the legislature lie in a great degree agst. the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

Mr. M[adison] and Mr. Gerry moved to insert *"declare,"* striking out *"make"* war; leaving to the Executive the power to repel sudden attacks.

Mr. Sherman thought it stood very well. The Executive shd. be able to repel and not to commence war. "Make" better than "declare," the latter narrowing the power too much.

Mr. Gerry never expected to hear in a Republic a motion to empower the Executive alone to declare war.

Mr. Elseworth. There is a material difference between the cases of making *war* and making *peace*. It shd. be more easy to get out of war than into it. War also is a simple and overt declaration, peace attended with intricate & secret negociations.

Mr. Mason was agst. giving the power of war to the Executive, because not (safely) to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war, but for facilitating peace. He preferred *"declare"* to *"make."*

On the motion to insert *declare* in place of *make* (it was agreed to).

N. H. no., Mas. abst., Cont. no. (On the remark by Mr. King that *"make"* war might be understood to "conduct" it, which was an Executive fuunction, Mr. Elseworth gave up his objection (and the vote of Cont. was changed to aye.) (The Journal shows that the question was repeated.) Pa. aye, Del. aye, Md. aye, Va. aye, N. C. aye, S. C. aye, Ga. aye. [Ayes 7, noes 2, absent 1.]

Mr. Pinckney's motion to strike out whole clause disagd. to without call of States.

Mr. Butler moved to give the legislature power of peace, as they were to have that of war.

Mr. Gerry 2ds. him. 8 Senators may possibly exercise the power if vested in that body, and 14 if all should be present, and may, consequently, give up part of the U. States. The Senate are more liable to be corrupted by an enemy than the whole Legislature.

On the motion for adding "and peace" after "war."

N. H. no, Mas. no, Ct. no, Pa. no, Del. no, Md. no, Va. no, N. C. no.) (Madison originally left a blank after "N. C.") S. C. no, Ga. no. [Ayes 0, noes 10.] Adjourned.

ANNEX C.

SECTION 3 OF THE RESOLUTION IS NOT OBJECTIONABLE EITHER BECAUSE IT MAKES A TREATY OR BECAUSE IT DELEGATES LEGISLATIVE POWER TO THE PRESIDENT.

There are many statutes involving trade arrangements with other countries passed by Congress since 1794 which either gave powers to the President to modify trade relationships with other countries or which allowed him to do certain things in case they did or did not do certain other things.

The act of June 4, 1794, authorized the President to lay an embargo on all ships and vessels in the ports of the United States "whenever in his opinion the public safety shall so require" and under regulations, to be continued or revoked "whenever he shall think proper."

The act of Congress of June 13, 1798, suspended commercial intercourse between the United States and France, but provided that if France should disavow and refrain from certain aggressions against the United States, "it shall be lawful for the President of the United States, being well ascertained of the premises, to remit and discontinue the prohibitions" of the act "and to make proclamation thereof accordingly."

The act of February 9, 1799, supplemented the above act by authorizing the President to remit and discontinue for the time being the restraints and the prohibitions upon trade with France, "if he shall deem it expedient and consistent with the interest of the United States."

The act of April 18, 1806, as amended by the act of December 19, 1806, authorized the President to suspend its operations "if in his judgment the public interest should require it." This was an act making unlawful the importation of certain articles from Great Britain.

The act of March 3, 1815, imposed duties upon certain imports and provided for its repeal "whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States," had been abolished.

The act of March 3, 1817, prohibited the importation of plaster of Paris from certain countries, but gave the President of the United States authority to declare the fact that any country had discontinued certain discriminating regulations and provided that the restrictions of the act should cease from the date of the proclamation.

The act of January 7, 1824, authorized the President to issue a proclamation declaring that certain foreign discriminating duties had been discontinued, whereupon the retaliatory provision of the act in question should cease. The statute of May 31, 1830, was to much the same effect. See also act of May 24, 1828.

The statute of August 5, 1854, contains a similar provision.

The act of March 6, 1866, provided for the suspension of the importation of neat cattle and hides whenever either the Secretary of the Treasury or the President deemed such importation dangerous to the cattle of the United States. A similar provision is carried in the McKinley Tariff Act of 1890.

The act of March 23, 1874, authorized the President to suspend extraterritoriality in Egypt whenever he was satisfied that American citizens in Egypt would receive impartial justice in Egyptian courts.

The act of June 26, 1884, authorized the President from time to time to suspend certain tonnage on vessels entering from certain ports.

The act of June 19, 1886, as amended by the act of April 4, 1888, vests powers in the President similar to those of 1824 and 1828, above mentioned.

The acts of 1809 and 1810 were sustained by the Supreme Court of the United States in the case of "The Brig *Aurora*" (7 Cranch, 382).

The McKinley Tariff Act of October 1, 1890, section 3, provided in part as follows:

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever, and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free intro-

duction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just; and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country, as follows, namely—

In the leading case of Field *v.* Clark (143 U. S., 649) the court, construing the foregoing section, said:

While some of these precedents are stronger than others in their application to the case before us, they all show that, in the judgment of the legislative branch of the Government, it is often desirable, if not essential for the protection of the interests of our people against the unfriendly or discriminating regulations established by foreign governments, in the interests of their people, to invest the President with large discretion in matters arising out of the execution of statutes relating to trade and commerce with other nations.

That Congress can not delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution. The act of October 1, 1890, in the particular case under consideration, is not inconsistent with that principle. It does not, in any real sense, invest the President with the power of legislation. For the purpose of securing reciprocal trade with countries producing and exporting sugar, molasses, coffee, tea, and hides, Congress itself determined that the provisions of the act of October 1, 1890, permitting the free introduction of such articles, should be suspended as to any country producing and exporting them that imposed exactions and duties on the agricultural and other products of the United States, which the President deemed—that is, which he found to be—reciprocally unequal and unreasonable. Congress itself prescribed, in advance, the duties to be levied, collected, and paid on sugar, molasses, coffee, tea, or hides produced by or exported from such designated country while the suspension lasted. Nothing involving the expediency or the just operation of such legislation was left to the determination of the President. The words "he may deem," in the third section, of course implied that the President would examine the commercial regulations of other countries producing and exporting sugar, molasses, coffee, tea, and hides, and form a judgment as to whether they were reciprocally equal and reasonable, or the contrary, in their effect upon American products. But when he ascertained the fact that duties and exactions, reciprocally unequal and unreasonable, were imposed upon the agricultural or other products of the United States by a country producing and exporting sugar, molasses, coffee, tea, or hides, it became his duty to issue a proclamation declaring the suspension as to that country which Congress had determined should occur. He had no discretion in the premises except in respect to the duration of the suspension so ordered. But that related only to the enforcement of the policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact, it can not be said that in ascertaining that fact and in issuing his proclamation in obedience to the legislative will he exercised the function of making laws. Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the lawmaking department to ascertain and declare the event upon which its expressed will was to take effect. It was a part of the law itself as it left the hands of Congress that the provisions, full and complete in themselves, permitting the free introduction of sugar, molasses, coffee, tea, and hides from particular countries should be suspended in a given contingency, and that in case of such suspensions certain duties should be imposed.

The Dingley Tariff Act of July 24, 1897, sections 3 and 5, has similar provisions, as has also the Payne law of August 5, 1909, sections 2 and 6. See also the Underwood law of October 3, 1913, section 4, subdivisions A and E.

The Canadian reciprocity law of July 26, 1911, established certain rates upon imports from Canada and provided "that the duties above enumerated shall take effect whenever the President of the United States shall have satisfactory evidence and shall make proclamation that on the articles hereinafter enumerated * * *, when imported from the United States into the Dominion of Canada, duties not in excess of the following are imposed."

A similar situation is found in the international copyright law of 1891 of the United States, which empowers the President to extend by proclamation the benefits of the law to foreigners when assured that United States citizens are allowed copyright benefits in the other State on substantially the same basis as are its own citizens or when the other State is a party to an international reciprocity copyright agreement open to the United States.

Herewith are printed three paragraphs on the same general subject from Crandall's Treaties: Their Making and Enforcement:

(1) COMMERCIAL ARRANGEMENTS.

Paragraph 753: The act of March 3, 1815, declared a repeal of discriminating duties against vessels, and products imported therein, of nations in which discriminating duties against the United States did not exist, the President to determine in each case by proclamation the application of the repeal. The acts of January 7, 1824, and May 24, 1828, likewise authorized the President to suspend by proclamation discriminating duties so far as they affected the vessels of a foreign nation when possessed of satisfactory evidence that no such discriminating duties were imposed by that nation against the vessels of the United States. Section 11 of the act of June 19, 1886, as amended by the act of April 4, 1888, vests similar power in the President. A partial suspension is allowed by the act of July 24, 1897. On the authority of these statutes numerous arrangements have been reached with foreign States and made operative by proclamation. The evidence accepted by the President as sufficient may be a note or dispatch or a memorandum of an agreement. The proclamations relative to abolishing discriminating duties on trade with Cuba and Porto Rico of February 14, 1884; October 27, 1886; and September 21, 1887, were based on memoranda of agreements signed with Spain February 13, 1884; October 27, 1886; and September 21, 1887.

Section 3 of the tariff act of October 1, 1890, authorized and directed the President, whenever the government of any country producing and exporting certain enumerated articles imposed duties or other exactions on the products of the United States which, in view of the free introduction of the enumerated articles into the United States, were, in his opinion, unreasonable or unequal, to suspend as to that country the privilege of free importation and subject the articles in question to certain discriminating duties. Ten commercial arrangements were concluded and made effective by means of this section—January 31, 1891, with Brazil; June 4, the Dominican Republic; June 16, Spain; December 30, Guatemala; January 30, 1892, Germany; February 1, Great Britain; March 11, Nicaragua; April 29, Honduras; May 25, Austria-Hungary; and November 29, Salvador. These were all terminated by section 71 of the tariff act of August 27, 1894. Section 3 of the act of 1890 having been assailed as involving an unlawful delegation of legislative power, its constitutionality was sustained by the Supreme Court in the case of Field *v.* Clark (143 U. S., 649). Section 3 of the act of July 24, 1897, not only provides, as did section 3 of the act of 1890, for the imposition by proclamation of certain differential rates, but also for the conclusion by the President of commercial agreements with countries producing certain enumerated articles, in which concessions may be secured in favor of the products of the United States; and it further authorizes the President, when such concessions are, in his judgment, reciprocal and equivalent, to suspend by proclamation the collection on those articles of the regular duties imposed by the act and subject them to special rates as provided in the section. On the authority of this section the President has concluded and made effective the commercial agreements of May 28, 1898, with France; May 22, 1899, with Portugal (protocol making corrections signed January 11, 1900); July 10, 1900, with Germany; and February 8, 1900, with Italy.

(2) INTERNATIONAL COPYRIGHT.

Paragraph 754. The international copyright convention signed at Berne September 9, 1886, originally by 10 States, has been acceded to by all the principal nations except Russia, Austria-Hungary, and the United States. International copyright in the United States is regulated by the law of March 3, 1891, section 13 of which empowers the President to extend by proclamation the benefits of the law to citizens and subjects of a foreign State when assured that citizens of the United States are allowed the benefit of copyright in that State on substantially the same basis as its own citizens, or when the State is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which the United States may at its pleasure become a party. Under the first alternative the President has extended the benefits of the law by proclamation to subjects of Belgium, France, Great Britain and possessions, and Switzerland, July 1, 1891; Germany, April 15, 1892; Italy, October 31, 1892; Denmark, May 8, 1893; Portugal, July 20, 1893; Spain, July 10, 1895; Mexico, February 27, 1896; Chile, May 25, 1896; Costa Rica, October 19, 1899; the Netherlands and possessions, November 20, 1899; Cuba, March 17, 1903; and Norway, July 1, 1905.

(3) POSTAL CONVENTIONS.

Paragraph 755. Following the postal convention with New Granada of March 6, 1844, numerous other conventions of the same nature were concluded by the President and ratified with the consent of the Senate. By the act of June 8, 1872, the Postmaster General is given the power to enter into money-order agreements with the post departments of foreign Governments, and by and with the advice and consent of the President to negotiate and conclude postal conventions. In virtue of this act conventions of this class have been concluded by the Executive without submission to the Senate. Among these are the universal postal conventions signed at Vienna July 4, 1891, and at Washington June 15, 1897. (Crandall, Treaties: Their Making and Enforcement, 88–92.)

Under the foregoing precedents and decisions there can be no valid question raised as to the constitutionality of section 3. Section 3 is not an offer to a treaty or a delegation of legislative power. It is simply a foreign trade arrangement of a sort repeatedly enacted by Congress. Even if there were no statutory or judicial affirmation of the legality of the section it would be sustained under the clause of the Constitution which permits Congress to "regulate commerce with foreign nations," and as the section involves the regulation of exports and imports it may also be sustained by the clause which, after granting powers of taxation to Congress, provides that Congress may pass laws necessary for the general welfare. It has none of the elements of a treaty of peace, because it might equally well have been enacted by Congress if the war with Germany had already ended in the usual manner by a duly ratified treaty of peace.

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, in the forepart of this debate opponents of this resolution charged that its passage would embarrass the President and that it was offered for that purpose. The latter part of this I emphatically deny. Neither do I know whether the presenting of this resolution to the President for his approval or disapproval will embarrass him. With that I must confess I am not concerned. I do know, however, that for months the American people have been more than embarrassed, because we are technically in a state of war, while the nations of the world are at peace, and that this condition the President has not cared to remove. [Applause on the Republican side.] If, then, in voting upon this resolution I must choose between embarrassing the President or embarrassing the American people, I, for one, am not going to hesitate as to whom my vote will embarrass.

After having heard from the President, Congress, on the 6th day of April, 1917, declared that a state of war existed with Germany. In the declaration Congress pledged toward the prosecution of the war "all the resources of the country."

This pledge was literally fulfilled in the legislation that followed. Laws were enacted which made available to the President our total man power and our enormous wealth. In addition, Congress, with almost a disregard of personal and property rights, conferred upon the President the powers of a virtual dictatorship. We were, in fact, "a nation at arms."

This could only result in victory.

On November 11, 1918, the President addressed Congress and submitted to it the terms of an armistice, and informed Congress that the war had ended, using this language:

The war thus comes to an end; for, having accepted these terms of armistice, it will be impossible for the German command to renew it. * * *

We know only that this tragical war is at an end.

We know that the object of the war is attained * * * with a sweeping completeness.

Armed imperialism is at an end * * * the power of the military caste of Germany * * * is discredited and destroyed.

Civilization had triumphed. Free and representative government had been saved. The whole Nation rejoiced and looked for an early resumption of peace. This was one and one-half years ago. The terms of the armistice have been complied with.

Demobilization was completed months ago. Our allies are at peace. Yet this country finds itself technically in a state of war. In fulfilling its pledge powers were conferred upon the Executive that no one would think of conferring except in times of national peril. Freedom of speech was restricted to the end that the morale of our people might not be affected by the preachers of sedition; freedom of the press was interfered with for similar reasons and so as not to disclose military plans to our enemies. In many cases private mills and factories were taken over bodily by the Government. In many other ways the rights of persons and of property were either curtailed or restricted. These powers still remain with the President. As a consequence there is uncertainty in trade and commerce and discontent generally. Among these acts still in force are the following: The food-control act, trading-with-the-enemy act, the espionage act, the Overman departmental consolidation act, an act authorizing loans to foreign Governments, the draft law, the War Finance Corporation act, and over 50 others. The powers given and the legislation enacted was with the expectation that upon the coming of peace they would cease to operate. The country wants peace at home as well as in Europe.

After the signing of the armistice there remained but the formal ending of the war. Ordinarily this is done by the belligerents agreeing to a treaty of peace. The power to make treaties under our Constitution is found in Article II, section 2, and reads as follows:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

It will be noted that the provision is not "consent" and "submission," but "advice and consent." Heretofore treaties have been negotiated through commissioners or representatives appointed by the President. In this case the President chose to go himself. His mission was to agree with our allies as to terms of peace and to assist in the drawing up of a plan which would reduce the possibility of future wars. It was a great mission, too great to run chances of a failure.

Did he before leaving "advise" and "consult" with the Senate, his coequal? The records say no.

In three months he returned with the treaty incompleted, but with the completed draft of a constitution of a league of nations. This constitution set up a political organization which was to be a supergovernment. It would maintain peace by the use of force and power rather than by the application of the principles of justice administered by and through a court of international jurists governed by an international code of law and equity.

Upon arriving here at Boston, referring to those who questioned the wisdom of the plan, he said, "I have fighting blood in me and it is sometimes a delight to let it have scope, but if it is a challenge on this occasion it will be an indulgence." Shortly thereafter 39 Senators, being more than one-third of the membership of the Senate, informed the President in unmistakable terms that they would not consent to a treaty embodying the provisions of the constitution of the League of Nations as then framed. They thereupon "advised" him as follows:

Resolved, That it is the sense of the Senate that the negotiations on the part of the United States should be immediately directed to the utmost expedition of the urgent business of negotiating peace terms with Germany satisfactory to the United States * * * and that the proposal for a league of nations to insure the permanent peace of the world should be then taken up for careful and serious consideration.

If he had taken this advice the treaty of peace would have been signed and ratified months ago. We would have had peace in law as well as in fact months ago in this country, and Europe would not be in its present chaotic state. His answer, however, to the Senate was that there was a reason for every phrase, and that it should not be changed even so much as the dotting of an "i" or the crossing of a "t." Knowing our abhorrence of war and our earnest desire for the establishment of permanent peace among the nations of the world, and also our desire to return to a peace basis at home, the President, with keen appreciation of the possibilities thereby created, determined to use this as a leverage to compel the ratification of the treaty just as it had been drawn overseas. I quote from his remarks just before sailing for Europe in March of 1919:

When that treaty comes back, gentlemen on this side—

Meaning the Senate—

will find the covenant not only in it but so many threads of the treaty tied to the covenant that you can not dissect the covenant from the treaty without destroying the whole vital structure.

In disregard of the advice of his constitutional advisers he carried out his threat and in July returned to America with the covenant closely interwoven with the treaty of peace. Again he gave similar injunctions that the treaty must be adopted without change or amendment.

At Versailles, when the treaty provisions had been fully agreed upon between the Allies, Germany was notified to send her representatives to subscribe to the treaty. These representatives suggested and demanded certain changes which the Allies refused. Germany was thereupon told to "Sign here," and Germany signed as commanded. Thus spoke the victor to the vanquished. This was the judgment of a righteous judge handing down the law to an international culprit. When the treaty was brought home to the American people who fought the war and there presented to their representatives in the Senate, the President's constitutional advisers, his mandate in effect was the same, "Sign here." But the Senate did not sign. Twice the Senate Americanized the treaty by appropriate reservations. Before the treaty had been completed in Europe Great Britain had reserved the freedom of the seas and six votes to our one in the assembly. France had reserved the Saar Basin, while Japan, with utter disregard of international morals, had reserved Shantung.

The President, however, denied to the Senate the privilege of keeping the covenant in accord with our own Constitution. [Applause on the Republican side.] Instructions were sent out from the White House to reject the treaty if Americanized. I quote from Senator OWEN, one of the President's most staunch defenders, as follows:

I do not believe that there is a single Democratic Senator who would not vote for this resolution of ratification if it were not for the belief of such Senators that the President of the United States desires them to defeat the resolution of ratification now pending.

The Senate, being unable to obtain sufficient Democratic votes in order to pass this Americanized treaty by a two-thirds vote, returned it to the President, where it now remains. In the meantime, with our imports increasing monthly and our exports decreasing monthly, must we continue on a war basis while our allies and competitors are upon a peace basis? Must we continue at war because the President insists upon the treaty as it is, while a majority of the Senate refuse their consent without Americanization reservations? Must we continue in a state of war until peace is made by a treaty?

Every recognized authority on international law agrees that war between nations can be ended in three ways: First, by complete and continued cessation of hostilities; second, by conquest and subjugation of one nation by the other; third, by negotiating a treaty of peace. This principle was acknowledged by Secretary Seward and is set forth in Moore's Digest on International Law, volume 7, page 336, and reads as follows:

It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences.

Clearly, then, war can be ended not only by a treaty of peace but through complete and continued cessation of hostilities. The more common and preferable plan is to end by treaty. To so end war does not interfere with a treaty later. This principle is clearly applicable to the present situation. Germany sued for peace and an armistice was agreed upon and signed, which brought the war to an end. That condition has continued to this day. It is true that the ending of a war in this manner necessarily involves an uncertainty as to the time when war really ended. It is easy to determine the time of the cessation of hostilities, but difficult to decide when a de facto peace ripens into

a de jure peace. For the present we can not agree among ourselves about the terms of a treaty. The treaty-making power is deadlocked. Must we, then, remain at war or shall we recognize the existence of a de facto peace by formally declaring the war at an end? This, and this only, does the first paragraph of the pending resolution accomplish.

Under this method of ending war who shall declare and proclaim the fact that war has ended? Does this power rest in the President, or in the President and the Senate, or in the legislative branch of the Government? The power rests somewhere by very reason of our existence as a sovereign Nation. So far as an express grant of power to declare or proclaim peace or that war has ended, the Constitution is silent. Neither does the Constitution by express words prohibit the exercise of that power by any particular branch of the Government. It is clearly, then, an implied or incidental power. It is not a judicial function. There is absolutely no provision which can be construed into making it an Executive function. Upon reason it belongs in the policy-making branch of the Government. This is the legislative branch. Congress is the policy-making body excepting as to treaties, and this resolution is in no sense a treaty. Under the Constitution all legislative powers are vested in a Congress consisting of a Senate and House of Representatives. This is qualified by the provision granting unto the President the right and authority to approve or withhold his approval of legislative acts with the provision that in the event of his disapproval, upon reconsideration and a two-thirds vote in the affirmative from each House, the bill or resolution shall become a law without his signature. The power to legislate, therefore, is in both Congress and the President unless upon reconsideration by a two-thirds vote Congress passes a measure over his veto. In such case the legislative power is solely in Congress.

Article I, section 8, of the Constitution mentions the various grants of power to Congress, including the power to declare war, and also "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

The legislative branch of the Government is, therefore, made the judge of what shall constitute a cause of war, or the existence of the state of war; of all of the resources and ability of the Government to wage war; of the wisdom or expediency of applying its spiritual and material resources in waging war; in fact, of every conceivable circumstance that can in any way influence the Nation to consider the question of entering the war.

The declaration of war, therefore, is a legislative act, and can be declared by a joint resolution receiving a majority vote in both House and Senate providing it receives the approval of the President. War can be declared without the approval of the President if upon reconsideration following his disapproval it receives more than a two-thirds vote in each House.

Congress can in the same manner that it passes a law repeal it. With the approval of the President it can repeal a declaration of war by a majority vote in each House. Upon reconsideration following his disapproval it can by a two-thirds vote in each House repeal a declaration of war. There being complete and continued cessation of hostilities with Germany, and Germany having sued for peace, Congress has the power to repeal the declaration of war and thereby end the war. What Congress can do indirectly by the repeal of the declaration of war it certainly can do directly by an announcement or declaration that the war has ended. Whiting on War Powers under the Constitution says:

> As it is in the power of the legislative department to declare war and to provide or withhold the means of carrying it on, Congress also may, after hostilities shall have ceased, declare or recognize peace.

Can it be claimed that what everyone else knows and proclaims to be a fact can not be acknowledged or proclaimed by the legislative branch of the Government?

Will the gentleman contend that if the President should approve this resolution after it had been passed by both Houses that the resolution would be a nullity for lack of constitutional power upon the part of Congress to enact it? Or do you insist that it is not within the power of Congress by a two-thirds vote to pass the resolution over his veto? If so, point out to me any provision in the Constitution which expressly or impliedly restricts or qualifies the right of Congress to pass any measure over the veto of the President.

Mr. Speaker, distinguished gentlemen upon the Democratic side have argued that the power to declare the war at an end is vested solely in the President and the Senate. They confuse the power to recognize a fact and condition approved by every authority on international law, that war can be ended by the complete and continued cessation of hostilities, with the power to make or negotiate treaties of peace. The two are vastly different. One is merely an announcement by one of the belligerents of an existing and established fact. The other involves negotiations and the consent of at least two nations. If the arguments of my Democratic friends are followed this resolution could not become a law even though it should unanimously pass both Houses over the President's veto. Furthermore, even though the President might approve such a resolution and the House pass it unanimously, and a majority of the Senate vote for it, yet, for the lack of a two-thirds vote in the Senate we would continue to remain in a state of war.

Further, the President has asserted the right in the event of the ratification of the treaty by the Senate with the Americanized reservations to refuse to exchange ratification notes with Germany. That is, the President has announced the fact that if the Senate by a two-thirds vote ratified the treaty with the reservations attached he would pigeonhole it. If the gentlemen's contentions are correct and Congress has no constitutional power to pass this or a similar resolution we might some day be confronted with this situation: We are at war. The war ends. A treaty of peace ending that war was negotiated and presented to the Senate. The Senate is unanimous in changing and amending the treaty and unanimously ratifies it as amended. The President then, because of the changes, pigeonholes it. If the arguments of my Democratic friends are sound the country must nevertheless remain at war, although every Senator, every Representative, and every citizen of the United States, excepting the President, wants peace. This proposition is absurd and unthinkable. I dissent from the doctrine that the sole power of declaring peace under any and all circumstances is vested in the President, to there remain until he with two-thirds of the Senate agree. I challenge you to produce a single authority that Congress by joint resolution following a veto is powerless to declare a state of war to have ceased to exist, providing such resolution passes each House by a two-thirds vote.

You, my Democratic friends, won a presidential campaign in 1916 with the slogan "He kept us out of war." Are you now planning to conduct this coming campaign upon the slogan "He kept us in war"? [Applause on the Republican side.]

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON]. [Applause.]

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend and revise my remarks.

The SPEAKER. The gentleman has that right.

Mr. STEVENSON. I did not know that right had been granted.

Mr. Speaker and gentlemen, I can not hope to add very much light to the intricate constitutional questions which have been considered and discussed in this discussion in the short period of 10 minutes. I do desire for a minute to look at the Constitution as it is written. It is always a good plan when you go to construe a part of the organic law to look at its location in the instrument, look at the concomitants of the paragraph. Let us see where the treaty-making power is granted to the President and what it accompanies, and what is the result of the arguments made here, that when the treaty-making power fails to be exercised because of a disagreement then somebody else can step in and take up that power. Article II, section 2, paragraph 2, of the Constitution says:

> He shall have power, by and with the advice and consent of the Senate—

To do what?—

> to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States—

And so forth.

Now, the learned gentleman, the leader on that side, said the other day, and the report says, that the President and the Senate having failed to make a treaty, having failed to agree, and having become deadlocked, then it became competent for the Congress to come in and declare and do what it proposes now to do.

Mr. BAER. Will the gentleman yield?

Mr. STEVENSON. No; nobody yields in this discussion. Now, I want to ask the learned gentleman: Suppose the nominee for Chief Justice of the United States should fail because of a deadlock between the President and the Senate. Suppose the appointment of all the justices of the Supreme Court should fail because of a deadlock of the President and the Senate. Does the gentleman contend that Congress could come in here and by a joint resolution declare that Edward Douglas White shall be the Chief Justice of the United States Supreme Court? [Applause on the Democratic side.] I want to ask you in ref-

erence to what happened in Georgia a little more than a year ago to the nomination of a judge of the district court which failed. For a year there was a vacancy. There were two appointments rejected by the Senate, and it looked as if an impasse had been reached by the President and the Senate.

Was there any Solomon found in the Republican Party who had no more sense than to rise up and say, "We can pass a joint resolution saying here that Justice Wright, nominated by the President and rejected by the Senate, shall be judge of the Circuit Court of the Southern District of Georgia"? [Applause on the Democratic side.] Does anybody contend for any such silly proposition as that? Well, you say if this Congress can not do that, nevertheless you can usurp the very same power, given by the very same clause, written by the same stroke of the pen, enacted in the Constitution of this Government by the same action and inspiration which gave him the power to make a treaty, with the advice and consent of the Senate! Now, gentlemen, there is another thing that is a good deal talked about here. They say we can declare, and the report says that we can declare, a state of peace. When we are in peace we can declare it. That is very true. If you take the first clause of your resolution, you can declare a fact, but it does nothing else. You could have saved yourself the danger of veto if you had simply taken that, because a concurrent resolution is just as good to declare a fact as a joint resolution. It would not have required the signature of the President, and is worth just as much as your joint resolution would be. But there is another principle of constitutional law you must remember, and that is when you come to construe a proposition you must construe the act as a whole and not by sections, and when you come to construe this as a whole you will see, as was unanswerably established by the gentleman from Texas [Mr. CONNALLY], that you not only undertake to declare a state of peace, but you undertake to inaugurate negotiations with Germany for a treaty of peace upon certain well-defined issues, and that being unconstitutional, it destroys the whole intent of your resolution, because nobody would be so foolish as to believe the House of Representatives would pass this resolution, which declares that a state of peace existed, without section 3, which undertakes to negotiate with Germany.

You have got to make arrangements for our people to trade.

Now, I want to cite for just one minute a very distinguished authority, also cited by Mr. CONNALLY, of Texas, a while ago, on the question that has been so often reiterated here. One gentleman said that common sense is law, and that it is common sense that if we can declare war we can declare peace. But common sense can not override the Constitution. I want to cite you to the report of the Judiciary Committee of the Forty-ninth Congress, made by John Randolph Tucker, approved by this House, and found amongst its reports to-day, in which he says:

> Some stress is laid upon the power of a treaty of peace to repeal a declaration of war. It is conceded that this may be true, but the reverse is equally true. A peace by a treaty to-day may be repealed by a declaration of war to-morrow. Congress can not create the status of peace by repealing its declaration of war, because the former requires the concurrence of two wills, the latter but the action of one.

Let us see what happened to this report. You had a very distinguished leader of this House on the Republican side a few years ago by the name of Payne, of New York. His name is written on one of the great tariff bills of this country. He refers to this, and you will find his remarks in the CONGRESSIONAL RECORD. He says:

> I think, Mr. Speaker, that no committee of this House would ever present a report on this question which did not embody substantially the report of Randolph Tucker, made some years ago, from the reasoning of which I think any lawyer who will fairly read it will say that there is no escape. (57th Cong., 1st sess., RECORD, p. 1183.)

That is from one of the fathers of the Republican Party of 10 or 15 years ago. I cite here numerous authorities on that subject:

[From Tucker's Limitations on the Treaty-Making Power, p. 374, secs. 325 and 326.]

Judge Story, in his Commentaries on the Constitution (vol. 2, p. 1502) says (sec. 325):

* * * "A power given by the Constitution can not be construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination to it, and can not supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and of paramount authority within its scope, and no one embraces a right to annihilate any other."

Section 326, in Foster v. Neilson (2 Peters, 314 Marshall, C. J.), says:

"A treaty is, in its nature, a contract between two nations, not a legislative act, and does not generally effect of itself the object to be accomplished, but is carried into execution by the sovereign power of the respective parties to the instrument. In the United States the Constitution declares a treaty to be the law of the land."

[From Tucker's Limitations on the Treaty-Making Power, p. 356, secs. 311 and 312.]

Citing further from John Randolph's report to Forty-ninth Congress:

Section 311: "The argument may be thus stated: The Constitution has created diverse agencies for the different functions to be performed. The power of taxation is exclusive in the Congress. The power to make treaties is exclusive in the President and Senate. These two are independent of each other, with no direct control by either over the other.

Section 312: "The status of war created by Congress may be determined by a status of peace created by treaty—agreements as to mutual extradition, mutual expatriation, for the cession of territory to the United States, mutual intercourse by ambassadors, etc., and all proposals as to matters which may be consummated by statutory law.

"Some stress is laid upon the power of a treaty of peace to repeal a declaration of war. It is conceded that this may be true, but the reverse is equally true. A peace by treaty to-day may be repealed by a declaration of war to-morrow. Congress can not create the status of peace by repealing its declaration of war, because the former requires the concurrence of two wills, the latter but the action of one."

[From Tucker's Limitations on the Treaty-Making Power. Same report, continued, p. 354, sec. 310.]

SEC. 310. The result from a true construction of the Constitution is this: Both powers are independent in their respective orbits. The law-making power must be heard in its full voice in all that operates on the people as statutory law. Their taxes must be collected and their money appropriated by the laws of Congress. Their commerce, their defense by Army and Navy, their coinage, their citizenship, and their internal administration must be under the control of the legislative department.

The Congress can not reach out to negotiate with other nations. It can not make compacts or agreements. It may condition its own legislation on that of foreign nations and thus make overtures of international policy. But the nexus of international faith must be bound by the treaty-making power, and Congress may pass the laws necessary and proper to carry into execution the stipulation of a treaty. The treaty is executory and tentative as to all which it can not do of and by itself, and which requires the perfecting and completing hand of the legislative power.

[From Tucker's Limitations on the Treaty-Making Power. Same report, continued, p. 357, sec. 313.]

SEC. 313. While the constitutional system of our great Republic differs very much from that of Great Britain, it is an historic fact that ours was framed upon the British model as to the distribution of the functions of the three departments of government, with a radical departure in respect to the sources of the powers of all of them. Annul the hereditary principle as the source of authority in the British constitution and substitute the popular will for it, and the likeness between the two in the distribution of powers is very striking.

By the British constitution the powers of peace and war—of treaty making—are in the Crown. The power over taxation is primarily in the Commons, as a consummate law, in the King, Lords, and Commons. All money bills, to levy taxes and to appropriate their proceeds, must originate with the Commons.

The treaty power in the Crown is as absolute as the money power in the Commons. The Crown can no more levy taxes or appropriate money than the Commons can make treaties. Independent in their spheres, these rival powers are conditioned for consummate effect upon the will of the other.

[From Tucker's Limitations on the Treaty-Making Power. Same report, continued, p. 363, sec. 316.]

SEC. 316. * * * In the meantime the power of making treaties was transferred from the Senate to the President, by and with the advice and consent of the Senate, and a motion to add the House of Representatives was voted down by 10 States to 1 (Id., 1518, 1519), as it had been before. (Id., 1414, 1415.)

During this debate the necessity in Great Britain for action of Parliament in execution of treaties was referred to, but the treaty-making power was unquestionably left to the President and Senate, excluding the House of Representatives from any function in their negotiation.

Now, gentlemen, we have heard a great deal to-day about repealing the war legislation. My distinguished friend from Alabama [Mr. HUDDLESTON] made a great cry about the repeal of war legislation. I pause to ask if the gentleman from Alabama has ever introduced a bill to repeal a single one of these laws? If he has, it is sleeping to-day in the hands of a Republican committee under the direction of a Republican steering committee. I pause to ask also how many Republicans have introduced any bill to repeal any one of the war acts which are on the books and of which they now complain? If they have, where is the committee into whose custody it has gone and what have they done with it? Where is the steering committee that they do not bring it out and have it acted upon if the prosperity of this country depends upon it?

I want to call your attention to another thing. You are complaining that the President wants to keep from repealing war legislation. I want to read you what the President said not many months ago to this House.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. STEVENSON. Will the gentleman from Virginia yield me two minutes more?

Mr. FLOOD. I yield two minutes more to the gentleman.

Mr. STEVENSON. The President said on October 27:

> I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress.

Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal. (CONGRESSIONAL RECORD, Oct. 27, 1919.)

And yet the Republican Party in this House, ever since the 19th of last May, with that before them, have refused to introduce and bring forth a single bill repealing a single one of the laws which they say now they must violate the Constitution in order to repeal. [Applause on the Democratic side.] And what did they do in response to that message? Why, they very promptly overruled the President in saying that it ought not to be kept in force, and 95 Republicans out of 120 that voted voted to overrule that doctrine and to keep on the people an emergency law that the President said should be repealed. And in that very distinguished assembly we find Mr. MONDELL and Mr. SNELL, who said a while ago we must loose the shackles of trade when he proposed by section 3 of this act an embargo on the part of America as bad as the embargo of 1808, which nearly drove New England out of the Union. And the gentleman from Alabama [Mr. HUDDLESTON] also voted to override the President's views on that subject. [Applause on the Democratic side.]

Now, the proposition of section 3 is that if Germany fails to agree to our proposed legislative ultimatum we will put an embargo on our trade with her. How will that help trade? Will it not turn it all over to England? How will it help peace? Is not an embargo the first gun in war? I cite Henry Clay on that proposition on the embargo proposed April 1, 1812, by Madison. Henry Clay said, "He approved it because it was a direct precursor of war." Josiah Quincy said, referring to the Jefferson embargo while debating this proposed bill:

It is true that in those years the merchants did petition, not for embargo, not for commercial embarrassment and annihilation, but for protection. They at that time really thought that this National Government was formed for protection, and that it had at heart the prosperity of all the great interests of the country. If it was a grievous fault, grievously have the merchants answered it.

How aptly that describes the present proposition. If Germany does not tamely submit, then an embargo goes on except by license by the President. Thus, you bring in one of the most offensive forms of war—interference with business. Either the President will license all applicants, in which event the embargo is a mere bluff, or he will license some and refuse others, which would be manifestly unjust and would make "Rome howl," or he would in good faith apply the embargo to all and destroy our trade with Germany. [Applause.]

They asked you for relief, and you sent them embarrassment; they asked you for defense, and you imposed embargo; they asked bread, and you gave them a stone; they asked a fish, and you gave them a serpent.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, in the time allotted to me I will endeavor to discuss the provisions of H. J. Res. 325 as they appear to me. When I say that it seems to me this is a matter of political pretense and not of politiçal construction, I do not speak in any partisan spirit. There was no partisanship in the carrying on of the war; there should be no partisanship in so important a thing as the negotiation of peace. [Applause on the Democratic side.] Therefore I present my views of this resolution entirely without regard to partisanship, but based upon the legality and power of each of the three distinct elements in our governmental life.

I start with the assumption that the country wants to have the absolute knowledge that there is to continue to be an executive, a judicial, and a legislative body, all acting within their proper limits. Already we hear criticisms that the courts are going outside of the construction of laws, that they are making laws; we have heard, too, of the alleged encroachments of the executive; we are now facing a proposition of the encroachment of the legislative, and I think that the basis of our American prosperity in a governmental way is to make sure for all time the absolute separation of the executive, the judicial, and the legislative. [Applause on the Democratic side.]

Therefore, in calling attention to what I do regarding this resolution, I beg your indulgence if I quote literally from the resolution, because I do not believe much in fighting windmills nor speaking in glittering generalities. I want to present to you the solid facts in this case, as I see them. The gentleman from Pennsylvania [Mr. TEMPLE], a very excellent student of international law, said that this was a mere declaration. The gentleman from South Dakota [Mr. JOHNSON], an honored soldier of the Great War, said in his statement at the beginning, "We may as well sweep aside at first the question of the constitutionality of this measure."

Now, these are two very important premises. To them I add a third. The gentleman from Kansas [Mr. CAMPBELL], the chairman of the Committee on Rules, said, in answer to an inquiry as to why Austria-Hungary was not included, "Why, we may only include that which the President has sent in his treaty as it was when sent to the Senate. We may only act upon what was sent to the Senate."

These are statements of responsible men, and I beg you for a moment to take consideration of them with me. In the first place, I challenge the statement of the gentleman from South Dakota that we are to sweep aside all questions of constitutionality. [Applause on the Democratic side.] Because if we sweep aside all questions of constitutionality, then we sweep aside the basic law of government in the United States of America. [Applause on the Democratic side.]

I agree with the gentleman from Pennsylvania that this is a declaration, and I need go no further with him than he states for himself that it is merely a declaration. Being a declaration, what does it amount to? How can it affect anybody? What good does it do? It can only be of effect when it attains the dignity of a treaty, and a treaty can only be of effect when it attains the dignity of a completed contract made in the way prescribed by our Constitution. These are the legal propositions that I want to make as strongly as I can before this body representing American citizens in this most important matter.

Now, the question has arisen, as the gentleman from Pennsylvania [Mr. TEMPLE] stated it, that it is a declaration of the end of the war. Well, it is all right if it stops there—a declaration of the end of the war. The President has said that the war is at an end. We know that, and everybody knows that. But there is a difference between the ending of a war and a treaty of peace, and the latest thing which this House has had and upon which it has acted has been the consideration of the bill H. R. 6810, in the report upon which the following appears as the statement of the chairman of the Committee on the Judiciary, the gentleman from Minnesota [Mr. VOLSTEAD]. He states "That war exists with both Germany and Austria-Hungary needs no argument. The armistice only suspends actual hostilities, and until treaties of peace have been ratified there is no peace."

That was stated in his report to accompany the bill H. R. 6810, and it was acted upon affirmatively by a great portion of the Members of this body, even over the veto of the President. It was sustained by the Supreme Court of the United States, so that we have this as the present law of the land, that until the Congress of the United States takes affirmative action in the matter of legislation which it has a right to pass by a repeal of that legislation, there is no repeal of such legislation, and until there be a treaty of peace and presidential proclamation there is no recognition and acknowledgment of the agreement of warring nations of the terms and conditions of that governmental contract which ends war and provides for peace.

These are the propositions I bring to you. I say the resolution provides terms for a treaty and goes further than the statement of the gentleman from Pennsylvania [Mr. TEMPLE] that it is a mere declaration, because in section 3 it states this:

The German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles.

It does not refer to the end of the war and peace with the Austro-Hungarian Government, which is no part of this resolution, although it should be, if the resolution were open to amendment, because every man can see that it is necessary to make a number of amendments to clarify this resolution for even proper consideration in its acknowledged scope. But that is now foreclosed and I will not speak of it further.

There is in what I have quoted an absolute statement that we advance beyond that which the gentleman from Pennsylvania calls a declaration of the end of the war and invade the province of treaty making. There is absolutely no question about it. It has been established beyond a peradventure of a doubt by the very scholarly address of the gentleman from Mississippi [Mr. VENABLE] and by the splendid speech, too, of the gentleman from Texas [Mr. CONNALLY] that when it comes to the making of a treaty of peace there is constitutional warrant for only one way, and that way lies through the President of the United States, with the approval and consent of the Senate of the United States. We may act upon that which we have done. We may repeal that which we did in declaring war.

Let us do it. I stand with you. Let us sensibly enact the intent of section 2, and I will stand with you, because I say that the people of America to-day have the right to be relieved from oppressive war legislation. I stand with you and ask you to present on the majority side—and I will go as far as any one of you—the repeal of all laws that without warrant or necessity

restrict the citizenship in this United States of America and continue it on a war basis a year and a half after the signing of the armistice.

Let us free the honest and law-abiding citizen from oppressive and unnecessarily restrictive legislation enacted only as incidents of the great emergency of a war which threatened our Nation's perpetuity. Let a competent committee of this House investigate and make report as to such of the war-time legislation as should be amended or repealed in the light of present-day conditions, and then let us act on this, as properly we may; but let us not pretend a vain thing nor seek to nullify our great charter of power, duties, and liberties, the Constitution. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. ROGERS. Mr. Speaker, by direction of the chairman of the committee I yield 15 minutes to the gentleman from Ohio [Mr. BEGG].

The SPEAKER. The gentleman from Ohio is recognized for 15 minutes.

Mr. BEGG. Mr. Speaker and gentlemen of the House, I have been very much interested in listening to the discussions this afternoon, particularly those of my good friends on the Democratic side of the House. The gentleman from Maryland [Mr. LINTHICUM], a distinguished member of the Committee on Foreign Affairs, emphasized the fact that he was just as anxious for peace as any man in America. The distinguished gentleman from Ohio [Mr. GARD], who just preceded me, made the same kind and type of an utterance. They even went further than that. They said they would stop at no limit in order to bring about peace if we would go about it in a sensible manner. They charged a lack of sincerity and good intention on the part of the Republicans in introducing the joint resolution. They prophesied all kinds of dire calamity to the country if it is passed.

Well, gentlemen on the Democratic side, I will submit the record of the Republican Party since its birth as to its sensibility when it comes to protecting the best interests of all things American. [Applause on the Republican side.]

It amounts to no excuse at all to have you say you are for peace if we will do it your way. That is a mere pretense for playing the political game as you have been told to play it by the other end of the Avenue. If you were sincere in your contention, you would support the resolution even though it were not exactly as you would have it. Do not be unmindful that the Constitution itself is the result of many compromises of extreme views. Scarcely if ever has a law passed this House that has suited every man in every particular who has voted for it. No, indeed, my friends, you are not opposed to this peace resolution because you do not like its form, but you are opposed to it because the gentleman who sits in the White House has ordered you to so be, and having been so long accustomed to do what you are told you are not now disappointing your master.

I want to direct your attention to another proposition. That proposition is this: Although I did not happen to be a Member of the preceding Congress, when war was declared, the records show that during all that time, in the prosecution of every single measure that looked toward a successful culmination of the war, there was never a straw laid in the way of progress by the Republican side of the House. Now look at the contrast. When we are making an honest effort to secure peace after 17 months of futile effort on the part of the President and the Senate, we find almost a solid front on the Democratic side of the House trying to block legislation. Can it be that the Democratic administration are loath to give up that unusual war power they have become accustomed to using? Is it possible they fear the repeal of the law limiting free speech, lest some one may tell something that would be embarrassing? Ah, my friends, either support this resolution or else let the public know that you enjoy war conditions.

I want to ask you men in all fairness if the Republican Party had supported the war as effectively and as forcefully and as unanimously as you are now trying to support an effort toward the attainment of peace, how rapidly and successfully would the prosecution of the war have gone on? Would Germany have been conquered yet? I will come right down to the proposition with you and say that perhaps this effort will not do all we claim it will; but in the name of all that is decent, is it not worth while to try it after the Senate and the Chief Executive have gotten themselves into a constitutional deadlock that seems to open no way to peace for the next 12 months? If you are sincere in your desire for peace, you will try any expedient that holds the promise of peace.

Is your patriotism being obliterated by your partisanship?

Mr. UPSHAW. Will the gentleman yield for a question?

Mr. BEGG. No; I will not.

Mr. UPSHAW. In all fairness.

Mr. BEGG. I do not want to be discourteous to the gentleman, but I have only a short time.

Most of this discussion this afternoon has been a discussion of the legal technicality of attorneys as to whether this instrument is a treaty. I want to say to you men—and I speak with respect—that the American people are not half so interested in the technicalities you may offer regarding the instrument as they are in the results of getting back to a normal condition. [Applause.]

I want to go further with you. I want to ask you since when did the executive department of the Government assume to itself the entire prerogative of traveling in the twilight zone of constitutionality? Of course, being constitutional lawyers, you know that every treaty that is made by any President is subject to review by the Supreme Court of the United States, and if that treaty abrogates a single right of an American citizen that is guaranteed to him by virtue of that written instrument framed and known as the Constitution, the Supreme Court of the United States stands as the savior of the rights of the individual as against a treaty made by any Executive or any Senate. [Applause.]

The Chief Executive does not have thrown around him a halo of protection from a review of his acts by the Supreme Court of the United States. The League of Nations in itself, my friends, has violated individual rights, if the Constitution of the United States means a thing in guaranteeing to me and to the citizens of this country our individual rights, and it can be reviewed by the Supreme Court of the United States.

The greatest act of sovereignty that any country—a republic, a democracy, or a monarchy—can exercise or perform is to summon its citizen from private life, clothe him in a uniform, put a gun or a sword in his hand, and send him forth to the battle field to die in the defense of that country if need be. No nation exercises any higher act of sovereignty than that. If the League of Nations means anything, it means a surrender of that right by America to a foreign body in which there sits only one American, and he not responsible to the American people directly, yet you object to the passage of a simple resolution declaring peace because you fear it to be unconstitutional. Would to God that Woodrow Wilson had had a little of your surplus respect for the Constitution when he drafted his league.

My friends, when you talk about our action to-day being unconstitutional do you know that you are setting yourselves up as judge and court not because you believe it, but because you are hunting for an excuse for your sins rather than a reason. [Applause.] You are not any surer that this is unconstitutional than any other attorney is sure that the League of Nations is unconstitutional; and if the Chief Executive can go through unscathed and hand that instrument to the American people without fear of unconstitutionality he shows more courage than you. He now holds over the confirming power a club in the laws that have been passed for him during the war time granting to him unusual power, unusual influence, unusual force, and he is using that unusual power as a club to compel the adoption of that instrument, which contains all the elements of unconstitutionality possible to imagine. I dare you to show that this resolution contains half the elements of unconstitutionality as the League of Nations and that we are overstepping our authority one-tenth as much as the President. It would seem to me your excuse for nonsupport falls pretty flat.

There is one other proposition that I would like to present for your consideration. When this Constitution was framed, and wisely framed, if those men in their wisdom saw fit to make any discrepancy in the powers of the three branches of government, that discrepancy was made against the Executive and in favor of the legislative. As an evidence of that fact I will cite you the specific provision in the Constitution which affords a means whereby the legislative branch of the Government can discipline the executive branch, even to the point of removal, while, on the contrary, you can not show a single line in the Constitution where the executive branch of this Government can do anything more than retard the legislative. The Executive can not discipline, he can not estop. Twice this Congress has passed laws over his veto. The only thing that he can do is to hinder or slow up through the veto power. That difference was unquestionably created in order to meet an emergency. An emergency certainly exists to-day in this country. When the general welfare of the American Government is threatened there must be some governmental agency to function. Well, what is it? It is the legislative branch of the Government. The Chief Executive does not yield, and the Senate does not ratify what he proposes, so what are we to do? Must we sit idly by and

await the whim of a headstrong Executive? My friends on the Democratic side, suppose that we were beginning the term of a President at the conclusion of this war, that he had three or four years of office ahead of him. Suppose that that President were a dominating, headstrong man. Suppose he were self-willed. Suppose he should subscribe to certain things in his treaty-making power that no real American would subscribe to, and that the Senators would not give in to him, and they were in a deadlock head on.

Do you men mean to tell me that there would be no method whereby we could get relief from the burdens of war? Why, my friends, you may stand up here and tell me there is not, but I want to tell you that you can not tell that to the American people and get away with it. [Applause.] Every single branch of the American public is crying out, and has been for months, asking for peace and release from the burden of war laws. Every avenue and every type and kind of business is handicapped. Every single line of profession, even down to the individual, is right now suffering from their abuse. This very day there are standing indicted by the Federal grand jury 30 or 40 men in the State of Indiana for violating what? Not a peace-time law but a war prohibition, a war instrument, and yet the Chief Executive of the United States, with his Department of Justice, seeks to lay on the back of every man the burden as if we were in actual conflict. Why do we not repeal it, you ask? You vote for this measure and make a two-thirds majority, and if that man at the other end of the Avenue vetoes it, we will repeal it instanter.

Mr. BEE. Will the gentleman yield?

Mr. BEGG. No; I will not yield to anybody. The highest and most valuable right in the possession of the American citizen is his personal right to live under the American form of Government as prescribed in the Constitution. No man will deny that it is a vested interest which can only be altered by the sovereign Government, the people, by way of amendment.

Our Government, consistent with the Anglo-Saxon principle, is a government of law and not of personal authority, in any other time than the time of war—and war, to my mind, means actual hostilities. War does not mean 18 months after the Army has been demobilized, 18 months after the Navy has been reduced to a minimum, 18 months after the war claims by the producers of ammunition have been settled to the extent of several million dollars. [Applause on the Republican side.]

The distinguished gentleman from Texas [Mr. CONNALLY] said we have over 5,000 American troops in Germany right now, and that if we adopted this resolution we would have to bring them home. He seemed to think that would be a calamity. Now, Mr. Speaker and gentlemen of the House, if I had my way I would bring back from Europe every American soldier right now. Bring back the living, that they might enjoy the blessings of living in a free country; bring back the dead, that their bodies might sleep in their native land beneath the flag for which they gave their lives and also that their graves might become a holy shrine of patriotism at which the internationalists of America could renew their spirit of loyalty to the United States.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker and gentlemen of the House, I have been little impressed, though somewhat amused, at the attempt to differentiate the three methods recognized by international law of bringing a war to a conclusion and restoring a status of peace by those who have defended this resolution.

It is contended that there are three ways by which peace may be restored between belligerent nations: First, by conquest of one nation by the other; second, by a cessation of hostilities so long continued that the world will take notice that a state of peace has been resumed; and, third, by the formation and ratification of a treaty between the warring nations setting forth the terms of the peace and the rights of the contracting parties. It is not material in what order the three methods may be set out.

It is obvious that the first method would not contemplate either negotiations or agreement. In that case one country conquers the other, obliterates its government, takes possession of the country, and proceeds to govern it. There would be no need of a treaty, because there is no government with which to make one. It has been destroyed and that of the conquering nation set up in its place.

That situation does not exist in the present posture of affairs between the United States and Germany. Therefore it is not worth while to consume time in discussing it.

The second method referred to is where there is a cessation of hostilities, without formal agreement, of such long standing that all men take notice of the fact that peace has been established, and the belligerent nations glide into a status of peace by lapse of time.

That method contemplates that the contending armies simply quit fighting, withdraw through weariness or other cause, and disperse without any particular agreement or understanding whatever, and that this condition shall continue for so long a time that it can be presumed that neither side intends to renew it. In such circumstances it may be said that peace comes by silent consent.

It is manifest that this is not the condition of affairs at present existing between Germany and the United States, for while hostilities ceased on November 11, 1918, there has not been such a lapse of time between that date and the present as would be presumptive notice to the world that peace had been resumed between the two countries.

Furthermore, the very act of ceasing these hostilities was brought about by the signing of the armistice, and under the terms of the armistice it was itself the preliminary step to the formation and ratification of a treaty between the United States and Germany. Therefore, in my opinion, this resolution pretends to seek the accomplishment of the next step following the armistice, to wit, the making and ratification of a treaty, which Congress, as such, has no power to do.

In the armistice the terms of the prospective treaty were set forth in outline, for when Germany and the other nations signed the armistice they recognized certain fundamental principles which had been set forth by the President of the United States as the basis upon which the treaty of peace should be made.

I do not deem it necessary to argue these points in detail. It is sufficient merely to suggest them. If we are not in a state of peace by reason of conquest, and if we are not at peace with Germany by reason of the long lapse of time following the cessation of hostilities, then the only other way to make peace is by the formation and ratification of a treaty between the United States and Germany. Congress is not the treaty-making power in this Government. We have no constitutional power to negotiate treaties, and this House has no voice even in their ratification after they have been negotiated.

Gentlemen in this debate have sneered at the constitutional reasons given by those of us who oppose this resolution. The last speaker, the gentleman from Ohio [Mr. BEGG], proclaimed very loudly that we are not sincere in our belief that this resolution is unconstitutional and suggested that we are using the Constitution as an excuse for voting against it.

When I became a Member of this House seven years ago I took an oath to uphold and defend the Constitution of the United States. Three times since that I have repeated that oath. I can violate that oath by legislation for which I vote as well as I can by taking up arms against my country. [Applause on the Democratic side.] As a Member of this House I have never found it necessary to invent an excuse for respecting and defending that immortal document, the Constitution of the United States. [Applause on the Democratic side.]

Have we the power to pass this resolution, and what will be its effect? Prior to the declaration of war there was a proclamation issued by the President of the United States severing diplomatic relations between this country and Germany. If we have the constitutional power to declare peace by resolution between the German Government and our own, then we have the power by resolution to restore diplomatic relations between the United States and Germany. The same constitutional provision which confers upon the President exclusive power to negotiate all treaties between this and other Governments also authorizes him to carry on diplomatic relations and negotiations with other nations, either in war or in peace. If we can usurp the power in one case, we can do it in all cases; and by that process Congress could be converted into a sort of rump State Department, a thing not only not provided for but actually prohibited under the Constitution of the Government.

I deny that Congress has any such power. I deny that it was ever contemplated that Congress should have it. Nobody ever assumed that Congress possessed such power until it became necessary for this helpless and hopeless Republican Congress to extricate its humiliating record from impending disaster. [Applause on the Democratic side.]

This resolution provides that unless within 45 days the German Government shall pass a similar resolution or issue a proclamation waiving all rights denied to her under the treaty of Versailles, then certain features of this mongrel resolution shall be null and void. That is nothing less than an effort to negotiate a treaty by long-distance resolution. It is a sort of legislative "Big Bertha" by which we announce to Germany, not through any recognized channels but by making a

noise on this side of the Atlantic, that we have passed a resolution, and that unless Germany passes a resolution ratifying our resolution there will be no resolution.

In the next place, how is this resolution to be communicated to the German Government? When joint action of two bodies is necessary for the accomplishment of a certain thing, it is necessary that the action of each be officially communicated to the other. When the House passes a bill or resolution it officially notifies the Senate of that fact and asks its concurrence. When both Houses adopt a measure they officially notify the President, and when he either approves or disapproves it he officially notifies Congress of his action. In that way joint and concurrent action is obtained between the two coordinate branches of the Government.

This resolution, while a subterfuge, as everybody, including its sponsors, knows, pretends to contemplate joint action in some way between Congress and the German Government. But how can our action be officially communicated to Germany? We have no ambassador in Germany. We have no diplomatic representative there. We have no consular officers anywhere in the German domains. Is there a Member of this House so lacking in ordinary intelligence as to presume that the German Government will act upon hearsay or upon newspaper reports of the action contemplated here to-day, and undertake to bind itself by the adoption of any policy based upon an unofficial and current report that the American Congress has passed an international monstrosity like that over which we are now wasting valuable time?

Mr. JUUL rose.

Mr. BARKLEY. I can not yield to the gentleman. I only have a few moments.

After this resolution shall have been adopted, if it should be signed by the President, or if he vetoes it and it should pass over his veto, then do our Republican friends propose to adopt another resolution appointing a congressional messenger to journey to Berlin and knock on the door of the German Reichstag and announce to them in stentorian tones that the American Congress has passed this resolution restoring peace, and ask the German Government to concur in the same, and that they have only 45 days in which to do it? Do you intend to send the Sergeant at Arms over with it, or our genial and accommodating Doorkeeper, or will it be the Clerk of the House? Or, better still, will the steering committee accompany the precious document? I have waited in vain for some good and wise Republican to announce to us the procedure which will be adopted in order to get this thing officially before the German Government, which is asked to concur in it. No such announcement has been forthcoming. None will be. For there is no power now, and there has never been any power, by which Congress, as the legislative body of the Nation, can conduct any sort of diplomatic communication with the German Government, or any other Government, either in war or in peace. [Applause on the Democratic side.] If Congress can not conduct diplomatic communications with the German Government, it can not officially notify Germany of the passage of this or any other resolution, and it will have no effect whatever, and everybody on both sides of this House knows that if he has any intelligence whatever.

If I had gotten into an altercation or a feud with one of my friends on the Republican side, which was deep and of long standing, and then some bright day I should walk out into a field, lift my face up toward the heavens, and announce in solitude, "I am at peace," the effect would be about as noticeable in restoring friendly relations as this ex parte affair which has been dignified with the name of "peace resolution." The suggestion of such a thing seems to me to be so ridiculous that I am unable to comprehend how men presumed to have intelligence can defend it by pretending to substitute it for a real treaty of peace which the President has negotiated and the Senate has refused to ratify.

Therefore if we have the power to substitute this resolution for the treaty of peace, then we have the power by congressional resolution to restore diplomatic relations, and if we have that power, then Congress can appoint an ambassador and other diplomatic and consular officers, even over the objection of the President, and send them to the German Government, and thus restore all the relations which existed before we entered the war.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. BARKLEY. May I have two additional minutes?

Mr. FLOOD. I yield the gentleman two additional minutes.

The SPEAKER. The gentleman is recognized for two additional minutes.

Mr. BARKLEY. To pretend that Congress can do anything similar to what I have suggested is so absurd as not to be entitled to consideration. Yet that must be the logical result if the resolution now before us has any meaning or is worth anything whatever.

One excuse for advocating this resolution is that it repeals all the war-time laws enacted during the war for the war emergency. But the Republican Party has been in power in both Houses of Congress since the 19th of May, 1919, nearly an entire year, and Congress has been in session practically the whole time. Yet no attempt has been made by the rank and file nor by the Republican leadership in this House to secure the repeal of any of those war acts whose repeal they now pretend to desire. Mr. Speaker, no man in this House is more anxious than I am to secure the repeal of these war-time laws that have hung over since the armistice was signed, but I am not willing to stultify myself by voting for a transparent fraud which pretends to accomplish by indirection what can be and ought to have been accomplished long ago if the Republican majority had been possessed of the intelligence to bring in a resolution or a bill repealing these various laws by name and by an act of Congress. [Applause on the Democratic side.] The fact that you have not done it indicates to me that you have been holding back such repeals in order that you might be afforded an excuse to justify your support of the ridiculous, unlawful, and unconstitutional proposal which we have before us now. If you will bring in a bill or resolution repealing these various laws, designating them by name and date and official title, I will join you in an effort to repeal them and relieve the people of those burdens of which you are now so hypocritically complaining. [Applause on the Democratic side.] But until you have done that, you have no moral or legislative right to indict or impugn our motives when we stand upon the Constitution of the United States and refuse to participate in an undertaking to usurp the powers of the Executive and the Senate, who constitute the treaty-making power of the Nation. I have only time to suggest that I hope some means may be invented or discovered that will enable the treaty of Versailles to be ratified. It would have been ratified long ago but for the humiliating partisanship which has governed every movement and maneuver of the ratifying body since the armistice itself was signed. But I would rather see the state of war now existing continue longer, with all its train of accompanying embarrassments, until a legal and proper way can be found to bring peace, than to undermine and break down the Constitution of this Republic, which has been the foundation of our prosperity, our greatness, and our world influence for nearly a century and a half. [Applause.]

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Speaker, I desire in the brief time allotted to me to pay some attention to the argument and discussion by the gentleman from Ohio [Mr. GARD] and the gentleman from Kentucky [Mr. BARKLEY]. Both gentlemen are at least admitted to be constitutional lawyers. I could not help but wonder while the gentleman from Kentucky [Mr. BARKLEY] was talking whether he seriously meant the statement that if a Member of Congress voted for an unconstitutional law that vote would amount to a violation of the Congressman's oath of office, inasmuch as it embodies the supporting of the Constitution——

Mr. BARKLEY. It would, if I knew it was unconstitutional.

Mr. TINCHER. That is the question. How is one to know? The gentleman from Ohio [Mr. GARD] read during his remarks from a report made by Mr. VOLSTEAD, of the Judiciary Committee, last summer on the national prohibition bill. He is using this report to-day to prove that the war still exists; but I remember when this great constitutional lawyer said on the floor of this House that the Volstead bill was unconstitutional in so far as it applied to war-time prohibition. I remember trying to interrupt him one day to suggest to him that I doubted the unconstitutionality of the Volstead Act, but, in his profound way, he sat me down rather unceremoniously and informed me that he was trying to make an intelligent, learned discussion of that great constitutional question. Now, suppose I had been just slightly more impressed by his august manner than I was, and had followed the advice of this great constitutional lawyer, and had, for fear of violating my oath of office as Congressman, voted against the Volstead bill. The Supreme Court of the United States has since that date decided that the war-time prohibition feature of the Volstead Act is constitutional; that the distinguished jurist from Ohio was mistaken; and had I followed his advice at that time, and the argument of the gentleman from Kentucky were to be held good, I would perhaps to-day be in jail for violating my oath of office and voting against a perfectly con-

stitutional law by reason of being advised that it was unconstitutional.

Sometimes I wonder if some of the profound constitutional lawyers do not overdo the thing a little. The gentleman from Ohio in his remarks is strong for the maintenance of the three separate branches of our Government, namely, the executive, legislative, and judicial. Still, most every day we on the floor of this House are asked to invade the prerogatives of the judiciary and vote against perfectly good-looking measures on the advice of the distinguished gentleman from Ohio that these measures are not constitutional. I had 20 years' experience in the law before coming here, and I met many profound constitutional lawyers. In fact, all lawyers become constitutional lawyers when they can not find any other defense for their client; but these profound constitutional lawyers seldom cause the ordinary practitioner any serious trouble, unless, by accident, they are promoted to the bench. They are not much trouble to the ordinary practitioner that is willing to try his cases on their merits, so long as you can keep them on the other side of the counsel table.

It is amusing in a way to note the gentlemen that are going to vote against this resolution that give as their argument for so doing that they are afraid that the resolution violates the Constitution and that they would be violating their oaths of office to vote for it. It is interesting to know that these same gentlemen just a few weeks ago, by directions and orders from the same quarters that they have their directions and orders from to fight this peace resolution, were supporting, without the dotting of an "i" or the crossing of a "t," the so-called League of Nations covenant. This remarkable document not only transferred the power to declare war from the Congress of the United States, where it is now lodged in plain English language by the Constitution, to a supergovernmental agency, but this remarkable instrument enabled that other agency to decide which side of the war the United States would be on.

I have been wondering to-day how these great self-constituted constitutional lawyers could reconcile their attitude toward the Constitution with reference to that instrument and their present fears as to the constitutionality of this resolution. Some of us have only engaged in the practice of the law long enough to find out that we could not rely upon our own judgment to settle all these great questions. Ordinarily a lawyer is able to find some decisions or lines of reasoning that agree with his personal opinion or the opinion of his client or boss; but in the end we have a branch of our Government known as the judiciary that is supposed to pass upon these propositions.

The gentleman from Ohio makes another objection to the resolution. He says that the majority have made a great mistake in not bringing in a rule here that would permit the minority to offer a lot of amendments to the resolution. He uses his favorite word in this discussion; says he would like to "clarify" the resolution by some amendments. We all know the gentleman is an adept at "clarifying," and no doubt he was consulted by other constitutional lawyers concerning the language of this resolution; but I submit that if the Rules Committee had left this resolution subject to amendment that the distinguished gentleman would have spent as long as he did on the national prohibition law offering amendments trying to clarify it, as he calls it, and then, regardless of the number of clarifying amendments that were adopted, he would have voted against the resolution. [Laughter.]

Gentlemen, the American people want peace declared. The American people are not for any League of Nations unless the rights of America are safeguarded; but they do know that they want the war-time laws repealed now in peace time. This measure is clarified to such an extent that it brings about that result. There is nothing in the Constitution that prevents us from passing this resolution. It is only those that want to treat the laws and Constitution as a sort of hidden mystery that find something to become alarmed about. I know a number of gentlemen on the minority side of this House that are going to vote for this resolution. Some of them have been regarded in the past as ranking among the best lawyers in the House. Some of them are too big to take orders when so vital a question as this is before the Congress.

I would not want to yield the floor without mentioning another matter. The gentleman from Texas [Mr. CONNALLY], in his address, referred in a manner that I desire to resent to my colleague, ROYAL JOHNSON. He said that the ex-attorney general in one of the States had waived aside the constitutionality of this law. In the first place, the remarks of the gentleman from South Dakota [Mr. JOHNSON] were made when the question pending was whether we should adopt the rule for the consideration of this resolution.

He said that Dr. FESS had covered the constitutionality of the proposition, or ably discussed it. He distinguished between technicalities and the Constitution in the consideration of the resolution—brushed aside technicalities—and said that he would not discuss the constitutionality of the resolution, as it had been discussed, but discussed on its merits the resolution and advocated the declaration of peace. Let me see who is my colleague, Mr. JOHNSON of South Dakota. True, he is an ex-attorney general of his State; also, he is an ex-service man of the recent war. He left his seat in this body and a devoted wife and children and offered his life that we might have constitutional government in this Nation. Is it possible that men like ROYAL JOHNSON have to apologize to any man for casting a vote for a resolution declaring his country at peace with the world? He has, in the form of battle scars, that he will carry to his dying day, his proof of his love, devotion, and fidelity to the American flag and to the Constitution.

In my judgment you had better be honest and fair with the American people and tell them that you are voting against peace because the President of the United States has ordered you to vote against peace than to try to offer an excuse for your vote by saying that ROYAL JOHNSON wants to put the Constitution to one side. In his short address he advocated that personalities be not indulged in; that the wishes of the people of the United States be considered; and that the laws and our Constitution be upheld, and you attempt to answer that argument by the insinuation that he wants to brush the Constitution aside. The Constitution has ever been safe in the hands of the majority of the people of our fair land; it will always be safe so long as such men as ROYAL JOHNSON live, who are always willing to make the supreme sacrifice for our institutions.

You will need a better excuse than such insinuations with the American people for following the dictations of any one man upon this vital and most important question. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, three years ago the Congress declared a state of war to exist between the United States and the Empire of Germany. We did not enter this war for conquest. We sought no acquisition of territory or financial gains. We did not take up arms because of the compelling force of any league or treaty or alliance. It was not for any presidential 14 points or to establish a League of Nations that we thus went to war. It was a war to protect the lives of our people and the rights of our citizens on land and on sea. This was clearly expressed in the message of President Wilson to Congress on April 2, 1917, when he said:

> We enter this war only where we are clearly forced into it because there are no other means of defending our rights.

Seventeen months ago the enemy laid down his arms. That this result was due in no inconsiderable part to the valor of American arms I can not doubt. While the race lives the story of our part in the World War shall remain one of our proud traditions.

We fought for the security of our people. That purpose is achieved. We went to war to defend ourselves. Remembering Chateau-Thierry and the Argonne, no one in the world for a hundred years to come will doubt either our ability or readiness to do this.

Having accomplished this, what remains to be done? Obviously the burden rests upon us to enforce upon our recent enemy a strict compliance with the principles for which we fought. That completes the task we undertook. If in addition to this we might provide a tribunal of international arbitration, based on agreed international law and not on secret diplomacy, a forum wherein great and small nations alike might seek and receive speedy justice, it would be a desirable thing.

But we are told by the President and by the minority here that there must be no declaration of peace without the inclusion of this league to which the President has sought to commit us. A league that intends an international equality of labor conditions, and hence a lowering of our own standards; a league that threatens to throw open the trade doors of the country to the unrestricted commerce of the world; a league that opens the Treasury to the financial demands of every bankrupt nation on the globe; a league that puts the brand of conscription upon every youth in the land of service—God knows when or where—when the league, not duty, calls.

With stubborn and exaggerated vanity of mind, the President rejects the counsel of his constitutional advisers and denies the right to question the decision he has made. He bids us quit the path our forbears have trod for 144 years—of national life and freedom and prosperity—and follow him in devious and

uncertain ways. To do this I am not prepared. As for me, the principles our fathers announced—written unchangeably, I trust, in the organic law of our beloved country—shall continue to be the guide to my reason and action. We, the chosen representatives of the people, declared the existence of this war, and it is alike our right and our duty to declare the peace to exist which has, in fact, existed for almost a year and a half. Let us take from the business of the country those artificial restrictions that hamper and distort it and which make the problem of living such a serious one. Let us permit natural laws to be effective. Let us take less thought of the affairs of other people and more of our own. To do our utmost to accomplish these purposes is no less than our plain duty. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. WOOD]. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, the United States is occupying a most anomalous position. We are both at peace and war. One day we are told by the President of the United States that the war is at end and that we are at peace. The next day he tells us that the war is on and that there can be no peace until a peace is arrived at entirely suitable to his own purposes.

We are occupying a further anomalous position. Of all the countries engaged in this World War, we are actually the only country that is at peace. France is at war, Great Britain is at war, Germany is at war, Russia is at war, Italy is at war, and there are 20 wars this day going on in the Balkans. Notwithstanding the fact that the league of peace and the treaty accompanying it has been signed and accepted by practically all of these nations, they are now at war.

Demonstrating, if you please, that the United States, following the course laid down by the fathers, is occupying to-day a position enviable in the life of the world. Now, as for 120 years prior to this war, by our precepts and examples, to-day we are doing more for the world and the world's peace and good than all the leagues of nations that have been organized since the beginning of time or will be organized hereafter, demonstrating, if you please, the wisdom of the people of the United States, through the patriotic gentlemen at the other end of this Capitol, in refusing to enter into this compact that has already proven itself to be but a rope of sand. If this League of Nations is what it is purported to be, why is it that France is to-day at war with Germany in violation of the very covenant of that contract, in violation of the law, in violation of the treaty? Why is it that Italy is engaged this day, in violation of the league and of the covenant of peace, in war? No, gentlemen, the world is looking now, as she looked before we entered this Great War, for the helping hand of the United States, and we can give it to her better when this announcement of peace, as an actuality instead of a fiction, is an accomplished thing. Gentlemen upon the other side seem to be raising up a straw man and then tearing it to pieces. No one has contended or will contend here that this is a treaty of peace. This resolution is for the announcement of a status, a policy, and the Congress is the only power in the United States that has the right to declare its policy. When we declared war we formed a policy; when we pass this resolution we will have declared another policy—the very antithesis of war—the policy of peace.

The gentleman from Texas [Mr. CONNALLY] declared that it would be a bad precedent to pass this resolution, for the reason that if it were established that the Congress of the United States has the right to declare peace after we had engaged in war, it might result in great disaster to this country of ours in years to come—that some time we might be in the very midst of war and the people would declare for peace through their chosen Representatives. I dare say that the Congress of the United States has that right. The people of the United States through the Congress declared war. The people of the United States furnished all the sinews of war—men and money. Why, then, should they not have the right to declare peace? There can be a case imagined of our country being engaged in war, where we have fought to the accomplishment of the thing that caused us to enter that war, when the commander of the Army and Navy still wishes to persist in war after the people are satisfied with the result of the conflict of arms and the cessation of warfare.

Is it not within the province of the Congress of the United States, representative of the people, to declare peace? We are not without eminent authority upon this proposition. From the beginning of the Civil War down to its close more than a hundred bills were introduced into this House declaring that it should be and was the policy of the Congress of the United States that the war between the North and South should cease. Nothing ever became of those bills, because the peace-at-any-price Representatives were in such a hopeless minority. One of the greatest lawyers that the State of Indiana ever produced, who graced and graced well the office of Vice President of the United States, Thomas A. Hendricks, in 1864 declared in the Chicago Democratic national convention that it was the bounden duty of the Congress of the United States to declare peace; that the war had proven itself a failure and should be ended. There were many eminent gentlemen who then were upon the other side of this House and upon the other side of this question. Vallandigham, who was recognized as one of the greatest legal lights that the State of Ohio ever produced, also took the position that it was not only the duty but the inherent right of Congress to provide a way for the establishment of peace between the North and the South, whether the President wished such a peace or not. This is a policy that we are seeking to establish by law, and time and time again the Supreme Court has declared the right of Congress to establish such a policy. In almost every revenue act has there been a policy enunciated whereby if certain things should be done by certain foreign countries we in turn would do certain things. Every bill for reciprocity that has been passed by this House has been dependent upon the accomplishment of some object by some other nation or some other power, and then we would do certain things. Fifty per cent of all the laws that are passed by the various States of the Union, as well as by the Congress of the United States, are in the alternative form, depending upon the happening of some event or the development of some condition.

That is all that is proposed by this resolution, that we declare that the war is ended; that we are at peace in fact as well as in fiction.

The other day while the gentleman from Mississippi [Mr. VENABLE] was delivering his speech in opposition to this resolution, I asked him this question: If the Congress of the United States passes a resolution declaring the war at an end and the German Government passes a like resolution, will you say that this would not be a mutual understanding and agreement between the two Governments that a state of peace was established? And he replied, "Absolutely not, for the reason that under our Constitution the power to make international agreements is vested exclusively in the treaty-making functionary, and the Congress has not the right to speak." If the position of the gentleman be correct, if we had a mad Moloch in the White House and continued him there, and the German people had a mad Moloch at the head of their Government and continued him there, and these two mad Molochs persisted in carrying on war, there could be no peace, no matter if all the people in both countries were crying out for peace. Such a condition would be intolerable, and the declaration that such a thing could be is, to my mind, preposterous.

There is a demand coming from all over this land of ours for peace. Never since the Constitution of the United States was adopted—and four wars have cursed our country since then—has there been such a condition confronting the business world as confronts it to-day, due absolutely to the uncertainty with respect to our condition and our war status.

There is one thing certain that the Congress has a right to do under the Constitution, and which it is its bounden duty to do, and that is whenever and wherever it can to provide for the welfare of the country. That is a provision of the Constitution of the United States, and whatever Congress may do that is not prohibited by the Constitution itself, or delegated to the States, it is the duty of the Congress to do for the welfare of the country.

Can anyone here say that it would not be for the welfare of the country that the law with reference to trading with the enemy should be repealed? Is there anyone here who would contend that the espionage act should not be repealed? Is there anyone here who will for one moment deny that the burden that is resting upon the people of the United States by reason of the 63 war laws, enforced in time of peace, is most irksome and unbearable? Nations have gone to war in times past with far less excuse than the excuse which the people have now by reason of these intolerable conditions.

The gentleman from Kentucky [Mr. BARKLEY] is opposed to this resolution because we will have no means of conveying its contents to the German Government, inasmuch as we have no existing diplomatic relations with that Government. While this fact may present some obstacles, I do not think it insurmountable. Some way or another the German Government heard of President Wilson's 14 points and accepted them as a basis for peace, and the armistice followed. We had no diplomatic relations existing then, and now to say that this fact is fatal to this resolution is to confess that our President has not only lost his ingenuity but his cunning as well.

Therefore, I hope that in carrying out that provision of the Constitution which provides that it is the duty of the Congress of the United States to look after the welfare of this country of

ours we shall forget the partisanship that seems to divide us, as we forgot partisanship during the days of the war, when our country's best interests were at stake, and that with practical unanimity we present to the world this expression of our desire for peace. [Applause on the Republican side.]

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. JUUL].

The SPEAKER. The gentleman from Illinois is recognized for 10 minutes.

Mr. JUUL. Mr. Speaker, and gentlemen of the House, Tuesday, April 6, speaking on the subject of House joint resolution 327, terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, the gentleman from Mississippi [Mr. VENABLE] stated, among other things:

We, the House of Representatives, are to-day seeking to negotiate a treaty of peace with Germany, an interesting but tragic procedure; interesting as showing how far the passions of a time may obscure the vision of men, tragic as a commentary upon what had been the slow assassination of the hope of the world.

The hope of the world referred to, of course, means the League of Nations. I venture to say—and I am saying this after having discussed this matter with men both in the House and Senate—that all of us were eager to see a treaty of peace ratified, and it, no doubt, would have been ratified after a brief debate if the treaty had not been interwoven with articles containing matters which were such a radical departure from and destructive of the power of the American Congress to control the affairs of this Republic under the terms of the Constitution.

All through the gentleman's speech—and it is a very able one—he endeavors to show the helplessness of the Congress, and more particularly so that of the House. His claim is that the Congress, by declaring the war at an end, is making a treaty; that the Congress has not the power in this manner to make a treaty; that this resolution is a treaty; and that we can not have peace and live in amity and carry on commerce with another nation without a treaty; and that having no treaty necessarily means a state of war with that nation. I am reminded that in 1911 I introduced a joint resolution in the Senate of Illinois calling upon the Illinois representation in Congress to secure the immediate abrogation of our treaty with Russia, which had been in existence since December 18, 1832. That resolution was passed in Illinois April 27, 1911. The reason for its passage was Russia's refusal to recognize American passports when presented by our Jewish citizens.

The resolution was presented on May 8, 1911, in the United States Senate by Senator Cullom, who was then chairman of the Senate Committee on Foreign Relations. (See CONGRESSIONAL RECORD, 1st sess., 62d Cong., p. 1067.) Senator Cullom took a lively interest in the matter of the treaty, which was finally abrogated.

The date of the approval was December 21, 1911. I believe Representative Sulzer, of New York, introduced the final resolution in Congress. Since then we have lived in peace with Russia for many years, and the lack of a treaty did not mean war. So we can declare war at an end, transact business with Germany, and make a treaty when we can get around to it, by and with the advice and consent of the Senate and a President who is willing.

Congress is not near as helpless as our Democratic friends would have us believe. War would not go on forever without affirmative action by the Congress.

Article I, section 8, of the Constitution provides among other things:

The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

So you will note that the fathers who drafted the Constitution wanted no war to go on for more than two years, without the proposition to pay for the war had been submitted to a newly elected Congress coming direct from the people.

Some of the reasons, stripped of all embellishments, why the treaty was not ratified were simply these:

The treaty provided for 6 votes for the British Empire in matters of arbitration, and it generously gave us 1. I do not know how the average American feels on this subject; however, we will know in November, but I do know I would hate to try a lawsuit before a jury where the other side already had six jurors in the box and I could only place one. I do not know how the average American feels about article 10 of the league constitution, but we will probably know in November, but I think the language is so fraught with danger that it should make any American afraid of its possibility for evil. Listen!

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

In other words, should the council decide that American boys were to be sent overseas to lay down their lives for a cause with which we have no concern and in which we are not interested, what has the American Congress to do with it?

The Congress shall have power to declare war, grant letters of mark and reprisal, and make rules concerning captures on land and water.

The treaty was not ratified because the Senate refused to turn that power over to a council sitting in Europe, and which had received its advice from a board in which one of the signatory powers to the treaty could offer 6 votes of advice to the 1 the United States could cast.

I am for this resolution! I am for it because I believe the time has come. I am for it because I believe the world is weary and sick at heart and tired of bloodshed. I am for it because I want to see the time return when all Americans, no matter from what race descended, may again dwell together like brethren in unity. I am for it because it is time for the doctrine of hate to cease. Let us all get behind this resolution. Let us all bend every effort to do all that is humanly possible for our brave boys who made victory possible. Let there be tears for our heroic dead who sleep far from home in "Flanders fields." Let there be immediate and liberal recognition, aid, and training for our wounded. Let there be substantial and immediate recognition of all who came when they heard their country calling. But let there be peace. [Applause.]

Mr. PORTER. I yield to the gentleman from North Dakota [Mr. BAER].

Mr. BAER. Mr. Speaker, peace is a food problem. Food is the problem of all problems, and until we find its intelligent solution no other problem can be settled. Basically, agriculture is the foundation of all industry, and if farming is not made attractive and profitable and the farmer's produce economically distributed, not only food production but all other production will become paralyzed.

As history slowly winds its way along the pathway of time records will invariably prove that following a period of agricultural depression the great centers of wealth and industry crumbled. When the cities have enriched themselves at the expense of the country whole nations have been destroyed. The decay of agriculture destroyed Greece, it destroyed Rome, Spain, and Portugal. The France of the eighteenth century was destroyed by the same cause. Contemporary history proves that the building of great industrial centers and the neglect of the peasantry has destroyed modern Germany, Austria-Hungary, and Russia. It is not the propaganda from without, but the poison of privilege from within, which has led to agricultural decay and finally to economic suicide. It seems unnecessary to prove to any intelligent thinking person that farmers have forever formed the basis of social stability in a nation. Therefore the greater the capacity of a nation to raise foodstuffs for its own maintenance, the greater is its immunity from world war and internal disturbances.

Among all the gigantic industrial problems there is none more important to my mind than the readjustment of our system of distribution in order that the farmer may get a greater share of that which he produces and that the consumers on the other hand may pay less for distribution.

This is not only a problem in the United States but it is a world problem. It is, furthermore, not a temporary problem, but one that continually demands the attention of legislators as well as patriotic citizens. Premier Nitti, of Italy, informs us that there are in Europe 300,000,000 men not producing the necessaries of life. Just think of it! Can not any normal mind immediately realize that this is the cause of unrest and revolution in Europe? Is it not the fact that the European countries have been compelled to import from 30 to 80 per cent of their foodstuffs that has led to all the great naval armaments of the world and the burden which they throw on the backs of the people? Nations which do not produce their full requirement of foodstuffs necessarily have to reach out for overseas trade. They have engaged in a fierce competition for world markets to unload their nonfood products in order to exchange them for food supplies, which inevitably leads to world war. When the population of a nation becomes overcrowded and can no longer obtain sufficient food from foreign nations, it becomes necessary for it to expand—thus a lack of food supply creates imperialistic designs and all the irritations which it implies. Take, for instance, Germany. Before the war we found there were 271 people there to the square mile. When compared to

the United States, which has only 37 to the square mile, one immediately sees the purposes in the minds of the autocratic overlords who desire to extend their territory. I cite this as additional proof that peace is a food problem. Thus the lack of food production is the cause of war while a sufficient supply of food products means economic independence and insures peace.

Mr. Speaker, I recently read the astounding newspaper report taken from the census figures that several million farmers have left their farms since we reached the peak point of rural population. This in itself proves conclusively that there is little of attraction for the small farmer. The farmer's sons have also gone to the city where higher wages and the attraction of city advantages have held them since the war. Farm labor is very scarce. According to recent agricultural reports, winter wheat has fallen off over 25 per cent. There will probably be as great a decrease in the spring wheat acreage. An equal or greater percentage of decrease applies to all farm products. Every agricultural economist in the country has pointed with great alarm to this falling off of food producers and the increase of farm tenantry. I have several times called the attention of the House to the fact that in Illinois, for instance, 50 per cent of the farms were owned by absentee landlords, while in Kansas the same percentage will apply. In 1880, 84 per cent of the farmers owned their farms in Kansas. The average for the United States shows that 37 per cent of the farms are operated by tenants. I am proud to state that in North Dakota only 14 per cent of the farmers do not own their farms. With the wise legislation which has been recently passed and which will allow the returned soldiers and other citizens to buy farms on easy terms, I believe that even this small percentage will be reduced.

The problem of distribution is even greater than that of agricultural production. A close analysis of the character of the spread between the farmer and the ultimate consumer shows that decreases in the price of foodstuffs and wearing apparel find immediate reflection on the farmer, while increases in the cost of living result in the farmer receiving only a lagging increase while the vast proportion of the increase is absorbed by the trades between, namely, the buyers, the brokers, the manufacturers, the wholesalers, the jobbers, the retailers, and transportation. We must eliminate not only the useless parasites—the speculators and gamblers, which add no value to the products—but also the waste and extravagance of the legitimate members of our present system of distribution. I have introduced a bill which will absolutely prevent gambling in the necessaries of life by price manipulators who do not have any right, claim, or legitimate existence in our system; and, secondly, I have introduced another bill which would regulate the packers and all necessary and legitimate middlemen. I consider some legislation of this kind imperative and I regret that it was not passed long ago in order to meet the urgent conditions of readjustment.

In order to prove the statement that I have just made, namely, that the consumer does not receive the immediate benefit of the reduction of the price to the farmer, but that it is absorbed by the trades in between, let me call your attention to a book published by Armour & Co. under the head of "1919—A Year of Falling Markets," where I find the following:

> While wholesale meat prices remained high for some months after the signing of the armistice, a marked decline took place during the latter part of 1919. Wholesale beef prices, which stood at an average of $21.43 per hundredweight on the 1st of May, 1919, fell to $14.72 by the 1st of December. Hog prices, which were at a governmental guaranty of $17.50 during the war, rose to $23.60 in July, 1919, and then declined to $13 by December.

There are many significant facts which Armour's own figures disclose. First, when the farmers were not selling hogs they reached the peak point of $23.60, but in the late fall, when the farmers sold, the price fell as low as $13; and, secondly, while the wholesale price of beef fell 30 per cent from May to December and pork fell 45 per cent from July to December, consumers in the East enjoyed none of this decrease in 1919. It was about the 1st of August last year that Attorney General Palmer started his "campaign against profiteering." The price to the farmers fell 43 per cent during a three-month period, while, at the same time, I am reliably informed by a secretary of a consumers' league, that the price of pork was raised 15 per cent in eastern markets. I have talked to thousands of consumers at meetings, and after calling their attention to this great decline in the price of cattle and hogs to the farmers I have asked if any of them had noticed any falling off in the cost of beef and pork. I found none.

If we take the Swift dollar, which has become so popular through advertisements which cost the packers a million dollars a month, according to a Senate report, we find the claim that the packers receive less than 2 cents out of a consumer's dollar. When the farmer receives 45 cents less out of the consumer's dollar and the consumer is compelled to add 15 cents more to his dollar, as the market fluctuations in 1919 showed, then "somebody" gouged the consumer out of 60 cents when he spent a dollar and fifteen cents in the local market.

In other words, every time a fluctuation occurs in the hog market the farmer has to bear almost the entire burden of the fall in the price, and the middlemen enjoy the benefit of the decline by refusing to lower prices to the consumer. Furthermore, when there has been an increase in prices the tradesmen have absorbed the whole increase, and the profit has not been equitably reflected in the price to the producer. Neither the producer nor the consumer enjoys the benefits of the market fluctuation.

Five-sixths of the marketable live stock of the country is raised west of the Mississippi River, and the producer wants to see the consumer in the East enjoy a proportional decline in prices when he receives lower prices for his hogs and cattle.

The southern producer is likewise discriminated against. An inquiry into the reasons for the enormous advances in the price of cotton goods would reveal that the cotton goods manufacturers are profiteers of the worst sort. Representative TILSON, of Connecticut, a New Englander, made the statement recently that "the prices for cotton goods had advanced 600 per cent since 1914," although the cost of raw cotton and mill labor had not advanced more than 100 per cent during that time. Both the New England and southern mills have reaped enormous profits, and the producers of cotton are not able to get even the cost of production for their products. It is interesting in this connection to note that the railroad brotherhoods have bought several factories and are manufacturing overalls for the workers from 30 per cent to 40 per cent less than they cost in the open market.

In southwest Texas the Government encouraged the farmers to raise beans during the war. The farmers are now receiving 2½ cents per quart for their beans, and there is an enormous supply. The freight on beans to Boston, where they are popularly known as an article of food, is 1½ cents per quart, while in Boston they sell for 18 cents per quart. The farmer gets less than 3 cents for raising the beans, and it costs more than 15 cents to handle them.

Somebody is making huge profits in woolen goods, and it is not the woolgrower. Mr. Figg, an attorney employed by the United States Department of Justice, boldly declared that the retailers in eastern cities are making a profit of from $30 to $60 per suit on men's clothes. He does not refer to the other profit all along the line before the suit comes to the retailer; but I have already placed in the CONGRESSIONAL RECORD statistics showing the enormous profits of the woolen goods manufacturers. They are well organized; even better to-day than when the National Association of Wool Manufacturers was able to place its own agent as clerk of the Ways and Means Committee of the House of Representatives, and by so doing lifted clothing prices by writing schedule K into the Taft tariff bill. As in all other industries, a great speculative combine has grown up, and huge profits are being made. The flying squadron of the Department of Justice brought out the fact before a Federal grand jury that concerns in Philadelphia had made 175 per cent profit in their iniquitous gouging of the public on clothes.

Mayor Shank, of Indianapolis, some time ago, as you all know, bought several carloads of potatoes at Grand Rapids for 50 cents per bushel from the jobbers, the farmers receiving 40 cents, and he sold them in his city for 75 cents, while they were costing the consumer at the same time $2 per bushel. He handled potatoes for 35 cents, which the profiteers got $1.50 a bushel for handling.

The Philadelphia Public Ledger in a scathing editorial revealed an instance of profiteering by a Providence, R. I., shoe firm to the extent of 800 per cent. "We have no defense to offer" was the firm's reply to the charges preferred by the United States district attorney. In showing up the methods of this firm, the editorial states:

> The officers of the company designedly and with cool premeditation subsidized their salesmen to "gouge" their customers out of just as much money as they could manage to get. There was no pretense of fair and honorable trade—the selling of an article for its honest worth, with a fair profit and a fixed price. The salesman was apparently told to size up each customer and charge him all he would stand for each variety of shoe. There was no notion of sticking to the assigned price, but only the bandit rule of collecting "all the traffic will bear." And to make sure that the salesman would follow out this nefarious policy they were actually paid commissions on all money obtained from customers above the sale price of shoes as fixed by the company.

The Baltimore News states that shoes which cost $2.26 to manufacture are sold to the retailer for $10.98.

Financial America declares that light coats which cost $7 before the war now bring $40, an advance of 470 per cent. At the same time the secretary of the National Wool Growers' As-

sociation, speaking of clothing, points his finger at those who handle the product from the time it is sheared until it is handed the customer in the form of a suit by emphatically stating that there can not possibly be more than $7 worth of the finest wool in a $75 suit.

The report of the California Fruit Growers' Association shows that the grower received on an average for the past four years $1.60 per crate for oranges, while during the same period the consumer paid an average of $4.80. In New York City people paid 14 cents a quart for milk for which the farmer received 5½ cents. In South Bend, Ind., tomatoes were selling for $3 per bushel, while the farmers, 135 miles away, received 60 cents per bushel. A farmer gets 25 cents a pound for cotton. We must pay $4.50 for that pound of cotton when woven.

All these illustrations that I have given tend to show that there is too great a margin between the producers and the consumer. Mr. H. W. Collingwood, editor of the Rural New Yorker, has made a lifelong study of the subject of marketing. He states that 35 cents out of the consumer's dollar is all that the farmer receives. I could cite numerous instances where the tradesmen in between take two, five, and even ten times the cost of production for handling. Through these wasteful methods of handling it costs from $2 to $5 to deliver $1 worth of food. Stated in terms of man power, it takes from two to five men to handle a one-man power product.

These figures all show that we need a new and scientific method of marketing. Every plan, whether it be through co-operative movements, the municipality, or the State, requires the earnest consideration of every patriotic citizen. The question of municipal and State ownership always raises the cry from the wealthy profiteers of "socialism." Twenty years ago the man who advocated municipal ownership of public utilities was dubbed an "extremist" and a "socialist." But the people in the cities found that when certain private corporations had monopolized the public utilities and charged exorbitant rates for gas, water, and electricity they were compelled to take over these public institutions and run them for the benefit of all the citizens instead of for the aggrandizement of a few.

Take, for instance, my own State. The cities had bonded themselves for over $17,000,000 for streets, waterworks, sewerage, lighting plants, and other public utilities. In two cities they had even issued bonds for a municipal auditorium and a theater. These things were essential for the public welfare and convenience. They were, however, "luxuries" to the farmer who plodded through a foot of mud in the early morn with a lantern when he went to the barn to do his early morning chores. The farmer felt, and rightly so, owing to the fact that there was no other great industry in North Dakota except farming, the credit for the issuance of all these municipal bonds was based directly on the prosperity of the rural districts. If a pest or other calamity had wiped out the farming communities the cities could not have sold one cent's worth of their bonds. If the reverse has happened, however—that is, the cities had been wiped out by a fire or other misfortune and there was a rich and prosperous farming community surrounding them—they could immediately issue bonds and rebuild their cities overnight. This was right and the farmers had no complaint; but when the farmers advocated a State bond issue for $5,000,000, which for each farmer was only one-tenth the amount that each person in the cities was bonded for, the reactionary elements in the cities raised the cry that such an effort on the part of the farmer was "socialistic." Furthermore, the farmer wanted to issue these bonds on his own credit for economic necessities to market his grain. In other words, it seemed very inconsistent to the farmer for his urban friend to stand on a municipally owned curbstone built by bonds, with his foot on a hydrant built by bonds, leaning against a municipally owned electric-light post built by bonds, and with all the other city conveniences, even to a theater and auditorium, built by bonds, and say to his farmer friend who stood on a bonded pavement, "You are a socialist because you want to bond on your own credit to build an elevator and a flour mill."

I recollect an incident when a publicly hired policeman once walked across a publicly owned pavement, over a publicly owned electric-car line, and then over a publicly owned sidewalk into a publicly owned park, and up into a publicly owned bandstand, and arrested a public speaker and took him to a publicly owned court, where he was tried, and then to a publicly owned jail, where he was imprisoned for talking on "public ownership."

A hundred years ago the man who advocated the public school was a "Socialist," according to the wealthy tories, but it was not until men advocated public ownership of utilities which could be monopolized and yield exorbitant profits that the vicious fight was made. For instance, we all recall the fight made against parcel post by the express companies and the railroads, which called it "paternalism" and "socialism." One can advocate public ownership and the issuance of bonds for public schools, jails, fire houses, and hospitals, and any other institution in which there is no profit and he will not be subject to criticism to-day. But let anyone advocate the public ownership of a natural monopoly through which all the great fortunes in this country have been built up and that man is immediately called a "radical" and a "dangerous citizen."

Many progressive cities and States, however, are endeavoring to solve the marketing problem by taking the matter into their own hands, as Cleveland has tried to do, as Seattle has done when it invested $7,000,000 in wharves and storage, as Detroit recently did when it vote $15,000,000 for municipal railways, and as the State of Louisiana did when it built its State-owned cotton warehouses and grain elevators at the cost of about $20,000,000. Other cities, too numerous to mention here, are accepting the principles of public ownership. Australia, New Zealand, Norway, and even conservative England are doing it. Public ownership has passed the experimental stage.

This recalls to my mind the benefits of the Australian system during the war. The system of distribution was so efficient that it cost only 1 cent to take a pound of butter from Australia to the heart of London. The farmer in Australia takes his produce to a local depot, where the agent of the railway controlled by the Government gives him a check. The railway carries the produce to seaboard, and in turn is paid by the Commonwealth Government Merchant Marine, which is owned by the producers of Australia, and by which it is delivered to the Government in England or elsewhere. The result of this great system is that it costs less to handle a product raised in the central part of Australia from the time it leaves the local terminal until it arrives in the heart of London than it does to get the same product from outside an American city to the table of the ultimate consumer. If America had such a system the cost of living would not be a problem; there would be no industrial strife, strikes, and other disturbances.

But we need not go to far-off Australia to find prominent men, in addition to Gov. Frazier, of North Dakota, and other Nonpartisan League leaders, advocating a similar program. In his annual message to the New York Legislature, Gov. Smith recommends the following:

1. A minimum-wage law.
2. The eight-hour day for women workers.
3. Maternity insurance for expectant mothers.
4. Extension of workmen's compensation to cover occupational illness and accidents.
5. Appointment of State physicians and nurses for rural communities now destitute of medical aid.
6. Ownership, development, and operation of all water powers by the State.
7. State owned and operated grain elevators after the manner of the Nonpartisan League experiments in North Dakota.
8. Recognition of the production and distribution of milk as a public utility, subject to control in all details.
9. Municipal operation of public utilities.

Curiously enough, the big New York papers like the Times and the Tribune do not attack the propounder of this platform, which is similar to and even goes farther than the program of the North Dakota Legislature. They do not cry "bolshevism" and "un-American" methods when the governor of New York advocates a progressive platform, but they reserve their epithets and false statements for the splendid governor of North Dakota, Lynn J. Frazier. Perhaps they know that the New York Legislature is sufficiently reactionary to kill all popular legislation, and they are willing to let the Tammany governor gather a little harmless popularity.

Even as conservative a weekly as Collier's had a splendid editorial recently in which it advocated a "plank for our backbone." I have permission from the editor, whom I complimented on this editorial, to insert the same in the RECORD, and it will be placed in the RECORD in connection with my remarks at this point:

You, Mr. Will Hays, chairman of the Republican National Committee, and you, Mr. Homer Cummings, chairman of the Democrats, if you seek big work for parties to do, here is something for your attention. And you, Gov. Lowden, Mr. McAdoo, Mr. Palmer, Mr. Hoover, Gen. Wood, and Senator Johnson, and all those other aspirants who seek vital issues, here is one. It is one for you, Mr. Meredith, new Secretary of Agriculture. And it is one for you, the industrial laborer, and you, the banker and the clerk, the manufacturer and the sailor, the miner and the city dweller. It is one for you, the town man, walking on pavements, toiling in offices, living in apartments, and confused a little by the complexities of the material civilization around you, forgetting the thing by which you live. It is one for you, whoever you may be; it is one for your political party, whatever may be your political party. It is even more fundamental than many of these other issues that have made the veins of foreheads stand out with the strain of thinking about faraway foreign entanglements, and destructive

quarrels between capital and labor, and tariffs, and taxes, and universal military training. And it is just as pressing. The reason we all forget the most vital thing in a nation's life is that we often forget the same most vital thing in our own lives because we accept it as we accept the morning and the evening.

The most vital thing in our lives is three meals a day.

The most vital thing in a nation's life is food.

The producer of food is the soil.

And it is none too soon for political parties and all of us voters, and those of us who make any pretense of thinking clearly, no matter how humble we may be, to turn our attention to the farmer of the United States.

We are facing an agricultural problem in the United States just as sure as sunrise.

That's a disease in the backbone of the country!

NEGLECT.

The New York Tribune has been offering prizes for planks for a political platform. Good service! Because it interests the voters in the job of making the country. But in three weeks, yielding 2,225 suggested planks, the order of subjects was this: Foreign Relations, Americanization, Labor and Capital, Social Legislation, Constitutional Rights, Bolshevism, Cost of Living, Budget, Free Speech, Taxation, Army and Navy, Mexico, the Woman Voter, Tariff, Railroads, Conservation of Resources, Aid for Soldiers, Immigration, Merchant Marine, Control of Big Business, Prohibition, Island Possessions, Control of Public Utilities, the Negro Problem. That is largely a yield of urban thinking, but it is a fair sample of the country's immediate interest.

Among these planks, where is the soil? Where is the farmer? Where is the future of American agriculture?

The other day one of the most astute political observers returned to Washington from a tour of the country. He told us that the people of the United States were interested in three things: First, having the treaty fight out of the way, they are for a league of nations, but with bombproof reservations; second, to get back to realities from an idealism that doesn't ideal; third, to have a Government that is thrifty, businesslike, with a good administrator at its head. We asked whether there was interest in the basic, the ground-floor, basic industry of America—the tilling of the soil. He said: "No."

If Roosevelt had been alive, there would have been interest in this, the agricultural, question. We used to hear him talk about it informally over and over again, doing as he always used to do—feeling his way into big things for big ends.

BIG THINGS AND BIG ENDS.

America has done not only the big job of feeding herself; when Europe became intensive and industrial and overpopulated she fed Europe. She had the only unexhausted soil of great area in the whole world, except one, Russia. She worked it to a frazzle. She exploited her soil in her big, resourceful, wholesale way, and it became the same old story. America's population grew like mad; she exploited her soil like mad. Population will always catch up with an exploited soil, and this point will soon be reached in America. She can not go on feeding Europe long. Anyone can sense it. Anyone who has learned that it was Germany who was topnotch record holder in making the fewest acres feed the greatest number of persons, while foolish Great Britain allowed her "tight little island" to turn everything into grass to feed meat animals, knows that when we begin to talk about intensive agriculture it is not only a sign of intelligence, but a sign that the old day of the virgin soil and the big crop surplus for Europe is coming to an end. As it came to an end a shrewd nation would be straining every effort to make farming a paying, satisfied, intelligent, permanent, soil-conserving business. It is bound to be the basic industry, certainly while we export food and certainly even later, when we stop exporting food and begin the struggle to feed ourselves. It is the industry that gives us our three meals a day; when we can get along without anything else we shall still be yowling for those three meals. The soil and the farmer are the foundation of our national life, and yet we are neglecting our soil and our farmer.

ASLEEP.

What an extraordinary thing it is that the big political parties are blind to the great dangers creeping up our agricultural backbone. Anyone would think that the mere expediency of selfish political strategy would direct a strong attention upon the welfare of an industry that furnished us with 25 per cent of the draft men; with an industry that probably in terms of man, woman, and child still engages and supports a third of our population; with a national industry that works more acres of land than Great Britain, France, Germany, Belgium, Italy, Portugal, and all the European allies, excepting Russia, combined, and Canada thrown in for good measure; with a national industry employing more workers of the soil than in any other country in the word except British India, China, and Russia. How extraordinary that there should be failure to look back upon history and realize that no fundamental revolution ever takes place unless it involves the soil and the workers on the soil! In the absence of serfdom it is bound to take place when the tillers of the soil are unable to endure the results of two leeches that will suck the life blood of agricultural industry everywhere and anywhere that sane government does not step in and say "Off!" We go on, however, applying no effective check upon these two encroachments on the welfare of our farmers. Are we sound asleep?

THE LEECHES.

The two parasites on agriculture have always appeared and probably always will appear. They have appeared in America. The first is a parasite on the land; the other a parasite on the distribution of the product. The first is the land hog; the second, the middleman or profiteer, who always squeezes in between the farmer and the consumer. The first is responsible for replacing the landowning farmer by the tenant farmer; the second is responsible for sucking away the farmer's profits and the consumer's welfare.

When the Post Office Department sent out recently a questionnaire to the farmers of the country it received replies that would make an American's hair stand on end. Here was a chorus of dissatisfaction. Some of it can be discounted, because no interrogated class would ever return a verdict of "satisfied." But the replies left no doubt that the farmer of America knows that between the little price that he gets and the big price the consumer pays is the profit of the leech; and it makes no difference whether this leech is a slippery, antiquated system of food distribution or a scheming class of profiteers.

The first leech, not half seen by us fellows in cities, is infinitely more dangerous and difficult to dislodge. The land hog in the end will do more harm to the future of American agriculture than all the rest of the difficulties that may beset it. The land hog begins to develop his activity at the exact period that anyone could foresee—when we have begun to come to the end of our cultivatable land and are nearing the point where our soil production is being chased by an increasing population. Get a little land hunger and you have the land hog. Then comes this capitalist who sees that farm lands are going up. He is not a farmer. He is a speculator, holding land for a rise. He is a mere landlord. He is the creator of the tenant farmer. By having more capital to work with, he takes away the land of the farm-owning farmer and leases it to the poor devil who, compared to the homestead farmer or the big-production landowner, is a fly-by-night.

Does the tenant farmer enrich the land? No. Does he attach his family to a community? No. Does he build good, permanent farm buildings or keep up the roads? No. Can he keep his son and daughter on the farm with no future to offer them? No. Is he immune to bolshevism, as the French farmers, 80 per cent of whom own their land, are immune to bolshevism? No.

With the landowning permanent farmer, who has to use fertilizer and pay interest on invested capital, does he compete on an unfair basis? Yes. Does he lower the standard of living for farmers? Yes. Does he create an undependable, shifting type of farm labor? Yes. Is the tenant farmer on the increase in the United States? Astonishingly, yes.

The tenant farmer is increasing faster than any of us have begun to realize. In Illinois, Kansas, Iowa, Nebraska, Ohio, Indiana, and Oklahoma the situation is serious already. In Illinois 50 per cent of the farming is done under absentee landlords. Gov. Henry J. Allen, of Kansas, who has done more than anyone to sound a warning and provide a remedy, found that in his State, in 1880, the owner farmers were 84 per cent, the tenant farmers 16 per cent; in 1918 the owner farmers were about 50 per cent and the tenant farmers about 50 per cent. Henry Allen says: "Farm tenantry will ruin a country unless halted." In Kansas there has been an increase in population, but a decrease in farm population. At one time the inroads of land hogs and tenant farming actually decreased the population of Iowa. Absentee landlordism drives the American off the soil.

REMEDY.

These are the two reasons—the menacing, increasing power of the two leeches—that make Collier's call upon the political parties to give attention to the farmers of the country. Some of the relief may be by national action; some of it will be by State action stimulated and driven by the party with the power to see far enough ahead toward a crisis in our basic industry. So long as our national parties are paralleled in State organizations it will always be open to them to exercise a powerful influence, not to dictate State legislation but to thrust the need for it under the nose of the voters.

We want the distribution leech removed from the farmer by:

1. Wise regulation of freight rates on farm products.
2. Close supervision of commission houses and middlemen.
3. State aid or actual State distribution through public agencies if necessary.
4. Encouragement rather than adverse legislation for cooperative distribution by farmers and for cooperative buying by consumers.

We want to remove the land hog—this absentee landlord leech—and put the land-owning, permanent, contented American back on the land by:

1. Extending much more widely, by Federal and State action, the use of capital, not only to the farmer who already owns a farm, as in the present Federal plan, but to the man who wants to buy a farm and go on the land.
2. Adjusting taxes so that the burden falls on the land hog and his land rather than upon the buildings or improvements or the product of farm labor.

Mark it well. Read it in history. When the rich absentee landlords get the land, it is taken away from them. If it is not taken away by wise laws and given to those who work it, it will always in the end be taken away by revolution.

Our political parties may well take heed of it in time, for the remedies should be devised by all the people. Farmers are not a class organized for political action around a special, selfish, sovietized interest.

I want to make a brief analysis of the remedy suggested by this able editor and the program of the Nonpartisan League. The program of the Nonpartisan League contains five simple planks, which are as follows:

1. State ownership of terminal elevators, flour mills, packing houses, and cold-storage plants.
2. State inspection of grain and grain dockage.
3. Exemption of farm improvements from taxation.
4. State hail insurance on the acreage-tax basis.
5. Rural banks operated at cost.

In No. 3 of the suggested remedies Collier's advocates "State aid or actual State distribution through public agencies, if necessary." No. 1 of the Nonpartisan League program means just this: State ownership of the terminal facilities of distribution. There can be no question in an unbiased mind that the governor of New York, as well as Collier's Weekly, advocates this same plank, if necessary.

In No. 2 of this popular magazine's remedy we find "Close supervision of commission houses and middlemen." In No. 2 of the league program we have "State inspection of grain and grain dockage." As the grain dealers are our principal commission men or middlemen, this plank also closely conforms to that of the National Weekly.

In No. 1, namely, "Wise regulation of freight rates on farm products," Collier's has advocated exactly what the new railway commission elected by the Nonpartisan League is endeavoring to carry out in North Dakota.

Collier's editorial goes on to say:

We want to remove the land hog—this absentee landlord leech—and put the land-owning, permanent, contented American back on the land by (1) extending much more widely by Federal and State action the use of capital not only to the farmer who already owns the farm, as in the present Federal plan, but to the man who wants to buy a farm and go on the land.

This is the intent and purpose of plank 5 of the league program, which is "Rural credit banks operated at cost." The Bank of North Dakota is now in operation, and it extends the use of capital to the farm owner on first-mortgage security at a lower rate of interest than that which has prevailed in North Dakota for years. Since the league legislators came into power in North Dakota they have passed a home-building act which has made it possible for the man who wants to buy a farm and go on the land to obtain it on a small payment, with deferred payments for a long term of years and at a low rate of interest. I shall treat in detail this splendid law a little later on in my remarks.

In No. 2 of Collier's remedy the editor suggests "adjusting taxes so that the burden falls on the land hog and his land rather than upon the building or improvements or the products of farm labor." In No. 3 of the league program we find the exemption of farm improvements from taxation, which, of course, means the same thing.

It is strange that the many presidential candidates, with but one exception, have not advocated a definite program for agricultural readjustment. Is it not strange also that in more than 2,200 suggested planks submitted to the New York Tribune for a prize there was none for the "backbone of the nation"? I want to take this occasion to compliment highly the progressive and forward looking attitude of Collier's, one of the greatest of our American weeklies.

Mr. Herbert Hoover, in the Saturday Evening Post, recently wrote a splendid article entitled "Some notes on agricultural readjustment and the high cost of living." While I am not boosting Mr. Hoover for the Presidency, I recommend that Members of the House who are interested in this problem read his article. Mr. Hoover handled this great problem during the war, and I do not know of any other economist in public life who has a better understanding and a more comprehensive plan for solving this problem. Every line of his article is worthy of consideration; but in connection with my argument I desire to quote the following excerpt:

> Another factor in transportation bearing upon the problem of marketing is the control by food manufacturing and marketing concerns of refrigeration and other special types of cars. This special control has grown up largely because, owing to seasonal changes in regional occupation for these cars over different parts of the country, no one railway wished to provide special cars and service for use that may come its way only part of the year. The result has been to force the building up of a domination by certain concerns which control many of the cars and stifle free competition. Much the same results have been obtained by special groups in control of stock yards and, in some cases, of elevators. Where such formal or informal monopolies grow up they are public utilities, and if the farmer is to have a free market they must be replaced by constructive public service.

I could go on and state numerous parallel cases where the article of Mr. Hoover is similar to the program of the Nonpartisan League, and I believe that this is a compliment to the economic foresight and intelligent leadership of the farmers of the Northwest. I do not want to even suggest by these remarks, however, that the editor of Collier's, the governor of New York, or Mr. Herbert Hoover are potential members of the Nonpartisan League, nor do I know whether or not they have the slightest sympathy for the movement. If they read certain newspapers in the East they would probably be shocked at such mention in this speech, but I am sure if they, as well as other citizens, would go to the source for the facts concerning the Nonpartisan League movement they would find that it has much in common with their views.

The State Legislature of North Dakota passed the industrial commission act—the parent bill of the Nonpartisan League program—but in addition to this it passed many other beneficial laws for both the people in the cities and the laboring men as well as the farmers. For the information of the House I shall insert a list of the most important features of the program.

Bank deposits guaranteed.
Better grain grades, based on milling and baking values.
Pay for dockage or its return to the farmer to be used as feed for his animals.
The milling of wheat in the State, thereby preventing a double haul, and saving the by-products for use in the State, increasing business and industry and conserving soil fertility.
The State-owned bank, whereby the funds that belong to all the people are made available to finance the activities that belong to all the people.
A State-owned coal mine, to supply at least the State's own buildings.
An industrial commission charged with the management of the State's industrial activities, elected by and responsible to the people.
Hail insurance at cost.
Fire insurance on public buildings at cost.
State bonding of public officials at cost.
State aid to drought sufferers.
State aid to dairy associations.
Rural credits.
Reduction of the spread between the prices paid to producers and the prices charged to consumers.
A State of home owners (as the homestead act was the most beneficent piece of legislation ever enacted by the Federal Congress, so may the home building association act prove to be the most beneficent piece of legislation ever enacted by a State legislature).
Exemption of farm improvements from taxation.
Exemption of the small city home from taxation.
The redistribution of taxes more in accordance with privileges enjoyed and ability to pay.
Uniform warehouse receipts and a uniform sales act.
Encouragement of improvements and discouragement of speculation.
Simplified court procedure.
Equitable assessment of property for taxation.
Thirty days' notice before mortgage foreclosure.
A soldier's compensation law, the first and the most liberal enacted by any State.
A moratorium act, effective until one year after peace is declared.
The lowest draft cost per soldier of any State in the Union.
Workmen's compensation, the most liberal in existence.
Benefits to dependents of employees killed.
Beneficial and just labor laws.
Woman suffrage, with provisions enabling all women entitled to the ballot to cast their votes.
An eight-hour day and a minimum wage for women.
Stringent regulations as to employment of minors.
Pure drugs and sanitation legislation.
Night schools and enlargement of school facilities.
Stringent and effective morality laws.
Rural school betterment.
Recall of public officials.
A full line of repairs to be carried by dealers for machinery sold in the State.
Loyalty to the State and obedience to its laws.
Patriotism and love of country.
Free speech and free assemblage.
Fairer railroad rates.
Flood control.
Encouragement of cooperation.
The realization of democracy as written into our constitutions and preserved in our traditions.

The North Dakota Legislature is the first legislature in the world, to my knowledge, which has carried out its preelection promises. The majority of the members of the house and the senate were elected by the farmers who belonged to the Nonpartisan League and the progressive citizens who lived in the cities. The president of the Nonpartisan League is A. C. Townley, and great credit must be given to him for his splendid organizing ability and leadership. The opposition to the league has not attempted to attack these splendid laws, but has confined their attacks to personal abuse, catcalls, and slander. Their campaign of vilification is naturally directed at the leader, and therefore they attempt to belittle this beneficent program by calling it "Townleyism." They have at least failed in the Northwest, where the league is growing stronger every day, and the present prospects assure a victory in many States at the coming elections.

There is one measure that I should like to call to the attention of the House in greater detail, and that is a law known as the home-building act. I would heartily recommend this plan to the Federal Government to carry out the soldier's bonus legislation. This act is under the administration of the industrial commission, and on account of my limited time I can not point out the benefits of each law in detail, so choose this one.

This law allows any citizen of North Dakota to buy a home up to the amount of $5,000 or farm up to the amount of $10,000. In the case of a city home or dwelling the law requires a group of 10, who form a home-buyers' league. This league then elects its officers, and upon the deposit of one-fifth of the cost of the proposed home by any one member the State of North Dakota proceeds to erect the dwelling. The balance is paid by means of deferred payments covering a period of from 10 to 20 years. The results of this plan are that the worker can build a home, and the payment, including the principal and interest, is less than half the usual charge for rent for a like home. This law would solve the rent problem in this country and do away with the discontent and unrest which is caused by high rentals in the cities. Regarding the farm features of this law for homemakers will say that one-fifth the amount of the cost of the proposed farm and the same plan of payment is adopted.

The soldiers in North Dakota are given extra compensation of $25 for each month they served, provided they use such compensation for buying a farm or city home or in furtherance of their education. A soldier who served two years has $600 to his credit and will be allowed under this act to buy a $3,000 home or farm.

I challenge anyone to point out where such legislation does not make for more loyal citizenship and a truer Americanism. Is there any better way to make a law-abiding and patriotic citizen than to encourage him to own his own little home or farmstead? This is only a sample of the numerous laws which have been passed by the legislature in North Dakota.

Our country has always been an inspiration to all the nations of the earth. The first Republic now finds its counterparts increasing so rapidly that within your lifetime and mine we shall see the nations of the world all republics. The passing of autocratic rulers followed the firing of the shot "heard round the world" when a little group of embattled farmers stood at Con-

cord and defied an empire. There has been no halting of progress since that sacred day. No one who loves America will want that progress to halt now. The problems of agriculture and distribution demand immediate consideration. Until we solve them national progress can not be made.

Mr. PORTER. I yield to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Speaker, I feel that the business men and the business interests of this country have been kicked around and cuffed about and trod upon long enough. They feel that they are entitled to freedom from the exactions of military laws that were passed during the period of hostilities between this country and Germany.

The eighth section of Article I of the Constitution says that the Congress shall have power "to declare war." The second section of Article II provides inter alia that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The eighth section of Article I also tells us that Congress shall have power "to regulate commerce with foreign nations."

The Constitution does not contain any express language authorizing any department of the Government to declare peace. A condition of war exists when a nation is vindicating its rights by force of arms; when pacific relations have ceased; when reprisals and embargoes exist; when armed invasions, accompanied by the destruction of life and property, are taking place; when hostile and belligerent attitudes are maintained—these are some of the circumstances or indicia of war. They are the definitions of war.

As we have seen, the treaty-making power is lodged in the Executive and the Senate.

The minority Members present seem to be laboring under a misapprehension, or to be laboring with a confusion of thought, in respect to the question before us. With a good deal of boldness and an ill-concealed effort to hold a straight face, they insist that there can be no peace in the absence of a treaty.

A treaty is a contract, "a written agreement between two sovereign nations," and "a compact between two or more nations having the right of self-government." These are the definitions. The right of Congress to declare peace comes as the natural sequence to the express power to declare war. The former is the necessary complement of the latter. The one is the corollary of the other.

The war having been declared and prosecuted and long since successfully terminated by the conflict of arms and the terms of the armistice of November 11, 1918, now nearly 17 months ago; the Germans having withdrawn their invading armies and surrendered their ships and arms; and our people being now engaged in some little trade and commerce with them, and nearly all of our armed forces having been brought home and mustered out of the service, we are now actually, if not technically, at peace with the Germans. While it may be that it would be advisable to enter into a treaty—a contract in writing—with Germany, providing for trading relations, the surrender of fugitives from justice, and the like, yet this is a matter for the President and the Senate to look after. We are at peace with Germany, but the President declines to admit it—and refuses to proclaim the fact to the world.

Several years ago Congress, by joint resolution, abrogated the treaty with Russia on account of her mistreatment of the Jewish people. And we managed to get along for years without a treaty with Russia—but we were at peace with her. Just because two neighbors do not happen to have contractual relations with each other is no sign that they are not at peace. There was incorporated in the treaty of Versailles the League of Nations. The President made good his threat that the two—the treaty and the league—would be so entwined that they could not be separated. The majority of the Senate, standing firm for American rights, refused to be browbeaten into an acceptance of a treaty that involved the surrender of the rights won by the revolutionary fathers to a board of nine directors, eight of them foreigners, of whom England should have four to our one. All hail to the splendid statesmen of the Senate who defended the dearly bought rights gained for us at Bunker Hill, Valley Forge, and Brandywine, and from Lord Cornwallis at Yorktown.

Already the British are buying from the Germans, right and left, and in their merchant vessels, of which there are many thousand, transporting her manufactured products to our shores and selling the same to our people at a rich profit—all to the detriment of our workingmen and our manufacturers.

Already the British pound sterling, by reason of the importation of the German-made goods, dumped into our markets, has jumped from something over $3 to above $4, as the price of exchange. Yet imperious and vindictive, egotistical and visionary, partisan and persistent, the President tells us, there can be no declaration of peace until he gets ready to make it. In the meanwhile our trade abroad is suffering and in our domestic affairs the people, sorely tried, are being taxed to death.

Under the President's war powers he is maintaining almost innumerable boards and commissions, bureaus and departments, councils and committees, employing thousands upon top of thousands of employees, eating up the substance of the people, and being paid with the proceeds of Treasury bills now bearing 4¾ per cent interest and in regional bank currency, the printing presses of which banks are running night and day, causing an enormous inflation of the currency and the tremendously abnormal high cost of living.

Under the second section of the resolution must go to the discard the Lever Act and the other measures, necessary, I suppose, when we were in a state of war, but no longer to be desired. Business men and business interests want to be released from autocratic control and domination. They want, and the country wants, a return to constitutional government. For these reasons, and for many others that I might mention, I am for the resolution, and to vote for it will be one of the greatest pleasures of my life.

The people are war worn and weary. In conclusion I quote the memorable words of Gen. Grant, "Let us have peace." [Applause.]

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, I am not even a lawyer, much less a constitutional lawyer; therefore I shall not attempt to deal with the constitutionality of this resolution. I try to be a plain business man, and I hope I understand something about the difficulties under which the country has been suffering due to the 61 restrictive measures which are in existence because peace has not been declared. I favor this resolution for that reason if for no other, as it will immediately, if it becomes law, remove restrictions which are making it almost impossible for the business of this country to be regularly conducted.

It is the belief of the business men of this country that we can not begin to return toward normal until peace is finally declared and becomes effective. We have a form of peace now, of course, but technically we are still at war, and until such time as we are able to realize that we are in a state of actual peace, business from one end of this country to the other will be in a disturbed condition, as it is to-day. All one needs to do is to read the newspapers and realize the condition which the country is experiencing at the various railroad junctions throughout the United States, due very largely to the present frame of mind of the people, who can not forecast what is to happen to-morrow. Unless we enact some resolution of this kind and bring some people to their senses, whether it be the gentlemen at the other end of this Capitol or the gentleman down at the other end of Pennsylvania Avenue, if they can not be brought together by their own efforts some force should be exerted to accomplish it, and if that fails to bring them together some other force must do the thing these people are supposed to do under the Constitution of the United States.

As I said, I am not a constitutional lawyer and I do not know whether this resolution is properly worded to attain this result, but I am willing to pin my faith on the judgment of the lawyers on this side who say it is the right and proper measure and live in the hope that they are correct. I would have been willing that the President and the Senate should have gotten together upon an agreement which would permit us, with proper restrictions, to become a part of the League of Nations, simply to try it out and not with any conviction on my part that it would be a success. I am firmly of the belief that even though we had gone into the League of Nations with or without restrictions it would have amounted to nothing more than a mutual admiration society, out of which there would have come as many opportunities for war as for preventing it.

So if this resolution goes through and we finally find ourselves at peace with Germany, we will be in the same position that we were before we went into the war. We will be able to determine with whom we want to fight, and when, and whether we shall send our boys across the ocean. We will let our ambassadors get together and make a final accounting and, with our business men, we will go to work again as we did before war was declared.

So I do not see anything to fear with regard to the future of this great country, even though we may not become a member of this League of Nations. If we have made peace with Germany we will be able immediately to do business with the whole world as we did before war was declared.

I sincerely hope that the good judgment of two-thirds at least of the membership of this House will support this resolution and that the President and the Senate will see to it that it finally becomes a law, so that we can once more get the country back into a normal state. [Applause.]

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 685. An act for the relief of Frank S. Ingalls;

H. R. 687. An act for the relief of Frank Pinkley;

H. R. 6077. An act for the relief of the King Coal Co., of San Francisco, Calif.;

H. R. 11175. An act for the public sale of customhouse building and site at Kennebunkport, Me.; and

H. R. 8645. An act for the relief of Lawrence Bendich and Anthony Vezich.

LEAVE OF ABSENCE.

Mr. DENISON, by unanimous consent, was given leave of absence indefinitely.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House adjourned until to-morrow, Friday, April 9, 1920, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Department of Agriculture for printing and binding, fiscal year 1921 (H. Doc. No. 719), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OLNEY, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 301) to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes, reported the same with amendment, accompanied by a report (No. 809), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Reform in the Civil Service, to which was referred the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, reported the same with amendments, accompanied by a report (No. 813), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOCHT, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12790) to incorporate the Supreme Tabernacle, Illustrious Order Knights of the Cross, reported the same without amendment, accompanied by a report (No. 810), which said bill and report were referred to the House Calendar.

Mr. WALTERS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12908) to incorporate the Roosevelt Memorial Association, reported the same without amendment, accompanied by a report (No. 811), which said bill and report were referred to the House 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. KALANIANAOLE: A bill (H. R. 13500) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission, and for other purposes; to the Committee on the Territories.

By Mr. WILSON of Louisiana: A bill (H. R. 13501) to provide for the sale of public lands to members of the military and naval forces; to the Committee on Ways and Means.

By Mr. MORGAN: A bill (H. R. 13502) to provide relief for the producers of wheat in the year 1917, and for other purposes; to the Committee on Agriculture.

By Mr. HICKS: A bill (H. R. 13503) to incorporate the Roosevelt Memorial Association; to the Committee on the District of Columbia.

By Mr. IRELAND: Resolution (H. Res. 514) increasing the pay of John A. McKenzie, janitor and messenger to stenographers to committees; to the Committee on Accounts.

By Mr. GOULD: Joint resolution (H. J. Res. 331) providing for the appointment of a commission for the purpose of erecting in Potomac Park, in the District of Columbia, a memorial to those members of the armed forces of the United States from the District of Columbia who served their country in the Great War; to the Committee on the Library.

By Mr. CULLEN: Memorial of the Legislature of the State of New York, urging an appropriation sufficiently great to keep in operation the Watervliet Arsenal with a force of 1,500 men; to the Committee on Military Affairs.

By Mr. GOULD: Memorial of the Legislature of the State of New York, protesting against Federal control of the New York State canals; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSTON of New York: Memorial of the Legislature of the State of New York, urging an appropriation for the continuation of the Watervliet Arsenal; to the Committee on Military Affairs.

Also, memorial of the Senate of the State of New York, regarding the canals of the State of New York; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. CASEY: A bill (H. R. 13504) to restore J. C. Paine to his former position as captain and brevet lieutenant colonel, Signal Corps, United States Army; to the Committee on Military Affairs.

By Mr. COOPER: A bill (H. R. 13505) for the relief of George B. Allen; to the Committee on Claims.

By Mr. CRAGO: A bill (H. R. 13506) for the relief of John George Smith; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 13507) granting a pension to Charles H. Smith; to the Committee on Pensions.

By Mr. GARLAND: A bill (H. R. 13508) for the relief of Nolan P. Benner; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 13509) granting a pension to Frank B. Stewart; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 13510) granting an increase of pension to Alexander Douglas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13511) granting an increase of pension to David Whittington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13512) granting an increase of pension to Thomas P. Pope; to the Committee on Pensions.

By Mr. HERSEY: A bill (H. R. 13513) granting an increase of pension to Abbie J. Geuthner; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13514) to confer jurisdiction on the Court of Claims to try and adjudicate the claims of Joe Ellis and other individual Shawnee and Delaware Indians on account of depredations committed by soldiers and white citizens of the United States; to the Committee on Indian Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13515) granting an increase of pension to Wedding Colegate; to the Committee on Pensions.

Also, a bill (H. R. 13516) granting an increase of pension to John T. Craddock; to the Committee on Invalid Pensions.

By Mr. McKINIRY: A bill (H. R. 13517) for the relief of Philip Sheridan; to the Committee on Claims.

By Mr. McPHERSON: A bill (H. R. 13518) granting a pension to Arthur Owen; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 13519) granting a pension to Elizabeth Ellen Bealer; to the Committee on Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 13520) granting an increase of pension to Melissa J. Groves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13521) for the relief of J. D. Briscoe; to the Committee on Claims.

Also, a bill (H. R. 13522) granting a pension to Thomas Thompson; to the Committee on Pensions.

Also, a bill (H. R. 13523) granting a pension to Peter J. Silvey; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 13524) granting an increase of pension to Rebecca I. Whittelsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13525) granting a pension to Anna L. Frick; to the Committee on Pensions.

PETITIONS, ETC.

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

2858. By Mr. CASEY: Petition of Dr. F. P. Archer, of Wilkes-Barre, Pa., relative to the bonus for the ex-service men of the World War; to the Committee on Ways and Means.

2859. By Mr. CULLEN: Petition of East Side Business Men and Taxpayers' Association, Buffalo, N. Y., urging the passage of bills providing for a 1-cent drop-letter rate in cities and towns and on rural routes; to the Committee on the Post Office and Post Roads.

2860. By Mr. ELLIOTT: Petition of the Thirteenth Census supervisors of the State of Indiana, urging increase in compensation; to the Committee on the Census.

2861. By Mr. FULLER of Illinois: Petition of the Illinois State Dental Society, relative to the Dental Corps in the Army; also favoring universal military training; to the Committee on Military Affairs.

2862. Also, petition of the Sandwich Manufacturing Co., of Sandwich, Ill., protesting against House bills 12379 and 12646; to the Committee on Banking and Currency.

2863. By Mr. HERNANDEZ: Petition of New Mexico Cattle and Horse Growers' Association, favoring Senate bill 3944, creating a Federal live-stock commission; to the Committee on Agriculture.

2864. By Mr. JOHNSTON of New York: Petition of the Chamber of Commerce of the State of New York, relative to inflation and high prices; to the Committee on Banking and Currency.

2865. Also, petition of the Chamber of Commerce of the State of New York, relative to American shipping, etc.; to the Committee on the Merchant Marine and Fisheries.

2866. Also, petition of the Silk Association of America, urging the adjusting of the internal-revenue laws; to the Committee on Ways and Means.

2867. By Mr. NELSON of Missouri: Petition of citizens of Miller County, Mo., also patrons of St. Martins school district, at Versailles, Morgan County, Mo., protesting against universal military training; to the Committee on Military Affairs.

2868. By Mr. RAKER: Petition of J. J. Seid, of San Francisco, Calif., urging the passage of House bill 13015; to the Committee on Ways and Means.

2869. Also, petition of citizens of the United States, urging the passage of House bill 1112; to the Committee on the Judiciary.

2870. Also, petition of A. D. Edwards & Son, of Los Angeles, Calif., urging adoption of 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

2871. Also, petition urging early passage of House bill 1112, for the parole of Federal prisoners; to the Committee on the Judiciary.

2872. By Mr. SNYDER: Petition of the Rome (N. Y.) Chamber of Commerce, favoring the return of the Barge Canal in New York State from Federal to State control; to the Committee on Railways and Canals.

2873. By Mr. TILSON: Petition of Chamber of Commerce of New Haven, Conn., favoring a revision of the Federal income-tax laws; to the Committee on Ways and Means.