

By Mr. TINKHAM: Memorial of the Legislature of the State of Massachusetts, favoring the repeal of restrictions on the freedom of speech, freedom of the press, and the right of free assemblage; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ANTHONY: A bill (H. R. 13140) granting an increase of pension to John R. Bortles; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 13141) granting an increase of pension to General W. Carrell; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 13142) granting a pension to Carrie C. Fry; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 13143) for the relief of Louisa Donnelly; to the Committee on War Claims.

By Mr. DICKINSON of Missouri: A bill (H. R. 13144) granting an increase of pension to William Griffith; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 13145) granting a pension to Minnie E. Cook; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 13146) granting an increase of pension to Asa Iddings; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 13147) granting a pension to Frank C. Baylor; to the Committee on Pensions.

Also, a bill (H. R. 13148) granting a pension to Amanda Winters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13149) granting an increase of pension to Orville A. Benton; to the Committee on Invalid Pensions.

By Mr. HOUGHTON: A bill (H. R. 13150) granting a pension to Edward J. Conway; to the Committee on Pensions.

By Mr. LEA of California: A bill (H. R. 13151) granting an increase of pension to Sallie Justis; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 13152) to correct the military record of Leroy S. Kiger; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 13153) granting a pension to Amanda Kline; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 13154) granting an increase of pension to Frank L. Jewell; 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:

2404. By the SPEAKER: Petition of the Massachusetts Society Sons of the American Revolution, asking that the Panama Canal be known as the Roosevelt Canal; to the Committee on Interstate and Foreign Commerce.

2405. By Mr. CAREW: Petition of Newton Post, No. 48, American Legion, relative to the \$50 per month bonus; to the Committee on Ways and Means.

2406. By Mr. COLE: Petition of T. P. Johnstone Post, No. 329, of the American Legion, of Mount Gilead, Ohio, urging the consideration of the resolution adopted by the executive committee of the American Legion at Indianapolis, February 10, 1920; to the Committee on Ways and Means.

2407. Also, petition of Meuse-Argonne Post, No. 259, Forest, Ohio, urging support of the so-called American plan for bonus for ex-service men and women; to the Committee on Ways and Means.

2408. Also, petition of American Legion, Scarborough Post, No. 243, Galion, Ohio, urging support of the so-called American Legion plan for bonus for ex-service men and women; to the Committee on Ways and Means.

2409. Also, petition of Hardin County Farm Bureau, of Kenton, Ohio, asking support of an effective measure compelling proper labeling of fabrics; to the Committee on Interstate and Foreign Commerce.

2410. Also, petition of 12 citizens of Marion, Ohio, protesting against the passage of the Anderson bill, providing for the licensing or Government control of the meat industry; to the Committee on Agriculture.

2411. By Mr. CULLEN: Petition of the Padraic H. Pearce Branch of the Friends of Irish Freedom, relative to the action of Gov. Harding, of the Canal Zone; to the Committee on Railways and Canals.

2412. By Mr. DALLINGER: Petition of the Eastern Shook & Wooden Box Manufacturers' Association, praying for the repeal of all class legislation; to the Committee on the Judiciary.

2413. By Mr. FULLER of Illinois: Petition of Friends of Irish Freedom, La Salle and Peru, Ill., favoring House bill 3404; to the Committee on Foreign Affairs.

2414. By Mr. HILL: Petition of residents of New York City, for the enactment of House bill 10518, a bill to create a Federal urban mortgage bank; to the Committee on Banking and Currency.

2415. By Mr. JAMES: Petition of Alfred Branchine Post, No. 17, American Legion, of Iron River, Mich., favoring bonus legislation for soldiers of the World War; to the Committee on Ways and Means.

2416. By Mr. JOHNSTON of New York: Petition of the Chamber of Commerce of the State of New York, for the repeal of the excess-profits tax features of the revenue act of 1918, etc.; to the Committee on Ways and Means.

2417. By Mr. KELLEY of Michigan: Petition of Trent Longs and 45 other residents of Flint, Mich., favoring House bill 1112, for the parole of Federal prisoners; to the Committee on the Judiciary.

2418. Also, petition of Pauline M. Armstrong and other residents of Grosse Point Farms, Mich., favoring the Vestal maternity and infancy bill; to the Committee on Interstate and Foreign Commerce.

2419. Also, petition of the Pontiac (Mich.) Board of Commerce, in favor of the repeal of the fuel provisions of the Lever Act; to the Committee on Agriculture.

2420. By Mr. MacGREGOR: Petition of the Lackawanna Post, No. 63, of the American Legion, favoring the bonus of \$50 per month for the ex-service men and women; to the Committee on Ways and Means.

2421. By Mr. O'CONNELL: Petition of the Tiger Post, No. 23, of the American Legion, of New York, urging favorable action on universal military training, etc.; to the Committee on Military Affairs.

2422. By Mr. ROWAN: Petition of the Tiger Post, No. 23, of the American Legion, New York, urging universal military training, etc.; to the Committee on Military Affairs.

2423. Also, petition of Percy E. Barbour, of New York, urging universal military training; to the Committee on Military Affairs.

2424. Also, petition of Percy E. Barbour, New York, relative to the Fuel Administration; to the Committee on Interstate and Foreign Commerce.

2425. By Mr. SNYDER: Petition of General William Floyd Chapter, Daughters of the American Revolution, Boonville, N. Y., indorsing the enactment of legislation insuring speedy suppression of dangerous and un-American propaganda; to the Committee on the Judiciary.

2426. By Mr. TAGUE: Petition of Harry E. Moore and others of the committee to represent 350 sick and wounded soldiers of the Parkerhill Hospital, urging the passage of the Mason bill, House bill 10365, etc.; to the Committee on Appropriations.

2427. Also, petition of C. F. and G. W. Eddy (Inc.), of Boston, Mass., urging the passage of House bill 13015; to the Committee on Ways and Means.

2428. Also, petition of Sons of the Revolution in the Commonwealth of Massachusetts, Boston, urging the passage of House bill 12482; to the Committee on Public Buildings and Grounds.

2429. Also, petition of John S. Cranston, of Boston, Mass., urging the passage of the Lehlbach-Sterling retirement bill; to the Committee on Reform in the Civil Service.

2430. Also, petition of Frank H. Briggs, of Boston, urging the passage of the act relative to the Olympic team traveling on transport; to the Committee on Military Affairs.

2431. By Mr. VARE: Petition of the American Legion, Post No. 136, Ardmore, Pa., urging the passage of the bill to compensate the ex-service men and women; to the Committee on Ways and Means.

2432. Also, petition of the Philadelphia Drug Exchange, asking for the rehabilitation of the United States merchant marine; to the Committee on the Merchant Marine and Fisheries.

#### SENATE.

FRIDAY, March 19, 1920.

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

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

Almighty God, we seek Thy gracious favor as we come again in this honorable Senate to consider the mighty issues that confront us; that Thy blessing and favor may rest upon the deliberations of this body; that the final outcome of the deliberations may have the sanction of the divine approval; and above all that our hearts may be kept in constant touch with God, that we may realize that we are workers together with God in the great field of human endeavor into which He has called us. Fit us for the solemn duties of the day, and let Thy favor abide with us. For Christ's sake. Amen.

On request of Mr. CURTIS and by unanimous consent the reading of the Journal of the proceedings of the legislative day of Thursday, March 11, 1920, was dispensed with, and the Journal was approved.

CALLING OF THE ROLL.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Frellinghuysen	McCormick	Simmons
Ball	Glass	McKellar	Smith, Ga.
Beckham	Gore	McLean	Smith, Md.
Borah	Gronna	McNary	Smith, S. C.
Brandegee	Hale	Moses	Smoot
Calder	Harding	Myers	Spencer
Capper	Harris	New	Sterling
Chamberlain	Henderson	Norris	Sutherland
Colt	Hitchcock	Nugent	Swanson
Comer	Johnson, S. Dak.	Overman	Townsend
Cuberson	Jones, Wash.	Owen	Trammell
Cummins	Kellogg	Phipps	Wadsworth
Curtis	Keyes	Pittman	Walsh, Mass.
Dial	King	Pomerene	Walsh, Mont.
Edge	Kirby	Ransdell	Warren
Elkins	La Follette	Reed	Williams
Fletcher	Lenroot	Robinson	
France	Lodge	Sheppard	

Mr. CURTIS. I wish to announce the absence of the Senator from Illinois [Mr. SHERMAN], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Mississippi [Mr. HARRISON] on business of the Senate.

Mr. MCKELLAR. The Senator from Delaware [Mr. WOLCOTT], the Senator from California [Mr. PHELAN], the Senator from Rhode Island [Mr. GERRY], the Senator from Mississippi [Mr. HARRISON], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Tennessee [Mr. SHIELDS] are absent on official business.

The PRESIDENT pro tempore. Seventy Senators have answered to their names. There is a quorum present.

CIVILIAN EMPLOYEES AS COMMISSIONED OFFICERS (S. DOC. NO. 173, PT. 2).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in further response to a resolution of December 11, 1919, a statement showing the name, rank, and total compensation of every officer in the Navy Department who at the time they were commissioned were employed by a civil branch of the Government, etc.

Mr. SMOOT. I move that the communication and accompanying papers be printed and referred to the Committee on Naval Affairs.

The motion was agreed to.

THE RECLAMATION SERVICE (S. DOC. NO. 256).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 24th ultimo, a statement showing the total number of persons employed in the Interior Department, including the official personnel, etc., which, with the accompanying paper, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 11309) to authorize the Secretary of the Treasury to fix compensation of certain laborers in the Customs Service.

The message also announced that the House had passed the bill (S. 2085) relating to the maintenance of actions for death on the high seas and other navigable waters, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 316) relating to the supervision of the Lincoln Memorial, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 299) extending the term of the National Screw Thread Commission for a period of two years from March 21, 1920, and it was thereupon signed by the President pro tempore.

WOMAN SUFFRAGE.

The PRESIDENT pro tempore. The Chair lays before the Senate a certified copy of a joint resolution passed by the Legislature of the State of West Virginia ratifying the Susan B. Anthony amendment to the Constitution, extending the right of suffrage to women, which will be filed.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a petition of the Delta Neta Delphian Chapter, of Rock Springs, Wyo., praying for the enactment of legislation to amend the vocational education law, which was referred to the Committee on Education and Labor.

Mr. PHELAN presented a petition of Boyce Aten Post, No. 25, American Legion, of El Centro, Calif., praying for the enactment of legislation providing a bonus for ex-service men, which was referred to the Committee on Military Affairs.

He also presented a petition of the Local Branch, American Legion, Department of California, of San Francisco, Calif., praying for the enactment of legislation to fix the compensation of officers of the National Army who incurred disability while in the service, which was referred to the Committee on Military Affairs.

Mr. TOWNSEND (for Mr. NEWBERRY) presented petitions of Edwin F. Stiles Post, No. 153, American Legion, of St. Johns; of Jesse B. Cooley Post, No. 235, American Legion, of Brighton; of Ernest J. Stover Post, American Legion, of Berrien Springs; of Griswold-Gooch Post, No. 168, American Legion, of Fostoria; of McGowan Post, No. 68, American Legion, of Paw Paw; of Douglas K. McCloskey Post, No. 130, American Legion, of Carson City; of Evans-Swanson Post, No. 123, American Legion, of Kent City; of Lincoln Post, No. 258, American Legion, of Belleville; of Gerous Post, No. 11, American Legion, of Wakefield; of Thomas Uren Post, No. 50, American Legion, of Iron Mountain; of Carl O. Weaver Post, No. 194, American Legion, of Petoskey; of Ray E. Bostick Post, No. 94, American Legion, of Cadillac; and of Louis K. Hice Post, No. 170, American Legion, of Three Rivers, all in the State of Michigan, praying for the enactment of legislation providing a bonus for ex-service men, which were referred to the Committee on Military Affairs.

Mr. McLEAN presented petitions of the Mosaic Club, of Bridgeport; the Woman's Town Improvement Association of Westport; the Current Events Club of Bethel; the Woman's Club of Stamford; the Woman's Club of New Preston; the Wednesday Afternoon Musical Club of Bridgeport; the Killingly Woman's Club, of Danielson; and the Book Club of Mount Carmel, all in the State of Connecticut, praying for the enactment of legislation to provide for the promotion of vocational education, which were referred to the Committee on Education and Labor.

He also presented a petition of William McKinley Camp, No. 9, United Spanish War Veterans, of Norwalk, Conn., and a petition of C. B. Bowen Camp, No. 2, Spanish War Veterans, of Meriden, Conn., praying for the enactment of legislation providing a pension for Spanish-American war veterans, which were referred to the Committee on Pensions.

He also presented petitions of Burpee Post, No. 71, Grand Army of the Republic, Department of Connecticut, of Rockville, Conn., praying for the passage of the so-called Fuller pension bill, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of New Britain, Conn., praying that action be taken looking to the termination of outrages on the Armenian people by Turkey, which was referred to the Committee on Foreign Relations.

He also presented a petition of Thomas Ashe Branch, Friends of Irish Freedom, of Waterbury, Conn., praying for the official recognition of the republican government of Ireland by the United States, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. WOLCOTT, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 685) for the relief of Frank S. Ingalls (Rept. No. 481); and

A bill (H. R. 687) for the relief of Frank Pinkley (Rept. No. 482).

CLAIMS OF EDWARD W. OWENS AND OTHERS.

Mr. WOLCOTT, from the Committee on Claims, reported the following resolution (S. Res. 334):

*Resolved*, That the claims of Edward W. Owens and others (S. 2719), Julia Dezera Stewart (S. 2868), and Lawrence S. Vandall (S. 3582), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. POMERENE:

A bill (S. 4092) for the relief of the estate of Isabelle Thomson; to the Committee on Claims.

By Mr. HENDERSON:

A bill (S. 4093) for the relief of Fannie E. Turner; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 4094) granting a pension to Lacy Ladd; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4095) granting an increase of pension to Mahala P. Berry (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4096) for the relief of the Vindal Co. (Inc.); to the Committee on Claims.

A bill (S. 4097) granting a pension to Deborah J. Harris;

A bill (S. 4098) granting a pension to Anton Merk; and

A bill (S. 4099) granting an increase of pension to Milo D. Heath; to the Committee on Pensions.

By Mr. GLASS:

A bill (S. 4100) granting an increase of pension to Anne Gertrude Robinson; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4101) to pension survivors of certain Indian wars, disturbances, and campaigns, from January 1, 1859, to January 1, 1891; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 4102) granting an increase of pension to Peter Noblet; to the Committee on Pensions.

By Mr. JOHNSON of California:

A bill (S. 4103) granting a pension to Frank Dixon; and

A bill (S. 4104) granting a pension to Angeline M. Preston; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4105) granting an increase of pension to John S. Allison; to the Committee on Pensions.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 174) authorizing the completion of the Liberty Theater at Camp Knox, Ky.; to the Committee on Military Affairs.

#### ELECTION OF FEDERAL JUDGES.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to offer a joint resolution proposing an amendment to the Constitution of the United States providing for the election of Federal judges by direct vote. I ask that it be printed in the RECORD and referred to the Committee on the Judiciary.

The joint resolution (S. J. Res. 173) proposing an amendment to the Constitution of the United States providing for the election of Federal judges by direct vote was read twice by its title and referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution is hereby proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:*

#### "ARTICLE —

"SECTION 1. The judges, both of the Supreme and inferior courts, shall be elected by the people of the United States and shall hold their offices for a term of 10 years, but only during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. The electors shall have the qualifications requisite for electors of the House of Representatives of the United States.

"SEC. 2. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

#### AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. GORE submitted an amendment proposing to increase the appropriation to enable the Secretary of Agriculture to carry into effect the provisions of the act of April 26, 1910, relative to the manufacture, sale, or transportation of adulterated or misbranded Paris green, etc., from \$85,000 to \$117,000, intended to be proposed by him to the Agricultural appropriation bill, which was ordered to lie on the table and be printed.

#### RIVER AND HARBOR APPROPRIATIONS.

Mr. RANSDELL 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.

#### HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 316. Joint resolution relating to supervision of the Lincoln Memorial was read twice by its title and referred to the Committee on Appropriations.

#### NOMINATION OF BAINBRIDGE COLBY FOR SECRETARY OF STATE.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent to present as in secret executive session a favorable report by the Committee on Foreign Relations upon the nomination of Hon. Bainbridge Colby to be Secretary of State. I ask that it go to the calendar.

The PRESIDENT pro tempore. Without objection, the report will be received as in secret executive session and placed upon the calendar.

#### TREATY OF PEACE WITH GERMANY.

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

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

Mr. LODGE. I desire to move the amendment which I proposed to the resolving clause, which is printed on pages 1 and 2, to change the provisions requiring the other signatories to agree to the reservations of the United States prior to the filing of ratification by the United States.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The READING CLERK. The resolution reported by the Committee on Foreign Relations is as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.*

To which the Senator from Massachusetts offers the following amendment:

After the word "accepted," on line 9, strike out the following words: "by an exchange of notes as a part and condition of this resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan," and in lieu of those words insert, after the word "accepted," the following:

"As a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers."

So that if amended the resolution will read:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers.*

Mr. LODGE. Mr. President, I can state very briefly the purpose of my amendment. I was never satisfied with the clause which was adopted. I will say that frankly. It did not seem to me to be the best way to confine the assent to three of the principal allied and associated powers. It seemed to me that the only safe way was to secure the acceptance of our reservations by all the signatories prior to our deposit of ratification.

That is the sole purpose of the amendment to the resolution of ratification which I offer. It requires the assent of every signatory to the treaty, and provides that if objection is not made prior to the deposit of ratification by the United States a failure to make objection on the part of the signatories shall be taken as a full and complete acceptance of all the reservations of the United States. That covers every signatory, and does it in a perfectly friendly manner, because it is customary when reservations are made for a tacit assent to be all sufficient, and that must come before our deposit of ratification. If objection is not made before that time, their acceptance is final and complete of all our reservations. If objection is made, the United States stays out until they are accepted.

Mr. NORRIS. Mr. President, I very heartily agree with the Senator from Massachusetts that the original language of the resolution was not satisfactory. It may be that there is not any objection to the amendment, but several things have suggested themselves to me, and I should like to get some information, if any can be given by the Senator from Massachusetts or any other Senator, concerning what appear to me to be some

objectionable features in the proposed language. The amendment provides:

And a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understanding by said powers.

It has occurred to me that such a possibility or contingency as I am about to describe might arise. There are a great many signatories to this treaty.

Mr. LODGE. There are 32, I think.

Mr. NORRIS. Yes; there are 32, I believe. Now, suppose that the President should immediately file the ratification as provided in the treaty, and that, as a matter of fact, perhaps, some of the powers would not have notice of just what the reservations were, and would not, perhaps, have time, as a matter of fact, to file any objections. It seems to me there might possibly arise a misunderstanding as to whether the other powers really had any notice which would afford them an opportunity to object if they desired to do so.

Mr. LODGE. Mr. President, of course, I have seen the danger of that possibility, but it seemed to me extremely remote. It is hardly conceivable that the President should deposit ratification so quickly that other powers would not have an opportunity to make objection. Of course, if the treaty is ratified, a statement of our action will go abroad and every power will at once be notified. I should think they would have plenty of time within which to make objections. The mere formalities incident to depositing the ratification will take some little time.

Mr. NORRIS. Of course, that would consume some time, but I do not know how the various governments would, under their laws, be required to take official action on a proposition of this kind. It may be that it would consume some time, on account of the method that would have to be followed or because of some law under which a government would be required to pass on the question of acceptance.

If such a proposition were presented to the United States, I presume it would be the duty of the President to lay the matter before the Senate, as a part of the treaty-making power, and have them pass on it before he could say whether or not the United States Government accepted or rejected the reservations. That might take even more than the entire time allowed in this instance.

Mr. LODGE. That has not been the practice. The acceptance of reservations has been accomplished by act of the Executive.

Mr. NORRIS. Without consultation with the Senate?

Mr. LODGE. Without consultation. In the case of the treaty with Denmark by which the Virgin Islands were acquired a reservation was adopted which required an exchange of notes. That treaty had been submitted to the people of Denmark by a plebiscite; it had also passed both houses of the Rigsdag. That procedure had been followed in the case of the treaty itself, but the exchange of notes took place entirely between the Executives. The executive power of Denmark notified the President of the acceptance of the reservation by note, and thereupon the President proclaimed the treaty, and stated that he had received the acceptance. I think that is the general practice; that in the matter of reservations they are not referred to the parliamentary bodies. Of course, in Great Britain treaties are ratified by the executive power, in any event, but in the case of other powers, where some sort of ratification by the parliamentary body is required in connection with the treaties, I think, so far as I have been able to learn from the practice, that the executive action is considered sufficient in the matter of reservations.

Mr. NORRIS. I should think, as a matter of law, in our Government a very serious legal question would be involved that would really affect the validity of a treaty if the President should act and acquiesce in a reservation coming from some other country without the consent of the Senate, which is, under the Constitution, a part of the treaty-making power; because reservations, as in the case of the reservations we have adopted, in my judgment, frequently involve very important propositions.

Mr. LODGE. In this instance they involve very important propositions, but they relate entirely to the United States.

Mr. NORRIS. I understand that.

Mr. LODGE. Reservations, however, are not amendments.

Mr. NORRIS. No; and yet they sometimes have the same effect.

Mr. LODGE. Reservations, as a practical matter, always are in the line of reserving power to the Government making them, and do not involve the other powers at all.

Mr. NORRIS. I was using our Government only as an illustration. Suppose this treaty came from Great Britain or from France or from some other country to us after they had

passed on it and attached reservations, the President would pass on those reservations, as the Senator from Massachusetts no doubt correctly states has been the custom, without submitting them to the Senate. If the other country reserved something that was material, something that in working out in actual practice might have the same effect as an amendment to the treaty, and the President approved it without submitting it to the Senate, and a question afterwards arose in reference to it, I entertain serious doubt whether we would, as a matter of law, have a treaty at all. That, however, probably will not arise in this instance.

Mr. LODGE. Let me, if I may, call attention to a case which, though not exactly a parallel one, of course, is yet in point: Twice our representatives at The Hague convention attached a reservation before signing the treaty. In one case, as I recall, the Senate specifically, when called upon to ratify the treaty, mentioned the reservation and embodied the reservation which had been made by the delegates in the ratification of the treaty. In the other case, I think, they took no notice of it, but simply ratified the convention as it stood without saying anything about our own reservation. The reservations which we made in those cases and also in another treaty were, so far as I know, simply accepted by the other powers by silence; that is, by acquiescence.

Mr. NORRIS. I can see how acquiescence in a proposition would make it valid and, in fact, might make valid a contract that otherwise would be invalid; but we say they must dissent or their silence will be taken as a consent, and that they must act within a certain time, which time is mainly under our control to such an extent that it might be possible even for us to make it physically impossible for them to comply with our own proposition.

Mr. LODGE. That could be met by fixing a time before which deposit should not be made.

Mr. NORRIS. Yes.

Mr. LODGE. I saw no other way, and it seemed to me practically not of particular importance, because the practice is so well established.

Mr. LENROOT. Mr. President—

Mr. NORRIS. I yield.

Mr. LENROOT. The Senator suggested that if this were a case of Great Britain adopting like reservations and the Senate did not act upon them, it might invalidate the treaty; but I ask the Senator whether that could possibly be so in any case where acceptance may be by acquiescence through silence? The very failure to act constitutes an acceptance.

Mr. NORRIS. Yes; I agree to that proposition; but we say here that they must accept or reject before we do a certain thing or we will construe that their silence is acceptance. That is what this reservation says; and it still remains in our power to make it physically impossible for them, unless they act right offhand without much, if any, consideration, to comply with that condition.

Mr. LENROOT. May I suggest to the Senator that if the President of the United States should take such action, not giving the other parties an opportunity to object, they still would have a reasonable time after the deposit of ratification to object or we would not be in the treaty.

Mr. NORRIS. That would be a reasonable construction to put on it, but that would be contrary to what we are saying here. We can not, of course, bind another party to a contract by doing something ourselves that will make it physically impossible for the other party to comply with the stipulation that we lay down—that is true—and if such a situation should arise we would be in very serious difficulty in connection with this treaty, for in one view we would be in and in another view we would be out.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Massachusetts to the resolution of ratification. The Secretary will state the proposed amendment.

The READING CLERK. On pages 1 and 2, commencing in line 12, it is proposed to strike out "by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan," and insert "as a part and a condition of this resolution of ratification by the allied and associated powers and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers."

Mr. WALSH of Montana. Mr. President, I understand this amendment contemplates that before depositing the ratification

the President of the United States will communicate the reservations or the action of the Senate to the various allied and associated powers, giving them a reasonable time before the deposit of ratification to signify their objection, if they care to do so. I desire to inquire whether that is the understanding?

Mr. LODGE. Certainly; I proceeded on the assumption that of course a reasonable time would be given by the President.

Mr. WALSH of Montana. And that the President would communicate to the allied and associated powers the action of the Senate?

Mr. LODGE. Exactly. Of course, I presumed he would do that, and it seemed to me so obvious that he would do it that it did not require special provision.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Massachusetts to the resolution of ratification.

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, I now call up, if I may, the amendment that I offered to the ratification resolution.

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment to the resolution of ratification, which will be stated.

The READING CLERK. On page 1, line 7, after the words "United States," it is proposed to insert the following words:

Unless the instrument of ratification shall have been filed within 60 days after the adoption of the resolution of ratification by the Senate, nor.

Mr. BRANDEGEE. Mr. President, the amendment which I have offered would make the resolving portion of the resolution of ratification read as follows, so far as it relates to my proposed amendment:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States unless the instrument of ratification shall have been filed within 60 days after the adoption of the resolution of ratification by the Senate, nor until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers—*

And so forth.

It will be observed that under the language of the amendment adopted a few moments ago the ratification is not to take effect until the reservations and understandings have been accepted by the other powers; and, under the same amendment—

A failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers.

As the resolution stands, there is no provision by which either this country or the other members of the league or any other power in the world will know when we are to get into this league if the treaty should be ratified. No definite date is set. It is, while perhaps not confusing, a more or less uncertain provision. In order to constitute ratification, we have provided that the powers must accept the reservations, and they must accept them before ratification takes place, but no time is named after which ratification shall take place.

There is no desire upon my part in any way to limit the powers of the President, and, of course, we could not do that if we wished. There is no intention upon my part to trench upon his jurisdiction in any way. I do think, however, that in a matter of this importance the United States should know within two months whether we are in the league or whether we are out of it, since so many things of great importance in the world may turn upon that fact.

The question just asked by the Senator from Montana [Mr. WALSH] of the Senator from Massachusetts [Mr. LODGE], for instance, is suggestive. There is no provision in the resolution, of course, that the President shall notify the powers. I do not think it is necessary to put that in. I am perfectly satisfied that the action of the Senate upon this reservation of ratification will be known in every capital of the world within 10 minutes after the Senate has acted, and all the powers will know exactly what the reservations are. They probably know now, and they can easily enough make up their minds within two months whether or not they want to file a protest. That would give them time, if desirable in their opinion, to advise and consult among themselves if they desired to take any action in the premises, and also to advise and consult with our State Department; but inasmuch as their protest, if they do protest, which is equivalent to a refusal to accept our reservations, is to defeat ratification, there should be some time within which both they and we know that they have liberty of action.

If my amendment shall be adopted, it does not mean that we will have to wait two months. It simply provides that the reser-

vation of ratification shall not be binding upon this country unless within two months the instrument of ratification is filed. I want to say in passing that perhaps I have not used the conventional word to express the act when I say "filed." Perhaps it should be "deposited." That is immaterial, however. So I think that in the orderly operation of things it is desirable that there should be a time within which the President should file the instrument of ratification, if he intends to do so; and I think 60 days is ample time, in these days of wireless telegraphy and cable communication.

Mr. HITCHCOCK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. I yield.

Mr. HITCHCOCK. I should like to ask the Senator, in the improbable condition of this treaty going to the President, and in the improbable condition of his accepting it, what would happen if he should fail to deposit the instrument of ratification within the 60 days, and an emergency should thereafter arise which might require its ratification?

Mr. BRANDEGEE. We would not be bound by the instrument of ratification if he should wait more than two months.

Mr. HITCHCOCK. But suppose an emergency should arise, and it should become generally apparent that it was desirable to have ratification; what action could he take?

Mr. BRANDEGEE. I do not think he could take any action to get us into the league after two months. That is my interpretation of the amendment I have offered.

Mr. HITCHCOCK. Does the Senator hold that he could then return the treaty to the Senate and have a modification?

Mr. BRANDEGEE. I assume, from the form of the Senator's question, that he contemplates that the treaty would then have been returned to the President, and would be in his possession, and he could resubmit the treaty, I assume, either in the form in which he submitted it before, or in the form in which the Senate had ratified it, or in a modified form if the other parties agreed to it.

Mr. HITCHCOCK. One more question: Why does the Senator think that the Senate at this time is a better judge of when the treaty should be deposited for ratification than the Executive, who has always heretofore had that judgment and that responsibility?

Mr. BRANDEGEE. I do not know that I do think it is a better judge. What I mean by that is this: We are acting upon the treaty now. No such provision as this could be put into the treaty by the President. I would not say that we were a better judge, but we are the only parties who can act in this matter if it is desirable to act.

Mr. HITCHCOCK. This provision is meant to bind no one except the President. If the provision is omitted, the President can make the deposit of the instrument of ratification when he pleases, and this binds no one except him.

Mr. BRANDEGEE. I do not like the language in which the Senator couches his statement. It is not intended to bind the President. It is the statement of the Senate, as a condition of its ratification, that if the United States is to be put into the league, it shall be done within 60 days.

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

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BRANDEGEE. Certainly.

Mr. KING. I suggest to the Senator from Connecticut that the attitude of the Senator from Nebraska is rather strange. He states that it is improbable that the treaty itself will be ratified, and improbable, even if it were, that the President would approve of it. Why is it material, then, from his standpoint, what form of ratification we do adopt? He said, furthermore, that some contingency might arise which, as I understood, might occasion the President to change his mind. Obviously, if the Senator speaks by authority, and we are going to kill the treaty, but if we do not, the President will kill it, what matters it what the form of the resolution may be?

Mr. BRANDEGEE. I appreciate the force of the statement of the Senator from Utah, Mr. President; and yet, after all, in a matter of this great importance we must proceed in just as careful a manner in formulating the provisions of this great instrument as though we were sure it was to be ratified. Any other theory than that would be equivalent to saying that it did not matter what the Senate put in the treaty, and that all our talk about these reservations had been entirely immaterial. We must fix the document as our sound judgment tells us it should stand, on the assumption that it is going to be ratified. If we should reject the resolution of ratification, or if the President should think it was unwise to exchange ratifications after the action of the Senate, my present amendment would

then be seen to have been an useless prudential precaution; but allow me to say this, also: I do not mean this as a parallel case, but there is a certain analogy between the condition in which a proposed amendment to the Constitution is left after it has been adopted by a two-thirds vote of both branches of Congress and submitted to the several States, and no time limit has been fixed within which the States ought to act, and ratifying this treaty and then turning it loose with no time limit fixed within which either the Congress or the country or the world can know what is to become of it.

The question asked by the Senator from Nebraska is quite suggestive of the position in which we might be. It seems to me quite plain that I would not want to be placed in the position suggested by the Senator from Nebraska. I do not think that the country would, if it understood in advance what that position might develop into. The Senator asks, supposing the President should hold this treaty, ratified by the Senate, for two months, under the impression that he was not going to exchange ratifications, and then, owing to the happening of some event or a change in his opinion, or, if it could possibly be conceived, another occupant of the office at that time having jurisdiction over it, an entirely different result might obtain, and it might then be the opinion of the Executive that the ratifications ought to be exchanged. The same condition might obtain in three months or six months. It might be that it would occur to the President that his decision of whether this country should become a member of this league or not ought to be postponed until the action of the two great national conventions of the two parties. Then we would have ratified the treaty and would be sitting here from now until the middle of next June, over three months, wondering whether we were in the league or out of the league, and all the world would wonder also.

It might be that, owing to a certain situation in Europe or Asia, the President would think he should wait until the expiration of his term of office, on March 4, 1921, and then, in view of the national election result, decide whether this country should go into the league or not. I do not impute any such intentions to the President at all. Of course, I know he would do his duty as he saw it. In the meantime I know in what a state of mind the Senators and the public and business men of this and every country would be. A great many tremendous contracts and business proposals, international export propositions, perhaps millions of invested wealth and wealth to be invested, the establishment of great commercial international carriers, and all sorts of commercial and business projects may be held up dependent upon whether we are in the league or not.

Mr. HITCHCOCK. Mr. President—

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

Mr. HITCHCOCK. I notice that the Senator from Connecticut now objects to this matter being held in suspense until after the election. I was of the impression that the Senator from Connecticut and his associates were rather in favor of the idea of submitting the question to the decision of the American people in the forthcoming election; that they rather desired a referendum.

Mr. BRANDEGEE. The Senator was quite correct in his opinion of my attitude upon it. If there is any proposition made to press the consideration of this proposal to put this country into the league after the Senate shall have rejected it for the third time, if they do, and in a third form, I should think it ought to be submitted to the whole people. I am in favor of having that done.

Mr. HITCHCOCK. Would not the proposed amendment of the Senator limit the President so that he could not submit it to the decision of the people in the forthcoming election?

Mr. BRANDEGEE. No.

Mr. HITCHCOCK. The Senator proposes that if it is not deposited before the election, it can not be deposited at all, so that the people would be deprived of the opportunity of passing upon it in the election.

Mr. BRANDEGEE. Oh, no. Now, Mr. President, as I view it, see how illogical the Senator is. If we do not ratify the treaty, there is nothing more to be said about it. If we do not ratify the treaty there is nothing more to be said about this present treaty now, as it is pending in the Senate. It will stand rejected.

What is to be said about it is to be said if we do ratify it; and that is the condition of things to which my amendment applies. If the Senate rejects the treaty, I assume what the President means in his letter to the Jackson Day dinner, advocating the taking of the proposal before a great and solemn referendum of the people of the country, is not taking this treaty as the Senate has amended it, and submitting it to the country, either to the country or the Senate; but it is, as he said, the question of repudiating the judgment of the Senate, which, as he expressed

it, does not express the view of the American people, and going to the country upon the treaty which he submitted to the Senate, which he said should stand, and from which he says we have cut the heart. That is the issue the President intends to make.

Mr. President, if this resolution passes just as it is, the President can put us into the league at any time within two months. He having withheld exchange of ratifications, if he still wants to make the issue to the country, he goes with his influence, as the leader of his party, to his great national convention, freshly elected from the people on this issue, and he shapes his own plank and submits it to his party leaders, and then, by the regular processes of committees on resolutions, and so forth, to the great national convention, the representatives of the people who are to vote in the solemn referendum, they state what the issue shall be as raised by the Democratic Party. But that does not apply to this treaty which the Senate has now amended; it applies to some other treaty.

I do not care to argue this question at length, Mr. President. While it seemed to me desirable, it is not a matter in which I am particularly concerned or about which I have any pride of opinion. It is simply my view of what is due to us, what is due to the country and the other members of the league and the world. The others are in the league. If no country had ratified the treaty and they were all coming together, that would be one thing. But it has been said to us from the beginning that time was of the essence of this thing, and that all sorts of calamities and disorder were being promoted in the world by our delay in the matter.

I do not think there was any merit in that, because we have held this matter continually before the Senate, and in my opinion the delay has resulted simply from the insistence of the President that he would not accept changes which changed the principle anywhere, his party standing back of him on that basis. That has been the cause of the delay.

But now our delay is about to terminate, if it can properly be called delay, and, in view of the contentions of the party press of my friends across the aisle about the inordinate length of time that it has taken this country to make up its mind as to whether it would get into the league or not, if we allow the President, for reasons of his own, to have two months more for making up his mind, if anybody thinks it is not made up now, and for the members of the league to make up their mind, it seems to me that that can not reasonably be said to be too short a time. I do not think that it can reasonably be demanded that this matter should be passed to the White House, and there left indefinitely, so that at any time during the next year, or the rest of the President's term of office, he may put us into the league or keep us out of it at his pleasure.

As you know, Mr. President, when people are anxious about a thing of this kind the feeling is deep and is based on principle, and it is based upon what we consider an abandonment, or at least a change, in the continuous foreign policy of this country, unanimously hitherto maintained by every President from Washington to Wilson. When you consider that, it seems to me that the deep feeling, both of the proponents and of the opponents of this treaty, is entirely justified. It is the most fundamental thing the country has ever had under consideration since it formed the great charter which is the fundamental law of the country and which created the Federal Government.

If it is wise that the treaty should be ratified in its present form, and if it is ratified by the Senate, we can make up our minds that the President has kept perfectly close track of the arguments that have been made about it, and he is not going to require two months to make up his mind. I have no doubt that it is made up now. If it is not, I have no doubt that it will be finally made up within a week, and he can notify the other powers immediately, if he is going to file it, and within another week they will notify him by cable that the reservations are satisfactory to them or that they are not. He may tell them, "I want to act on this matter, in view of the urgency of the occasion, within the next 30 days, and the quicker you let me know whether you intend to make any protest, under the terms of the requirements of this preamble, to the Senate reservations or not, the quicker I can get into the league, if you are willing to accept the reservations." They will all know. The two great powers have come pretty near to announcing already what their position is.

There is no attempt to reflect upon the President in the passage of any law by Congress. It ought to be provided when it shall take effect.

Mr. McKELLAR. Mr. President—

THE PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BRANDEGEE. In just a moment I will yield to the Senator, for I am afraid I will forget the thought that is in my

mind. I forgot it once. The Constitution gives the President only 10 days to consider the most important bills, and then he must return it if he intends to veto it.

I started to say that it is more or less analogous to the indeterminate condition in which we leave an amendment to the Constitution which we have passed by two-thirds of both branches of Congress and launched on a career through the legislatures of 48 States, with no time limit fixed within which those legislatures must act. So the country never knows until the amendment has been acted upon by the last necessary State what the organic law of the country is to be. There are amendments now floating around the country that were adopted nearly a hundred years ago by Congress, and if a few States adopt them now they will become part of our fundamental law. That condition of things ought not to exist, and I have attempted to remedy it in a joint resolution, which the Judiciary Committee has reported favorably and which is on the calendar.

Here is an international constitution, creating a proposed new order of things for the whole world. Many of us think it is unconstitutional. There is doubt whether, simply because you call it a treaty of peace, there is any constitutional warrant for making such a great international new constitution. All these uncertain things should not be rendered more uncertain by launching this forth to the world, especially when the preamble already provides that everybody who protests must protest before the ratification is deposited, but does not name any date when the instrument of ratification must be deposited.

Now, I yield to the Senator from Tennessee.

Mr. McKELLAR. Under our Constitution the President has equal power and right with the Senate in making treaties. Suppose the President, when he sent the treaty to the Senate, had put a limitation of 60 days, and said, "Oh, well, you have been keeping up with the treaty as I negotiated it; the Senate unquestionably is a sensible body, many of them have already made up their own minds, and 60 days will be ample time for the Senate to act upon this treaty, and I make this statement, that unless it is acted upon in 60 days, I shall withdraw it." What would the Senator from Connecticut have said to such a statement placed in his message by the President when he sent the treaty to us?

Mr. BRANDEGEE. I would say that I cordially and sincerely approve of it.

Mr. McKELLAR. The Senator would?

Mr. BRANDEGEE. I would.

Mr. McKELLAR. If that is the case, why have not the majority acted upon this treaty in all the nine months, instead of two months as the Senator would want to confine the President?

Mr. BRANDEGEE. I think probably it is nearly 15 months that the matter has been under consideration. The President did have the power to say, "If this matter is not acted upon by the Senate within 30 or 60 or 90 days then I will withdraw the treaty." He can withdraw it to-day.

Mr. McKELLAR. Of course he can.

Mr. BRANDEGEE. I am not sure but that he will.

Mr. McKELLAR. But being a coordinate power, it would not have been becoming for the President to attempt to limit the Senate, and in like manner it would not be becoming in us to attempt to place a time limit upon the President for his action.

Mr. BRANDEGEE. Let us look at that. You must remember this whole treaty of 536 pages, printed in two languages, half that number of pages in each language, was made up by the President to satisfy himself. Nobody quarrels with him for that. That was his plain constitutional duty. He submitted it to us. He could have written into the treaty, if he had wanted to, that the treaty shall become effective, provided the Senate ratifies it within 90 days. He has formulated every one of the conditions under which we have been obliged to work. It is his treaty.

What we are doing is formulating the conditions under which we will agree to ratify the treaty, and, without the slightest idea or intention of trenching upon his authority, which I do not think this proposed amendment does, it seems to me clearly a proper condition precedent of the going into operation of the treaty to bind the United States, that we should say in the resolution of ratification that the treaty ratification must be filed within 60 days; that that is one of the conditions, together with the other reservations and understandings, that have been put on it; that this is practically one of the 15 or 16 understandings about it, and that the treaty does not go into effect and ratification—does not go into effect unless certain things are done.

I have no knowledge whether the provision is disagreeable to the President or not. I do not think it ought to be, and I do not think in practice it will have any effect unless, owing to some cause which I am unable to anticipate, but which I think is possible and ought to be provided against, the ratification should not be filed. I can see and I do see the difficulty of any business man or the people getting access to the President, almost the impropriety of their going to him and trying to get access to him to ask him whether it is his intention to file the resolution of ratification if it is passed.

Mr. FLETCHER. May I ask the Senator a question?

Mr. BRANDEGEE. They ought at least to know that if it is to be done, it is going to be done within 60 days. I yield to the Senator from Florida.

Mr. FLETCHER. I ask the Senator from Connecticut if he does not think 60 days is a very limited time to consider the matter and to get the copies made and do all the things necessary to formally carry out the steps needed to put the treaty in official shape? His purpose would be accomplished, it seems, if he made it 90 days, which would be a much more reasonable space of time. Would the Senator object to making it 90 days instead of 60?

Mr. BRANDEGEE. No; I do not. I do not think it is necessary, but I am not so sure of my own judgment as to be insistent about it. In view of the fact that our ocean greyhounds are constantly going back and forth over the ocean, like shuttles in a mill, consuming only five days for the trip, in view of the fact that the cables and wireless telegraph are working like lightning every five seconds, when I drafted the amendment, without at that time having considered that this question of time for the other signatories to make up their minds whether they would accept the reservations or not had arisen, I did think that 30 days would be sufficient, and I had that time specified in the amendment which I offered and had printed. But the Senator from Wisconsin [Mr. LENROOT] in conversation with me yesterday said, "I approve of the principle of your proposed amendment, but I think the time is too short in view of the fact that these other people have got to protest if they want to, and I think you ought to make it 60 days." I said, "I will do so." I am perfectly willing to make it 90 days, although I do not think it is necessary, but I do think that some reasonable time ought to be fixed. Ninety days will be one-quarter of a year. I presume the Senator from Florida himself thinks that that would be ample time. I will modify the amendment in that respect and make it 90 days.

Mr. WALSH of Montana. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Montana.

Mr. WALSH of Montana. There is much basis for the argument made by the Senator from Connecticut, and undoubtedly there is an element of uncertainty about the provision as it stands, but I want to submit for his consideration this thought.

Of course, telegraphic communication now extends to the ends of the earth, but obviously something in the nature of a formal communication would be necessary. In other words, no foreign government would be justified in acting upon a mere newspaper report or telegraphic advices. It could not reasonably be expected to act before it had the authentic document concerning which its assent was expected.

Aside from that, I want to say to the Senator that in the case of a great many of these countries action is necessary by their legislative bodies in order to bind the government in any wise whatever. I should very naturally think that the submission of these reservations to the various governments whose assent is required would provoke discussion in the legislative assemblies much after the manner that we have listened to in this body for a long time. Some particular nation might not be in a position to act within the limit fixed by the proposed amendment by reason of delays in assembling the legislative body or by reason of protracted debate in that body concerning the action which ought to be taken.

Suppose under those circumstances a nation should address a polite communication to the President of the United States advising him of the situation of affairs and saying to him that it was going on, but they expected to reach a definite conclusion in about 2 weeks or 30 days; the President of the United States would have no discretion in the matter at all, and the treaty would fail, would it not?

Mr. BRANDEGEE. The ratification could not be deposited after three months. I have not thought of it exhaustively, but I have given some consideration to the facts to which the Senator alludes. He says that in a great many of the countries legislative action is or may be necessary. I do not think that is so. My impression is that in by far the greater number of the countries their treaties are made by their chief executive and

their state department or their cabinet. There are one or two—I believe France is one—where the action of either their senate or their chamber of deputies is required.

Mr. WALSH of Montana. Let me inquire of the Senator whether even in the case of those in which the power does exist it is not altogether likely that the executive, particularly if he is a parliamentary executive, would want to have the views of the parliamentary body concerning the advisability of accepting the reservations?

Mr. BRANDEGEE. That may be quite so. It may be that some other country would. I do not think Great Britain would require any such thing, but there may be countries where some legislative opinion would be necessary. But we all know that in all the other countries that have parliamentary government it is the ministry which is in control, a ministry the stability of which depends upon its being backed and supported by a majority of its own belief in the legislative assembly. So Lloyd-George, in the negotiations of the treaty, being the leader of the House of Commons and the Premier of Great Britain, was able in no time at all to have whatever he did ratified by his party of which he was the leader. They consult with them in advance; they tell them, "Here, we are thinking about this"; they call in the leaders of the party on the floor, and they say, "This proposition is made; what attitude shall we take?" They agree upon it, and the minister walks in at the minister's lenth and announces it, and the party O. K's it, and it is done, or else the Government falls.

Mr. WALSH of Montana. The Senator, of course, will remember that they have the power to interrogate the minister; that is, a member of the opposition to the ministry arises and asks the premier whether it is a fact that such a communication has been received from the President of the United States submitting the treaty and the reservations, and whether it is a fact that the premier intends to accept the treaty or file a protest, and immediately that precipitates debate in the House of Commons.

Mr. BRANDEGEE. It does, and the moment the leader of the ministerial forces on the floor has had enough of that debate he brings it to a vote. They do not have the unlimited debate which exists under the rules of the Senate.

Mr. REED. Mr. President—

Mr. BRANDEGEE. Just a moment, please. Whenever the party leader wants the question determined upon he either moves the previous question, or the Chair does not recognize the opposition; the debate comes to an end.

I also want to call to the Senator's attention the fact that in every one of those capitals there are diplomatic officials subject to the order of the President over the wireless immediately to communicate at once with the State Department or the office of foreign relations in those countries, and those things coordinated in that way, coming to a central office by cable instructions dispatched to our corps of ambassadors and ministers among those 32 signatory powers and getting answers to them in a day or two, they would take it right up, and in a week we would know, in my opinion, whether this was going to be accepted or not; and I say most of them will never be submitted to any legislative body at all.

I yield to the Senator from Missouri.

Mr. REED. Conceding that the Senator from Montana has in the illustration he used a moment ago presented a case of serious difficulty, does that illustration not make it manifest that it was unwise to abandon the language of the original Lodge resolution of ratification? That resolution required affirmative action. The present resolution proposes that ratification shall be taken by virtue of a mere failure to act. If, as the Senator from Montana anticipates, a long time may elapse during which the question is under discussion, does not that make it imperative that we should require affirmative action so that no nation hereafter can come in and say: "We did not file our protest because of certain conditions," such as the Senator has suggested?

Mr. WALSH of Montana. I will say to the Senator that that water has gone by the mill; we have already adopted an amendment that takes care of that; that is, the Senate has committed itself to the other view.

Mr. REED. Have we adopted any part of the Lodge resolution?

Mr. WALSH of Montana. Yes.

Mr. REED. That must have taken place very early in the session to-day, for I was here within 10 minutes after the hour of meeting.

Mr. BRANDEGEE. I will say to the Senator from Missouri, in reply to his inquiry, that it was not at my suggestion or with my advice and consent that the original Lodge resolution, as to how the acceptance of our reservations by the other signatory

powers should be accomplished, was modified. I originally took the view that in a matter of this vital importance it was exceedingly desirable to obtain from the agreeing parties a positive statement from which there would be no escape, a writing deposited in their archives and in ours, stating that they accepted our reservations and were bound by them; but, Mr. President, it was stated that as to some of our reservations, while it was not known that other governments would protest against them, yet, owing to situations in their own governments, they did not want positively and in writing to say that they were acceptable to them. So, I presume, in order to be more polite to them, while at the same time following, perhaps, what was considered the equivalent of the other resolution, and in order to make it more persona grata and an easier task for the other signatories, the substitute was agreed upon.

I do not know as to that, and I am not satisfied that the doctrine of estoppel applies in international affairs to sovereigns as it does to litigants in a court. As the Senator from Oklahoma [Mr. GORE] suggests, the statute of limitations applies in a court but does not run against international obligations; but, however that may be, there is no use of our arguing, because it is merely our assertion that we will consider that the reservations have been accepted by the other powers unless they protest. We say, "Inasmuch as we told you in advance that we will consider that your silence gives consent, you are estopped." That is merely our construction of our own resolution; it is not their agreement.

It may be said with great force that inasmuch as we have said to them in advance what our understanding is, if they admit us to the league on those conditions, and proceed to execute a contract with any such provision, they could not deny it; but suppose they should; all we could say is "You are no gentlemen," or else we could get out of the league or adopt some other recourse that we might think appropriate.

Furthermore, the original resolution would have been much more expeditious, because it provided that by an exchange of diplomatic notes between the three or four principal allied and associated powers the reservations were to be accepted, and it was stated that if those three or four allied and associated powers, who had been our associates in the conduct of the war, agreed, that that was all we cared about; that they were the nations which had won the war, and if they agreed to our reservations we would take a chance about the others disputing it or differing from us. But, as the Senator from Montana [Mr. WALSH] stated to the Senator from Missouri [Mr. REED], that water has gone over the dam; we have agreed to the substitute amendment.

Now, I say that to me there is little objectionable force in the claim that the other signatories can not do whatever is necessary to make up their own minds or determine whether they will keep still within 90 days. All they have got to do, if they want to agree to the reservations under the language of the preamble, is to do nothing. Then we say, "You have not protested, and, under the terms of our proposition to you, you have accepted." It is only in the event they want to protest that it takes any time at all to formulate their protest. It must be borne in mind that if any one of the 32 signatories files a protest against these reservations the ratification is not to take place. If the ruler of Hedjaz or of Salvador, who may not like the information recently obtained about our interpretation of the Monroe doctrine, files a protest against our reservations, the treaty does not get ratified. Let me read the language.

Mr. McLEAN rose.

Mr. BRANDEGEE. I yield to my colleague.

Mr. McLEAN. Under the provisions of the amendment which has just been adopted, the protest must be filed prior to the deposit of ratification, and under the amendment suggested by my colleague the deposit must be made within 60 days.

Mr. BRANDEGEE. I have modified that, making it 90 days.

Mr. McLEAN. I was going to suggest that there might be cases where special sessions of the legislative branch of the Government might be necessary, which might require some notice, and it would seem to me that 90 days would be preferable.

Mr. BRANDEGEE. The suggestion is a wise one, and the change has been made.

Under the amendment just adopted to the original resolution the manner in which the powers shall give their consent and file their protest against the reservations is provided. Here is the language:

Which ratification is not to take effect or bind the United States—

Then I skip my proposed amendment—

until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers.

That means all of the allied and associated powers; the ratification does not take effect until our reservations have been accepted by all the allied and associated powers, and upon the mere sending of a telegram by any one of them all these 15 months of treaty discussion have been rendered nugatory and futile. I am not complaining of that, because I am not anxious that ratification should take effect; but I believe the interpretation I have just given was stated by the Senator from Massachusetts, the author of this modification, on the floor this morning as his interpretation, and it has been agreed to by the Senate.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. BRANDEGEE. I yield.

Mr. SMITH of South Carolina. I merely wish to ask the Senator his interpretation of this language. He said a moment ago that the amendment which had been adopted by the Senate—the amendment of the Senator from Massachusetts [Mr. LODGE]—as it reads requires the affirmative action of all the allied and associated powers. Does he not interpret the following—

Mr. BRANDEGEE. I beg the Senator's pardon; he has misunderstood me. I say the reservations will be accepted unless the other nations protest against them.

Mr. SMITH of South Carolina. Yes; and their silence or their failure to enter protest before the deposit of ratification is taken as acceptance and estops them from any further objection.

Mr. BRANDEGEE. Certainly; it is so stated in the amendment.

Mr. SMITH of South Carolina. The thought that I caught from the Senator's expression was that it took affirmative action on the part of all of the allied and associated Governments.

Mr. BRANDEGEE. No; I do not say it takes affirmative action. Let me again quote the language to the Senator, because this is important, and if I have made an incorrect statement I want to be corrected. The language is:

Which ratification is not to take effect until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers.

I say that means by all the allied and associated powers. It goes on and states:

And a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers.

Mr. SMITH of South Carolina. Therefore the Senator's interpretation is that if there is no affirmative action nor any filing of any protest at the time of deposit the Government that has failed to act either by way of protest or by affirmation ipso facto acquiesces in the reservations.

Mr. BRANDEGEE. I say that is what we claim about it; that is what we state shall happen; but they have said nothing one way or the other, and are not required to do so. They may keep absolutely mum; and we state, "If you keep mum, it will be our interpretation of this instrument that you have accepted the reservations, and if you do not want to accept them, the only way you can prevent our considering that you have accepted them is by filing a protest before the ratifications are exchanged."

Mr. SMITH of South Carolina. If the Senator will allow me to interrupt him further, it seems to me, in view of the limitation effected by the Lodge amendment, that it would be fairer for all parties concerned in such a serious matter as this league covenant to say that when the United States shall have deposited the ratifications that is the final action and the final limit of time on our part. Then there will be no restriction as to the reservations, except the judgment of those who are the most vitally interested, namely, the United States, in reference to the nations to which they are sent; but if, on the other hand, we establish a 90-day limitation, it seems to me it would bear something of the aspect of saying, "We do not want this thing anyhow, and if you do not hurry and get in we are going to wash our hands of the whole business."

Mr. BRANDEGEE. Mr. President, I do not think we need be intimidated—I will not use that word—I do not think that we need be overanxious about fearing to give them the impression that we are unduly desirous of going into this thing. If I have any conception of the English language, a casual perusal of the reservations which we have already adopted might tend to induce a sensitive and oversuspicious partner to think that we were not actuated by an uncontrollable enthusiasm for his company.

Mr. SMITH of South Carolina. That we have some mental reservations.

Mr. BRANDEGEE. But there is no accounting for tastes, and they may be under the impression that we are burning up with the ardor of a young lover to re-form the alliance that was severed 140 years ago and now stretch our hands across the sea to abandon the independence of the United States of America and become a member of the grand congress of the rough riders and militarists of the world. But, as I say, that will be for them, and if they are able to control themselves against filing a protest on these reservations—and I think they will be—and if the President's mind should "go along" with the Senate's, and if the Senate should ratify the treaty, we will all be in together over there.

Mr. JOHNSON of South Dakota. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Dakota?

Mr. BRANDEGEE. I do.

Mr. JOHNSON of South Dakota. I simply want to ask the Senator whether I correctly understood him to state that if one of the various powers should file a protest it would operate to prevent the treaty from being put into operation?

Mr. BRANDEGEE. Why, of course. That is the language. That is what the Senator from Massachusetts stated on the floor—that the other reservations required the assent only of four of the principal allied and associated powers, and named them—Great Britain, France, Italy, and Japan—but that this required the consent of all of them; and when it says "the consent of the principal allied and associated powers" it can not mean anything else but all of the allied powers. If the action of one of them in filing a protest against the reservations did not break up the unanimity of the action of the allied and associated powers and the constructive consent, how many of them would it take to protest in order to break it up? It follows *ex vi termini*; it must be so.

Mr. President, I have spent a great deal longer time than I intended to spend on this very simple subject, and I do not care to occupy any more time upon it. I would not have taken so much except for the fact that I have had to answer questions that Senators desired to ask me.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Tennessee suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Gerry	Lodge	Shields
Ball	Glass	McCormick	Simmons
Beckham	Gore	McKellar	Smith, Ga.
Borah	Gronna	McLean	Smith, Md.
Brandegee	Hale	McNary	Smith, S. C.
Calder	Harding	Moses	Smoot
Capper	Harris	Myers	Spencer
Chamberlain	Harrison	New	Stanley
Colt	Henderson	Norris	Sterling
Comer	Hitchcock	Nugent	Sutherland
Culberson	Johnson, Calif.	Overman	Swanson
Cummins	Johnson, S. Dak.	Owen	Thomas
Curtis	Jones, N. Mex.	Page	Townsend
Dial	Jones, Wash.	Phelan	Trammell
Dillingham	Kellogg	Phipps	Underwood
Edge	Kendrick	Pittman	Wadsworth
Elkins	Kenyon	Pomerene	Walsh, Mass.
Fernald	Keyes	Ransdell	Walsh, Mont.
Fletcher	King	Reed	Warren
France	Kirby	Robinson	Watson
Frelinghuysen	La Follette	Sheppard	Williams
Gay	Lenroot	Sherman	Wolcott

The PRESIDENT pro tempore. Eighty-eight Senators have answered to their names. There is a quorum present.

Mr. TRAMMELL. Mr. President, I hope the amendment offered by the Senator from Connecticut will not be adopted. To limit the President to 60 days in passing upon, transmitting, and filing the resolution of ratification is putting entirely too short a time limit upon him to act upon this matter of such great importance.

Mr. BRANDEGEE. Mr. President, the Senator knows, I assume, that I have changed it to 90 days?

Mr. TRAMMELL. I really did not know that. There was so much confusion in the Senate Chamber that it was rather difficult to keep up with what was going on in the Senate; but I do not believe that we should restrict the President at all. We have heard quite a good deal during the past several months in regard to alleged encroachments upon the part of the President upon the prerogatives of the Senate in dealing with this very problem—the treaty. Judging from their expressions, a great many Senators seem to think that the Executive should not be considered at all in dealing with the treaty. I do not, however, entertain so harsh a view. I entertain the

view that it is a matter where there should be cooperation as far as possible, and that the executive and legislative branches of the Government should endeavor to harmonize and to compromise their views where they have differences upon any important matter of this kind; but, of course, if they can not do that, then it is the duty of a United States Senator to vote his convictions—to stand up as a man—just the same as it is the duty of the Executive of the United States to stand firmly and courageously for his convictions. I admire a man who makes up his own mind and then has the courage of his convictions.

I do not see that it is properly within our prerogatives to try to hedge about the Executive in dealing with the final disposition of this subject after it has passed from the Senate. We have occupied months and months in its consideration; now, all at once, some want to get in haste. After taking some 8 or 10 months for consideration on the part of the Senate, we now say that we must make haste, but we do not propose to do it as far as the Senate is concerned, but we propose to tell the President: "You must act very quickly in the matter." I believe it would be another step that would probably make more impossible the ratification of the treaty.

While a good many reservations have been adopted that I did not support, and some that I did support, I have come to the conclusion that in order to try to preserve at least a part of the purpose and the object of the establishment of a League of Nations I shall vote for a resolution of ratification with these reservations, although some of them are objectionable to me.

I do this because I think, Mr. President, that we yet have something of the league left. The President, when he forced it and brought about this concerted effort on the part of the Nation to bring about a condition which it was hoped would result in peace for the Nation, result in a new order of affairs, instead of continuing the old order, of settling your difficulties with a shotgun, performed a great service by his own country and by the nations of the earth.

It is true it has been changed more or less. I have favored some of the changes. But I still believe, Mr. President, that there remains enough of good in the plan of the League of Nations for us to give it a trial. I am opposed to putting anything else into it that would make more improbable the ultimate adoption of the treaty and of the League of Nations.

Therefore I hope that the limitation offered by the Senator from Connecticut will not be adopted.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE].

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

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Arizona [Mr. SMITH]. I ask that this announcement stand for the day. On this question I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent on account of illness, and I have been unable to secure a transfer of that pair. I therefore must withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], and in his absence I withhold my vote.

Mr. UNDERWOOD (after having voted in the negative). I notice from the recapitulation that the junior Senator from Ohio [Mr. HARDING] did not vote. I have a general pair with that Senator, which I transfer to the senior Senator from Texas [Mr. CULBERSON] and let my vote stand.

The result was announced—yeas 41, nays 42, as follows:

## YEAS—41.

Ball	France	McCormick	Smoot
Borah	Frelinghuysen	McLean	Spencer
Brandeggee	Gronna	McNary	Sterling
Calder	Hale	Moses	Sutherland
Capper	Johnson, Calif.	New	Wadsworth
Colt	Kellogg	Norris	Walsh, Mass.
Curtis	Kenyon	Page	Warren
Dillingham	Keyes	Phipps	Watson
Edge	La Follette	Reed	
Elkins	Lenroot	Sherman	
Fernald	Lodge	Shields	

## NAYS—42.

Ashurst	Cummins	Gay	Gore
Beckham	Dial	Gerry	Harris
Comer	Fletcher	Glass	Harrison

Henderson	McKellar	Ransdell	Swanson
Hitchcock	Myers	Robinson	Townsend
Johnson, S. Dak.	Nugent	Sheppard	Trammell
Jones, N. Mex.	Overman	Simmons	Underwood
Jones, Wash.	Owen	Smith, Ga.	Walsh, Mont.
Kendrick	Phelan	Smith, Md.	Wolcott
King	Pittman	Smith, S. C.	
Kirby	Pomerene	Stanley	

## NOT VOTING—13.

Chamberlain	Knox	Penrose	Williams
Culbertson	McCumber	Poindexter	
Fall	Nelson	Smith, Ariz.	
Harding	Newberry	Thomas	

So Mr. BRANDEGEE's amendment to the resolution of ratification was rejected.

Mr. LENROOT. Mr. President, we are once more to vote on a final resolution of ratification of the peace treaty. Once more we have a combination between President Wilson's followers in the Senate and the irreconcilable foes of the treaty, which is said to be sufficiently strong to defeat ratification.

Who would have thought a year ago that the time would come when the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Idaho [Mr. BORAH] would be found fighting together to defeat this treaty?

The Senator from Idaho and the Senator from Missouri [Mr. REED] have made a great fight to defeat the treaty, but President Wilson is the man who defeats it if it is defeated to-day.

The course followed by President Wilson and his followers in the Senate commands the admiration of no one. They propose, if they can, to kill the entire treaty and maintain a state of war with Germany for another year, because the majority of the Senate, representing an overwhelming majority of the American people, will not permit them to destroy the liberties and the independence of the people of the United States.

When this treaty was presented to us by President Wilson we were told that failure of the Senate to ratify it would break the heart of the world. But now that reservations have been adopted which our principal associates in the war are willing to accept, and are eager for ratification with such reservations, President Wilson declares that unless obligations are incurred by the United States that are not insisted upon by others, we must not ratify, even though "the heart of the world be broken."

I wish now to review very briefly our status in the League of Nations if the treaty be now ratified as proposed with the pending reservations:

Beginning with the league covenant, we read articles 1, 2, 3, 4, 5, 6, and 7. The reservations we have adopted do not affect any of these seven articles except in two particulars. The reservation regarding the right of withdrawal affects the first article, but this reservation is in exact accord with the interpretation given the article by the Senator from Virginia [Mr. SWANSON] and many other Democratic Senators who are following President Wilson.

The fourteenth reservation also affects these articles, but if President Wilson desires to take the position that the treaty is nullified unless we agree that the British Empire shall have 6 votes to bind us when we have only 1 vote to bind them, we are willing that a solemn referendum be had upon that question and let the people decide.

The next article is 8, which is affected by our tenth reservation, which provides that the United States, when engaged in war or threatened with invasion, shall have the right to increase its armament without the consent of the council of the league, if it has adopted the plan for disarmament recommended.

Who is there opposed to that? What Senator is there who would dare to face an American audience and say he opposed the ratification of the treaty because we reserved the right to increase our armament in time of war?

We next come to article 9, which the reservations do not affect in the slightest degree.

The next is article 10. President Wilson insists that we must solemnly obligate ourselves with all our man power and all our resources to protect the territorial integrity and political independence of every other member of the league against external aggression. He says this is the bulwark of the league covenant, and without it he states the covenant might be nothing more than a scrap of paper. He explicitly says we must assume the obligation and agree to contribute all of our moral and material resources to its fulfillment. Here is the crucial issue in the contest. Shall we obligate our boys to fight and to die in every quarrel that may arise in every part of the globe? Shall we obligate ourselves to finance every war that may hereafter occur in Europe or in Asia? President Wilson, gratuitously insulting France, says the military party is now in control there. He also charges Italy with imperial designs. Strangely enough, it is only the British Empire and Japan, who are actually carry-

ing out imperialistic designs, who do not meet with his condemnation!

The President says this article 10 is the heart of the covenant. He prefers to see the whole treaty defeated rather than have our boys relieved from the obligation to go to war across the seas; rather than have us released from the obligation to finance one side or the other in all the wars of the future. And—God save the mark—he says this is the essence of Americanism.

Was it for this that Washington fought and thousands died?

If we follow President Wilson, we must banish the Star-Spangled Banner and America from our national songs. For if article 10 be accepted each of these great anthems will breathe a lie. For nearly 150 years freedom—liberty—has been the foundation of our greatness. Each Congress has had freedom of action under the Constitution. To bind future Congresses to make war against the will of the people is a monstrous proposition. To engage to protect tyranny from peoples fighting for liberty is contrary to every principle upon which our Government is founded.

On November 19 last I said in this Chamber that I would resign my seat in the Senate before I would vote to ratify this treaty with the obligations imposed by article 10. I repeat that statement to-day.

Article 11 is the next article of the league covenant. The reservations do not affect in any degree that article. It is to my mind one of the most important articles in the league covenant, because under it we as a member of the league agree that we will meet and discuss in the council or the assembly matters affecting the peace of the world, but there is no authority vested in either league or assembly to bind or obligate anyone.

President Wilson, before he became so isolated from the world, said of this article:

I want to call your attention, if you will turn to it when you go home, to article 11, following article 10, of the covenant of the League of Nations. That article, let me say, is the favorite article in the treaty, so far as I am concerned.

Then he proceeds to detail the very great benefits to be derived by the world because of the presence of that article in the treaty. As I have said, the reservations leave article 11 intact.

President Wilson's illness seems to have affected either his recollection or his judgment, or both.

The next articles in the treaty are 12, 13, 14, 15, and 16, and they are all grouped together and relate to arbitration, compulsory inquiry concerning disputes, the agreement not to go to war within nine months after the submission of a dispute, and economic boycott for the violation of any of the provisions of articles 12, 13, or 15.

These articles, Mr. President, warrant the United States in entering the League of Nations, and with these articles great progress will be made toward the prevention of war. The articles to which I have just referred are not affected by the pending reservations except in two particulars: The fourth reservation reserves to the United States the right to decide for itself what are domestic questions not to be submitted to the league, and the eleventh reservation permits us to trade, notwithstanding the economic boycott, with nationals of a covenant-breaking State residing within the United States or in neutral countries. In all other respects these articles are left intact by the reservations.

What was the view of President Wilson before his illness of the importance of these articles?

On September 4 last, at Indianapolis, he said, speaking of the league covenant:

The great bulk of the provisions of that covenant contain these engagements and promises on the part of the States which undertake to become members of it: That in no circumstances will they go to war without first having done one or the other of two things—without first either having submitted the question to arbitration, in which case they agree to abide by the result, or having submitted the questions to discussion by the council of the League of Nations, in which case they will allow six months for the discussion, and engage not to go to war until three months after the council has announced its opinion upon the subject under dispute. The heart of the covenant of the league is that the nations solemnly covenant not to go to war for nine months after a controversy has become acute.

Is it possible that the President Wilson who uttered these words is the same man who now says the heart of the covenant is in article 10, and this provision that he then said constituted the heart of the covenant will be only a scrap of paper? Has President Wilson changed his mind or has his mind changed him?

To the followers of the President, who propose now to vote to reject this treaty, I remind them that they vote to reject a treaty the very heart of which, according to President Wilson before his illness, is unaffected by the reservations.

Articles 17, 18, 19, 20, and 21 are not affected by the reservations.

Article 22 is affected by the third reservation, which provides that no mandate shall be accepted by the United States without the consent of Congress.

In voting to reject this treaty, do the Senators who are following the President take the position that they are against the treaty because they want the President of the United States to accept a mandate for Armenia, a mandate for Turkey, or a mandate for any other country, without the consent of Congress?

Who among you will be foolhardy enough to take that position before the American people?

The next article is 23. That article is not affected except by our fourth reservation, which excludes our own labor problems from the jurisdiction of the league.

Articles 24, 25, and 26 are not affected in the slightest degree by these reservations.

I have now briefly reviewed our status in the League of Nations if the treaty is ratified with these reservations.

The heart of it, as denominated by President Wilson last September, will be left. The beneficial articles for the settling of disputes by arbitration and inquiry will be left intact. What is it that will be taken away so far as the United States is concerned? Obligations only—obligations imposed by this covenant contrary to the principles of this Republic; obligations that no American citizen ought to be willing for a moment to have imposed upon the United States.

Mr. REED. Mr. President—

The PRESIDING OFFICER (Mr. WARSON in the chair). Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. I yield for a question only.

Mr. REED. That I may give my question a meaning—

Mr. LENROOT. Last night the Senator desired a vote at the earliest possible moment. I do not wish to occupy any further time of the Senate than is absolutely necessary. So I must request the Senator to put his interrogatory pointedly.

Mr. REED. Having understood the Senator to say that until the President became ill he had never declared that article 10 was the heart of the covenant, I want to ask him if he does not know that on September 11 in his speech at Helena, Mont., the President said these words:

Then comes article 10—

Mr. LENROOT. I do not yield further. I am ready to answer the question; yes.

Mr. REED. And he said that it was the heart of the covenant then, did he not?

Mr. LENROOT. Yes. The heart of the covenant changed its place many times on that western trip of the President of the United States, but never before his illness did the President say that what he said at Indianapolis was the heart of the covenant would be nothing but a scrap of paper, which he has since said.

Mr. FRANCE. I desire to ask the Senator a question.

Mr. LENROOT. I yield for a question.

Mr. FRANCE. Does the Senator think the treaty ever had a heart? [Laughter.]

Mr. LENROOT. I think speculation upon that point perhaps would not be very valuable to either the Senator from Maryland or myself. I have already stated what I believed to be the beneficial part of the league covenant that, in my judgment, well warrants us in entering the league, provided the other obligations are not assumed.

Now, I wish hastily to review the reservations themselves. The first one, as I have said, relates to withdrawal and provides that the United States shall be the sole judge of whether its international obligations have been fulfilled entitling us to withdraw from the league. In other words, we deny any power in the League of Nations to keep us there against our will if we desire to withdraw. This reservation was adopted by a vote of 45 to 20—35 Republicans and 10 Democrats voting for it, and 20 Democrats voting against it.

The next reservation relieves us of all obligations under article 10 except the obligation to respect the territorial integrity and political independence of other members of the league. It relieves us from any obligation to go to war, to use our resources, or interfere in any way in controversies of other nations relating to territorial integrity or political independence. In other words, it leaves the people of the United States free to determine for themselves what if any action they will take in these matters in the future.

This reservation was adopted by a vote of 56 to 26. Forty-two Republicans and 14 Democrats voted for it, and 26 Democrats voted against it.

In this connection, Mr. President, I ask unanimous consent to insert as a part of my remarks the pending resolution of ratification.

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

Mr. LENROOT. Mr. President, the third reservation relates to mandates. I discussed that a moment ago. Under it a mandate can not be accepted without the consent of Congress.

It was adopted by a vote of 68 to 4—39 Republicans and 29 Democrats voting for it, and 4 Democrats against it.

The fourth reservation relates to domestic questions. It declares that the United States alone will determine what are domestic questions, and that no question which it determines to be such shall be submitted to the league. Without this reservation, the league could determine this and might undertake to interfere with our domestic problems of vital importance to us. President Wilson and his followers insist that the league shall be given this power. This is one of the matters upon which the President desires a great and solemn referendum; but I venture to say that if so submitted there are very few Democrats who would dare support the President's position, or face an audience and advocate it.

The vote on this reservation was 56 to 25—42 Republicans and 14 Democrats voting for it, and 25 Democrats voting against it.

The fifth reservation relates to the Monroe doctrine, and the same observation can be made with respect to this that I have made with respect to the fourth reservation. The United States has always interpreted the Monroe doctrine. President Wilson and his followers would submit the interpretation to the League of Nations.

This reservation was adopted by a vote of 58 to 22—41 Republicans and 17 Democrats voting for it, and 22 Democrats against it.

The sixth reservation withholds our assent from the cession of Shantung by Germany to Japan.

President Wilson insists that we shall condone—not only condone but participate in this great wrong. He evidently has one rule of conduct for Europe and a different rule for Asia. He threatened to withdraw the treaty from the Senate if Italy was given her claims on the Adriatic concerning which there are honest differences of opinion, but insists that we assent to the robbery of China, which no one defends.

The vote on this reservation was 48 to 21—39 Republicans and 9 Democrats voting for it, and 21 Democrats against it.

What do the Senators think would be the result of a solemn referendum upon this reservation?

The seventh reservation covers the appointment of representatives of the United States in the League of Nations, and the various agencies under its jurisdiction, and upon the various commissions provided for in the treaty.

It was adopted by a vote of 55 to 14—38 Republicans and 17 Democrats voting for it, and 14 Democrats against it.

The eighth reservation relates to the reparation commission and provides that we will not submit to the control of our commerce with Germany by that commission without the consent of Congress.

It was adopted by a vote of 41 to 22. It was supported by 35 Republicans and 6 Democrats, 22 Democrats voting against it.

The ninth reservation provides that the United States shall not be obligated to contribute to the general expenditures of the league unless appropriations therefor are made by Congress.

It was adopted by a vote of 46 to 25. Of the 46 votes for it, 38 were Republicans and 8 were Democrats. Twenty-five Democrats voted against it.

The tenth reservation relates to disarmament and provides that if any plan for disarmament recommended by the council is adopted by Congress the United States reserves the right in time of war or when threatened with invasion to increase such armament without the consent of the council of the League of Nations.

I have already discussed this reservation. It was adopted by a vote of 49 to 26. Forty Republicans and 9 Democrats voted for it, and 26 Democrats voted against it.

The eleventh reservation reserves from the economic boycott under article 16 the right to permit commercial relations with nationals of the covenant-breaking State residing in the United States and in countries other than the covenant-breaking nation.

This reservation was adopted by a vote of 44 to 28. Thirty-nine Republicans and 5 Democrats voted for it, and 28 Democrats voted against it.

The twelfth reservation relates to the rights of American citizens in property claimed to be of German ownership. It was adopted by a vote of 45 to 27. Thirty-seven Republicans and 8 Democrats voted for it, and 27 Democrats voted against it.

The thirteenth reservation withholds our assent to the labor provisions of part 13 of the treaty, but leaves Congress free to accept them in the future if it desires so to do.

The purpose of this reservation is the protection of American labor. Our labor standards are the highest in the world. We should be careful that there be no tendency to lower our standards by joining with other nations to agree upon a uniform standard which would be certain to be lower than our own. Moreover, American labor is patriotic, devoted to our American

institutions. Europe is in chaos and turmoil. Whether Bolshevism and anarchy shall dominate the labor of Europe we do not know. We do know they will never dominate the labor of America. Is it not the part of wisdom to wait and find out what kind of a labor combination will be formed before we go into it?

This reservation was adopted by a vote of 44 to 27. Thirty-eight Republicans and 6 Democrats voted for it. Twenty-seven Democrats voted against it.

The fourteenth reservation is the voting-equality reservation, whereby the United States assumes no obligation until the league covenant is so amended as to give us a number of votes equal to that of any other power, to be bound by any action of the council or the assembly where any member having self-governing dominions or colonies has in the aggregate cast more than one vote, or, where the United States and that power are parties to the dispute, any of them have voted at all.

Do you who are following President Wilson desire a solemn referendum to decide whether the British Empire shall have six votes to bind us when we have only one vote to bind them? Candidly, how many votes do you think President Wilson would get upon such a referendum?

It should be observed that the reservation does not deny the colonies the right to vote. If this treaty is ratified with these reservations, Canada will have the undoubted right to vote upon every question that she would have without the reservation. It relates only to binding us when an unequal number of votes is cast.

This reservation was adopted by a vote of 57 to 20. It was supported by 41 Republicans and 16 Democrats. Twenty Democrats voted against it.

The next and last reservation, Mr. President, is the fifteenth reservation, adopted on yesterday, relating to Ireland. We were afforded a most curious spectacle in the Senate during the long hours of debate on yesterday. It was well known that there was practically no opposition to an expression of sympathy for the aspirations of Ireland for freedom and independence, but upon the other side of the aisle Senators insisted upon coupling with that expression a doctrine of self-determination entirely new to the United States; a doctrine which it was frankly admitted by the Senator from Idaho and others had never been upheld by the United States in the past; a contention, Mr. President, that it took four long years of war to settle, and we had supposed that it was settled for all time. If I had voted against the amendment to strike from that reservation the principle of self-determination I would not know what answer to make to those few remaining, now very nearly at the sunset of life, who fought through the Civil War to preserve this Union against the doctrine of secession and self-determination.

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

Mr. LENROOT. Yes.

Mr. KING. I think the only answer that can be made is that the men of the South chose the wrong word; instead of calling it "secession" they ought to have called it "the assertion of the right of self-determination."

Mr. LENROOT. I think so; they are exactly the same.

Mr. FRANCE. Mr. President, I desire to ask the Senator a question.

Mr. LENROOT. I yield.

Mr. FRANCE. Does the Senator make no distinction between the War of the Revolution and the War of the Rebellion?

Mr. LENROOT. Yes, I do; but the doctrine, as was admitted by everyone who spoke in its favor yesterday, was not the doctrine of the Revolution; it was the doctrine of secession; the right of self-determination of a people belonging to or forming a part of a nation; and if it is true, the same doctrine must be applied to-day to the right of New York or the right of California to secede from the Union, if they desire, under the doctrine of self-determination.

Mr. FRANCE. I see that the Senator makes no distinction between the two.

Mr. LENROOT. The Senator can draw his own conclusions. I voted against this reservation yesterday because of its inclusion of this new and dangerous doctrine. The Senate never would have thought for one moment of adopting it if it had not been for the belief that there would be some party politics involved in it. They thought they would put somebody in a hole. But that was a declaration of policy, so far as the United States was concerned; and, as I have said, so far as the reservation concerned Ireland there was no opposition. I have gone upon record as against this policy, this destructive policy of self-determination that Senators voted for. Having gone on record, I am going to vote to ratify the treaty to-day with this fifteenth reservation in it.

Mr. President, there were many pretended friends of Ireland upon the floor of the Senate yesterday. We will find out where the friends of Ireland are to-day. The Senator from Nebraska

[Mr. HITCHCOCK] made a very touching appeal of sympathy for Ireland and advocated this reservation. The Senator, and those associated with him, were willing to make some motions that would amount to nothing; but when it is placed in the treaty, where, if the treaty is ratified, it would have some effect in securing freedom for Ireland, I am afraid we are going to find most of these pretended friends of Irish freedom voting against the treaty and destroying the reservation that they so eloquently defended yesterday.

Mr. PHELAN. Mr. President—

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

Mr. LENROOT. Yes; the Senator from California is one of them, I am afraid. I hope not.

Mr. PHELAN. The Senator from Wisconsin should not anticipate my action. However, I am in a position which I suppose the Senator will commend, at any rate, of being perfectly—

Mr. LENROOT. If the Senator will permit me, I said to the Senator from Missouri [Mr. REED] that I could only take time for the propounding of a question, and I must ask that that request be observed, because I do not wish to occupy the time of the Senate unduly.

Mr. PHELAN. I have no intention of trespassing upon the Senator's time, but I wish to ask him this question: He said that when certain Senators voted yesterday on the resolution recognizing the principle of self-determination, especially as it applied to Ireland, it was the intention to make political capital or "put somebody in a hole." I ask the Senator now whether he is aware that on the final vote 25 Democrats voted in the affirmative and 20 Republicans, while 20 Republicans voted in the negative and 18 Democrats? So, when he makes that accusation, he necessarily includes some Members on the other side of the aisle.

Mr. LENROOT. Oh, I do. Upon this matter there is not a party alignment, as the Senator from California well knows. There are divisions upon the other side, and there are divisions upon this side; and it is the desire of a considerable number of Senators upon this side to add any reservation that they think will assist in defeating the treaty. There are also Senators upon the other side, who heretofore have pretended to be the best friends of the treaty, who are now bending every effort to defeat it. I am not referring to the Senator from California.

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

Mr. LENROOT. Yes.

Mr. KING. I am inclined to think that perhaps we may have another "battalion of death," and it may be recruited on this side.

Mr. LENROOT. I think so, too. I think, when the vote is taken, that will be absolutely determined.

Mr. President, I have gone over these reservations that President Wilson says nullify the treaty. These are the reservations because of which his followers in the Senate propose to reject the treaty to-day.

Mr. President, these reservations that relate to the treaty do nothing more than Americanize this treaty for us. They do nothing more than preserve the liberties and the independence of the American people.

Last November the Senator from Nebraska [Mr. HITCHCOCK] made much of the fact that the reservations then made a part of the resolution of ratification could not have been adopted without the votes of the "bitter-enders"—the enemies of the treaty. I call his attention now to the fact that every one of these reservations except the last has been adopted not only by a large majority of the Senate but they have received the support of a majority of the Senators who in some form or other have voted for ratification. These reservations, therefore, represent not only the views of a majority of the Senate but a majority of the friends of the treaty; and while last November the Senator from Nebraska taunted Senators upon this side with being in combination with the "bitter-enders," the Senator from Nebraska himself to-day has an open combination with those same "bitter-enders" that he so bitterly derided last November, and he knows that without that combination of the "bitter-enders" this treaty would be ratified to-day with the reservations adopted by a majority of the friends of the treaty in this Chamber.

The President says he wants a solemn referendum. We are willing. Why not vote to ratify this treaty with these reservations and then let us go before the country and settle the question of whether the American people approve these reservations or desire to accept the treaty unconditionally? If President Wilson is right in his belief that he is supported by the American people in his position, the next Congress can assume every

one of these obligations which we decline to assume now. Why keep the United States in a continued state of war with Germany when we can terminate that war now with these reservations attached to the treaty? The other nations are eager to have the treaty ratified with these reservations. Who proposes to "break the heart of the world" to-day?

Mr. President, if I were considering political advantage I would welcome the rejection of the treaty to-day by those who are supporting President Wilson. If you on the other side insist upon taking the question into the campaign you insure an overwhelming Republican victory. But, Mr. President, from the standpoint of the welfare of the country, we ought not to continue in a state of war, technical though it be, for another year. We should resume commercial relations with Germany as quickly as Great Britain and France do. The present condition is not healthful. We can not resume a normal national life so long as we are in a state of war. To continue it because of the stubbornness of President Wilson is indefensible, and any Senator who follows him upon that question will, in my judgment, meet with the condemnation of the American people.

You need not reject the treaty to have a solemn referendum, if you insist upon that. Let the people decide whether they favor these reservations. If they do not, but are in accord with President Wilson, you will have the opportunity of securing victory in the campaign. Whether you do or do not, every Senator voting against the treaty because of their adoption must render an account to the people of the United States. We will meet you as Americans. You must meet us as internationalists. We will meet you as being for America first. You must meet us as advocates of the surrender of Americanism.

I hope there will be a sufficient number of votes to-day to ratify this treaty with these reservations. But whether there are or not, we declare by these reservations that the sacrifices for our liberties, from Bunker Hill down through the years to the battle fields of France, where lie thousands of our boys, shall not have been made in vain.

These reservations free us from obligations which are contrary to American principles and the spirit of our institutions, and through all the years to come the people of the United States will thank God for the American Senate that protected their liberties against those who would sacrifice their independence upon the altar of internationalism.

Following is the resolution of ratification:

*Resolved (two-thirds of the Senators present concurring therein).* That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, Part I, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States proportionate share of the expense of the office force and salary of the secretary general.

10. No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (arts. 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

Mr. POMERENE. Mr. President, the other day I took the time to reduce to writing a few thoughts bearing upon the subject of the ratification of this treaty. They were dictated before the adoption of reservation No. 15.

I am not quite clear in my own mind as to what the final result of the adoption of this reservation will be when it comes to the ultimate exchange of the ratifications. I voted against that reservation, not because of my wanting in sympathy with Irish aspirations, for I have looked forward to the time when the Irish might realize their national hopes. But as in part controlling my vote on this subject I had this thought uppermost in my mind: When we adopted reservation No. 4 we sought to guard very jealously our domestic rights and privileges, and it seems to me that it is hardly consonant with propriety for us in a great instrument of this kind to insist upon one rule of action for ourselves and adopt an entirely different rule when it applies to our allies in the Great War through which we have just struggled to a conclusion.

We can hardly say that the domestic affairs of this country are ours to look after to the exclusion of all other nations and at the same time insist upon taking a hand in the domestic affairs of Great Britain.

If it be a matter of political advantage, which some Senators had in mind when they voted upon this subject, whether they are Democrats or Republicans, let me remind them that the people of America are almost uncanny in their ability to weigh a situation and separate facts from fiction. The American people have ears and they can hear; they have eyes and they can see; they have an understanding and they will understand.

Mr. President, I have been the subject of conflicting emotions in the last few days. I have been hoping against hope, almost, for the ratification of this treaty. I still hope we shall succeed in ratifying it; but if we do not the responsibility will be equally divided between those who have been irreconcilably against the treaty from the beginning and those who have pretended to be its friends. Let us not mistake that situation.

The conclusion has not yet been reached, but when it is reached experts in the Bertillon system will examine the thumb prints and they will be able to determine the responsibility. Strange, is it not, that those who want no treaty and those who insist on unconditional ratification should join hands in an enterprise which threatens to destroy the treaty—"the hope of the world"?

The treaty of peace with Germany was presented to the Senate on the 10th day of July, 1919, and was referred to the Committee on Foreign Relations. It was reported back to the Senate on the 10th day of September, 1919. For several months prior to its presentation to the Senate it was the subject of much consideration and debate, and has been constantly before the Senate and the public ever since. Whatever differences of opinion exist among us, I think all must agree that the treaty should be disposed of without further delay.

I have been one of those who early in the consideration of the treaty came to the conclusion that it would be best to ratify it without amendment and without reservations. I say this not because I approve all of its provisions, and particularly of the covenants for a League of Nations, but because I keep in mind the treaty in relation to the spirit of unrest which prevails throughout the world, and particularly in Europe.

We entered and fought the war to save the world from military autocracy; and my belief has been and now is that we should make peace in such a way as to save the world from military autocracy.

Selfishness did not control us in declaring or waging war. Selfishness ought not to control us in making peace.

If unselfishness was a virtue in making and declaring war, it ought not to be a vice in making peace.

It must be borne in mind that the covenants for a League of Nations are not permanent in character. They are only temporary. We can ratify the treaty and within two years, by serving notice of our intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of the withdrawal.

The success of the league is going to depend largely upon whether the United States is a member or not. The world knows this; and if amendments are desired, the United States will always be in a position to demand them, and if they are not granted, to diplomatically withdraw.

My belief has been and is that as a member of the family of nations in this world crisis, we should not hesitate to join hands with the associated powers in preserving the world's equilibrium until normal conditions should resume their sway. We were not slackers in time of war, and we must not be slackers in time of peace.

Great Britain, France, Italy, Japan, have already ratified the treaty, and have resumed their international relations with Germany. Of all the great powers associated with the World War, the United States alone is, legally speaking, still in a state of war with Germany. Until the treaty is ratified German trade is forbidden to our nationals, while their competitors are enjoying the usufruct of peace with Germany.

Why should we not adjust our differences of opinion as to the form of ratification of the treaty and thereby do our bit toward the restoration of peace in the world and the stabilization of political, social, and industrial conditions?

To my way of thinking the question before each Senator who believes in ratification is not what he thinks should be done, but what can be done so as to secure the approval of the necessary constitutional two-thirds of the Senators.

It is perfectly clear to me that those who believe in ratification ought not to be so tenacious of their personal opinions as to be unwilling to make concessions sufficient to secure ratification. If each one of us is to insist arbitrarily upon maintaining the supremacy of his own individual views, there never can be ratification, and there never can be peace with Germany.

Compromise is nothing new in either the ratification of treaties or in the enactment of legislation, and if the treaty is thus ratified I can not believe that the President will not submit it to the other signatory powers with the urgent request that it be accepted.

The President has a very solemn duty to perform, but the duty of the Senators is no less solemn; and as there should be concessions among Senators who believe in ratification, so I believe that as between the President and the Senate there should be similar concessions. The fathers of the country, in my humble judgment, so intended, otherwise they would not have provided by the Constitution that the President's power to make treaties should be "by and with the advice and consent of the Senate."

The Constitution does not say that the Senate shall approve treaties which the President may make. It is as free to act in giving its advice and consent as the President is to negotiate; and it is just as important that the Senate shall give its advice and consent as it is that the President shall negotiate the treaty. The action of both is necessary to give vitality to the treaty. One can not do it without the concurrence of the other.

I want it to be clearly understood that in my own judgment it would be the best policy to ratify this treaty as it came to the Senate; and because it is perfectly clear to my own mind that this can not be done, the duty of the hour requires that we shall ratify it upon the best terms possible, and I appeal not only to Senators but to the President and the Senators to adjust their differences in the interests of world peace and stability.

If we were assured in advance by the foreign powers that the reservations which we may adopt would not be accepted, then there might be some excuse for our refusing to proceed to final action on the treaty; but it is perfectly clear to my mind that while our associated powers may feel disappointed that we do not unconditionally ratify this treaty, as they have done, they would much prefer that we ratify the treaty with these reservations than not to ratify it at all.

The public prints of the last few months have indicated that France would accept any reservations which the Senate of the United States might see fit to incorporate in the resolution of ratification; and Lord Grey, speaking, it is true, as an individual, in his letter to the London Times, written under date of January 31, 1920, said:

If the outcome of the long controversy in the Senate will be to offer cooperation in the League of Nations, it would be the greatest mistake to refuse that cooperation because of the conditions attached to it.

And added:

When that cooperation is accepted let it not be accepted in a spirit of pessimism.

The public prints indicate that while this letter was written as an expression of his personal views it had the substantial approval of the British authorities; at least, that is my understanding.

Do not Senators, therefore, have sound reason for believing that if the substance of the reservations which have already been approved by the Senate—and those which probably will be approved and incorporated in the resolution of ratification—will, if submitted to our associated powers, be accepted, even though they are disappointed that the ratification has not been unconditional and unqualified?

Do not Senators think that under these conditions we should proceed with the ratification, return the treaty to the President with the resolution of ratification which we shall adopt, if we adopt one, so that he may submit it to our allies for their action? If they accept it, the United States ought not to complain, and if they do not accept it we shall know authoritatively their views, and we can then take such further action as the circumstances may justify.

If it were possible to secure promptly unconditional ratification, then I would mark out a different course from that which I have made up my mind to pursue.

But that is wholly out of the question. Unconditional ratification can not be brought about. The treaty can be defeated either by those who insist upon unconditional ratification or by those who are irreconcilably against any League of Nations or by the joint action of the two. I very respectfully decline to follow the leadership of either, and thereby lend my help to a continuance of a state of war. Those who take the one position or the other can not escape their responsibility in part for a continuance of world unrest.

And where will their position lead us? To this: France and Great Britain, as I have indicated, show a disposition to accept ratification with the substance of such reservations as are now before the Senate. If the Senate thus ratifies this treaty and the President should refuse to exchange ratifications, it will put this country in the attitude of insisting upon giving to our associated powers more than they have indicated they are willing to accept.

Can this course be defended? Can any Senator go before the people and say to them: "I thought we should assume greater responsibilities than we do under the resolution of ratification. And though I have reason to believe that our associated powers would accept the ratification of the treaty with the reservations adopted, I insist that we shall not assume any responsibilities unless I can give to them more than they are ready to accept. And this is my position, notwithstanding the fact that it will continue the present state of war and the frightful spirit of unrest which pervades the entire civilization of the world"?

No, Senators, that course can not be defended.

Mr. KING. Will it interrupt the Senator if I ask a question at this point?

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

Mr. KING. I want to invite the attention of the Senator to the fact that a league of nations, if one is established, is needed now more than ever before, and will be needed now more than it will be needed perhaps in several years from now.

Mr. POMERENE. I thank the Senator for the suggestion. It is my judgment that if the treaty had been promptly ratified it would have helped to quiet world conditions, and if we are going to leave it an open question for months in the future it will add fuel to the flames.

Mr. KING. Let me suggest to the Senator that whatever step is necessary now to bring peace to a distracted world and to bring order out of chaos in Europe can be taken under the treaty, even with the reservation to article 10, just the same as if article 10 were there unabridged or unqualified or without any reservation.

Mr. POMERENE. Undoubtedly so. I expect to discuss that question a little later on.

Much has been said about the nullification of the treaty. If we are to give to this word the significance which usually accompanies it in the history of the United States, it can hardly be said to be either a happy or appropriate term to apply to the reservations adopted by the Senate.

To "nullify," as I understand it, means "to render of no legal effect that which has already been adopted by some other legal authority." Has the league been adopted, so far as the United States is concerned? Is it therefore nullification to modify that which is not yet adopted? In the history of the United States—I quote from the Century Dictionary—to nullify means, "The action of a State, intended to abrogate within its limits the operation of a Federal law, under the assumption of absolute State sovereignty." Or, to express the same thought in another form—and again I quote from the Century Dictionary—"The doctrine of nullification, the doctrine that the power of a State to nullify acts of Congress is an integral feature of American constitutional law and not revolutionary, was elaborated by John C. Calhoun and applied by South Carolina in 1832." Benton says, "Nullification is 'the assumed right of a State to annul an act of Congress.'"

Surely the German treaty negotiated by the President can have no legal effect until it receives the advice and consent of the Senate and there has been an exchange of ratifications.

The Senate is wholly within its constitutional rights when it seeks to adopt reservations. It is not thereby nullifying the treaty, because there is no treaty. It is exercising its constitutional function; and in so doing its action can not be criticized except from the standpoint of policy.

We might just as well say that the United States Senate nullifies a law because it refuses to concur in a bill which has passed the House of Representatives as to say that the Senate nullifies a treaty which has been negotiated by the President simply because it refuses to concur fully therein.

Most of the discussion, both in and out of the Senate, has centered around article 10. Personally I would much prefer that it remain intact. It is urged with very great vehemence that if the Senate accepts it without reservation, and later the Congress of the United States, when called upon, would refuse to furnish its Army and Navy, it would be guilty of bad faith.

On a former date I discussed this subject, and I do not intend now to enter upon it again further than to say I can not accept this conclusion. The signatory powers, when they negotiated this treaty and ratified it, fully understood that they were dealing with a nation whose sovereign powers were divided among different agencies, and the powers of each agency were limited. They knew that our treaty-making power was vested in the President and the Senate and that our war-making power was vested in the Congress of the United States. They knew full well that a contingency might arise whereby a future Congress might refuse to carry out the obligations entered upon by the treaty-making power. It might result in a breach of contract, but certainly it could not be a breach of faith if the Congress refused to respond.

Of course, I do not want our country to be put in such an attitude; I want it at all times to be beyond suspicion. And certainly there can be no objection, if my position is right—and I think it is—to say in the reservations in substance, "It is understood that the execution of the obligation contained in article 10 is always within the jurisdiction of the Congress."

I shall not pause to point out the line of discrimination which may or may not exist between the first and the second so-called Lodge reservations, or between them and the Hitchcock reservation, or between the Lodge reservation and the Simmons reservation, or between any one of them and the rea-

ervation drafted by the bipartisan committee. I say this because I would vote to ratify this treaty under present conditions either with or without article 10.

I wish to say to my friend the distinguished and able Senator from North Carolina [Mr. SIMMONS] that if he can vote for the treaty with his own reservation adopted, I do not see how he can refuse to vote for it with the Lodge reservation in it. In the administration of this subject by the League of Nations, I submit to all fair-minded men that they can not point out a real distinction between the two reservations.

But let us assume for the sake of the argument that some reservation is adopted which eliminates entirely article 10. I can not consent to the assertion that it takes the heart out of the treaty. Even if the United States should refuse to accept in whole or in part the provisions of article 10 the covenants for the League of Nations as they have been ratified by our associated powers unconditionally, and by the United States with such reservations as may be adopted, they will constitute the greatest peace treaty ever devised by the nations of the world. Let me enumerate some of the results which will be accomplished:

First. The league will be an established fact, even if the United States should only be considered an advisory member under the Lodge reservations, which may be adopted.

Second. Under article 11, any war or threat of war, whether affecting any of the members of the league or not, is declared to be a matter of concern to the whole league; and the league can "take any action that may be deemed wise and effectual to safeguard the peace of nations." This will be true whether the ratification of the treaty by the United States is unconditional or with article 10 eliminated.

Mr. KING. Mr. President—

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

Mr. POMERENE. I yield.

Mr. KING. The Senator uses the words "with article 10 eliminated." I invite his attention to the fact that the reservation to article 10 does not propose to eliminate, but leaves unimpaired the great obligation, moral and legal, to respect the territorial integrity and political independence of every signatory of the league.

Mr. POMERENE. In substance the Senator is right, but I am basing my argument on the assumption of the entire elimination of article 10 in order that I may better show the virtue and the efficiency of the other provisions in the covenants for the league.

Third. Any member of the league will have the "friendly right \* \* \* to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends." Such concerted action in the cause of peace will have a restraining effect if nothing more.

Fourth. The members agree to submit to arbitration all disputes which the parties thereto recognize to be suitable for submission to arbitration and which they can not satisfactorily settle by diplomacy.

Among these disputes generally regarded as suitable for submission to arbitration are (a) disputes as to the interpretation of a treaty; (b) disputes as to any question of international law; (c) disputes concerning any fact which if established would constitute a breach of any international obligation; (d) disputes as to the extent and nature of reparation to be made for such breach. The members agree to carry out in full good faith any award that may be rendered, and that they will not go to war against any member of the League which complies therewith.

Fifth. All other disputes which are likely to lead to a rupture, and which are not submitted to arbitration, they agree to submit to investigation and report.

If a settlement is effected, "a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the council may deem appropriate."

If it is not settled, the council, either unanimously or by a majority, may make and publish a report containing a statement of the facts of the dispute and the recommendations which are regarded just and proper. If their report is not unanimous, the members of the league reserve to themselves the right to take such action as they consider necessary for the maintenance of right and justice. If it is unanimous, the members agree not to go to war with any party to the dispute which complies with the recommendation of the report.

Sixth. All hostilities are suspended pending the arbitration or inquiry and for a period of three months after the award by the arbitrators or the report of the council.

Seventh. Should any member of the league resort to war in disregard of the covenants under articles 12, 13, or 15, it shall be deemed to have committed an act of war against all other members of the league, and they agree to subject it to a severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, as well as the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State.

Eighth. They agree that they will mutually support one another in the financial and economic measures which are taken under article 16, in order to minimize the loss and inconvenience resulting from the adoption of the measures just described.

Ninth. A plan for international disarmament is provided.

Tenth. The cause of peace is given all of the advantages which are to be derived from the public discussion of international controversies and the suspension of hostilities during investigation, thereby giving the blood time to cool and reason the opportunity to resume its sway.

Eleventh. That pregnant source of war, the secret treaty, is abolished.

These are some, and perhaps the most important, advantages to be gained by the league and the treaty. They are a long step in advance of any method of settlement of international disputes heretofore devised.

With these provisions in the treaty, how can it be seriously urged that the heart is taken out of the treaty if the substance of article 10 is not approved by the Senate?

Are they not all vital forces looking toward the protection of the "territorial integrity and existing political independence" of all the signatory powers against external aggression?

Can any Senator justify himself in voting to reject the treaty which contains so many provisions looking to the preservation of international peace because he can not get all he wants?

Shall we, by rejecting the treaty, thereby continue a state of war because we are not doing as much in the interests of the peace of the whole world as we think we ought to do?

If that be our position, how can we escape our share of responsibility for continuing the present state of unrest in the world?

We might as well say to the starving man, "We will not give you a half loaf because you need a whole loaf." As well might we say to the physician, "You shall not go to the relief of the man who is bleeding to death because you do not have all the appliances you think you need," as to say to the stricken world, "We shall not give you the benefit of any of this treaty because we can not give it all to you."

The duty of the hour requires that we do all we can.

My soul rebels at the thought that "I shall do nothing because I can not do all that I feel I ought to do."

Now is the accepted time for action. Already the ratification of this treaty has been too long delayed, and those who may be responsible for further undue delay will be held to strict accountability before the bar of public opinion.

Eighty-two Senators out of 96 have indicated by their votes here in the Senate that they believe this treaty should be ratified. To them the people of the country and of the world are looking for an adjustment of their differences of opinion, to the end that the peace of the world may be restored. Shall we disappoint them? Or does it not rather devolve upon us to ratify the treaty and bring to a realization, so far as we can, the hopes and the prayers of a war-weary world?

Mr. EDGE. Mr. President, I have been giving much thought to the rather confusing events of yesterday, and have reached the conclusion that, perhaps, after all, the adoption of the Irish reservation was the only possible way, in view of the situation, in which the treaty could be ratified.

Friends of the League of Nations have nothing to lose and all to gain by at least submitting it to the powers. Unless they vote for the treaty, the desire for ratification of those who were supposed to be its greatest friends is not as strong as the desire to "play politics." When the issue of the Irish vote appeared, then the real friends of the treaty were discovered.

It is not surprising that the irreconcilables smilingly favored the Irish reservation, as they recognized that that was the surest way to "ditch" it forever. However, perhaps I am wrong—and I hope that I am—in my interpretation that the passing of the Irish reservation was simply a political bluff, and that those who have insisted through so many weary months that they wanted to ratify the treaty are going to vote to-day to do so and show the real sincerity of their interest in the future of the Irish. Certainly, the Irish will not be much impressed with the spectacle of Senators one day adopting a reservation and the same Senators the next day refusing to vote for

it when it really means something. In other words, for the reservation to be effective this treaty must be ratified, and then our representative in the League of Nations, with the power and force of the United States back of him, takes part in the council of the League of Nations, committed to Irish independence.

Therefore the vote to-day will demonstrate to the world whether the Irish vote yesterday was sincere or otherwise. I voted against the Irish reservation yesterday because I was a sincere friend of the effort to try to prepare a way for the United States to be a part of the concord of nations, and I feared its adoption would make the treaty that much more difficult of acceptance by nations abroad; but now that it is a part of the reservations I am going cheerfully to vote for it, and that is the vote that means something. I voted against it not because I did not have full sympathy for the people of Ireland in their struggle but because the reservation as worded gave a wrong impression of America's policy. However, I have endeavored to meet the different phases of this weary controversy in a spirit of compromise, and in that same spirit I gladly accept this reservation and hope that the treaty will be ratified, so that among other benefits it can be of material help to the Irish people.

Either you gentlemen on the other side who have been working for ratification meant your vote yesterday or you did not. If you meant it you will finish it to-day and not "scrap" the treaty. Certainly you do not want it to be said that your vote yesterday was in the nature of an Indian gift or that you were "handing a lemon" to the Irish people. Otherwise to-day you will cast a vote that counts and thus finally put it up to the powers across the sea. Yesterday's action is useless if not officially ratified.

I congratulate the irreconcilables on both sides for their clever alliances. The Republicans last evening were strongly criticized by the Senator from North Carolina [Mr. SIMMONS] for playing with them and being in partnership with them in adopting various reservations that he believed would kill the treaty. Without Democratic help an alliance with the "irreconcilables" was the only way we could get the treaty Americanized. On the other hand, are we to assume that the Democrats on the other side who voted for this most important Irish reservation were in partnership with the "irreconcilables" to kill the treaty, or are they going to follow their vote of yesterday by an affirmative vote to-day? That is the only way they can demonstrate their sincerity. If they are sincere the adding of this reservation will assure the ratification of the treaty, as the same votes on the other side will be more than sufficient for that purpose. In fact, I have noted that several of the Democrats who voted for the Irish reservation have never voted for any other reservation. Therefore it must be assumed that that means their approval. I do not think that the Irish will be satisfied by a mere expression of sentiment by the United States Senate on one day which is reconsidered the next. If all they wanted was an expression, that the Senate gave unanimously last June. The Irish have been fed up on camouflage and political expediency on the part of their supposed friends for many, many years. I thoroughly realize that the Irish have opposed the treaty, but now the condition has changed. Why should not every Irishman welcome into the League of Nations the United States, with all its power and influence, to represent their ambitions? If we do not ratify the treaty Ireland will not have the benefit of our voice and power in the league.

Mr. President, I have endeavored through these many months to assume and to maintain a consistent attitude. I feel that I have done so. I admire very much the speech just delivered by the Senator from Ohio [Mr. POMERENE]. As the various amendments have been suggested I have voted against every one of them, but have voted for all reservations which I thought were necessary to Americanize the treaty and positively to protect the independence and sovereignty of our own country. I voted against amendments because it is my conviction that we, as Senators of the United States, are not particularly concerned as to what shall govern other nations; our responsibility is what will govern us. When we amend the treaty we change it textually, and, of course, such a change applies to all nations; but when we ratify the treaty, stating that we do so under certain conditions and understandings, while we ought not refuse other nations an opportunity to do likewise, we are simply protecting our own position so that the world can not misunderstand us. That is the reason why I have voted against all amendments and have voted for most of the reservations.

I am positive that America, which evaded no responsibility during the war, will evade none in times of peace. League of Nations or no League of Nations, America will do her full duty at any time that any questions arise, internationally or otherwise,

which require action on her part. I have, however, always been a firm believer in the results possible through what might be termed "round-table conferences," and with our country's independence as thoroughly protected as we feel confident it has been I believe that the United States owes it to the world to take part in those round-table conferences and to use her influence, her force, and her power in order to try to help solve the questions that are now engaging the attention of the entire world. If we look at the subject simply from a selfish standpoint, we can not continue the prosperity to which we have been accustomed by doing business alone with ourselves. I am not an internationalist in the sense that that term is usually understood, but I hope that I am not so extremely narrow as to entertain the view that this country should not do business with all the countries of the world, hold intercourse and carry on commerce with them, and be of every possible benefit we can be to all the nations of the world.

Therefore, properly protected, we should take our position at the table and help consider all big questions. I feel that this great country, with its power and its force and its wealth, can contribute greatly to help solve these great problems. Therefore I shall be very much disappointed if those on the other side are not prepared at this critical moment by their votes to permit the trial to be made.

The treaty has been Americanized. Our interests have been amply protected. They need our advice and our power and our force. We owe the world something from a selfish standpoint, again may I repeat. We want their alliance along many lines of industry. We have all to lose if we view it that way—you Senators particularly on the other side—and nothing to gain by defeating the treaty to-day. We have no information from abroad that would lead us to believe, so far as I have been informed, that they would not accept the treaty as we have surrounded it with reservations. Then why should we assume that they will not do it? Why assume that they are going to object to our Americanizing the treaty and protecting our own interests? We do not deny them the same privilege. I can not analyze the mind of a Senator who truly and squarely is for the adoption and ratification of this treaty who under present conditions and understandings is not willing at least to test it out. Without the Americanizing reservations, without the positive protection, no; but with them, what can possibly be the answer? As the Senator from Ohio [Mr. POMERENE] very properly said, We have one responsibility; the President has another. Our responsibility is to use our own judgment, and his responsibility is, of course, to use his.

I do not question, I do not know—I will not say I do not care, because I do—what he may do, but I do say and reiterate and emphasize that if Senators on the other side really believe that we owe this cooperation to humanity—and properly protected, I believe we do—then I can not understand how they can vote against the treaty to-day. Certainly they do not object to America protecting itself, especially if nations abroad do not. Let us dispose of this question that has taken so many weary hours of our time that should have been devoted to other responsibilities. Let us ratify the treaty, and let England and France say we are selfish if they want to, rather than our deciding it ourselves; and let us clear the decks here, so that we can assume the responsibilities for which we were elected and try to solve some of the pressing domestic problems the uncertainty of which is holding back every type of home development.

Mr. WALSH of Montana. Mr. President, it is not an uncommon thing for legislators to be confronted with the necessity of determining which of two alternatives they ought to accept, both of them being in a high degree distasteful. Such is the embarrassing predicament in which Democratic Senators now find themselves. They may vote to reject the treaty, at least for the present, or they may vote to ratify it with reservations that emasculate, if they do not destroy, features of the covenant that, in their judgment, are in no small degree essential to insure its successful operation as a means of averting war. They may join with the implacable foes of the treaty or they may unite with its fair-weather friends, determined to end the contest, so far as the Senate is concerned, taking the best that, in the unfortunate situation confronting them, can be secured.

The situation should not be mistaken. The treaty has had no ardent support on the Republican side of the Chamber. Friends there are there who approve the general plan of the covenant; a few of them, woefully few, might vote for it, if driven to the choice of voting for it as it came to the Senate, or rejecting it, but most of them have been cautiously restrained in their commendation of the instrument and profuse in their criticism of features they believed ought to be modified. Others who, upon one consideration or another, gave reluctant assent to the project for a league and voted for the resolution of ratification embracing the so-

called Lodge reservations, have been hypercritical in their attitude toward it, if not openly denunciatory. No one who heard and no one who reads the speech of the senior Senator from Massachusetts of August 12, 1919, can regard it as having been uttered with any purpose except to discredit the whole idea of a League of Nations and bring about the rejection of the treaty because of the covenant. The impassioned remarks with which he closed the debate last night clearly revealed that he does not now regard it with any higher degree of favor. A third class, constituting a considerable and influential minority, able and respected Senators, as is well known, have been unceasing and unyielding in their opposition to the whole plan of preserving peace by concerted action of the nations, as contemplated in the covenant. They were represented, out of all proportion to their numbers, on the Committee on Foreign Relations which reported the Lodge reservations, none of which would have been or could have been adopted by the committee without the votes of the members of the "bitter-end" class.

Probably none of them will deny that they entertained the confident hope that the Democratic Members would vote with them to reject the treaty so qualified, and that thus the odium of its defeat would be cast upon the party of which the President who negotiated it is the leader. How far that hope was shared by those who heretofore voted for the resolution of ratification qualified by the Lodge reservations must remain a matter of speculation, but the circumstances attending the breaking up of the sessions of the bipartisan conference committee and the obduracy exhibited in the face of efforts to change even the form of some of the reservations, though the substance was in no wise affected, lead to the conclusion that such joy on the Republican side of the Chamber as would attend the success of a resolution of ratification would be, generally speaking, over a supposed party victory rather than over the advancement of the cause of world peace through the retransmission of the treaty to the President. I am confirmed in this belief by the fact that not the slightest disposition has been exhibited so to frame the resolutions in mere matter of form as to make them less objectionable to the President. He has been bitterly assailed, and I am not saying that some of the criticism was not without justice, for insisting, as it has been expressed, on the ratification of the treaty without dotting an "i" or crossing a "t"; and yet the very Senators who have been unrestrained in their criticism of him for his alleged obstinacy in that regard have been at least as obdurate in insisting that the so-called Lodge reservations must stand unaltered even as to the matters of form. Again and again they have taunted the great majority of Democratic Senators with servility, intellectually and morally, because they have concurred in their views, or have accommodated them to those of the President, the leader of their party, in whose acumen and wisdom they have had abundant cause to confide, and yet it is notorious that on their side of the Chamber are no inconsiderable number who upon one consideration or another have voted with unflinching regularity upon matters connected with the treaty as their party leader, the senior Senator from Massachusetts, has directed, or in some manner indicated he desired they should.

Notwithstanding the considerations to which I have adverted, I have no hesitancy whatever in arriving at a satisfactory conclusion as to the course I ought to take on the resolution of ratification now before us. I shall vote for it, because, after every reasonable effort, the resolution, qualified as it is, is the best that can be secured. I regret exceedingly that if we are to participate in the effort to preserve the peace of the world on the new plan as members of the League of Nations, it should be weakened in important features as is proposed, but as we are compelled to take what is offered or to take nothing, I am prepared to accept what can be had, and to trust to the future to strengthen the system by amendment should such a course seem necessary or advisable.

I am constrained to take the course indicated, because I am unable to find any good ground to hope that we shall at any time in the future be able to secure the necessary two-thirds vote in the Senate for ratification without reservations substantially like those now adopted by the Senate. Some there are who counsel going to the country on the issue. But on what issue can the judgment of the sovereign people be taken? The Republican Party will undoubtedly declare in the platform adopted at its national convention in favor of ratification with the Lodge reservations. The irreconcilable Senators and their partisans throughout the country will struggle in that convention for the adoption of the policy of rejection, but they will go down before the general demand for ratification. One of the ablest among them, the distinguished senior Senator from Idaho, who de-

clares his purpose of raising the issue of total rejection in some manner, whatever may be the action of the Republican convention, asserted on the floor of the Senate that its attitude is certainly foreshadowed in the resolutions of the convention of the State of New York declaring for ratification with the Lodge reservations. The Democratic convention, on the other hand, will declare in favor of ratification without reservations or with interpretative reservations such as those offered by the senior Senator from Nebraska. The issue will accordingly be, not whether the treaty shall be ratified or rejected but whether it will be ratified without reservations or with interpretative reservations only, or be ratified with the Lodge reservations.

I venture no prediction upon the result of such a test before the American people. If the Republicans win, the situation is not improved. But suppose the Democrats win? Suppose the party to which I belong, in whose success I am most deeply concerned, in whose achievements in peace and in war under the leadership of President Wilson I take profound pride, should prevail at the ensuing election, regain control of the Senate, and elect the President; how, then, would the situation be changed? The best we can hope to do, so far as the Senate is concerned, is to make a net gain of five seats. The lessons of history forbid that we expect any results more favorable, so that we can not honestly entertain the belief that we shall have more than 52 Senators on the Democratic side when the new Congress assembles after March 4, 1921. One of these will certainly vote against ratification and as many as three may. It will be impossible to muster more than 50 votes on the Democratic side of the Chamber, so that it will be necessary to go across the aisle for at least 14 votes. Sixteen would be a safer estimate. We shall be obliged to make compromises in order to get any such number. The Members on that side who could be induced to vote for ratification without reservations may be counted on the fingers of one hand, if, indeed, there are any such.

It may be argued that should the Democratic Party be successful in the coming campaign the result of the election will or may be regarded by Republican Senators as the verdict of the country, and as in the nature of an instruction to vote for ratification without reservations, which they could not ignore. But such a hope is vain. The newly elected Republican Members will feel pledged by the platform on which they ran to vote against ratification except the resolution is qualified by the Lodge reservations, and the hold-over Members will be confirmed in their attitude by the platform declaration.

Moreover, it is rare that the result of any national election can be regarded as an unequivocal indorsement of any particular issue, even though it be in some quarters regarded as the paramount issue. It is evident that Republican political managers intend making a general assault on what they call Democratic extravagance and incompetency. Notwithstanding the magnificent record made by the Treasury in financing the war and the wonderful way in which the men and the resources of the country were marshaled for its successful prosecution, some people may be induced to take stock in such a fly-specking campaign who are quite favorably impressed with the covenant as it stands. Republics are proverbially ungrateful, and many people will forget that under the guidance and direction of a Democratic administration, as Ibanez expressed it, this Nation "created armies with a rapidity and put forth efforts never equaled in history."

The autocratic powers with which the President was invested by a Democratic Congress, rarely without Republican concurrence, for the more vigorous prosecution of the war, are made the object of much declamation, though the present Republican Congress has in no instance, though it has been operating almost continuously for a year, attempted vainly, because of his veto, or in any conspicuous instance attempted at all, to deprive him of such powers. Indeed, as to some of them which have been allowed to pass into a state of innocuous desuetude, a very considerable demand has recently been made that, by reason of distressing and unanticipated conditions, their exercise in all their fullness should in the public interest be resumed. And yet it is apparently confidently expected that votes will be marshaled against Democratic candidates because President Wilson has been given autocratic power.

On the other hand, the Democrats will insist that the Republican purpose is to restore, and that Republican success means the restoration, to power of the reactionary forces of the country unhorsed in 1912 through a revolt in the Republican Party, occasioned by bitter resistance within its ranks to the policies and practices of the then and now dominant faction therein. It is easily conceivable that many who give little thought to the treaty, or to the differences such as there may be between

the parties with reference thereto, may vote for the Democratic candidates upon the issue last referred to or upon other issues. Some there are who insist that the "wet" or "dry" question will be an important one. It will be easy for a Republican Senator who is opposed to the treaty without reservations, such as the platform of his party commends, to convince himself that the result was not decisive as between ratification with the Lodge reservations, on the one hand, or ratification without reservations or with interpretative reservations on the other.

I did not observe that any Democratic Senator was influenced in his attitude on pending public questions by the result of the congressional election of 1918, or that it was by any such regarded as a repudiation by the country of any specific policy of the administration. Even in those countries in which, under their peculiar systems of government, the opinion of the country can be much more accurately taken upon specific issues, it is rare that members of the losing party in their legislative bodies conform to what is believed to be the verdict. They remain in opposition sometimes from settled conviction and a conscientious devotion to duty, sometimes because they desire to conform to the views of their constituents, even though they run counter to those announced by the country at large.

I repeat, it is vain to hope for ratification during even the next Congress, should anyone feel justified in deferring final action on the treaty for another year, unless substantial concessions are made in order to gain Republican votes to make up the necessary two-thirds of the Senate. Indeed, there is reason to fear that such a state of chaos will by that time prevail in Europe, should we so long defer action and decline to participate in the attempt to compose or decide the multitudinous differences that have arisen and that will arise out of the new order of affairs brought about by the war and the peace, in the solution of which our assistance is so imperative, that the total failure of the league plan, so confidently predicted by its enemies, is quite probable.

Nor is there any ground, in my opinion, for the belief, should anyone entertain it, that meanwhile the pressure of public opinion and the overwhelming demand for the restoration of a state of peace between this country and Germany and her allies will compel the requisite number of Republican Senators to yield in any important particular, much less to constrain them to vote for ratification without reservations or with reservations that are interpretative only. They will construe the growing demand as a call to the Democratic Members to accept the Lodge reservations, rather than to them to vote for unqualified ratification.

Like the orator of the Revolution, I have but one lamp by which my feet are guided, and that is the lamp of experience. I voted against the resolution of ratification embracing the Lodge reservations on November 19 in the belief, at least in the hope, that a sorely disappointed public would force opinionated and refractory Senators into some kind of a compromise. The sad story of the failure of every effort in that direction need not be retold. But it is not improper to note that no advances from the Democratic side of the Chamber for conferences with the friends of the treaty on the other side of the aisle got anywhere, except upon condition that the senior Senator from Massachusetts should approve and participate.

How the bipartisan conference was proceeding satisfactorily with its work, and how, laboring to effect a compromise on the reservation in relation to article 10, on which it had made some progress, it suspended operations to permit the Republican members to confer, and how, when the conference reassembled, it found itself unable to proceed, owing to the fact that the Senator from Massachusetts was in session with the Republican irreconcilables, following which the Senator announced as an ultimatum to the bipartisan conference that no change whatever could be made in the reservation then under consideration by it, is a story familiar to all who have followed the debates in the Senate. Apparently the so-called mild reservationists would not proceed without the concurrence of the Senator from Massachusetts, and the Senator from Massachusetts found himself obliged to conform to the counsel or advice of the irreconcilables. I know it has been stated upon the floor that the Democratic members had been advised before the conference committee met that the Republican members would not consent to any change whatever of substance in the reservation in relation to article 10. I had not been so advised and did not know that any such attitude was taken, and if the information had already been conveyed to the Democratic Senators, why did the Senator from Massachusetts deem it necessary to declare, following his conference with the Republican irreconcilable Senators, that no change whatever in article 10 would be tolerated, and why should deliberations touching that reservation and the efforts to accomplish a modification that would be

mutually satisfactory, or at least acceptable, have been entered upon at all?

I regret to say that, so far as I was able to learn, the disappointment on the Republican side of the Chamber at the collapse of the effort through the bipartisan conference to compose the differences between the friends of the treaty was neither widespread nor poignant. No one conversant with the situation can help but be impressed with the view that such influence as public opinion exerted after the rejection of the various resolutions of ratification voted on in November operated to incline Democratic Members to accept, if necessary, the Lodge reservations rather than to induce Republican Members to yield in any degree with respect to the same. It is not strange that it should be so, since the Democratic Senators, as a rule, have shown themselves solicitous for the ratification of the treaty, profoundly desirous of it, while a powerful contingent on the Republican side is uncompromisingly hostile to it, an insignificant few sincerely friendly, and the remainder affected with varying degrees of indifference.

The increasingly critical situation of the country and the world consequent upon the delay in the ratification of the treaty since November 19, 1919, and the insistent demand for peace have mollified Democratic opposition to ratification of the treaty with the Lodge reservations instead of weakening the purpose of their supporters to maintain them. I am confident that a similar result would attend a further postponement.

A supporter of the principle of a League of Nations would not, of course, be justified in voting for the pending resolution of ratification believing that the reservations adopted by the Senate nullify the treaty or the covenant. No one seriously contends, I suppose, that they nullify the treaty, and I am unable to subscribe to the view that they nullify the covenant. No vital principle of the treaty is seriously affected by any of them except that embodied in article 10.

With all due respect to the opinions of those who may choose to believe that article 10, interpreted in the light of the Constitution, is not seriously affected by the reservation touching that feature of the covenant, I can not accept that view. In my judgment article 10 is destroyed, so far as the United States is in any sense whatever obligated by it, except in an unimportant particular, namely, in that our country obligates itself to respect the territorial integrity and political independence of all other members of the league. But the article has been eviscerated and its value destroyed, so far as the United States was by it made a factor in the preservation of the peace of the world. Article 10 is not eliminated from the covenant; we simply decline to assume its obligations. All other members do, save as those hereafter ratifying may, following our example and that of Switzerland, relieve themselves by reservations. The article in question is intact as between the great, powerful nations which have already ratified. They have all assumed all the perils it involves, so luridly pictured in the debate, obligating themselves to send their boys to the ends of the earth to engage in wars in which they have no direct interest, to use language which the debate has made familiar. That will help some toward deterring predatory wars, even though the United States does not assume a like obligation. They agree, it will be noted, to preserve the territorial integrity and political independence of all members against external aggression—even the United States.

Senators have declaimed upon the imminent deadly peril in which we stand from Japan. Scarcely a week goes by but some one raises a scare about the acquisition by Japan of a naval base in Lower California or elsewhere along the western coast of Mexico, or about some mysterious mission from one of those countries to the other, implying some sinister designs to subjugate America. If Japan should at any time, with a fatuity that outdid the Kaiser's obsession, undertake the conquest of the United States, all other members of the league are bound to come to our aid—Great Britain, France, Spain, Italy, the Scandinavian countries—all must rally to our side. We do not need their help. There is no enemy on earth we need fear, but the Japanese jingoes may not think so; they might, under other conditions, be willing to attempt the impossible, but they will hesitate to try their prowess against us, protected as we are by article 10. No informed American has any occasion to dread the outcome of such a contest, from a military point of view, should it be precipitated. No American who loves his country can contemplate it except with horror.

A few days ago the Senator from Connecticut, in the course of a speech delivered in his inimitable style, inquired what the "royal American farmer" is thinking about the treaty, and whether he, the said "royal American farmer," is thinking of how, if the natives of India rose against the rule of Great Britain, and Russia were to go to their aid, he, the "royal American

farmer," would have to send his boys to India to uphold British rule. I imagine not. If he reflects upon the subject at all, I dare say he reasons that if Russia should invade India on the occasion of a native uprising it will be because of a recrudescence of her ancient lust for territory, and that, in the event of her success, the Indians will simply exchange an English for a Russian master. And the more he reflects on the subject the more the "royal American farmer" will be certain to conclude that as under article 10 Russia must meet a world in arms, not, of course, including the United States, should she invade India, she probably will repress her land hunger and stay at home, where she is likely to have problems for some time, at least.

She would be confirmed in that purpose if the United States, too, were obligated to go in. If she should appear determined in her purpose to renew the Afghan war and again set the world ablaze, the council would sit to consider what ought to be done. Our member would confer with the representatives of the other States, all of whom, except the United States and possibly some of the lesser powers, equally reluctant to bear their fair share of the burden and protected by reservations, would be obligated to "go the limit." One would think the member from the United States would have some delicacy about offering any advice under the circumstances, just as it would be expected that the Senate of the United States, declining to assume any of the burden of article 10, would renounce any possible benefit from it. But the process through which we are going of Americanizing the treaty—God save the mark—so highly extolled by the Senator from New Jersey [Mr. EDGE], who has just addressed the Senate, would perhaps leave him no choice in the discharge of his duties, humiliating though it be.

But quite aside from the considerations heretofore canvassed, the covenant is not, in my judgment, a vain thing without article 10. Indeed, I am satisfied upon mature reflection that I myself originally attached to it undue importance. I believe it can be demonstrated that almost, if not quite all, that is or will be accomplished by article 10 is secured to the world by other provisions of the covenant. By article 12 each member agrees that in the event of any dispute with another likely to lead to a rupture it will submit the matter either to arbitration or to inquiry by the council. By article 15 it is provided that in case any dispute is not submitted to arbitration it will be referred to the council for investigation and report. If the report is not unanimous, the parties are at liberty to proceed to war, if either cares to take that course; if the report is unanimous, the members agree that they will not go to war with any member which complies with the recommendations of the report. Then by article 16 it is provided that should any member resort to war in disregard of its covenants under articles 12, 13, or 15, it shall not only be deemed to have committed an act of war against every other member, but each member is required to set up at once against it and its nationals a complete economic boycott. Every possible commercial and financial pressure is to be brought to bear from every quarter of the globe to constrain it to keep the peace or to render abortive its resort to arms.

Many advocates of a league of nations insist that the certainty of commercial isolation will alone coerce any first-class power into a peaceful settlement of any international dispute in which it may be involved, and that a provision for resort to arms in a covenant to preserve the peace of the world is wholly unnecessary. A league boycott against Great Britain would reduce her people to a state of starvation in a month.

Moreover, under both article 16 and article 11, the council immediately proceeds to consider the situation and to recommend to the powers what action ought to be taken in the premises. If it arrives at the conclusion that the terrible engine of the world boycott will not be effective, or will be too dilatory, it may recommend war as a last resort against the nation which, by the solemn recital of the covenant, has raised its hand against all mankind and become an outlaw in the society of nations.

The troops of the nation assailed with those of any other coming to its aid and moving to counter against the common enemy would be entitled to free passage across the territory of any member, and each stands obligated by article 16 to come to the relief of any against which special measures may be directed by the covenant-breaking nation.

I find it impossible to conceive of a case under which the obligation imposed by article 10 would become active that would not be a violation of articles 12 and 15, entailing the penalties prescribed by article 16. Certainly no war of aggression directed against or threatening the territorial integrity or political independence of any member could be carried on consistently with the provisions of the articles referred

to. Austria would have been in violation of article 15, had it then been operative as against her, by her invasion of Serbia. She would have been required by its terms to take her dispute with that country to Geneva and to refrain from making war, however just her cause, until a report should be made. If Serbia complied with an award against her, Austria would still be restrained from attacking her by all the consequences that would be visited upon her under article 16, should she, in that event, resort to war. It is perhaps conceivable, and yet hardly so, that a nation should make aggressive warfare without having any dispute such as is contemplated in articles 12 and 15, but no nation has ever so flouted the public opinion of the world as to wage an utterly causeless war of conquest without setting up some claim it pretended to assert or defend. Marauding savages sometimes do so, but nations, never.

Germany demanded of Belgium the right to cross the territory of the latter to reach France. The bold King of the Belgians declined and a dispute was thus precipitated between them. While, then, a nation contemplating offending against article 10 would not find a world obligated to take up arms against her, she would be confronted with the certainty that she would be commercially and financially isolated, pressed on all sides by the irresistible force which such a condition in the marvelous interdependence of nations in our time implies. But more, its course would bring the other nations of the earth at once together through their representatives in the council to consider what steps in addition to the boycott, which would automatically go into effect, should be taken to coerce the recalcitrant nation. If the council should recommend warlike measures the member nations would be under no obligation to comply, but the moral force of such a recommendation would be great. The risk which any nation would incur in making aggressive warfare would be immeasurably increased, the league being in operation even without article 10, and the likelihood that it would precipitate a conflict correspondingly remote.

I venture to assert that three-fourths, if not nine-tenths, of the virtue of article 10 is found in the other provisions of the covenant, a condition which makes it difficult to understand why anyone should, on the one hand, determine to wreck the treaty if article 10 stays in, or, on the other hand, to reject the treaty if it goes out.

I regret that article 10 does not remain in full vigor so far as we are concerned, chiefly because my pride as an American suffers at proposing to the other leagued nations that we become entitled to any benefits accruing under the system, but decline to assume our proportionate share of its burdens. At least, we ought to absolve the other nations from any obligation to us under article 10. Decency demands no less. Therein lies the chief objection harbored by Democratic Senators to the reservations adopted by the Senate, as a whole.

Scarcely without exception they propose that we enjoy some advantage not shared by the other members of the league or escape some obligations which they have assumed, each in its due proportion. I forbear to canvass the reservations severally at present to point out this characteristic. It was sufficiently disclosed in the long debate.

Mr. FLETCHER. May I ask the Senator a question?

Mr. WALSH of Montana. Certainly.

Mr. FLETCHER. Continuing the thought about the many things remaining in the treaty after the reservations have been concurred in, does not the Senator find items of great value with respect to reduction of armaments, with respect to secret treaties, and with respect to a world court of arbitration?

Mr. WALSH of Montana. I intended to confine myself to those provisions which, in my judgment, compensate us for the destruction of article 10, but that there are other admirable provisions in the treaty tending to promote peace and to avert war is indisputable.

Much has been said about Americanizing the treaty. The expression will doubtless serve the purpose for which it was invented—to do service on the stump. If I enter into a contract with a number of gentlemen, including an agent of the Vice President who acts, subject to the approval of the latter, it is easy for him to "Marshallize" the contract by changing it so as to relieve himself from a good share of the obligations it imposes and to secure benefits not enjoyed by the other parties to it. Obviously, his alterations will not be effective nor will he be bound by any of the terms of the contract, unless the changes he proposes are assented to or others are agreed upon. If he does not care whether or not he enters into the contract, he may be quite reckless in the modifications he proposes; if he is intensely desirous of seeing it go into operation, he will naturally be more restrained lest the entire project fall through. That explains

why the irreconcilables are perfectly agreeable to any reservation it may be desired to attach to the treaty.

The process of Americanizing the treaty, as Republican Senators have delighted to call their treatment of it, has gone on as though there were no other parties to be considered instead of as though the representatives of forty or more nations were sitting just beyond the walls of the Chamber in the marble room, for instance, every one of whom must be appeased. Senators seem to have forgotten their presence as much as they have closed their eyes to the fact that the President of the United States must give his approval to any changes proposed, even though they be denominated reservations. The idea has been conveyed that it rests with the Senate to fix up the treaty in any way it sees fit, without regard to the views of anyone on earth, and that opposition of any sort demonstrates a want of patriotism. It is held up as a virtue that any advantage of which the situation admits is improved to secure terms for the United States, according to privileges denied to and releasing it from obligations incurred by the other members. Some of us are restrained by our pride in the American character from voluntarily proposing such a covenant, and more believe that the United States abandons her position of primacy and leadership among the nations by entering into the league upon the conditions proposed. It is of no consequence to me that some of the leading powers may have signified their willingness, considering the desperate plight of the world, to accede to the terms upon which the Senate proposes we enter the league. I have no disposition to see my country dealing in this great crisis with the other powers, much less the feeble nations which have become members of the league, in the spirit of the conscienceless usurer, and I shrink from having it classed with those which even in the field of diplomacy find that—

The good old rule  
Sufficeth them, the simple plan  
That they should take who have the power,  
And they should keep who can.

I indulge in these reflections to expose the considerations which have moved me to oppose consistently the reservations proposed. I regret the adoption of most of them, but they are supported stoutly by men as high-minded as I can claim to be, no less jealous of the honor of the country, confided for a time in large part to the Members of this body. They see, apparently, no impropriety in tendering to the other associated nations our membership in the league upon the considerations set out in the reservations. Reluctantly I yield my judgment to theirs on that point, and, having dismissed it, the path of duty is perfectly clear to me—so clear that in my conviction there is "no variable-ness, neither shadow of turning."

Mr. RANSDELL. Mr. President, we are about to take a final vote on the treaty of peace with Germany, including the covenant of the League of Nations, adopted at Versailles on the 28th of last June. It is 16 months since the armistice was signed, and the treaty has been under discussion in the Senate for more than 12 months. Personally, I was satisfied with it as framed by the 28 nations which signed it after six months of intense labor, and have voted consistently to secure its ratification without change by opposing all amendments, though I have voted for several interpretative reservations. It is very unfortunate for mankind that the treaty could not have been ratified promptly without serious change, but fate decreed otherwise, and the reservations which have been adopted by the Senate amend it in several material points, some of which are doubtless wise. The question now is whether to vote in favor of the treaty as amended or against it; we are obliged to take it as it is, or reject it wholly; there is no middle ground.

The treaty as presented to us was "far from being a perfect document; it was made in a time of world demoralization—shell shock—it represents the fears and greeds of the nations as well as the hopes and aspirations. But the hopes and aspirations are there—put there by President Wilson, and no one else"; and in its present emasculated form the "treaty contains the new machinery, the new principles for world reconstruction on a broader basis of justice and right than was ever known before."

The covenant of the league, though greatly changed and in some respects much weakened, is a powerful instrument for good and still entitled to be called an international charter for peace. Its provisions are unchanged in regard to: (a) The assembly—a parliament of man—which finds the facts in disputes between nations and brings to bear on them the force of world public opinion; (b) Submission to arbitration of all matters likely to lead to rupture, and an agreement not to resort to war in any case until three months after award of arbitrators; (c) Establishment of a permanent court of international justice; (d) Invoking an international boycott against

a covenant-breaking State; (e) Mutual support for many proper purposes among members of the league; and (f) Reduction of national armaments subject to our right to increase them if threatened with war. Indeed, the covenant of the league creates a union or federation of all the nations of the earth for peace; and, even if faulty in many respects and subject to the mistakes in execution which attend worldly affairs, it is bound to result in incalculable good to humanity if carried out even partially in the spirit of its conception.

If the treaty be not ratified the war with Germany will continue indefinitely, though the last gun was fired 16 months ago, and innumerable problems will confront us in connection therewith. Great unrest and disquietude in our own country and throughout the world will prevail. We will lose the position of friend and "big brother" to many suffering peoples which our wealth, power, and manifest duty direct us to assume. In fact, we will be very remiss in our obligations to mankind if we do not become a party to the League of Nations. Under these circumstances, Mr. President, I deem it my plain duty to vote in favor of the ratification of the treaty.

Mr. MYERS. Mr. President, it is with very grave reluctance and much misgiving that I announce my determination to vote again for the ratification of the proposed treaty of peace with Germany. In the beginning I favored framing and consideration of the peace treaty and the League of Nations separately. I believed then and believe now that that would have been the wiser course. I think we should have had a quick treaty of peace with Germany and her allies. Then we could have taken all the time desired to effectuate a League of Nations. However, as the decision was that we must consider the peace treaty and the League of Nations covenant together, I accepted that decision, and in the beginning of our consideration thereof I was strongly in favor of ratification of the joint document. I am not so strongly impressed with it now as I was then.

Already the League of Nations is beginning to show signs of failure and of inefficiency in operation. Among the provisions of the treaty is one which I find on page 90 of the printed document, article 227, which I now read:

#### ARTICLE 227.

The Allied and Associated Powers publicly arraign William II of Hohenzollern, formerly German Emperor, for a supreme offence against international morality and the sanctity of treaties.

A special tribunal will be constituted to try the accused, thereby assuring him the guarantees essential to the right of defence. It will be composed of five judges, one appointed by each of the following Powers: namely, the United States of America, Great Britain, France, Italy and Japan.

In its decision the tribunal will be guided by the highest motives of international policy, with a view to vindicating the solemn obligations of international undertakings and the validity of international morality. It will be its duty to fix the punishment which it considers should be imposed.

The Allied and Associated Powers will address a request to the Government of the Netherlands for the surrender to them of the ex-Emperor in order that he may be put on trial.

While, of course, the United States has not been allowed to take any part in that proceeding, the other nations mentioned have undertaken to do so, and they have utterly failed to carry it into effect. They have made a demand on Holland for the surrender of the most monstrous criminal of all the ages, only to be met with defiant refusal, and there the matter seems to end. The nations composing the League of Nations, as now constituted, seem to be afraid to undertake to carry out this solemn provision of the great instrument to which they have become parties—one of the most important provisions, I think, in the interest of justice that the entire document contains. The nations that constitute the League of Nations appear either to feel that they are powerless to carry out that provision or to be unwilling to undertake it. They either seem to think they are unable to cope with Holland, reinforced as she might be by Germany and all of the Central Powers, or else they are indifferent to carrying out one of the main provisions of the League of Nations covenant.

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

Mr. MYERS. I yield, with pleasure.

Mr. KING. Does the Senator think that the provision of the treaty to which he has just called attention is of paramount importance? Does not the Senator think—if I may be permitted another question—that the public sentiment in Great Britain and in some parts of France is against the execution of that provision of the treaty, and that the Allies themselves feel that if they attempted to take the Kaiser and try him by a court as contemplated by the League of Nations they would be making a martyr out of him and would be helping the cause of imperialism, as represented by the Kaiser's government, rather than advancing the cause of peace and carrying out the purposes for which the league was established?

Mr. MYERS. It is of supreme importance that justice be done, and justice can not be done in the matter of the most monstrous crime in the history of the world without some punishment. Justice can not be done without punishment where there is crime and wrongdoing. The entire structure of jurisprudence in all civilized nations in the world is based upon the theory that in order to obtain justice there must be some punishment for wrongdoing; and if there ever was a wrong in the history of all the world that demanded severity and certainty of punishment, I think the wrong done by this monster of iniquity, the Emperor of Germany, demands punishment.

Mr. KING. Mr. President, will the Senator yield again?

Mr. MYERS. With pleasure.

Mr. KING. I do not think the Senator ought to draw the inference that the league is inefficacious or has ceased to function, or is weakened, because it has failed to take possession of the Kaiser and try him, and possibly execute him. While conceding the Senator's general academic statement as to the processes of justice and the necessity of administering justice, he knows that frequently a Government will pass a criminal statute and some person who has violated the law flees and takes refuge in some unknown country, and it is impossible to execute the law. It ought not to be said that the law is a failure, or that the Government is weak and inefficacious in the administration of justice, because it does not happen to execute the law against that particular culprit.

Mr. MYERS. That is because there is no power of extradition; but this is a world offense, and there should be no asylum in all the world for this monster of iniquity. The only way in which it should be possible for him to escape the clutches of justice should be for him to remove himself from the universe, and thereby put it beyond the power of the League of Nations to lay the hand of justice upon him. In this particular the League of Nations has not yet begun to function. It has not made a beginning. It has made a failure, right at the beginning, to function in one of its most important provisions. If it was not intended to carry out this provision, the framers should not have put it in the league covenant.

Mr. KING. Mr. President, will the Senator yield once more?

Mr. MYERS. I yield, with pleasure.

Mr. KING. If the Senator will pardon me for making this observation, I do not think he ought to say that the League of Nations has ceased to function in this particular. The League of Nations was organized for the purpose of preserving international law. Holland was not a member of the League of Nations. She was not a party to the treaty. Under the well-known principles of international law established by a great Dutchman more than 200 years ago, she had a right, not being a member of the league, to deny the demands of the League of Nations for the turning over to them of the Kaiser; and because the League of Nations did not resort to military pressure against an unoffending nation, such as Holland is, I do not think the Senator ought to say that the League of Nations has ceased to function, at least in this respect. I think that the League of Nations in respecting the attitude of Holland, regrettable though it may be in the eyes of many, has exemplified a regard for international law and justice that in the end must be the basis of any League of Nations, and which regard must obtain if there shall ever be a League of Nations perpetuated.

Mr. MYERS. The League of Nations has not ceased to function in this particular. It never began to function in this particular. It could not cease until it made a beginning and it has not made a beginning. No citizen of a country has a right to harbor a criminal and shield him from justice, and no nation of the world has a right to harbor an international criminal who is indicted for a supreme offense against international morality and the sanctity of treaties. Holland should be taught that she has no right to protect the greatest criminal of the world, that she making herself particeps criminis when she does so, and is shielding a criminal from just punishment and defying the constituted authorities of the world. The League of Nations, if necessary, should invade Holland, should go into Holland, get this infamous wretch, and drag him before the bar that was constituted by this provision, and try him for his gross crimes and supreme offenses against international morality and the sanctity of treaties.

I find here, in the league covenant, further, articles 228, 229, and 230. I read them:

ARTICLE 228.

The German Government recognizes the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision will apply notwithstanding any proceedings or prosecution before a tribunal in Germany or in the territory of her allies.

The German Government shall hand over to the Allied and Associated Powers, or to such one of them as shall so request, all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by the rank, office or employment which they held under the German authorities.

ARTICLE 229.

Persons guilty of criminal acts against the nationals of one of the Allied and Associated Powers will be brought before the military tribunals of that Power.

Persons guilty of criminal acts against the nationals of more than one of the Allied and Associated Powers will be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

In every case the accused will be entitled to name his own counsel.

ARTICLE 230.

The German Government undertakes to furnish all documents and information of every kind, the production of which may be considered necessary to ensure the full knowledge of the incriminating acts, the discovery of offenders and the just appreciation of responsibility.

Under those provisions, the League of Nations, as now constituted and operating, made out a list of a number of generals and officials of Germany whom it indicted as having committed acts in violation of the laws and customs of war, and made a demand for their surrender by the German Government. That demand was defiantly and impudently refused, and not one of the offenders has been surrendered to the duly constituted authorities of the League of Nations, upon the demand of the league; and there the matter seems to end. The League of Nations does not seem disposed to do one thing toward carrying out its demands. It seems to have simply backed down, to have surrendered, abdicated its rights under this provision of the League of Nations covenant, and there the matter rests. Germany has announced that she will not surrender one of the numerous persons demanded, but that she will proceed to try them by her own tribunals and in her own way, and will do as she may please to do with them. So I am greatly disappointed about the efficacy and the functioning of the League of Nations. My fond hope of its efficiency, efficacy, and successful operation has received a sad blow; and I do not have nearly so much confidence in the benefits of the League of Nations as I had when the subject first began to receive consideration at the last preceding session of the Congress.

What a farce to contemplate, what a grotesque farce, what a monstrosity, for Germany to say that she will try her own accused in her own courts and in her own way, and will pay no attention whatever to the demands of the League of Nations for the surrender of well-known criminals!

Germany try them? You might as well put a bootlegger on trial before a jury of bootleggers. You might as well put on trial a man who is charged with selling liquor in violation of law and do it before a jury of bartenders.

You might as well try a horse thief before a jury of 12 horse thieves. You might as well try a rapist before a jury of 12 rapists. Nobody expects anything to come of these mock trials in Germany. They are simply travesties on justice. They are already starting out to make a travesty on the powers of the League of Nations.

The nations which now constitute the League of Nations seem either to be afraid of Germany or indifferent to their own provisions. They either fear that they are not able to cope with Germany in the matter of the enforcement of their demands, or they think these provisions amount to nothing. If they amount to nothing, they should not have been put in the league covenant.

It has been claimed on the floor of the Senate in the last few months that the provisions of the peace treaty with Germany are too severe on Germany. That claim has been made here as an objection to the ratification of the treaty and League of Nations. I think the terms of the peace treaty are entirely too lenient with Germany. It is one of my chief objections to the peace treaty and League of Nations combined that the terms are entirely too lenient with Germany.

We have been too lenient with Germany from the beginning. We have heard very much talk to the effect that the people of Germany were not to blame for the war, that they were merely led about by a sort of a process of hypnotism, and were led into this war and its extravagancies and cruelties by the German Kaiser and a score of war lords. I think the people of Germany are just as much to blame as are the Kaiser and the German war lords. The German Kaiser and his war lords could not have declared this war and could not have carried it on in all of its frightfulness and monstrosity if it had not been backed by the spirit and will of the German people.

For generations the people of Germany have been taught in drinking toasts to each other to drink to "Der Tag," the day when Germany would wage war against all of the world and conquer the world.

In the first place, I do not think there should have been any armistice with Germany and the Central Powers. I think the

armistice was a grave mistake. I think it was the greatest mistake in the history of the world in a thousand years, and it has had most deplorable results. The people of Germany do not believe they have been whipped. The people of Germany feel that they have not been defeated. The people of that country feel that they are still supreme, and that is one reason why the present Government of Germany refuses to surrender to the authorities of the League of Nations the criminals who have been indicted by authority of that league and whose surrender has been demanded. That is one reason why they refuse to make any move toward the surrender of the Kaiser or any of his war lords who were joint criminals in his offenses.

I contend that when Germany made application for an armistice there should have been but one answer, and that answer should have been "unconditional surrender." This war should have been prosecuted upon German soil to a termination of unconditional surrender by the German armies and their allies. It should have been carried to German soil and the Germans should have been given a taste of their own warfare. In that event I believe that unconditional surrender would have come about in less than 30 days more. I have talked with many returned officers and soldiers who saw service in France and who were stationed along the Rhine in Germany after the armistice went into effect, and almost without exception they say that if an answer of unconditional surrender had been given to the application for an armistice and if the war had been prosecuted to a termination of unconditional surrender it could not have lasted 30 days longer; that the Germans were ready to capitulate, their morale was gone, their supplies were gone, and that a large part of their army could have been encompassed and captured in less than 30 days.

Had that been done, instead of finding a defiant Germany right now, at the beginning of the operations of the League of Nations, defying the constituted authorities of the League of Nations, refusing to comply with demands made upon her; instead of that we could have had a League of Nations capable of doing justice and carrying out without serious resistance its mandates in the interest of justice. As it is, I look for further trouble with Germany. The Entente Allies have already backed down from two of their demands on Germany. They have already been successfully defied twice by a defiant Germany, by a Government which feels that it is not conquered, and by a people who feel that they are still supreme, and that an armistice was only brought about by negotiation and by some mistake on the part of their officers.

Instead of that, the spirit of Germany should have been crushed; it should have been ground into atoms. Germany should have been brought to the earth and ground into the dust of the earth, so she would not have any spirit to revive in defiance of constituted authorities for a thousand years to come. The German nation should have been dismembered, the States that composed it should have been separated and forbidden, in my opinion, to constitute any longer a central power under one general government.

Had that been the case we would not find the defiance that now exists in Germany and that confronts the League of Nations in the first demands that have been made upon Germany, in the very first steps that they have taken to carry out provisions of the League of Nations, and which have been met with abject refusal right at the threshold of the door of the better day for which we had hoped.

More than that, in line with this spirit which I contend shows entirely too much leniency for Germany and which shows a disposition to back down from the very first demands that are made upon her, we hear very serious talk in the United States and among the Entente Allies to the effect that we must help Germany to get on her feet; that we must extend help to Germany. The idea of extending help to Germany, the nation that has brought on all of the misery and wretchedness and woe that exists in the world to-day as a result of the great war that shook civilization to its foundations and came perilously near to destroying the civilized world.

Help Germany! It is the first time I ever heard advocated the doctrine that if a brute of a monster ravishes your wife and your daughter, cuts their throats, burns down the building over them and incinerates their bodies, when he is arrested and put in jail it is your duty to go around to the jail and see that he has a comfortable bed to lie upon at night and plenty of food to eat. That is a new doctrine to me. It is analogous, too, to the case of Germany. Germany did all of those things and more, too.

We have, too, another proposition that will apparently follow in the wake of the League of Nations. When the League of Nations is perfected and gets into complete operation, it appears to be the design to take Germany in as one of the mem-

bers of the League of Nations, and that feature of it is highly repugnant to me. I never before heard, if a brute of a monster ravishes your wife and daughter, when he is arrested for it and it is proven on him, that you should invite him into your home and to your dinner table—invite him to sit in your family as a guest. That is entirely a new doctrine to me, and I think it repugnant to every sense of decency, every principle for which the war against German militarism, brutality, and Prussianism was waged. I am not in sympathy with that manifest tendency which seems to pervade the League of Nations, as at present constituted, to extend help to Germany and to extend help also to Bolshevist Russia. We have it from newspaper reports that the powers that be in Great Britain are now actually contemplating extending help, through the League of Nations, and recognition to the Bolshevist government in Russia. If that is to be the tendency of the League of Nations, I am sadly disappointed at it. To extend help to a class of people who have violated and are violating every instinct of decency, every rule of morality; who have committed every crime known to the decalogue; who have done everything in their power to pull down the smoldering remains of the world, after the mightiest conflagration in the history of all time, and to bring them to a condition of complete destruction, anarchy, and chaos, is to me unthinkable. I do not believe in helping such people. I believe that the heavy hand of power and extermination should be applied to such people as rule Russia to-day, as well as those in Germany who have defied the plain mandate of the League of Nations to carry out plain provisions of the league.

It has already been announced by authorities in Germany that they will comply with only so many of the provisions of the peace treaty and League of Nations, so many of the terms imposed upon Germany, as they may see fit to carry out and may consider not detrimental to the welfare of Germany. The new government, which has lately assumed the rôle of governing power in Germany and which has undertaken to overthrow the government that was established a few months ago, has already come out boldly, frankly, openly with that statement; and I think, if we are to get anything at all out of Germany in accordance with the terms imposed—that is, when I say "we" I mean the United States and the Entente Allies, if the United States goes into the League of Nations—that the League of Nations may consider itself fortunate in obtaining compliance with any of the terms imposed upon Germany—any at all.

It looks very much now as if there might be revolution and counter-revolution in Germany, and for a long time to come conflict waged upon her territory by contending forces, each contending to be the true government, and neither one willing to bow in submission to the terms imposed upon Germany by the League of Nations. In fact, I rather suspect that the present revolution is the result of a preconceived agreement among the people of Germany merely to plunge Germany into internecine warfare, chaos, and anarchy in order that they may say, "We have no responsible government to comply with your terms; there is no responsible government here to comply with any agreement."

It is a good deal as if you sold goods to the firm of Jones, Smith & Brown and are told, "That firm is dissolved; its members are no longer operating together; Jones is out of it, Smith is out of it, Brown is out of it; you can not recover for your goods; you can not get any judgment against the firm for the firm is not in existence."

It seems to me the people of Germany are preparing to say that there is no Government there against which the league can enforce any judgment; that the Government which was in existence at the time terms were imposed upon and agreed to by Germany has gone out of existence. I look for the German people to say, "That Government has been wiped out of existence; it is not here any more; we are a new Government; we do not know anything about the terms to which the former Government subscribed." It seems to me that occurrences are simply leading up to that state of affairs, and I surmise very strongly that it is by agreement among the people of Germany.

Furthermore, and in addition to what I have said, there are provisions in the covenant of the League of Nations which do not have my approval and to which I am stoutly opposed. There are reservations on the resolution of ratification which do not have my approval and which I think have no proper place in a resolution of ratification, and which I think should have nothing to do with the League of Nations. Yet in spite of all that, I have some hope that if the United States should ratify the League of Nations and become a member of it we might be able to brace up the wavering spirit of the nations which are now in the League of Nations and encourage them, stimulate them, perhaps, to stand firmly, stoutly, resolutely, and unwaver-

ingly for the rights of humanity and for the enforcement of justice.

I want to get the peace treaty out of the way. I want to be done with it. I believe the people of the country want it out of the way, and I am willing once more to vote for ratification in the hope that when the United States becomes a member of the league conditions may become better and that we may be able to rescue what seems to be the falling ability or disposition of the League of Nations to enforce justice and inflict a modicum of punishment for wrongs that have been done, and to bring the world out of the chaos which now prevails and the abyss into which it is rapidly sinking deeper and more hopelessly.

Should the great and powerful United States Government join the League of Nations I have some hope that it may help to bring order out of chaos and to stop the downward career of the civilization of the world from the course of destruction upon which it now seems to be launched.

So I have determined once more to vote for ratification of this pact. I have voted for it twice, and I am going to vote for it once more, and if it fails of ratification this time I do not know whether or not I shall ever vote for it again. If I should have occasion to vote for it again, as I hope I may not, for I hope it may be ratified this time, I think now I would have to have some proof, more than I have had, of the efficacy of the League of Nations in operation.

I look with regret upon the prospect of having to wait one whole year before there can be another effort for ratification of the League of Nations, if it should be rejected at this time. There is no telling what might happen in 12 months more of time in the present state of affairs, the present tendency of the world, the present unsettled condition of affairs, the apparent impotency of the League of Nations as now constituted to enforce its decrees. There is no telling what might happen to the world in the next 12 months, and I look with alarm upon the prospect of having to remain in this state of uncertainty and indecision for 12 months more. Therefore, though I am not at all satisfied so far with the workings of the League of Nations, and am not satisfied with the pact itself, nor with all of the reservations which have been put upon the resolution of ratification, yet, in the hope of bettering conditions, I shall once more cast my vote for ratification.

Mr. SMITH of Georgia. Mr. President, for the second time we are approaching a vote upon the ratification, with reservations, of our peace treaty with Germany and the covenant of the League of Nations. I regard it as of utmost importance that the resolution of ratification be approved by the requisite number of Senators. If this is not done now I have no hope that favorable action will take place for 12 months. The natural thing for us to do, and the proper thing, if the requisite two-thirds vote is not cast for ratification, would be to return the treaty at once to the President with notice to him that the Senate has failed of ratification and let the responsibility be upon him for future action.

#### THE NEED OF COMMERCIAL RELATIONS WITH GERMANY.

I can not conceive that it would be useful for us to retain the treaty after two ineffectual efforts at ratification. We must then remain in a technical state of war with Germany. We have no representatives in Germany, consuls or otherwise. Great Britain, France, Italy, and Japan have resumed their full commercial relations with Germany. The United States alone of the great powers is at least neglecting its commercial interests in this respect.

If we fail to ratify the treaty we fail to place our representative with the council in Europe upon the reparation commission and in position to represent our country in the adjustments that are still pending, of vast importance to our own business and to the interests of European countries; we fail to give our influence fully to help quiet the still disturbed conditions of Europe and to lessen the danger of economic chaos that threatens that great continent and which, happening there, will affect us most seriously.

#### THE PRESIDENT'S OBJECTIONS UNSOUND.

If we looked upon it only from a selfish standpoint, if we did not realize our duty to the troubled and suffering people of Europe, which, of course, we do, the treaty should be ratified without further delay. I regret that it was not ratified last November. I regretted at the time the letter of the President which seriously interfered with ratification. I think that letter was a mistake. I think the ground upon which he put it was entirely unsound.

He declared that the reservations nullified the treaty. Why, Mr. President, this was a most unfortunate expression on ac-

count of its entire lack of accuracy. Nullify the treaty? Not at all. Certain provisions of the treaty were denied operation upon our country but the real heart of the treaty was left in full operation.

I maintain, Mr. President, that the provisions in these reservations which relieve the United States from the operation of certain features of the treaty are essential and right. No one can successfully contest the proposition that each of those reservations, where the United States is freed from the effect of a provision of the league covenant, is a reservation essential to Americanism, essential to the preservation of the plan of government handed down to us by our forefathers and to which we are all devoted. I have the privilege of knowing that three of my ancestors fought for the freedom of the Colonies, one from Virginia, one from North Carolina, one from Massachusetts. They helped give us, at the risk of their lives, the system of government that blesses this country, and if God spares my life I will never cast a vote knowingly to sacrifice our plan of government, but I will seek to hand it down to my descendants.

Let us see whether the treaty was nullified. Mark it. I insist that if the President had said certain provisions of the treaty were nullified he would have been right; and I add that they ought to have been nullified; but when the President says the treaty was nullified he used an unfortunate and inaccurate expression.

#### ARBITRATION PRINCIPLES ARE "HEART" OF TREATY.

What is left in the treaty? That has already been so splendidly presented to you by Senators who have preceded me that I hesitate to state. I heard the Senator from Montana and the Senator from Ohio, and it would be impossible for me to equal their convincing presentation of the valuable provisions of the treaty which are untouched by reservations. Still I shall refer to them briefly.

The treaty provides that both the assembly and the council shall deal at their meetings "with any matter within the sphere of action of the league or affecting the peace of the world." It places the responsibility both upon the council and upon the assembly of considering all problems which may affect the peace of the world. It places upon them the responsibility of using their moral influence, and thus all members of the league must use their good offices and moral influence and to adjust differences and prevent war. It goes further and obligates them to adjust differences and requires nations to refrain from war pending adjustments and for three months thereafter. Let me call your attention to article 11, which the President at one time said was dearer to him than any article in the treaty:

#### ARTICLE 11.

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the secretary general shall on the request of any member of the league forthwith summon a meeting of the council.

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

#### Article 12 provides:

The members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council.

To article 13 and article 14 there are no reservations; article 15 is changed in but one respect. Article 15 provides that whenever a dispute arises and is not submitted to arbitration it shall be submitted to the council unless the dispute is claimed by one of the parties to involve a domestic question, in which case provision is made for the council to determine whether it is domestic. By a reservation we decline to submit to that clause of article 15 we change, and we ought to have declined.

#### Article 16 provides:

Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

In the meantime the commercial boycott is enforced.

## MORAL AND NOT PHYSICAL FORCE SHOULD CONTROL.

Mr. President and Senators, when the President of the United States was in Paris and accepted a degree from the French Academy he declared his conception of a League of Nations to be:

My conception of the League of Nations is just this: That it shall operate as the organized moral force throughout the world, and that whenever and wherever wrong and aggression are planned or contemplated this searching light of conscience will be turned upon them, and men everywhere will ask, What are the purposes you hold in your hearts against the fortunes of the world?

Thus it was the President's plan to organize a League of Nations where moral force was to control. There seemed to be no thought then of a resort to physical force. There seemed not to have been in his mind when those words were spoken any desire to put an obligation upon this country to send our boys to the wars of the world without independent action by Congress at the time they were to be sent.

All the moral power that this covenant could have given is retained in it—the obligation to arbitrate; the obligation to refer questions to the council; the obligation to refrain from war for three months after the award is made; the obligation to accept the award or at least not to go to war at all if one of the parties to the arbitration did accept the decision, and then if one nation goes to war despite this obligation, it is declared to be an act of war against all the remaining members of the league, and the warring nation is at once to be punished by commercial boycott. The league is left with just as much power as I would dare have it left with. If I hesitate in my judgment, it is as to whether there is not too much power still left to the league.

Now, let us see what has been eliminated; let us consider some of the reservations. No one who believes in the League of Nations, no one who believes in the power of associated nations to adjust differences in order to prevent war, can question that there is left in the league covenant a vast power for good. Those who do not believe in it at all may object, but those who advocate a league find here provisions stronger than we have ever before contemplated. I believe it may do good; I believe in the moral power, the suspension of action, the agreement to refrain from going to war, the opportunity for cooling time, and the probability that we may prevent war by substituting negotiation and adjustment.

## WHAT THE VARIOUS RESERVATIONS MEAN.

Now, let us see what are the reservations and why any friend of the covenant should hesitate to vote for them. I can not understand how any one who believes in the covenant can for a moment now hesitate to support ratification. First, we know that there will be no chance to modify these reservations in any substantial way in 12 months. We know that at the end of that time there are 36 Senators who will remain in the Senate for two years longer who will oppose modifying the reservations in any substantial way. We know, furthermore, if we are willing to look the truth in the face, that there will be just as many of the Senators elected this fall who will be in favor of vigorous reservations as there are now here.

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

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. SMITH of Georgia. I yield.

Mr. McCORMICK. I would like to ask the Senator if he recalls having recently said that, with the lapse of time, the league and the treaty became progressively more unpopular in this Chamber and in the country?

Mr. SMITH of Georgia. I did not say that. I will repeat what I did say. I said that when the instrument first reached the United States there were many more people in favor of ratification without reservations than there are now, but that the conviction that reservations were necessary has grown stronger and stronger with the lapse of time; and I repeat that statement now.

I believe a large majority of the American people favor ratification of the league covenant with substantially the reservations that are now presented. I believe there is a small minority that would reject it altogether, and perhaps a small minority that would be willing to take it without reservations at all; but I believe that the middle ground is sound and that it represents the thought of a large majority of the people of the United States.

## RESERVATION NO. 1 AND THE RIGHT OF WITHDRAWAL.

Now, Mr. President, I take up the first reservation. What objection has any friend of the treaty to it? It is the reservation declaring that if we enter the league and give two years' notice of withdrawal we alone shall pass upon the question as to whether we have fulfilled our obligations and have the right

to withdraw. Let us see what first came to us in March of last year. There was then no provision for withdrawal at all, but we were told that, of course, any country could withdraw if it wanted to at any time it wished.

Some of us recalled, however, that the 13 Colonies once joined together and formed the United States, and that the theory was for a long time held that any one of them could withdraw whenever its citizens desired. When the President went back to Paris instead of promptly adding a provision that any nation or member could withdraw at pleasure the privilege of withdrawing was limited by a two-year notice, with the further provision that the nation then could not withdraw unless all its obligations had been fulfilled, so that it was not at first intended that any nation could withdraw at pleasure. Now, under the language of the league covenant who would determine whether the withdrawing nation had performed all of its obligations? It does not say that the nation seeking to withdraw shall decide that question for itself; it leaves the question to be decided necessarily by the council or the assembly of the league, and as there is no provision for less than a unanimous vote on this subject under the terms of the covenant, every member must vote that the member desiring to withdraw has performed its duties or the right of withdrawal would be denied.

Are we willing to base our right of withdrawal upon any such situation? We add to our rights by declaring that we join this league with the distinct reservation that if we give the two years' notice of intention to withdraw we will ourselves alone determine the question as to whether we have fulfilled our obligations, and we will not leave that question to the council or to the assembly of the League of Nations. I concede that the provision contained in that reservation is in addition to anything in the league covenant; but it ought to be there, and we ought to require it, and I do not believe there is a Senator on this side of the Chamber who does not deem it proper to require it.

I discussed a few minutes ago article 15, and I called attention to its importance. I stated that it was left without change, excepting in one regard.

## OUR RIGHT TO DECIDE WHAT ARE DOMESTIC QUESTIONS.

Articles 12, 13, and 15 require members either to arbitrate all differences or to refer them to the council. The eighth paragraph of article 15 provides that if a member with a dispute brought before the council claims that the dispute involves a domestic question the council shall consider the question to determine whether it is domestic or not, and if it finds that under international law "it is solely a domestic question"—I quote the language—then the council shall not proceed; but unless the council finds that by rules of international law the question is "solely a domestic question," then the council goes on and acts upon it.

I am unwilling, the American people are unwilling, for any council of seven foreigners to determine for us whether a problem which we insist is domestic is in fact domestic or international; and our reservation provides that the United States alone will pass upon domestic questions, and the United States alone will determine for itself whether a particular dispute involves a domestic or an international question; and if the United States determines that it is domestic, the council and the league shall not touch it, and the reservation goes further and names immigration as a domestic question which we will not allow the council or the assembly to touch.

I admit that this reservation nullifies a provision in article 15, and it ought to be nullified. Without nullifying it, I could not vote to ratify this treaty. It is no new question in the United States or in the Senate of the United States. In the winter of 1911 and 1912 we had up for consideration the universal arbitration treaty with Great Britain. In it there was the broadest language for the arbitration of disputes. In it there was a provision that if a dispute arose as to whether a particular question should be arbitrated, a board was to pass upon it. I remember the deep interest of my then colleague, the senior Democratic Senator upon the Committee on Foreign Relations, Mr. Bacon, in placing upon that treaty a reservation declaring that we would allow no arbitration of our domestic questions, and we would allow no board to decide for us what were domestic questions, but that the United States would for itself decide what was a domestic question, and, having so decided, would permit no interference by any country with such a question; and when the final vote was had every Democrat voted for the reservation, and a considerable majority upon the Republican side of the Chamber voted for the reservation, though able Republican Senators had championed the treaty.

The only thing we take out of article 15 is the authority for the council to determine for us whether a particular question,

which we claim to be domestic, is or is not domestic; and the language of the covenant does not allow the council to hold that it is a domestic question, unless the council finds, by international law, that it is "solely a domestic question." There are many questions which we regard as domestic that might not be established by rules of international law as "solely domestic," and we provide wisely in one of these reservations that the council shall not determine for us whether a question is domestic or international, but if our Government decides that a question is domestic, we withdraw it from arbitration or from consideration by the council.

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

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. KING. I want to invite the Senator's attention, with his permission, to the fact that the assertion was made constantly, if not by Mr. Wilson, at least by many who were at the peace conference, that there was no intention that any article of the projected league—this was before the treaty was formed, and even afterwards—or any article of the projected covenant—and, after the covenant was formed, no article in the covenant—should restrict any signatory to the treaty in the exercise of control over its proper and legitimate domestic affairs. Obviously, those men who were at the peace conference knew that no nation would commit to an international tribunal the determination of its domestic and internal affairs. Does not the Senator think that the provision in the treaty which seems to commit to the international tribunal the determination of whether it is domestic or not is in violation of the preconvention understanding of what the terms of the treaty should be, and in contravention of the constant affirmations after the conference of Versailles as to what the objects and purposes of the treaty were? And does not the Senator believe that it was the intention of Mr. Wilson, and the intention of all those who participated in that great convention, not to restrict the signatories to the treaty in any of their proper and legitimate domestic and internal affairs?

Mr. SMITH of Georgia. I thank the Senator for asking me the question. He states correctly, as I recall it, the discussion made public before the covenant was written, and the information brought to us as to the purposes of the council with reference to domestic questions. The difficulty is that when it was written down in black and white, it carried something that we did not expect it to carry. If the President had been conferring with the Senate and taking advice from the Senate at the time this language was written, he would quickly have had called to his attention the fact that in March, 1912, every Democrat in the Senate committed himself by his vote to a reservation that declined to allow any tribunal to decide for us what was and what was not a domestic question, and declined to allow any tribunal to pass upon any American domestic question.

Those who made our Constitution were wise when they provided that the President should negotiate a treaty with the "advice" of the Senate. For the welfare of our country this "advice" is most important.

Unfortunately he was not in touch with the Senate. Unfortunately he did not have the benefit of the advice that the Constitution offered him, if it did not require him to take. If he had used it, he would promptly have been told that this language could not be ratified by a Senate of the United States, that the American people would not stand for it, and that the Senate was committed upon the proposition with reference to domestic questions, and he would have been "advised" to omit it from the treaty.

I say that reservation does change a provision of the treaty. It nullifies the authority—if you use that word—of the council to determine whether a question which we claim to be domestic is or is not domestic, and anything less ought not to be contained in a reservation when we ratify this treaty.

#### NO MANDATORIES WITHOUT APPROVAL OF CONGRESS.

I come now to the reservation with reference to mandatories. We expressly declare in the reservation that no mandatory shall be placed upon the United States without the approval of Congress. Now, let us think about that a moment. Why, even Lord Grey understood the necessity for such a reservation. The original framework of this instrument, the league covenant, was the work of Gen. Smuts, an English citizen from South Africa. He naturally had in view the English system, where the ministry acts free from any interference by Parliament in all foreign matters; but the ministry must conduct its foreign relations as the House of Commons approves, or a vote of censure retires the ministry. The ministry in Great Britain is at all times subject to the House of Commons, and must resign or go to the country with an election if the House of Commons disapproves an act of

the ministry. So that the whole people of Great Britain at all times speak in the action of the ministry. As drawn, and as the President's interpretation indicates, the representative of the United States on the council, one man 3,000 miles away, acting with the approval of the President, could accept a mandatory. And we would be setting up one-man government instead of popular government in the United States. We would be substituting for popular government practically a dictator, in the shape of the President. Our system of popular government is through the Senate and the House of Representatives, especially through the House of Representatives, who must go back to the people every two years and return to Washington voicing the wishes of the people, with the power of the people to change them every two years. Our plan of government contemplates government by the people of the United States, not by a single dictatorship of one man, and not even by the Senate and the House, because the House must go back to the people every two years, and appropriations can not be continued for the Army or Navy, unless each two years they voice the wishes of the American people.

What will a mandatory cost? Perhaps a billion a year and 250,000 boys policing some foreign country. Yet as drawn, while finally the appropriations must come from Congress, acceptance could be made through one man in Switzerland, speaking the wishes of the President.

I am not referring to the present President at all. There have been past Presidents and there will be future Presidents. I am referring to our system of government. I am unwilling for the instrument to be left in such shape that one man in Switzerland, following the direction of one man in the United States, can commit this country in grave and most important problems. I believe in keeping our representative who goes into this council and our members who go into the assembly close to the people and subject to the will of the American people, not only in connection with the mandatory, but in connection with the whole scheme of service. This can only be accomplished by requiring their authority fixed and directed by the Congress.

I am not prepared to say that as drawn the member of the council, acting for the President, could not accept an amendment to the covenant of the league. His powers are broad. They were modeled after the English plan of foreign representation, which, as I said before, is always subject to popular will, because the ministry must at once retire when the House of Commons disapproves the action of the ministry. But not so here. Our system is entirely different, and the framers of our Constitution never meant to put the powers in the President or in our foreign representatives that the English system places upon their ministry and foreign representatives. We Americanize the league covenant by providing that those who represent us abroad, growing out of this league, shall act in compliance with legislation passed by the Congress of the United States. My plea is not so much for the Congress as for the people, because the Congress constantly must respond to the wishes of the people.

#### THE TREATY'S LABOR PROVISIONS.

I come to another reservation. Part XIII of the treaty, a part of the League of Nations, creates an international labor organization with complicated and legislative authority. Just the limit of its authority I am not prepared to declare. It goes to the extent of the right to cite a government before it for an explanation of its conduct. Who would be the members of that international labor congress? We have been trying in recent months to get out of the United States some foreign labor agitators. What will be their scheme? What will they do? What confusion will they add to our domestic situation?

One of the powers of this labor organization is to print a paper at the expense of the Government and distribute it throughout the respective countries. I believe in American labor as a body. The worst troubles we have had, I concluded from the testimony presented before the Committee on Education and Labor in the steel investigation, were produced by foreign agitators. Yet we are to transfer our labor problems largely to an international labor organization. I am utterly opposed to going into that international labor organization, and a reservation declares that the United States will not participate unless hereafter Congress determines that it is wise to do so.

Do you not all know that the representatives of most of the foreign countries in that labor congress will be socialists or worse? In the interest of the labor of the United States, I would keep out. In the interest of the industries of the United States, I would keep out. And a reservation does this for us. This treaty could not command the votes of one-third of the Senate with Part XIII in it. It is unfortunate that the President did not keep in touch with the Senators and take their advice before he consented to put that provision in this treaty.

I have not heard a Senator open his lips to defend it. If it has had a friend on the floor, I can not recall it.

Mr. HITCHCOCK (in his seat). Oh, yes.

Mr. SMITH of Georgia. Who?

Mr. HITCHCOCK. Senator HENDERSON and myself.

Mr. SMITH of Georgia. Defended that?

Mr. HITCHCOCK. You mean the labor part?

Mr. SMITH of Georgia. I do.

Mr. HITCHCOCK. Yes.

Mr. SMITH of Georgia. I will say to the Senator from Nebraska that I am sorry to add to his other faults the fact that he defended this labor organization in the treaty. I do not know whether that was one of the ways by which he wished to kill the treaty, because he advocated the retention of provisions that never could have received the support of half the Senate. I think the Senator from Nebraska, unfortunately, in the opening of the discussion committed himself to the treaty without any reservations, and explained to us a number of times upon the floor, and to the public through the press, that it would certainly be passed without any reservations.

Mr. HITCHCOCK. No; never.

Mr. SMITH of Georgia. Well, I understand that two Senators defended it.

Mr. GORE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. SMITH of Georgia. Yes.

Mr. GORE. Those two Senators are perhaps like the 16-year-old girl when she was kissed by her 80-year-old sweetheart. She said nothing made her sick.

Mr. SMITH of Georgia. Certainly that provision can not possibly stand in a ratified treaty. I do not believe a representative of a labor organization in my State approves it.

The natural effect of such an organization would be to seek to equalize the pay of labor all over the world, and as ours are the best paid the equalizing process would pull them down.

#### WE SHOULD HAVE AS MANY VOTES AS BRITAIN.

Let us turn for a moment to the reservation with reference to Great Britain's six votes to our one. None of us object to Canada's coming in, but really I think New York or Texas might just as well have a representative, also. Are not New York and Texas to as complete an extent self-governing States as Canada? Six votes to the British Empire, with her representatives, and one to the United States! Some one in the conference was looking after British interests.

There is a reservation modifying that provision. I want Canada to have a vote. I want Australia to have a vote. I just want America to have as many votes in some way as the British Empire has; that is all. I am not uneasy about their treating us unfairly. They will trade us out of our boots if we do not watch. But if we have not sense enough in trade to take care of ourselves, we ought to take the consequences.

But when it comes to a final assembly, with power almost of legislation, I want as many votes when our affairs are concerned as Great Britain has.

I believe in the closest relations between Great Britain and the United States. I believe in standing up for each other in trouble, and, just as the English vessels at Manila cleared for action when the German vessels threatened Admiral Dewey, I would have our vessels ready all over the world, with directions, if the British were in danger, to clear and stand by them. But you know even your brother, when you trade with him, sometimes needs to be watched, unless you want to give him all you have; and Great Britain usually beats us trading.

You can not go before the American people and defend the proposition that you want the British Empire to have six votes and the United States only one. I do not know how they will fix it, but they ought to fix it.

#### IS ARTICLE 10 THE HEART OF THE LEAGUE?

Now, I come to the real reservation which causes dispute. I pass by a number that guarantee control through legislation of our representative in the council and prevent him from becoming the one-man representative of this entire country with the vast powers carried through the league covenant. We keep him by reservations in touch and under direction of the Senate and the House of Representatives, the latter of which every two years must respond to their constituents. Thus we seek to preserve government by the people and avoid mere one-man power.

I come to article 10. Let us see what is in it:

The members of the league undertake to respect and preserve against external aggression the territorial integrity and political independence of all members of the league.

We do not propose to remove the word "respect." The United States always has respect for the governments and territory of other countries. What I object to is the obligation to "pre-

serve," not for 1 year, not for 2 years, not for 10 years, but until we get out of the league, the territory and government of every member. It is an obligation not put upon us and our children alone; if we stay in the league it is put upon our grandchildren and our great-grandchildren; it is put upon children still unborn. What are we undertaking to do? We are undertaking to decide now that we will obligate generations unborn to furnish their boys and their money to intervene in practically every war that will come upon the earth. There is no heart in it at all. It is war. It is iron and steel and shells and battleships that we are pledging. That is not the League of Nations which the President talked about before the French Academy. There, as I showed you, he believed in a league with moral power, nothing more. This is a league pledged to war.

But let me show you once more, as I have already done, how the principle the President started with has been abandoned. In his first draft he used this language:

The contracting parties unite in guaranteeing to each other political independence and territorial integrity, but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may, in the judgment of three-fourths of the delegates, be demanded by the welfare and manifested interest of the peoples concerned, may be affected, if agreeable to those peoples.

The contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.

Now, there was heart, but the council did not accept it. They struck it all out; they struck out every provision for considering the condition of subject people. The President is mistaken when he says article 10 is the heart of the league. Article 10 had heart before the council struck it out, but it is gone. There was a provision in it by which Egypt could have been heard, or Ireland could have been heard, or Korea could have been heard. Instead of that they now add a subject people by giving Shantung to Japan; they add a subject people by Great Britain taking Mesopotamia; they add a subject people by France taking Syria, and with 600,000,000 subject people governed by nations of the league we pledge ourselves to furnish our boys to preserve their territorial and political integrity, not for to-morrow, not for five years, but forever.

We have the word of the President in his address before the peace conference on January 25, 1919, that the conditions left by the peace treaty will bring wars. At that time and place he used this language:

We are here to see that every people in the world shall choose its own masters and govern its own destinies, not as we wish, but as they wish. We are here to see, in short, that the very foundations of this war are swept away. \* \* \* Those foundations were the holding together of empires of unwilling subjects by the duress of arms, and nothing less than the emancipation will accomplish peace.

Now, we are told that this kind of a pledge means peace; that with this kind of military organization, this powerful military alliance in the league pledged to mutual support, no other country would dare to fight. Why, Senators, do we forget history?

It was about 100 years ago that the great league of peace of England, France, Germany, Austria, and Russia was formed, and it was then claimed with this great and powerful league of peace wars were to end, for its power was so great that no one nation would dare, against its will, to engage in war; and yet old Adam was still in the people of these nations. Before the end of 10 years they were fighting each other. This league with us in it would not be as powerful relative to the strength of the balance of the world as was the one 100 years ago. It did not stop war.

Why, Mr. President, the States of the United States were tied together under the greatest Constitution, the greatest form of government God ever helped man to make. They got into a fight among themselves. I will not say that it was over a difference of construction of the instrument. I feel sure the Southern States felt they had the constitutional right to quit.

The New England States thought at one time they had the constitutional right, held their celebrated Hartford Convention, and came very near quitting. They had a little better judgment than the folks down my way. They concluded the best thing was not to quit, and thank God there is not anyone in the United States now a citizen of the United States who does not love the Stars and Stripes and who does not prefer to be one of the citizens of a State of the United States than to be anywhere else in the world.

You will never stop war until you eradicate human nature from the human mind and the human body and human heart.

Again, they say, suppose these nations had been in a league when Germany raided Belgium; Germany and Austria would not have dared to go to war. What an absurd statement. Did not Germany, with Russia, Italy, France, and England on her

neck, fire on the vessels of the United States and drive us into the war, too? Why would she have refrained before when she voluntarily drove us into it during the war?

The time to preserve peace among men is before they entirely lose their tempers. The time to preserve peace among nations is to teach the rule of negotiation, teach the rule of conference, develop the habit of conference, the habit of arbitration, and the real heart of this league, from which I hope for good, is in the provisions other than article 10—the provisions for conference, for consideration of national differences, for arbitration of national differences, the agreement not to go to war until three months after the award is made, and the agreement not then to go to war if one of the parties tenders compliance with the terms of the award. That is a splendid conception, that has the elements of peace, that has the elements of adjustment of differences. I regard it as one hundred fold more valuable than a threat of a fight made by article 10.

Mr. President, I wish to show that the provisions objected to now by Senators in this reservation to article 10 do not amount to anything. The provisions seriously objected to are:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination under article 10.

That part of the reservation was presented substantially by my colleagues on this side of the Chamber as their offer at the bipartisan conference. It was either contained in the original bipartisan conference proposition or in the proposition of the Senator from North Carolina [Mr. SIMMONS]. What is it that Senators object to?

They seem to be disturbed because the reservation to article 10 makes this statement:

The United States assumes no obligation to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10.

I ask the Senators, seriously, if they think this proviso a matter of any importance? It was useless to insert it. Its insertion can not affect the treaty. The balance of the treaty, other than article 10, places the duty of members of the league to interfere and use their good offices in all controversies, whether the controversies relate to territorial integrity or political independence, and whether they are members of the league or not?

You can cut out article 10 and find in the balance of the articles provisions covering the portion of article 10 stricken by reservations. All through the balance of the treaty, in articles not touched by reservations, we find ample provisions requiring the United States to do all in the direction of seeking to adjust controversies and prevent wars by negotiations which was contained in article 10. So there is no reason why anyone who was willing to vote for the Simmons substitute, or bipartisan substitute, should not vote for this reservation.

The real substance to the reservation to article 10 is the provision that the United States shall not be obligated to preserve the territorial integrity or political independence of other countries by the employment of its military or naval forces, its resources, or any form of economic discrimination, unless in any particular case Congress, in the exercise of full liberty of action, by act or joint resolution so provides.

This reservation is essential, or the United States should never enter the league. We can not pledge our boys for all time to the wars of the world. We can not even pledge future generations to furnish the money for the conduct of wars all over the world.

Article 10 carries this pledge unless the reservation is made.  
CONGRESS SHOULD DECIDE EACH CASE AS IT ARISES.

It can hardly be claimed that under our Constitution it was ever contemplated that such an obligation should be made. Our Constitution does not allow Congress to appropriate money for the Army and the Navy for longer than two years. Why? Because the people are to have a chance at their Representatives every two years; they are to have a chance to put somebody else in their places if they spend money for armies and navies in a way which the people do not approve. Every two years, under the spirit of our Constitution, Congress is to have the chance to stop war, to stop armies, and to stop navies by stopping the appropriations; and yet this obligation in article 10 would put upon all future Congresses, so long as we are members of the league, the duty to enter the wars of the world and to send our boys to foreign lands, whether our people approve the particular war or disapprove it.

I insist that each Congress should consider each case as it arises; I insist that the American people will never be satisfied to submit to an obligation looking forward to the future indefinitely pledging our boys to war; pledging our purse to war. I ask again, can we not trust the future? Can we not trust future

Congresses? Can we not trust our descendants? If there is a real call to serve the world, if there is a real call to protect some oppressed people, must we bind future Congresses now, because otherwise we will not trust them? Will not our boys and our grandsons and granddaughters, as they assume the responsibility for government, will not the men and women of this country, as they jointly assume the responsibility of government as the years roll on, be as loyal as are we? Will they not love their fellow men the world over as much as we do? Can we not leave them to decide whether a particular case is just; whether the aggression from the outside which threatens existing territory is a righteous or an unrighteous aggression?

Suppose the Chinese became sufficiently powerful to menace the holding of Korea by Japan; under this obligation we would go there and help Japan drive the Chinamen back. Frankly, we would not do it; Congress would break the obligation before it would do it. I am unwilling to enter into an obligation of a character which, I think, Congress, on account of its repulsive nature, would break. Suppose the Chinese, who are a peaceful people, became sufficiently well trained for war and went into Korea to help the Koreans drive the Japanese out; under this obligation of article 10 we would send our boys to Korea to help keep the Japanese in control. Suppose some outside people sought to aid the Egyptians in winning their liberty; we would send our soldiers there to help keep Egypt in subjugation. Or let us go back to our own Revolution, when the French came here to help us; if the League of Nations embodying article 10, had then been in existence, every member of the league would have been obligated to come here and help Great Britain keep the United States a subject colony.

Do we propose to assume such an obligation? Does anybody believe the American people will approve it? I want to warn my associates on this side not to take that issue to the American people. They will never approve it. I have never known anything politically except to be a member of the Democratic Party, and I should dislike to see the crushing defeat that party would receive if it undertook to carry on a campaign in this country on the proposition that we insisted upon assuming all the obligations of article 10. I presume I would have to do as I did when my party declared for the free and unlimited coinage of silver at the ratio of 16 to 1—I voted the ticket, but publicly stated that I hoped I would never live long enough to see such a heresy enacted into legislation. I am sorry my friend the Senator from Colorado [Mr. THOMAS] is sitting so near me. If I had thought for a moment that he was honoring me with his presence, I would not have made that statement.

Mr. THOMAS. Oh, Mr. President, an honest confession is good for the soul. We had a great many of that sort of Democrats in 1896.

Mr. SMITH of Georgia. That is all right; but I voted the ticket. When you do not like much that is in the platform and yet vote the ticket, it is standing up about as strong as a man can.

Mr. THOMAS. Taking the sacrament and repudiating the Christ does not make much of a Christian.

Mr. SMITH of Georgia. But, unfortunately, free silver at 16 to 1 was not the Christ.

Mr. THOMAS. No; that was the sacrament.

Mr. SMITH of Georgia. That was the sacrament?

Mr. THOMAS. Yes; and the Senator took the sacrament by voting the ticket.

Mr. SMITH of Georgia. What was the Christ? The Senator said "repudiating the Christ."

Mr. THOMAS. Christ was the Democratic Party. [Laughter.]

Mr. SMITH of Georgia. Oh, the party—I thought the Senator meant that Bryan was the Christ when I voted the ticket.

Mr. THOMAS. No, Mr. President; I have said a great many things in my life, but I have never been accused of saying that.

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

Mr. SMITH of Georgia. Yes.

Mr. KING. I wish to assure the Senator that no man is the Democratic Party, whether it is Mr. Bryan or anybody else, and that no declaration by the Democratic Party of any particular doctrine or dogma constitutes the great precepts and principles of the Democratic Party as they were enunciated by Jefferson, and, as in the main, they have been accepted and followed by the Democratic Party.

Mr. THOMAS. Mr. President, the little colloquy between the Senator from Georgia and myself was a mere pleasantry.

Mr. KING. And my contribution was a pleasantry also.

Mr. SMITH of Georgia. Mr. President, I accept the view of the Senator from Utah. I utterly deny that if the convention at San Francisco should indorse this treaty without reservations it would be sound Democratic doctrine; on the contrary, I

believe it would assert a doctrine that invaded the Constitution of the United States, and that every real good Democrat ought to regret such an action.

I agree further with the Senator from Utah that no one man constitutes any party. If a party is loyal to principle, the great body of people members of the party constitute the party.

Mr. GORE. Does the Senator think everybody knows more than anybody?

Mr. SMITH of Georgia. I have frequently thought that in multitude of counsel there is wisdom, and from the lack of counsel there come blunders.

Mr. President, I will not proceed further to discuss the constitutional right to interfere with the authority of Congress in declaring war. I am disposed to believe that we could put an obligation upon the Congress, and that if we adopted article 10 without reservation we would put an obligation on Congress by which it would be bound; and that is why I can not, and will not, vote to ratify this treaty without eliminating that provision of article 10 which obligates us to preserve the territory and the government of member nations.

THE AMERICAN PEOPLE CAN BE TRUSTED.

Mr. President, I have discussed this subject longer than I had intended. I wish to urge that the reservations are not, as a rule, objectionable. The majority of them are wise and necessary. I may differ from their language; I may feel that here and there a change should be made, but in a matter of this sort no one man can have his way. If we are going to legislate as a whole, the legislation must be made up of mutual concession. The question is, taking the reservations all together, Shall we ratify the treaty or shall we decline to ratify it? Shall we leave our country at war indefinitely? Shall we take no part in adjusting the strife in Europe? Shall we undertake to throw this whole question into a political contest and allow it to continue to interfere with our important domestic problems?

Mr. President, let me say again, with regard to the reservation which has caused so much dispute, that we ought not to undertake to fasten the burden of war upon future generations. We can leave to them the privilege of determining what should be done as the occasion arises. I have confidence in the American people. If the time should come when the United States is again needed to help crush a foe of the human race, to help crush a grasping, tyrannical government, which seeks to destroy the rights and absorb the territory of the other nations of the world, or even if, in a less important case, it was necessary for us to contribute to check aggression upon the weak, our people and the Congresses of the future can meet the responsibility. I am willing to trust to those who will do the voting a few years hence and to those who will represent them a few years hence to decide what should be done. I entirely resent the view that it is for us now to withdraw from future Congresses and from the people of the future the right to pass upon emergencies and responsibilities as they arise. I have confidence that the American people will always be ready to do their duty.

Article 10 would bind in chains the Congresses of the future and require them to send our boys into and spend our resources for the wars of the world, whether the cause for which they fought was deemed by them right or wrong.

When the cause is just and the call is one which should be heeded we may trust the people of our country and their descendants to do a full part. The citizens of the United States now living and unborn need no present chains to bind them to a future record as glorious as the record of the past. At this hour the American people need no declaration of obligation. They will always answer with national conduct as exalted as when we went with majestic power to the rescue of liberty on the fields of France.

This reservation only means that we would leave our people and their representatives to determine, as a crisis might arise, how we should act. We know they would be true to themselves, to the world, and to their glorious past.

Senators, we must trust the American people and their representatives in the future. We must leave it to them to decide when the sacrifice will be needed. We must not chain them with obligations now. We must trust them. They will never consent that governments of the people, by the people, and for the people may perish from the face of the earth.

Mr. OWEN. Mr. President, the resolution of ratification is now before the Senate with reservations—

Safeguarding the right of withdrawal for the United States (sec. 1).

Forbidding the acceptance of a mandate except by act of Congress (sec. 3).

Protecting the domestic affairs of the United States from interference (sec. 4).

Safeguarding the Monroe doctrine (sec. 5).

Reserving full liberty of action as to Shantung (sec. 6).

Forbidding persons to represent the United States under the peace treaty except by authority of Congress (sec. 7).

Withholding assent to any interference in the business between Germany and the United States by the reparation commission, except with the approval of Congress (sec. 8).

Forbidding expenses to be incurred without the previous consent of Congress (sec. 9).

That the limitation of armaments is subject to congressional action (sec. 10).

Reserving the right to permit foreign citizens under article 16 to do business in the United States (sec. 11).

Protecting the rights of the citizens of the United States in Germany (sec. 12).

Withholding assent to the labor provisions of the treaty unless Congress acts (sec. 13).

Withholding assent to decisions of the council or assembly unless the United States be given six votes, or a vote equal to any other country (sec. 14).

Expressing sympathy for Ireland (sec. 15).

There is no great harm in any of them. There is, perhaps, advantage in some of them.

There is considerable partisan politics in some of them; but, on the whole, they will meet the fears of many who have been led to believe that without such reservations our interests might possibly be interfered with or injured.

The only reservation of great controversy is No. 2, relating to article 10, which is as follows:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

On this reservation the Senate gave its approval by a two-thirds vote—54 to 26. All of the Republicans and half of the Democrats voted for it.

Besides this, at least 11 Senators, known to favor this reservation, did not vote, making 65 Senators who are known to favor it, more than two-thirds of the entire Senate. And there are over 80 Senators who are known to be willing to ratify the covenant with reservations, but who decline to reconcile their differences and permit the enemies of the treaty to defeat it by joining with Democratic Senators who refuse the Lodge reservations.

The opinion of the Senate, speaking through a more than two-thirds vote, is entitled to respect.

Mr. President, the Senate of the United States under the Constitution of the United States is, jointly with the President, the treaty-making power, established by the people of the United States.

The Constitution in fixing the powers of the President declares:

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.

In the interpretation of the Constitution Presidents Washington, Adams, Jefferson, Jackson, Lincoln, Grant and various of his successors sought the advice of the Senate in pursuance of the Constitution before framing treaties. In the case of the pending treaty the advice of the Senate was not sought or invited. But the instrument has been framed with the advice and under the powerful influence of various foreign diplomatic representatives, representing Great Britain, France, Italy, and other countries, without the Senate being permitted to participate in the framing or in advising the President in the framing of the most important treaty ever drawn in the history of the world.

I thought it was well drawn considering the very great difficulties under which it was framed, and I was, and am now, willing to give my assent to it, and certainly during its formation without being invited I presumed to volunteer advice on numerous occasions in the hope of being of service. Some of the friendly counsel might have served a useful purpose if it had been accepted.

I advised the President not to ignore the Senate in framing the peace treaty. I advised him to invite with him representative Senators. I advised him to keep the Senate fully advised of the steps taken at Paris through the State Department. I do not mention these things in criticism of the President but merely to put in the Record the truth that I did what I could as his friend and associate to safeguard the President from the complications which I thought might ensue.

The President had a task of enormous difficulty, which I keenly realized, and I believe he went to the limit of his powers and of his understanding to serve the people of the United States and the people of the world in framing this great treaty.

If the treaty prove not to have been perfect, it should be remembered that the influences and the powers which the President had to meet in a foreign land were very powerful.

I think, however, that the opinion of 65 United States Senators, representing the various States of the Union, is now entitled to the respect of the President, and that he should not weigh lightly or contemptuously their expressions of opinion as recorded in their votes.

The President, in his letter to Senator HITCHCOCK on March 8, 1920, said:

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.

Every Senator comes under the sweeping condemnation of the President of the United States, because every single Senator, without exception as far as I know, has voted for reservation after reservation.

And here let me pause a moment to point out the astounding similarity of the Republican and Democratic reservation to article 10, over which an irreconcilable partisan conflict has been waged. Here is the so-called Lodge reservation:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

And what does the reservation for which all the Democrats voted provide? This is the Simmons resolution:

The United States agrees to use its friendly offices, when requested so to do, under the provisions of article 10, in assisting to procure a just and peaceful settlement of territorial or political controversies between nations, or to protect any member of the league from external aggression—

We have that right, anyway. We do not have to put that in the treaty. That is an international right. That is the international law. But, now, listen to the balance of the Democratic reservation, if you please—

but it does not assume any obligation to use its military or naval forces or its financial or economic resources for the purpose of intervention in the controversies or conflicts between nations, or to protect the territorial integrity or political independence of any nation under the provisions of article 10, unless in any particular case the Congress, in the exercise of full liberty of action, and in the light of full information as to the national justice and human right involved, shall by act or joint resolution so provide.

This language is identical in meaning with the Lodge reservation. The omission of the phrases of the Lodge reservation, to wit—

or to employ the military or naval forces, under any article of the treaty for any purpose—

And—  
which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States—

does not change the meaning except in the mind of an expert metaphysician and skilled wrangler. As far as article 10 is concerned the Simmons reservation, for which all the Democrats stood, is the same as the Lodge reservation.

I say that the difference between those reservations is nothing. It is a case of tweedledum and tweedledee, unworthy of the respect of the country; and to tell me that I should be called on, as a matter of party loyalty, to defeat this treaty because of the difference between the Simmons reservation and the Lodge reservation, I denounce as unmitigated nonsense. I will not stultify myself by pretending that there is any substantial difference. There is none; and yet this Record is here showing that the Democrats voted for the Simmons reservation, and wish to make a great distinction about it. The differences are negligible.

The Simmons reservation was disposed of by a motion to lay on the table by Mr. LODGE, by the following vote:

The result was announced—YEAS, 45, nays 34, as follows:

Ball	Cummins	France	Johnson, Calif.
Borah	Curtis	Frelinghuysen	Jones, Wash.
Brandege	Dillingham	Gore	Kellogg
Calder	Edge	Gronna	Kenyon
Capper	Elkins	Hale	Keyes
Colt	Fernald	Harding	La Follette

Lenroot	Norris	Spencer	Warren
Lodge	Page	Sterling	Watson
McCormick	Phipps	Sutherland	Williams
McNary	Reed	Townsend	
Moses	Shields	Wadsworth	
New	Smoot	Walsh, Mass.	

NAYS—34.

Ashurst	Henderson	Owen	Smith, Md.
Beckham	Hitchcock	Phelan	Smith, S. C.
Chamberlain	Jones, N. Mex.	Pittman	Swanson
Dial	Kendrick	Pomerene	Trammell
Fletcher	King	Ransdell	Underwood
Gay	Kirby	Robinson	Walsh, Mont.
Gerry	McKellar	Sheppard	Wolcott
Harris	Nugent	Simmons	
Harrison	Overman	Smith, Ga.	

NOT VOTING—17.

Comer	Knox	Newberry	Stanley
Culberson	McCumber	Penrose	Thomas
Fall	McLean	Poindexter	
Glass	Myers	Sherman	
Johnson, S. Dak.	Nelson	Smith, Ariz.	

So Mr. SIMMONS'S amendment was laid on the table.

Then the Lodge reservation was solemnly concurred in by the following vote:

The result was announced—yeas 54, nays 26, as follows:

YEAS—54.

Ashurst	France	La Follette	Reed
Ball	Frelinghuysen	Lenroot	Shields
Borah	Gerry	Lodge	Smith, Ga.
Brandege	Gore	McCormick	Smoot
Calder	Gronna	McNary	Spencer
Capper	Hale	Moses	Sterling
Chamberlain	Harding	New	Sutherland
Colt	Henderson	Norris	Townsend
Cummins	Johnson, Calif.	Nugent	Wadsworth
Curtis	Jones, Wash.	Page	Walsh, Mass.
Dillingham	Kellogg	Phelan	Warren
Edge	Kendrick	Phipps	Watson
Elkins	Kenyon	Pittman	
Fernald	Keyes	Pomerene	

NAYS—26.

Beckham	Hitchcock	Ransdell	Trammell
Dial	Jones, N. Mex.	Robinson	Underwood
Fletcher	King	Sheppard	Walsh, Mont.
Gay	Kirby	Simmons	Williams
Glass	McKellar	Smith, Md.	Wolcott
Harris	Overman	Smith, S. C.	
Harrison	Owen	Swanson	

NOT VOTING—16.

Comer	Knox	Nelson	Sherman
Culberson	McCumber	Newberry	Smith, Ariz.
Fall	McLean	Penrose	Stanley
Johnson, S. Dak.	Myers	Poindexter	Thomas

So reservation No. 2, reported by the Committee on Foreign Relations, was concurred in.

Mr. President, if the treaty is ratified and the President approves it, it will throw the weight of the United States on the side of the covenant of the league with all its many safeguards for the conservation of peace.

The covenant of the league provides—

Every conceivable means for preserving the peace of the world,

- Such as settling disputes by conference and by diplomacy;
- By conciliation;
- By arbitration;
- By an international high court;
- By the council;
- By the assembly;
- By public opinion;
- By delay;
- By the pledge to respect each other's territorial integrity and political independence;
- By the pledge to preserve each other's territorial integrity and existing political independence from external aggression;
- By the avoidance of secret treaties;
- By disarmament;
- By the control of war supplies;
- By an embargo on and blockade of an outlaw nation;
- By using the military and naval forces against an outlaw nation, if such a nation should by any conceivable possibility appear;
- By the prescription under unanimous consent of the reasonable rules governing international relations; and
- By protecting weak nations under the highest principles of humanity and justice.

All the nations of the world have agreed to these principles except the United States.

I pointed out the only alleged important difference between Senators on the one side and on the other side, and these differences are negligible.

Venezuela has not as yet come in.

Mr. KING. Venezuela has come in now.

Mr. OWEN. I am informed that Venezuela has come in. That leaves only the Teutonic allies, who are not permitted to come in, and who are anxious to come in, and poor, distracted Russia.

The one great outstanding factor of the war is the overthrow of monarchy—the rule by divine right—the overthrow of military dynasties. The Hohenzollerns, the Hapsburgs, the Romanoffs have followed the Bourbons to complete ruin and decay. The principles of the American Declaration of Independence are now recognized throughout the world that all men—

Are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

That whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it and to institute new government.

This process is going on in Russia, in Germany, in Austria, in Bulgaria, and Turkey, and it would arise in other countries under the conditions which provoked the destruction of the Governments under the Hohenzollerns, the Hapsburgs, the Romanoffs.

All the nations of the world, moreover, have agreed to the covenant of the league and pledged themselves—

To promote international cooperation.

To achieve international peace and security by their acceptance of obligations not to resort to war.

By the prescription of open, just, and honorable relations among nations.

By the firm establishment of the understandings of international law as the actual rule of conduct among Governments.

And by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another.

It was and is the noblest dream of all mankind; it has been actually established and it awaits the entry of the United States. The United States will in due time enter and will do its honest part faithfully and truly, either with or without article 10; either with or without the reservations to article 10.

I sympathize with the Democratic Senators who desire to retain by implication the obligation to *preserve* jointly with all the nations of the world the territorial integrity and political independence of each; but whether it is retained or not the moral obligation remains from the acceptance of the covenant as a whole, and Congress, representing the ideals of the American people, can be relied on to do its full part whenever the occasion arises, if it ever should arise. I do not believe that it ever will arise when the covenant has been established. No nation in the world, no people in the world, would be willing to commit the wanton, desperate act of violating article 10 in the face of the united peoples of the earth. That is the value of article 10, because it strengthens the conviction of the impossibility of any nation defying the military, naval, and economic forces of the whole earth.

I approve article 10 as it is. I want the United States to enter this covenant on terms of full equality, prepared to do its full duty and not being afraid of the common honesty and common sense of the representatives who will meet around the assembly table or the council table at Geneva.

I sympathize with Senators who fear article 10 on the ground that it would preserve the right of member nations to control subject nations and deny subject nations like Egypt, Ireland, Korea, and Porto Rico any future escape from tyranny. But I do not agree with them that the remedy is to reject the treaty.

The seeds of liberty and the fundamental self-evident truths embedded in the souls of men which were declared in the Declaration of Independence July 4, 1776, have grown into a world force under whose protection the nations of the earth may find peace, security, and prosperity. The confessed or belligerent autocracies of the world are humbled to the dust. The great autocracies of Russia, Prussia, Austria, and France, who in 1822 pledged themselves by the treaty of Verona to destroy the democracies of earth, have been utterly destroyed. France has become a great Republic. Russia has swung from monarchy to Bolshevism and will react into a democracy. Germany and Austria are setting up democracies, and the Catholic Church, at that time the friend of autocracies, has recently declared through His Holiness the Pope that in future the just powers of government would be regarded as coming from the people.

So that we have the sanction of all of the democracies of the world, and we have the sanction of the Catholic Church behind the democracies of the world; and it is a great addition to the powers of democracy in the world.

Great Britain, which in 1776 was in charge of Tory forces, against whom the indictment of the Declaration of Independence was drawn, has gone through a great change. Liberty and justice have steadily grown in Great Britain, have grown

into a force controlling public opinion. Such noble, progressive, democratic Commonwealths as New Zealand, Australia, South Africa, Canada, have grown up; England itself presents such progressive leadership as that of Asquith and Lloyd-George.

I realize perfectly well that in the foreign office of Great Britain there are many men of Tory tendencies, trained for diplomatic careers, who think in terms of imperialism, always pleading that it is better for the subject people that the English foreign office govern them. I realize that under such management the Irish people have been grievously oppressed; that the people of Egypt have been denied their just liberties; but, Mr. President, the education of mankind proceeds slowly, and with the establishment of the covenant of the league and the meeting of the assembly, and the meeting of the council, representing a spirit of progressive democracy, which is moving the whole world, I can not doubt that the same principles which are written in the covenant of the league in article 22, providing for mandatories, will develop into complete liberty for all the subject nations in the world as rapidly as they can be taught to stand by themselves under the strenuous conditions of the modern world.

Article 22 declares—

That the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in this covenant.

It provides for freedom of conscience, freedom of religion, prohibition of slavery, prohibition of liquor traffic, and requires an annual report to the assembly to be made by the mandatories who undertake to develop the weaker peoples of earth.

Mr. President, democratic self-government by the peoples of the world is the outgrowth of the printing press, the modern newspaper, the modern magazine, of the free schools, and of the realization of men that compulsory education is essential to self-government. When we speak of the right of self-determination we do not speak of the right of uninformed savages to organize a modern democracy. They have no capacity. What we do mean is that as rapidly as people develop the intelligence necessary for self-government they should have the right to govern themselves when such governments are justified on the standards fixed by existing nations.

I have no doubt that democracy under this covenant of the league has established itself forever upon the earth, because all of the factors which have developed modern democracy not only remain but are growing like the green bay tree, increasing from year to year, and the elements of opposition to the growth of democratic government have been largely destroyed.

I am not willing to postpone the ratification of the peace treaty for many other reasons.

First. The people of the United States have a right to the repeal of all the war statutes, which automatically end only after the declaration of peace. These statutes are numerous. I attach to my remarks, without reading, an abstract of them, including the war powers of controlling food and fuel; the war powers to commandeer the railroads, telegraph, and telephones; the war powers to interfere with business by embargoes of all kinds and priority orders; the war powers to expand the Army and Navy; the espionage act, with its spies all over the country; the right to arrest men and imprison them and hold them without trial under war powers; the right to confiscate property and commandeer goods. I ask leave to have them inserted in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. OWEN. All of these statutes ought to terminate. We ought to have our peace.

If the world is not to have peace and disarmament, our taxes must double in the competitive race of preparedness for the next war. We must have universal military training if we are not to have world peace.

The United States should, with great resolution, address itself to the reconstruction problems which are urgent and pressing. I know the anxiety of the people of the country to find the means of adjusting themselves to the increased cost of living. I sympathize with the fathers and mothers who are distressed in finding the means to give proper clothing and food and shelter and education to their children and to properly provide themselves with the necessities of life. I know what the factors are that have caused the high cost of living, and I know that very much can be done to relieve the distress of the people over the high cost of living.

On the 7th of last August, I introduced Senate resolution 159 providing for a committee from this body to study the high cost of living and to report the means by which it should be dealt with. I ask leave to insert that resolution in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution is as follows:

*Resolved*, That the President of the Senate be, and he is hereby, directed to appoint from the membership of this Senate a select committee of five Members, for the Sixty-sixth Congress, and which said committee is hereby authorized to fully investigate the high cost of living; and, in addition to the powers herein conferred, shall have the same powers and authority as are now conferred by the rules of the Senate upon the standing committees of the Senate. Said committee is hereby authorized to employ counsel, to send for persons and papers, to administer oaths and affirmations, to take testimony, to employ stenographers at a cost not exceeding \$1 per printed page to report such hearings as may be had in connection with any subject which may be pending before said committee or its subcommittees, to sit during the sessions of the Senate and during any recess which may occur during its sessions, and may meet at such places as said committee deems advisable. Said committee is also hereby authorized and empowered to appoint such subcommittees as it may deem advisable, and such subcommittees, when so appointed, are hereby authorized to send for persons and papers, to administer oaths and take testimony, and to meet at such times and places as said committee shall from time to time direct; further

*Resolved*, That said select committee shall report to the Senate in one or more reports, as it may deem advisable, the result of its investigations, with such recommendations as it may care to make; further

*Resolved*, That the President of the Senate is hereby authorized to issue subpoenas to witnesses, upon the request of said committee or any subcommittee thereof, during any recess of Congress during the sessions; further

*Resolved*, That the Sergeant at Arms of the Senate be directed to serve all subpoenas and other process put into his hands by said committee or any subcommittee thereof."

MR. OWEN. I introduced the resolution in the hope that the Senate would address itself to this duty. Nothing whatever has been done to relieve the condition. Six months have passed by, with endless debate on the treaty, and now we are invited to throw this treaty into the next campaign, where it will be discussed on a thousand rostrums and the attention of the people diverted as if by a smoke screen from the real obstacles to their peace and happiness, the monopolies and the profiteers of this, our great country.

It is of the most extreme importance to stimulate production in the United States, and our great industrial enterprises can be wonderfully stimulated by proper governmental action. They can be served and can be made to serve the people as greatly as the banks of the country were taught how to serve the people of this country by the Federal reserve act, to the benefit both of the country and of the banks themselves.

I am not willing to have the treaty of peace postponed, not only for the sake of America but for the sake of the world, because the reconstruction of Europe makes it of supreme consequence that our moral force and our available convenient resources should be employed in helping to put Europe upon a productive basis, so necessary for the happiness of Europe and for our own welfare, so necessary to stop the terrible social unrest of Europe which is threatening the civilization of the world with the madness of Bolshevism.

They owe our Government and our people now nearly \$14,000,000,000 which would greatly lower our taxes if this money were paid back. We can help them pay back by helping restore the peace of the world so their soldiers can go to work.

Mr. President, on the 5th of February last I took occasion to present to my State the wonderful accomplishments of the Democratic Party of the last seven years. (Cong. Rec. Feb. 27, 1920.) The cap sheaf was the German peace treaty and the covenant of the League of Nations. I will not give my approval to the defeat of this covenant. I will not promote an anticlimax, and I am not willing to defend a course of conduct which I think is indefensible. 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.

For many years I have strenuously devoted myself to the service of the country and to the service of the Democratic Party. But it is not to the interest of the country; it is not to the interest of the Democratic Party to defeat this ratification. I am convinced that the people of my State overwhelmingly desire ratification, and that they will be content with the

reservations that two-thirds of the Senate insists upon. I am satisfied that the people of the United States desire the ratification of the treaty with the reservations desired by two-thirds of the Senate, and I am satisfied that the Democrats of the country will overwhelmingly approve the ratification now without delay, notwithstanding the reservations, which after all do not very greatly impair the force of the covenant.

Mr. President, I am told it will be to the advantage of the Democratic Party to join in with the enemies of this treaty and defeat it. Mr. President, if the present interest of the Democratic Party were at stake I would not sacrifice the interests of the people of this country in order to gain an unjust party advantage. As an American Senator, mindful of my duty to the Senate and to the Constitution of the United States, deeply conscious of my duty to the people of our beloved country, I shall vote for the resolution of ratification and for immediate peace.

Those who advise the defeat of the resolution may take their own responsibilities.

#### EXHIBIT A TO SENATOR OWEN'S REMARKS.

"IMPORTANT MEASURES LIMITED TO THE PERIOD OF THE WAR ON THE FACE OF THE STATUTES PROVIDING FOR THEM.

"Sixty-fifth Congress, first session.

"Public act 23, making appropriations to supply deficiencies for 1917.

"PRESIDENT'S PROCLAMATION TO DECLARE WHEN WAR HAS TERMINATED.

"SEC. 4. That the service of all persons selected by draft and all enlistments under the provisions of the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and within four months after the date of said proclamation, or as soon thereafter as it may be practicable to transport the forces then serving without the United States to their home station, the provisions of said act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be of force and effect.

"Public act 23, making appropriations to supply urgent deficiencies in appropriations on account of war expenses for the fiscal year 1917, and for other purposes.

"UNITED STATES SHIPPING BOARD AND EMERGENCY FLEET CORPORATION.

"The emergency shipping fund provision of June 15, 1917, at paragraph 10, provides that 'all authority granted to the President therein, or by him delegated, shall cease six months after a final treaty of peace is proclaimed between this Government and the German Empire.'

"Under section 11 of public act No. 268 of the Sixty-fourth Congress, known as the United States shipping act, the United States Shipping Board was authorized, in order to carry out the purposes of the act, to form under the laws of the District of Columbia one or more corporations for the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels in the United States. Section 11 goes on in the last paragraph to provide that 'at the expiration of five years from the conclusion of the present European War the operation of vessels on the part of any such corporation in which the United States is then a stockholder shall cease, and the said corporation shall stand dissolved. The date of the conclusion of the war shall be declared by proclamation of the President. The vessels and other properties of any such corporation shall revert to the board (Shipping Board).'

"Public act 24, to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, known as the 'espionage act.'

#### "TITLE I.

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both.

## " TITLE VII.

"SECTION 1. Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however,* That no preference shall be given to the ports of one State over those of another.

"The appropriations for the War Trade Board are based upon authority contained in this and the trading-with-the-enemy act.

"Public act 26, to authorize condemnation proceedings for lands for military purposes.

"Hereafter the Secretary of War may cause proceedings to be instituted in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement by condemnation of any land, temporary use thereof or other interest therein, or right pertaining thereto, needed for certain military purposes \* \* \*.

"(No limitation.)

"Public act 29, authorizes the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes, for and during the present emergency.

"Public act 40, to provide for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products.

"Sec. 12. That the provisions of this act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, the date of which shall be ascertained and proclaimed by the President; but the date when this act shall cease to be in effect shall not be later than the beginning of the next fiscal year after the termination, as ascertained by the President, of the present war.

"Public act 41, to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

"Sec. 24. That the provisions of this act shall cease to be in effect when the existing state of war between the United States and Germany shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President \* \* \*.

"Public act 48, to create the Aircraft Board and provide for its maintenance.

"Sec. 3. That said board and tenure of the members thereof shall continue during the pleasure of the President, but not longer than six months after the present war.

"Public act 91, to define, regulate, and punish trading with the enemy, and for other purposes, known as the trading-with-the-enemy act.

"Nearly all activities authorized in this act cease upon the termination of the war, except certain duties of the Alien Property Custodian in handling property in his possession.

"The appropriations for the Alien Property Custodian, the War Trade Board, and for censorship are based wholly or in part upon authority contained in this act."

## " Sixty-fifth Congress, second session.

"Public act 102, to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes, and provide housing facilities for its employees.

"(No limitations.)

"Public act 107, to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

"Sec. 14. That the Federal control of railroads and transportation systems herein and heretofore provided for shall continue for and during the period of the war and for a reasonable time thereafter, which shall not exceed one year and nine months next following the date of the proclamation by the President of the exchange of ratifications of the treaty of peace: *Provided, however,* That the President may, prior to July 1, 1918, relinquish control of all or any part of any railroad or system of transportation, further Federal control of which the President shall deem not needful or desirable; and the President may at any time during the period of Federal control agree with the owners thereof to relinquish all or any part of any railroad or system of transportation. The Presi-

dent may relinquish all railroads and systems of transportation under Federal control at any time he shall deem such action needful or desirable. No right to compensation shall accrue to such owners from and after the date of relinquishment for the property so relinquished.

"Sec. 16. That this act is expressly declared to be emergency legislation enacted to meet conditions growing out of the war; and nothing herein is to be construed as expressing or prejudicing the future policy of the Federal Government concerning the ownership, control, or regulation of carriers or the method or basis of the capitalization thereof.

"Public act 121, to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes, known as the war-finance corporation act.

## " TITLE I. WAR FINANCE CORPORATION.

"That the Secretary of the Treasury and four additional persons (who shall be the directors first appointed as hereinafter provided) are hereby created a body corporate and politic in deed and in law by the name, style, and title of the 'War Finance Corporation' (herein called the corporation), and shall have succession for a period of 10 years: *Provided,* That in no event shall the corporation exercise any of the powers conferred by this act, except such as are incidental to the liquidation of its assets and the winding up of its affairs, after six months after the termination of the war, the date of such termination to be fixed by proclamation of the President of the United States.

## " TITLE II. CAPITAL ISSUES COMMITTEE.

"Sec. 200. That there is hereby created a committee to be known as the 'Capital Issues Committee,' hereinafter called the committee, and to be composed of seven members to be appointed by the President of the United States, by and with the advice and consent of the Senate. At least three of the members shall be members of the Federal Reserve Board.

"The terms during which the several members of the committee shall respectively hold office shall be determined by the President of the United States.

"Sec. 206. That this title shall continue in effect until, but not after, the expiration of six months after the termination of the war, the date of such termination to be determined by a proclamation of the President of the United States, but the President may at any time by proclamation declare that this title is no longer necessary and thereupon it shall cease to be in effect.

"Public act 149, to authorize the President to provide housing for war needs.

"Sec. 5. That the power and authority granted therein shall cease with the termination of the present war, except the power and authority to care for, sell, or rent such property as remains undisposed of and to conclude and execute contracts for the sale of property made during the war. Such property shall be sold as soon after the conclusion of the war as it can be advantageously done: *Provided,* That before any sale is consummated the same must be authorized by Congress.

"All moneys received by the United States in carrying out the act entitled 'An act to authorize the President to provide housing for war needs,' approved May 16, 1918, may be used as a revolving fund until June 30, 1919, for further carrying out the purposes of the said act. (Additional urgent deficiency act for fiscal year 1918.)

"Public act 152, authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

"For the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record: *Provided,* That this act shall remain in force during the continuance of the present war and for six months after the termination of the war by the proclama-

tion of the treaty of peace, or at such earlier time as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force: *Provided further*, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

"Public act 181, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes.

"NATIONAL DEFENSE.

"For the national security and defense, and for each and every purpose connected therewith, to be expended at the discretion of the President, \$50,000,000.

"WAR EMERGENCY SERVICES.

"To enable the Secretary of Labor during the present emergency to furnish such information and to render such assistance in the employment of wage earners throughout the United States as may be deemed necessary in the prosecution of the war and to aid in the standardization of all wages paid by the Government of the United States and its agencies, including personal services in the District of Columbia and elsewhere, per diem in lieu of subsistence at not exceeding \$4, traveling expenses, rental of quarters in the District of Columbia and elsewhere, heat and light, telegraph and telephone service, supplies and equipment, and printing and binding, \$5,500,000: *Provided*, That no money now or hereafter appropriated for the payment of wages not fixed by statute shall be available to pay wages in excess of the standard determined upon by the War Labor Policies Board.

"To enable the Secretary of Labor during the present emergency to carry on the work of war-labor administration, including mediation and conciliation in labor disputes, the working conditions of wage earners in the most essential war industries, the acquiring and diffusing of information on subjects connected with labor, the employment of women in industry, and the training and dilution of labor, including personal services and rent in the District of Columbia and in the field, per diem in lieu of subsistence not to exceed \$4, traveling expenses, law books, books of reference, periodicals, newspapers, supplies and equipment, and contingent and miscellaneous expenses, in amounts not exceeding the following: Commissioners of conciliation, \$300,000; working conditions service, \$45,000; information and education service, \$225,000; woman in industry service, \$40,000; investigation and inspection service, \$300,000; personnel service, \$15,000; training and dilution service, \$150,000; Secretary's office, \$110,000; printing and binding for all services, \$150,000; in all, \$1,335,000.

"Public act 193, making appropriations for the support of the Army for the fiscal year ending June 30, 1919.

"CHAPTER XXI.

"Power of the President to increase the drafted Army: That the authority conferred upon the President by the act approved May 18, 1917, entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' is hereby extended so as to authorize him during each fiscal year to raise by draft as provided in said act and acts amendatory thereof the maximum number of men which may be organized, equipped, trained, and used during such year for the prosecution of the present war until the same shall have been brought to a successful conclusion.

"Public act 220, to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply.

"SEC. 10. Upon the proclamation of peace the President shall proceed as rapidly as possible to wind up and terminate all transactions under this act, and to dispose as fast as practicable of all property acquired thereunder, and after said proclamation of peace no contracts shall be made, property acquired, or other transaction performed under this act except such as shall be necessary for the purpose of this section and incidental thereto, and two years after such proclamation of peace this act shall cease to have effect and all powers conferred thereby shall end: *Provided*, That the termination of this act shall not prevent the subsequent collection of any moneys due the United States, nor shall it affect any act done or any right or obligation accrued or accruing, or any suit or proceeding had or commenced before such termination, but all such collections, rights, obligations, suits, and proceedings shall continue as if this act had not terminated, and any offense committed or liability incurred prior thereto shall be prosecuted in the same manner and with the same punishment and effect as if this act had not terminated.

"Public resolution 38, to authorize the President, in time of war, to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war, and to provide just compensation therefor.

"The President during the continuance of the present war is authorized and empowered, whenever he shall deem it necessary for the national security or defense, to supervise or to take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war, which supervision, possession, control, or operation shall not extend beyond the date of the proclamation by the President of the exchange of ratifications of the treaty of peace: *Provided*, That just compensation shall be made for such supervision, possession, control, or operation, to be determined by the President; and if the amount thereof, so determined by the President, is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code: *Provided further*, That nothing in this act shall be construed to amend, repeal, impair, or affect existing laws or powers of the States in relation to taxation or the lawful police regulations of the several States, except wherein such laws, powers, or regulations may affect the transmission of Government communications, or the issue of stocks and bonds by such system or systems."

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Gerry	Lodge	Simmons
Ball	Glass	McCormick	Smith, Ga.
Beckham	Gore	McKellar	Smith, Md.
Borah	Gronna	McLean	Smith, S. C.
Brandegees	Hale	McNary	Smoot
Calder	Harris	Moses	Spencer
Capper	Harrison	New	Stanley
Chamberlain	Henderson	Norris	Sterling
Coit	Hitchcock	Nugent	Sutherland
Comer	Johnson, Calif.	Overman	Swanson
Culberson	Johnson, S. Dak.	Owen	Thomas
Cummins	Jones, N. Mex.	Page	Townsend
Curtis	Jones, Wash.	Phelan	Trammell
Dial	Kellogg	Phipps	Underwood
Dillingham	Kendrick	Pittman	Wadsworth
Edge	Kenyon	Pomerene	Walsh, Mass.
Elkins	Keyes	Ransdell	Walsh, Mont.
Fernald	King	Reed	Warren
Fletcher	Kirby	Robinson	Watson
France	Knox	Sheppard	Wolcott
Frellinghuysen	La Follette	Sherman	
Gay	Lenroot	Shields	

The PRESIDENT pro tempore. Eighty-six Senators have answered to their names. There is a quorum present. The question is on agreeing to the resolution of ratification as amended.

Mr. MCKELLAR. I call for the yeas and nays.

Mr. LODGE. The yeas and nays must be called on a two-thirds vote.

The PRESIDENT pro tempore. The yeas and nays will necessarily be called. The Secretary will call the roll.

The Secretary proceeded to call the roll.

The PRESIDENT pro tempore (when Mr. CUMMINS's name was called). I am paired with the Senator from Washington [Mr. POINDEXTER], who is unavoidably absent. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea."

Mr. GERRY (when his name was called). I am paired with the Senator from Arizona [Mr. SMITH]. If permitted to vote, I would vote "yea." If present, the Senator from Arizona [Mr. SMITH] would vote "nay." That Senator is absent on business of the Senate.

Mr. CURTIS (when Mr. HARDING's name was called). I have been requested to announce that the junior Senator from Ohio [Mr. HARDING], in order to facilitate a vote on this question, agreed to pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent on account of illness. If at liberty to vote, the Senator from Ohio [Mr. HARDING] would vote "yea" and the Senator from Pennsylvania [Mr. PENROSE] would vote "nay."

The Senator from Minnesota [Mr. NELSON] joins with the Senator from Ohio [Mr. HARDING] in pairing with the Senator from Pennsylvania [Mr. PENROSE] on this question. Were the Senator from Minnesota [Mr. NELSON] present, he would vote "yea."

Mr. JONES of New Mexico (when his name was called). I received a telegram to-day from the Senator from Arizona [Mr. SMITH], who is absent on business of the Senate, requesting that I join with the Senator from Rhode Island [Mr. GERRY] in forming a pair with him upon this question. As has already been announced, if the Senator from Arizona [Mr. SMITH] were present, he would vote "nay." If not paired and at liberty to vote, I would vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. Through an understanding reached with that Senator before he left the city I am at liberty to vote on this question. I therefore vote. I vote "yea."

Mr. McNARY (when Mr. McCUMBER's name was called). The senior Senator from North Dakota [Mr. McCUMBER] is absent on account of illness in his family. He is paired with the senior Senator from Colorado [Mr. THOMAS]. If present, the Senator from North Dakota would vote "yea."

Mr. CURTIS (when Mr. NEWBERRY's name was called). The Senator from Michigan [Mr. NEWBERRY] and the Senator from North Dakota [Mr. McCUMBER] have paired on this question with the Senator from New Mexico [Mr. FALL]. If the Senator from Michigan [Mr. NEWBERRY] were present, he would vote "yea," the Senator from North Dakota [Mr. McCUMBER] would vote "yea," and the Senator from New Mexico [Mr. FALL] would vote "nay."

Mr. THOMAS (when his name was called). The announcement made by the Senator from Kansas [Mr. CURTIS] regarding my regular pair with the Senator from North Dakota [Mr. McCUMBER] leaves me at liberty to vote. I therefore vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I am paired with the junior Senator from Washington [Mr. POINDEXTER], which pair I made in order to accommodate him. If he were present, the Senator from Washington [Mr. POINDEXTER] would vote "nay." If at liberty to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], but, in addition to the fact that it would require a double pair upon this particular vote, I am informed that that Senator, if present, would vote as I am about to vote. For these two reasons I feel at liberty to vote. I vote "nay."

The roll call having been concluded, it resulted—yeas 49, nays 35, as follows:

YEAS—49.			
Ashurst	Gore	Myers	Spencer
Ball	Hale	New	Sterling
Beckham	Henderson	Nugent	Sutherland
Calder	Jones, Wash.	Owen	Trammell
Capper	Kellogg	Page	Wadsworth
Chamberlain	Kendrick	Phelan	Walsh, Mass.
Colt	Kenyon	Phipps	Walsh, Mont.
Curtis	Keyes	Pittman	Warren
Dillingham	King	Pomerene	Watson
Edge	Lenroot	Ransdell	Wolcott
Elkins	Lodge	Smith, Ga.	
Fletcher	McLean	Smith, Md.	
Prelinghuysen	McNary	Smoot	
NAYS—35.			
Borah	Gronna	McCormick	Shields
Brandegee	Harris	McKellar	Simmons
Comer	Harrison	Moses	Smith, S. C.
Culberson	Hitchcock	Norris	Stanley
Dial	Johnson, Calif.	Overman	Swanson
Fernald	Johnson, S. Dak.	Reed	Thomas
France	Kirby	Robinson	Underwood
Gay	Knox	Sheppard	Williams
Glass	La Follette	Sherman	
NOT VOTING—12.			
Cummins	Harding	Nelson	Poindexter
Fall	Jones, N. Mex.	Newberry	Smith, Ariz.
Gerry	McCumber	Penrose	Townsend

The PRESIDENT pro tempore. Upon agreeing to the resolution of ratification the yeas are 49 and the nays are 35. Not having received the affirmative votes of two-thirds of the Senators present and voting, the resolution is not agreed to, and the Senate does not advise and consent to the ratification of the treaty of peace with Germany.

The resolution of ratification voted upon and rejected is as follows:

Resolution of ratification.

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers:*

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States proportionate share of the expense of the office force and salary of the secretary general.

10. No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. Until Part I, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

Mr. LODGE. Mr. President, I send to the desk a resolution, which I ask may be read.

The PRESIDENT pro tempore. The resolution will be read. The resolution was read, as follows:

*Resolved*, That the Secretary of the Senate be instructed to return to the President the treaty of peace with Germany, signed at Versailles on the 28th day of June, 1919, and respectfully inform the President that the Senate has failed to ratify said treaty, being unable to obtain the constitutional majority therefor.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. Mr. President, I desire to inquire whether this is a debatable matter?

The PRESIDENT pro tempore. The Chair is of the opinion that the question is debatable.

Mr. HITCHCOCK. I hope the consideration of the resolution may be deferred for a little more mature consideration. So long as the treaty remains in the Senate there is a possibility of action upon it. When we send it to the White House that possibility is probably at an end. Under those circumstances why not take a day or two in which to consider the matter? Why so precipitately act upon it at this time?

It seems to me that the sincere friends of ratification of a real treaty, those who sincerely desire to make the last effort to bring together the presidential mind and the mind of the Senate, ought to be willing to defer action upon the matter at this time.

Mr. LODGE. Mr. President, I have offered this resolution, which has been the customary resolution in most cases where a treaty has been rejected by the Senate, because it seemed to me that after a year devoted to the discussion of the treaty and after the Senate had twice refused by more than a one-third vote to advise and consent to its ratification, the time had come to end it. The hope that we can again take the treaty up and discuss it in the present Senate is a vain one, and we have no right to bring it again before the Senate and interfere with all the public business of the country for another two months. Personally I have gone as far as I think I am justified in going in the effort to get the treaty ratified. I think, in justice to the country and the business of the country and our public duty, we should officially inform the President of the action of the Senate.

In the first instance I did not present the resolution but withheld it, but I think to keep it here a day or two longer, drag it on and precipitate further debate, would be simply a failure to perform our duty.

Mr. HITCHCOCK. Mr. President, it is possible that the motion as made by the Senator from Massachusetts may be adopted with practical unanimity. What I am asking now is that it may be deferred until to-morrow. It is not important to take the action to-night.

SEVERAL SENATORS. Vote!

Mr. WILLIAMS. Mr. President, the President of the United States, having performed his constitutional duty, having negotiated the treaty and having sent it to the Senate, and the Senate having performed its constitutional duty, having considered the treaty and having rejected it, ordinary courtesy and comity between one branch of the Government and another demand upon this occasion, as was demanded upon the former occasion when the treaty was rejected, but when we did not pursue the ordinary course of courtesy and comity, that the President should be advised of the result of the action of this body, being the other body designated by the Constitution to deal with treaty matters. I therefore hope that the motion of the Senator from Massachusetts will carry. I do not see how else we can be courteous to a coordinate branch of the Government charged with an equal duty.

Mr. LODGE. Mr. President, I wish to modify the resolution so that it shall read "has failed to advise and consent to the ratification of the treaty" instead of saying "has failed to ratify."

The PRESIDENT pro tempore. The resolution will be modified accordingly.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state it.

Mr. HITCHCOCK. The rules of the Senate provide that a Senate resolution shall lie over one day on objection. Does that apply to this resolution?

The PRESIDENT pro tempore. The Chair is of the opinion—

Mr. LODGE. Mr. President, if I may be permitted to interrupt, I have looked at all the cases of the ratification of treaties and in every instance where such a resolution was passed—and I think they have been passed in all but one or two cases—it was passed immediately after the vote and as a part of the proceedings.

Mr. HITCHCOCK. Mr. President, I dare say that might be done unanimously, but in case of an objection it seems to me that Rule XIV of the Senate applies.

The PRESIDENT pro tempore. The Chair is of the opinion, unless otherwise informed by some precedent, that the resolution offered by the Senator from Massachusetts is so connected with the German treaty and its disposition by the Senate that it is in order at this time.

Mr. LODGE. It is part of the *res gestae*.

Mr. HITCHCOCK. I ask that the resolution may be stated.

The PRESIDENT pro tempore. The Secretary will again state the resolution.

The Assistant Secretary read as follows:

*Resolved*, That the Secretary of the Senate be instructed to return to the President the treaty of peace with Germany signed at Versailles on the 28th day of June, 1919, and respectfully inform the President that the Senate has failed to advise and consent to the ratification of the said treaty, being unable to obtain the constitutional majority therefor.

Mr. HITCHCOCK. Mr. President, I cite the Chair to the last paragraph of Rule XIV, which reads as follows:

All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

I object to the consideration of this resolution.

The PRESIDENT pro tempore. The Chair is of the opinion that the resolution is in order.

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

The yeas and nays were ordered.

Mr. LENROOT. Mr. President, I wish to say just one word.

I shall support this motion, because it is very evident that this treaty can not be ratified with these reservations until such time as the President of the United States gives his consent to Senators upon the other side that they may vote so to ratify. That being true, and the President having the authority to resubmit the treaty at any time, it had better be sent there, and when the President is willing to have his followers vote to ratify it he can resubmit it to the Senate.

The PRESIDENT pro tempore. The question is on the resolution of the Senator from Massachusetts. The Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. KENDRICK (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. As he is absent, I withhold my vote.

Mr. WILLIAMS (when his name was called). I understand that my pair, the senior Senator from Pennsylvania [Mr. PENROSE], if present would vote "yea" on this question. Conceiving myself under the circumstances to be at liberty to vote, I vote "yea."

The roll call was concluded.

Mr. OVERMAN. I have been requested to announce that the Senator from Colorado [Mr. THOMAS] is unavoidably absent, and is paired with the Senator from North Dakota [Mr. McCUMBER].

Mr. GLASS (after having voted in the negative). I rise to inquire if the Senator from Illinois [Mr. SHERMAN] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. GLASS. I have a general pair with the Senator from Illinois, and therefore withdraw my vote.

The result was announced—yeas 47, nays 37, as follows:

YEAS—47.

Ball	France	La Follette	Shields
Borah	Prellinghuysen	Lenroot	Smoot
Brandegee	Gore	Lodge	Spencer
Calder	Gronna	McCormick	Sterling
Capper	Hale	McLean	Sutherland
Colt	Johnson, Calif.	McNary	Townsend
Cummins	Jones, Wash.	Moses	Wadsworth
Curtis	Kellogg	New	Walsh, Mass.
Dillingham	Kenyon	Norris	Warren
Edge	Keyes	Page	Watson
Elkins	Kirby	Phipps	Williams
Fernald	Knox	Reed	

NAYS—37.

Ashurst	Harrison	Overman	Smith, Md.
Beckham	Henderson	Owen	Smith, S. C.
Chamberlain	Hitchcock	Phelan	Stanley
Comer	Johnson, S. Dak.	Pittman	Swanson
Culberson	Jones, N. Mex.	Pomerene	Trammell
Dial	Kendrick	Ransdell	Walsh, Mont.
Fletcher	King	Robinson	Wolcott
Gay	McKellar	Sheppard	
Gerry	Myers	Simmons	
Harris	Nugent	Smith, Ga.	

NOT VOTING—12.

Fall	McCumber	Penrose	Smith, Ariz.
Glass	Nelson	Poindexter	Thomas
Harding	Newberry	Sherman	Underwood

So Mr. LODGE's resolution was agreed to.

Mr. ROBINSON. Mr. President, I move to reconsider the vote by which the Senate refused to agree to the resolution

advising and consenting to the ratification of the treaty of peace with Germany.

Mr. WATSON. I move to lay that motion on the table.

Mr. ASHURST. Mr. President, will the Senator from Indiana withhold his motion until I can speak, say, two minutes?

The PRESIDENT pro tempore. The motion is not debatable.

Mr. ROBINSON. I call for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. KENDRICK (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent and I withhold my vote.

The roll call was concluded.

Mr. GLASS (after having voted in the negative). I have a general pair with the Senator from Illinois [Mr. SHERMAN], and I note that he did not vote. I therefore withdraw my vote.

Mr. FLETCHER (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. BALL], who is not present. I transfer my pair to the senior Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. MYERS (after having voted in the negative). I inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], and I am not able to obtain a transfer. Therefore I withdraw my vote.

The result was announced—yeas 34, nays 43, as follows:

YEAS—34.

Borah	France	McCormick	Spencer
Brandegee	Frelinghuysen	Moses	Sterling
Calder	Gronna	New	Sutherland
Capper	Johnson, Calif.	Norris	Wadsworth
Colt	Jones, Wash.	Page	Walsh, Mass.
Cummins	Kenyon	Phipps	Warren
Curtis	Knox	Reed	Watson
Dillingham	La Follette	Shields	
Elkins	Lodge	Smoot	
Fernald			

NAYS—43.

Ashurst	Harris	Lenroot	Sheppard
Beckham	Harrison	McKellar	Simmons
Chamberlain	Henderson	McNary	Smith, Ga.
Colt	Hitchcock	Nugent	Smith, Md.
Comer	Johnson, S. Dak.	Overman	Smith, S. C.
Dial	Jones, N. Mex.	Owen	Stanley
Edge	Kellogg	Phelan	Swanson
Fletcher	Kendrick	Pittman	Trammell
Gay	Keyes	Pomerene	Walsh, Mont.
Gerry	King	Robinson	Wolcott
Hale	Kirby		

NOT VOTING—19.

Ball	Harding	Newberry	Thomas
Culberson	McCumber	Penrose	Townsend
Fall	McLean	Poindexter	Underwood
Glass	Myers	Sherman	Williams
Gore	Nelson	Smith, Ariz.	

So the Senate refused to lay on the table Mr. ROBINSON'S motion to reconsider.

Mr. ROBINSON. I move that the Senate adjourn.

Mr. BRANDEGEE. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], which I transfer to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. GERRY (when Mr. UNDERWOOD'S name was called). The Senator from Alabama [Mr. UNDERWOOD] is necessarily absent from the Senate. He is paired with the Senator from Ohio [Mr. HARDING].

The roll call was concluded.

Mr. GLASS. I desire to inquire whether the Senator from Illinois [Mr. SHERMAN] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. GLASS. I withhold my vote, being paired with that Senator.

Mr. OVERMAN. I again announce that the Senator from Colorado [Mr. THOMAS] is paired with the Senator from North Dakota [Mr. MCCUMBER].

The result was announced—yeas 35, nays 42, as follows:

YEAS—35.

Ashurst	Harrison	Nugent	Smith, Ga.
Beckham	Henderson	Overman	Smith, Md.
Chamberlain	Hitchcock	Owen	Smith, S. C.
Comer	Johnson, S. Dak.	Phelan	Stanley
Dial	Jones, N. Mex.	Pittman	Swanson
Fletcher	Kendrick	Pomerene	Trammell
Gay	King	Robinson	Walsh, Mont.
Gerry	Kirby	Sheppard	Wolcott
Harris	McKellar	Simmons	

NAYS—42.

Borah	France	La Follette	Shields
Brandegee	Frelinghuysen	Lenroot	Smoot
Calder	Gore	Lodge	Spencer
Capper	Gronna	McCormick	Sterling
Colt	Hale	McNary	Sutherland
Cummins	Johnson, Calif.	Moses	Wadsworth
Curtis	Jones, Wash.	New	Walsh, Mass.
Dillingham	Kellogg	Norris	Warren
Edge	Kenyon	Page	Watson
Elkins	Keyes	Phipps	
Fernald	Knox	Reed	

NOT VOTING—19.

Ball	McCumber	Penrose	Thomas
Culberson	McLean	Poindexter	Townsend
Fall	Myers	Ransdell	Underwood
Glass	Nelson	Sherman	Williams
Harding	Newberry	Smith, Ariz.	

So the Senate refused to adjourn.

Mr. BRANDEGEE. Mr. President, I rise to a question of order. I make a point of order on the motion of the Senator from Arkansas [Mr. ROBINSON] that the Senate having returned the treaty to the President, a motion to reconsider the action by which it was rejected is not in order, under the precedents of the Senate.

Mr. ROBINSON. Mr. President, plainly, under the law of the Senate and parliamentary usage, the motion to reconsider which I made, namely, a motion to reconsider the vote by which the Senate refused to agree to the resolution of ratification, is in order, and was in order at the time it was made. Under the precedents, the effect of this motion will be to abate action on the resolution that has been agreed to, directing the Secretary of the Senate to notify the President that the resolution of ratification was rejected, until after the motion to reconsider has been disposed of. I have not the precedents at hand, but I recall from memory that that has been the practice of the Senate. A motion to reconsider within the time fixed by the rules of the Senate can not be precluded by the resolution adopted at the instance of the Senator from Massachusetts [Mr. LODGE] so long as the treaty itself is actually in the custody of the Senate, which is the fact in this case.

Two days are given by the rule in which to make a motion to reconsider, and while the treaty is yet in the actual possession of the Senate it is not necessary to request the President to return the treaty. A motion to reconsider is plainly in order.

Mr. WALSH of Montana. Mr. President, I should like to present for the consideration of the Chair the second subdivision or clause of Rule XIII dealing with the subject of reconsideration. Of course, the final vote having been taken in the Senate upon a bill, it goes out of the possession of the Senate automatically and goes to the House; but that does not by any means prevent a motion to reconsider. That is taken care of by subdivision 2 of Rule XIII, namely:

When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same, which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

So by a like course of reasoning, even if the resolution had been acted upon and the treaty had actually gone out of the possession of the Senate, a motion to reconsider could still be made, and by parity of reasoning it might be accompanied by a motion to return the treaty to the Senate. Obviously, the fact that the papers have gone out of the possession of the Senate does not cut off the right to reconsider within the two days' limit fixed by the rule, nor can the right to reconsider thus accorded by the rule be cut off by a resolution which passes the papers beyond the control of the Senate.

Mr. BRANDEGEE. Mr. President, it seems to me that the present situation is not at all analogous to that which arises when action is had upon a bill. The bill is still here, and a motion to consider, then, under the rule can be made within two days. In the present situation we have acted upon a treaty, and having rejected the treaty the Senate has voted to notify the President that the treaty has been rejected, and the matter is no longer before the Senate. The President is notified, as the Senator from Mississippi [Mr. WILLIAMS] has stated, that the Senate has performed its constitutional duty in the premises.

The treaty is constructively out of the possession of the Senate, of course. To move to reconsider something that is not here at all, and even the resolution to agree to which has been defeated, when the Senate has notified the President of that fact, in my opinion is clearly out of order, and I make the point of order against it.

Mr. WILLIAMS. Mr. President, the Senator has quoted me, which permits me, I suppose, to interrupt him. I am of the opinion that when the President has performed his constitu-

tional function and the Senate has performed its constitutional function, that ends the thing, and the treaty must go back to the President as a matter of comity and ordinary politeness; but when the matter is still subject to a motion to reconsider, if it is subject to that motion—I have not yet heard the ruling of the Chair—then, of course, the Senate has not fully performed its constitutional function until the motion to reconsider has been voted upon.

Mr. BRANDEGEE. The Senator has stated right over again what I thought I had stated. Of course, it is subject to reconsideration if it is subject to reconsideration. The question is, Is it? I claim that it is not, because it is not here. The Senate has performed its constitutional duty in the premises and has rejected the treaty, and has so notified the President. It has done all that it can. Under those circumstances the rule which would be applicable to an ordinary bill within two days after it was acted upon does not apply, in my opinion.

Mr. WILLIAMS. The Senator says the treaty is not here. The mere fact that the Senate has passed a resolution to send the treaty back to the President has not deprived the Senate of the possession of the treaty, because the possession by the Senate of the treaty depends upon the motion to reconsider. As an absolute bodily fact, the Senate is still in the possession of the treaty until the motion to reconsider has been disposed of.

I do not see any particular sense or use in much of this, but we must pursue the ordinary course of conduct as a parliamentary body. Every parliamentary body has a right to reconsider a resolution which it has previously made, and the motion to reconsider has of a right itself to be considered and to be decided upon by the Senate. Until the Senate does decide not to reconsider and until the treaty has been bodily conveyed to the White House, it is still here, subject to the action of the Senate. Although I will have no vote upon the proposition, because I am paired with the senior Senator from Pennsylvania [Mr. PENROSE], and while this, I imagine, is perhaps not a part of the resolution of ratification, it seems to me that ordinary fairness and ordinary courtesy suggest that the Senate shall vote upon the motion to reconsider before it deprives itself of the possession of the document.

Mr. ROBINSON. Mr. President, further with respect to the point of order, I point out that the right to move a reconsideration is not confined to the ordinary legislative work of the Senate, but embraces any question decided by the Senate. The language of the rule governing the subject is as broad as it can well be. The language is as follows:

When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration.

It is undoubtedly true that this language embraces a vote on a resolution of ratification. The phrase, "when a question has been decided by the Senate," involves every subject matter upon which the Senate may pass by a vote of its Members. There is no exception stated and no exception is implied.

Clearly, then, the motion to reconsider the vote by which the resolution advising and consenting to the ratification of the treaty of peace with Germany was not agreed to is in order at any time within two days of actual session after the vote was taken.

Mr. CURTIS. May I interrupt the Senator?

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

Mr. CURTIS. I might state that that question was raised in reference to confirmation when by vote of the Senate it was decided that if the papers were out of the hands of the Senate the motion was out of order, even though made within two days. It seems to me the real question in this case is whether or not the motion to notify the President took the papers out of the hands of the Senate.

Mr. ROBINSON. Now, the Senator by his statement has anticipated the exact point that I was coming to. The second clause of the rule is:

When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same.

While that rule does not apply expressly to treaties and to such a resolution as the Senate adopted upon the motion of the Senator from Massachusetts [Mr. LODGE], by clear implication, since the motion to reconsider applies to the vote on the resolution of ratification and may be made at any time within two days, it should be accompanied with a request to the President to return the papers if the papers have actually gone out of the Senate. But that is not the case here. While the resolution instructing the Secretary of the Senate to return the papers to the President has passed the Senate, the papers are still within the

actual possession of the Senate and it is not necessary to accompany my motion for reconsideration with the request that the papers shall be returned by the President.

I will state that if the Chair should take the view of the matter that notwithstanding the fact that the treaty is lying there on the desk and is still in the actual possession of the Senate, it is constructively at the White House, I will accompany my motion for a reconsideration with a request that the President return it to the Senate, where it is now in fact.

The PRESIDENT pro tempore. Does the Senator make that motion?

Mr. ROBINSON. No; I do not care to make that motion unless the Chair holds that the motion which I have already made is not in order, in which case I will ask the privilege to present the other motion. I think the motion I have made is clearly in order for the reasons already stated.

The PRESIDENT pro tempore. The Chair recognizes that the question is one upon which there may be fair differences of opinion, and any ruling that he makes he will assume that it is simply a prelude to the determination of the matter in another way.

If the relation between the President of the United States and the Senate were the same as the relation between the Senate and the House of Representatives, so that the rule cited by the Senator from Arkansas [Mr. ROBINSON] applies to the case in hand, the Chair would have no doubt whatever. But the Chair feels that the relation between the Senate and the President is not the same as the relation between the House and the Senate.

If the German treaty had passed physically out of the possession of the Senate and was in the hands of the President, under the resolution which has been adopted by the Senate, the Chair would feel no doubt whatever that it would be beyond the power of the Senate to recall the German treaty from the President. It would be entirely within the discretion of the President as to whether he would put the Senate again in possession of the treaty.

The Chair is therefore inclined to believe that the rule which has been cited by the Senator from Arkansas does not apply, and while the Chair renders the decision with some doubt in his own mind, the Chair is inclined to hold that the motion is not in order and therefore sustains the point of order made by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. LODGE. Mr. President, I think all this controversy has arisen from the desire of some Senators to have a second vote on the question of ratifying the treaty. If that is what is desired by any Senators here, I shall make no objection to a motion to reconsider, if it can be understood that we may take the vote without debate. I should like, if possible, to finish this business to-night. There are many Senators to whom it is the utmost inconvenience to remain here and who have remained at great personal inconvenience. There has been a decisive vote on the main question; but I am perfectly willing to have it repeated; and I ask unanimous consent that the vote be reconsidered and that another vote be taken without further debate upon the ratification of the treaty.

Mr. BRANDEGEE. It seems to be necessary to take several votes on this matter every time it comes up. I have no objection whatever, if Senators who have gone home, thinking that having rejected the treaty again it was really rejected, may be covered, but my colleague [Mr. McLEAN] has gone home, and, although he did not vote on the same side of the question that I did, I think he ought to be entitled to his pair, as should any other Senators who have left the Chamber. If the pair clerks say that all Senators who were here and voted who do not respond upon the roll call will be covered, I have no objection whatever to taking the vote over again.

Mr. HITCHCOCK. Mr. President, I do not see that there is anything to be gained by voting again immediately on what we have just voted on. My idea was that by having a motion to reconsider pending we might have a day or two to cool off in, and there might possibly be some adjustment.

Mr. McCORMICK. Senators on the other side must be getting pretty cool.

Mr. LODGE. I think after a year of debate we might at least ask for an end of the controversy. I think the country is entitled to it; I think the Senate is entitled to it; and I think the President is entitled to it. To keep the treaty here to fool with it for a day or two more would seem to me to be futile.

Mr. BORAH. Mr. President, of course I have no objection to voting just as long as the Secretary can call the roll; but I want to know before this proposal goes any further whether or not Senators are here. Senators have gotten up and left the Chamber; two of them, I understand, have left the city; and I, of course, do not propose to have a vote under those circum-

stances, if I have to stay here on the floor all night. I suggest the absence of a quorum.

Mr. HITCHCOCK. I do not think the Senator need do that. The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. BORAH. I withdraw my suggestion for just a moment. The PRESIDENT pro tempore. The Senator from Idaho withdraws his suggestion of the absence of a quorum.

Mr. HITCHCOCK. I suggest that the Senator from Idaho withdraw that time-killing motion, as I understand the Chair has ruled out of order the motion to reconsider.

Mr. LODGE. Yes.

Mr. HITCHCOCK. That settles that.

The PRESIDENT pro tempore. The Chair sustained the point of order made by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. HITCHCOCK. Then there is nothing before the Senate.

Mr. NORRIS. There is a request for unanimous consent before the Senate.

Mr. FLETCHER. Mr. President—

The PRESIDENT pro tempore. The Senator from Florida.

Mr. FLETCHER. I was wondering if we could not by unanimous consent arrive at a situation like this: That the motion to reconsider be allowed to be pending and that we agree to take a vote on the motion to reconsider to-morrow at 12 o'clock without debate?

Mr. McCORMICK. No, sir.

Mr. LODGE. I made an offer; I want the matter settled and settled to-night. I should like to have a vote. If Senators want to discuss it during the night, all right, but I think some of us are entitled to ask for a decision.

Mr. BORAH. I am perfectly willing to have a decision, but I am not willing to have it in the absence of Senators who have gone away on the supposition that there had been a decision reached.

Mr. LODGE. I agree to that.

Mr. NORRIS. Mr. President, pending the request of the Senator from Massachusetts for unanimous consent, I suggest the absence of a quorum, in order to ascertain whether Senators are present.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Glass	La Follette	Shields
Beckham	Gore	Lenroot	Simmons
Borah	Gronna	Lodge	Smith, Ga.
Brandeggee	Hale	McCormick	Smith, Md.
Calder	Harris	McKellar	Smith, S. C.
Capper	Harrison	McNary	Smoot
Chamberlain	Henderson	Moses	Spencer
Colt	Hitchcock	Myers	Stanley
Comer	Johnson, Calif.	New	Sterling
Cummins	Johnson, S. Dak.	Norris	Sutherland
Curtis	Jones, N. Mex.	Nugent	Swanson
Dial	Jones, Wash.	Page	Trammell
Dillingham	Kellogg	Phelan	Wadsworth
Elkins	Kendrick	Phipps	Walsh, Mass.
Fernald	Kenyon	Pittman	Walsh, Mont.
Fletcher	Keyes	Pomerene	Watson
France	King	Reed	Williams
Gay	Kirby	Robinson	Wolcott
Gerry	Knox	Sheppard	

The PRESIDENT pro tempore. Seventy-four Senators have answered to their names. There is a quorum present.

Mr. LODGE and Mr. ROBINSON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas.

Mr. ROBINSON. I move that the President of the United States be requested to return to the Senate the treaty of peace with Germany and that the Senate reconsider the vote by which it refused to advise and consent to the ratification of said treaty.

Mr. President, I announced when the motion to reconsider was under debate that if it were held that notwithstanding the fact that the treaty is actually in the Senate, it has constructively passed out of the possession of the Senate, I would accompany the motion to reconsider with a request that the President return the papers. While I have not the precedents before me, I am so morally certain that there is no precedent to the contrary that I assert that if the papers are in the actual possession of the Senate it is not necessary to accompany the motion to reconsider with a request for their return; but since it has been held that the papers, while actually in the possession of the Senate, are at the White House, I modify my motion, and request that the President be requested to return the treaty.

There are in the precedents many cases where this course has been pursued. There is not a single case where the Senate or any presiding officer of the Senate has held that a motion to reconsider it not in order, or, if the papers have actually gone

to the White House, that a motion to reconsider accompanied by a request for their return is not in order.

I know that the present occupant of the Chair does not desire to disregard the rules of the Senate; I know that he does not intend to ignore the precedents of the Senate—

Mr. LODGE. I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his point of order.

Mr. LODGE. If we are to observe the precedents of the Senate, I suggest that the motion of the Senator from Arkansas to reconsider the vote by which the Secretary was directed to send the papers to the President is not in order, because the Senator from Arkansas did not vote on the prevailing side.

Mr. ROBINSON. I have made no such motion as that to which the Senator refers.

Mr. LODGE. Then I misunderstood the Senator.

Mr. ROBINSON. I have again moved to reconsider the vote by which the Senate refused to agree to the resolution advising and consenting to the ratification of the treaty of peace with Germany, and I have accompanied the motion for such reconsideration—

Mr. LODGE. Precisely—

Mr. ROBINSON. With a request that the President return to the Senate the treaty of peace. I have not made a motion to reconsider the vote by which the resolution offered by the Senator from Massachusetts was agreed to.

Mr. CURTIS. I make a point of order against the motion as presented by the Senator from Arkansas. A similar question arose in the case of the nomination of the Comptroller of the Currency. The Senate on the 12th day of April rejected the nomination and so notified the President. On the 14th day of April in the Senate it was moved to reconsider, but the Senate, by a unanimous vote, sustained the point of order that after the President had been notified the motion to reconsider came too late. As the Chair has well said, this is not a case like that of a bill passing this body and going to the House of Representatives.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a moment?

Mr. CURTIS. Certainly.

Mr. ROBINSON. I withdraw the motion to reconsider.

Mr. LODGE. Mr. President, I understand that the motion to reconsider is withdrawn. I ask unanimous consent to take another vote, if it is so desired, on the ratification resolution of the treaty, provided that all votes are covered, of course.

The PRESIDENT pro tempore. Is there objection?

Mr. CURTIS. Mr. President, on the question of pairs, the Senator from Illinois [Mr. SHERMAN] is absent, so I am advised; the Senator from Delaware [Mr. BALL] is absent; and the Senator from Connecticut [Mr. McLEAN].

Mr. LODGE. The Senator from Delaware is on the train on his way to Wilmington.

Mr. CURTIS. So with those absentees there would be two for the measure and one against it, and that could be taken care of. The Senator from Colorado [Mr. THOMAS] is absent, as I understand. The President pro tempore, if he desires, could transfer his pair, and that would take care of the Senator from Colorado. I do not know whether there are any other absentees or not. Those are all that I have notice of.

Mr. HITCHCOCK. Mr. President, under the circumstances I think I shall object to unanimous consent to taking any vote to-night. If it can not be allowed to be pending, I shall object to voting to-night.

Mr. LODGE. Mr. President, I understand that the motion to reconsider was withdrawn.

The PRESIDENT pro tempore. The Chair so understands.

Mr. LODGE. Then I move that the Senate, as in legislative session—

Mr. KNOX. Mr. President—

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

#### WAR WITH GERMANY.

Mr. KNOX. I move that the Senate proceed to the consideration of Senate joint resolution 139, repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany.

Mr. ROBINSON. Mr. President, I move that the Senate adjourn.

Mr. LODGE. Mr. President, I trust that while a request is being made, and I held the floor at the time and yielded to the Senator from Pennsylvania, the floor will not be taken away from me while I am holding it. It has been refused to me. I should like to hold it while I have it.

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor.

Mr. LODGE. I have the floor. The Senator from Pennsylvania—

Mr. ROBINSON. Mr. President, a point of order. The Senator from Massachusetts yielded the floor to the Senator from Pennsylvania, who made a motion.

Mr. LODGE. I did not. I yielded to the Senator simply to make a motion, which is constantly done. I did not yield the floor.

Mr. ROBINSON. The Senator knows well that he can not take recognition and parcel it out to other Senators.

Mr. LODGE. I am perfectly aware of that, and I am not parceling it out; but I know I can yield the floor long enough to allow a Senator to make a motion or introduce a bill and not lose possession of it.

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor. He has yielded to the Senator from Pennsylvania for the purpose of making a motion, which is that the Senate proceed to the consideration of Senate joint resolution 139.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wisconsin will state it.

Mr. LENROOT. That motion is debatable, I take it?

The PRESIDENT pro tempore. The motion is debatable.

Mr. LENROOT. Mr. President, I wish to say with reference to this motion that I think the Senate should proceed in the very near future to take up the subject which is covered by the Senator's joint resolution. I do not think the Senate ought to vote to take it up to-night, however, and therefore I shall vote against it.

Mr. SWANSON. Mr. President, did I understand the Chair to rule that the Senator from Massachusetts still has the floor, while the Senate is voting on this motion?

Mr. LODGE. I ask to be recognized now.

Mr. ROBINSON. Mr. President—

Mr. SWANSON. We are about to take a vote. Do I understand that the Senator from Massachusetts holds the floor while the Senate is taking a vote?

Mr. LODGE. I am asking to be recognized. I believe I have a right to do that.

The PRESIDENT pro tempore. The Senator from Massachusetts asks for present recognition, and the Chair recognizes him. The Senator from Massachusetts.

#### ADJOURNMENT TO MONDAY.

Mr. LODGE. I move that the Senate adjourn until Monday next at 12 o'clock.

The motion was agreed to, and (at 7 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, March 22, 1920, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

FRIDAY, March 19, 1920.

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WALSH).

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

Father of our fondest hopes, our purest aspirations, our highest ideals, be with us yet to guide us as individuals and as a people to higher attainments. Theories are fine, but practice is finer. The goal of the Christian religion is brotherly love. Give us the courage, fortitude, and grace to put it into practice in our daily intercourse with our fellow men until we all come unto the measure of the stature of the fullness of Christ. Amen.

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

#### CLERKS TO COMMITTEES.

Mr. IRELAND. Mr. Speaker, by direction of the Committee on Accounts, I present a privileged resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 413.

*Resolved*, That the Committee on Expenditures in the Department of Commerce be, and is hereby, allowed a clerk at a salary at the rate of \$1,500 per annum, from December 1, 1919, to be paid out of the contingent fund of the House until otherwise authorized by law.

With the following committee amendment:

Strike out all after the word "*Resolved*" and insert the following: "That there shall be paid out of the contingent fund of the House of Representatives compensation at the rate of \$150 per month during the second session of the Sixty-sixth Congress for the services of one clerk to each of the following committees: Committee on Expenditures in the Department of Commerce, Committee on Expenditures in the Department of Agriculture, Committee on Expenditures in the Treasury Department, and Committee on Railways and Canals, said compensation to commence from the time such clerk entered upon the discharge of his duties, such time to be ascertained and evidenced by a certificate signed by the chairman of the said committee."

Mr. IRELAND. Mr. Speaker and gentlemen of the House, the Committee on Accounts, if my memory serves me correctly, has granted but six additional clerks to committees this session. It has been customary in the past to grant 13 to 17. I have the record of the appointment of clerks to the several committees named in this resolution, numbering four, and if it is desirable I can give them. If any Member desires to propound any of the time-honored interrogatories concerning these clerks, I will yield to the chairmen of the several committees involved and they can defend their own resolutions.

Mr. BLANTON. Mr. Speaker, I desire to ask the gentleman a question: Did these several committees have clerks during the Sixty-fifth Congress?

Mr. IRELAND. Yes, all; except during the third session.

Mr. BLANTON. What particular emergency at this time, when the distinguished gentleman from Wyoming is so arranging affairs, despite the contrary report in the Washington newspapers, for us to get away by June 5, has arisen that would necessitate the appointment of these clerks?

Mr. IRELAND. I can not go over all the testimony before the committee which the chairmen of the several committees offered, but they all assured the Committee on Accounts that they were in dire need of the services of these clerks.

Mr. BLANTON. I happened to be a member of the Committee on Railways and Canals during the Sixty-fifth Congress, and that committee had about four meetings of sufficient importance to be designated "meetings," principally on one measure. Nothing was ever done with the bill. I presume there would not be much more work in that committee during the remainder of the session than there was during the Sixty-fifth Congress. Is there any special necessity for a clerk for the Committee on Railways and Canals?

Mr. IRELAND. I think the chairman of the committee is here, and he can answer.

Mr. BLANTON. That is one of the fictitious committees, as you might say, in the House from which all, or nearly all, of its jurisdiction has been taken away and given to other committees. I think we ought to do away with the committee entirely.

Mr. IRELAND. I can heartily agree with the gentleman that perhaps half the clerks appointed to these committees serve no good purpose.

Mr. BLANTON. Then, why do we keep appointing them? Is it because we can not turn down the claims and demands of the chairmen of these small committees? It is inconsistent with the line of procedure reported to have been adopted by the great steering committee and the distinguished gentleman from Wyoming trying to economize during the session.

Mr. IRELAND. I hope the gentleman will not confuse the important Committee on Accounts with the steering committee.

Mr. BLANTON. Well, I suppose they are working in conjunction with each other.

Mr. IRELAND. Mr. Speaker, I move the adoption of the resolution.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. CLARK of Missouri. I am not going to ask the time-honored question, but I am going to ask a new one. This resolution provides that these people begin to draw their pay from the time they begin to discharge their duties?

Mr. IRELAND. Yes.

Mr. CLARK of Missouri. When do they begin?

Mr. IRELAND. I am unable to give the date as to each committee, but it has to be certified to by the chairman of the committee. I know that some of the clerks have been employed and have been going on with the work prior to the reporting of this resolution.

Mr. CLARK of Missouri. Did they ever begin service?

Mr. IRELAND. I have not been around to watch them, but I am told so by the chairman of the committee.

Mr. CLARK of Missouri. When I was Speaker I undertook to resurrect this Committee on Railways and Canals, so that they would have some work to do. There are many bills that might be assigned to it. I sent for the chairman of the com-