

By Mr. TILSON: A bill (H. R. 8724) granting a pension to Alonzo Derrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8725) for the relief of Robert E. A. Landauer; to the Committee on Military Affairs.

PETITIONS, ETC.

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

2747. By Mr. FULLER: Petition of sundry citizens of Sheridan, Ill., opposing the passage of the Sunday observance bill (H. R. 4388); to the Committee on the District of Columbia.

2748. By Mr. HAYS: Petition of L. C. Taylor and 48 other citizens of Howell County, Mo., protesting against the passage of House bill 4388; to the Committee on the District of Columbia.

SENATE.

MONDAY, October 17, 1921.

(Legislative day of Friday, October 14, 1921.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. LODGE. Mr. President, I make the point of no quorum. The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	France	McCumber	Simmons
Ball	Frelinghuysen	McKellar	Smoot
Borah	Gerry	McKinley	Spencer
Brandeggee	Hale	McLean	Stanley
Broussard	Harreld	McNary	Sterling
Bursum	Harris	Moses	Sutherland
Calder	Harrison	Nelson	Swanson
Cameron	Heflin	Newberry	Townsend
Capper	Hitchcock	Nicholson	Trammell
Colt	Johnson	Norbeck	Underwood
Culberson	Jones, N. Mex.	Oddie	Walsh, Mass.
Cummins	Kellogg	Overman	Walsh, Mont.
Curtis	Kendrick	Page	Warren
Dial	Kenyon	Pittman	Watson, Ga.
Dillingham	Keyes	Poindexter	Watson, Ind.
du Pont	La Follette	Pomerene	Willis
Elkins	Lenroot	Ransdell	
Ernst	Lodge	Reed	
Fernald	McCormick	Sheppard	

Mr. CURTIS. I wish to announce that the Senator from Maryland [Mr. WELLER], the Senator from California [Mr. SHORTRIDGE], the Senator from Virginia [Mr. GLASS], and the Senator from Florida [Mr. FLETCHER] are absent in attendance at a meeting of a subcommittee of the Committee on Banking and Currency.

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhues, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 123) authorizing the Secretary of War to expend from the appropriation "Disposition of remains of officers, soldiers, and civilian employees, 1922" (act of Mar. 4, 1921, Public No. 389, 66th Cong.), such sum as may be necessary to carry out the provisions of public resolution No. 67, Sixty-sixth Congress, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2359) providing for an international aero congress cancellation stamp to be used by the Omaha post office, and it was thereupon signed by the Vice President.

SENATOR FROM NEW MEXICO.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of Hon. HOLM O. BURSUM, Senator elect from the State of New Mexico, which the Secretary will read.

The reading clerk read the credentials, as follows:

STATE OF NEW MEXICO.

To the President of the Senate of the United States:

This is to certify that on the 20th day of September, A. D. 1921, Hon. HOLM O. BURSUM was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the unexpired term of six years, beginning on the 4th day of March, 1919.

Witness his excellency, our governor, and the great seal of the State of New Mexico, at the city of Santa Fe, the capital, on this 10th day of October, A. D. 1921.

[SEAL.]

MERRITT P. MECHEM,
Governor of New Mexico.
MANUEL MARTINEZ,
Secretary of State.

THE CANVASSING BOARD OF THE STATE OF NEW MEXICO.

To all to whom these presents shall come, greeting:

This is to certify that HOLM O. BURSUM was duly and regularly elected in accordance with law to the office of United States Senator from New Mexico at the general election held in the said State of New Mexico on the 20th day of September, A. D. 1921, as shown by the returns of said election on file in the office of the secretary of state and as declared and determined by the State canvassing board, consisting of the governor, the secretary of state, and the chief justice of the State of New Mexico.

In testimony whereof we have hereunto set our hands and caused to be affixed the great seal of the State of New Mexico this 10th day of October, A. D. 1921, and of the independence of the United States the one hundred and forty-fifth.

MERRITT P. MECHEM,
Governor of New Mexico.
CLARENCE J. ROBERTS,
Chief Justice.
MANUEL MARTINEZ,
Secretary of State.

[SEAL.]

The VICE PRESIDENT. The credentials will be placed on file, if there be no objection. The Chair hears none, and it is so ordered. The Senator elect will please come forward and be sworn.

Mr. BURSUM was escorted to the Vice President's desk by Mr. JONES of New Mexico, and the oath prescribed by law having been administered to him he took his seat in the Senate.

HON. JOSÉ CELSO BARBOSA.

The VICE PRESIDENT laid before the Senate a communication from the secretary of the Executive Council of Porto Rico, transmitting resolutions adopted at a special meeting of the council as a tribute to the memory of the late Hon. José Celso Barbosa, a distinguished Porto Rican statesman and patriot, and testifying to their highest appreciation of the services rendered by him to the people of Porto Rico and to their government as well as to the Government of the United States, which was ordered to lie on the table with the accompanying resolutions.

MEMORIALS.

Mr. WILLIS presented a memorial of the Progress Club, of Chardon, Ohio, remonstrating against the placing of a proposed discriminative tax on musical instruments, which was ordered to lie on the table.

Mr. BALL presented 16 memorials of sundry citizens of Mobile and vicinity, Prichard, Whistler, Spring Hill, and Crichton, all in the State of Alabama, remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

EXPORT OF COAL.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 124) to amend Senate joint resolution 89, approved March 14, 1912, amending the joint resolution to prohibit the export of coal and other material used in war from any seaport of the United States, approved April 22, 1898, reported it with an amendment and submitted a report (No. 299) thereon.

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. McNARY:

A bill (S. 2590) granting a pension to Adella M. Porter; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 2591) to provide for the construction of a public bridge across the Niagara River; to the Committee on Commerce.

By Mr. SPENCER:

A bill (S. 2592) granting an increase of pension to George Smith; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 2593) to amend the act entitled "An act to pension soldiers and sailors of the War with Spain, the Philippine insurrection, and the China relief expedition," approved June 5, 1920; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 2594) authorizing the counties of Allendale, S. C., and Screven, Ga., to construct a bridge across the Savannah River, between said counties, at or near Burtons Ferry; to the Committee on Commerce.

A joint resolution (S. J. Res. 127) to stop the immigration of aliens into the United States; to the Committee on Immigration.

AMENDMENTS OF TAX REVISION BILL.

Mr. CALDER and Mr. McKELLAR submitted amendments intended to be proposed by them to House bill 8245, the tax revision bill, which were ordered to lie on the table and to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed joint resolutions and bills of the following titles:

On October 12, 1921:

S. J. Res. 115. Joint resolution to authorize the loan by the Secretary of War to the commander in chief of the Grand Army of the Republic of cots for the use of the members of the Grand Army of the Republic during the sessions of the grand encampment of the Grand Army of the Republic at Indianapolis, Ind., from September 24 to October 1, 1921;

S. J. Res. 117. Joint resolution to authorize the loan by the Secretary of War to the commander in chief of the United Confederate Veterans of cots and tents for the use of the members of the United Confederate Veterans during the sessions of the national encampment of the United Confederate Veterans at Chattanooga, Tenn., from October 24 to October 27, 1921; and

S. J. Res. 122. Joint resolution for the bestowal of the congressional medal of honor upon an unknown, unidentified Italian soldier to be buried in the National Monument to Victor Emmanuel II, in Rome, Italy.

On October 13, 1921:

S. 1970. An act granting the consent of Congress to the counties of Bowie and Cass, State of Texas, for construction of a bridge across Sulphur River, at or near Pettis Bridge on State Highway No. 8, in said counties and State;

S. 2340. An act to authorize the construction of a bridge across the St. Marys River, at or near St. Marys, Ga., and Roses Bluff, Fla.; and

S. 2430. An act to authorize the construction of a bridge between the St. Marys River, at or near Wilds Landing Ferry, between Camden County, Ga., and Nassau County, Fla.

On October 14, 1921:

S. 1718. An act authorizing the distribution of abandoned or forfeited tobacco, snuff, cigars, or cigarettes to hospitals maintained by the United States for the use of present or former members of the military or naval forces of the United States.

TREATY OF PEACE WITH GERMANY.

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

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

Mr. MCKINLEY. Mr. President, I have heard or read a number of speeches made in the interest of bringing our "homesick" soldiers home from Germany. In April, 1919, two and one-half years ago, I spent several days in the vicinity of Coblenz, the American bridgehead in Germany. At that time the American Army of occupation was composed of perhaps 200,000 men—200,000 citizen soldiers who gladly entered the Army for the purpose of putting down the war, but, as the war had been over for five months, they wanted to come home and they wanted to come tout de suite.

A general commanding a division of 25,000 men told me that in a poll of his division he found just one man out of the 25,000 that was willing to stay. I am wondering whether the recent move to bring all our men from the Rhine is not based upon that impression.

Seven weeks since, in the latter part of August, I was one of a party composed of three Senators and three Representatives who spent several days in Coblenz and vicinity in touch with our Army of occupation, and especially with the private, the "dough boy."

I think my companions will bear me out in the statement I am about to make concerning the condition which we found to exist. First, let me say that, as we all know, our original army of occupation was about 300,000 men. This number was reduced to 30,000 by the summer of 1919, since which time it has been further reduced, so that now it is made up of about 12,000 men. One transport, the *Contigny*, which plies between New York and Antwerp, making a round trip every six weeks, brings back about 1,000 soldiers each trip, and no new men are taken over to replace them. But this is what we learned in talking to the privates: Question—"Last spring and summer when it became necessary to reduce the size of the Army and 35 per cent of the men in the States indicated their desire to be discharged, how many men left the service from over here?" Answer—"None." Question—"Do you mean to say when the men had an opportunity to be discharged from the Army and a third of them in the States did secure discharges that none left from the Coblenz bridgehead?" Answer—"Yes; prac-

tically none." Question—"How do you explain that? Over in America we are under the impression you boys are very homesick and want to get back to the United States." Answer—"Homesick, shucks. I suppose they think we want to get back to eat sand down on the Mexican border or be rained on and frozen to death in the temporary camps where the buildings were built four years ago with the expectation they would last two years. The men who now compose the Regular Army, which has been reduced from 4,000,000 to 150,000 men, are like myself; the Army is our profession; it is the life we like. I have been in the Army for 12 years, and I expect to spend my life in it.

"Every five years we get a 10 per cent increase in pay, so that my pay is 20 per cent more than at first enlistment. In addition, we get 10 per cent additional for foreign service. If we were in America, we would be living in some God-forsaken camp. As Coblenz was a German military headquarters, here the barracks are fine; better than anything in the United States. Our quarters and the officers' houses are paid for by the German Government, as is all our fresh food. As part of our pay the Government furnishes us clothes, food, and lodging, and pays us at our option in American gold or in German marks. A shave costs us 1½ cents in our money, and everything else that we buy is in the same proportion, because in American money the German mark is only worth to-day about one-thirtieth of what it was worth in 1914, when the war started."

This, Mr. President, is a composite statement of what the privates told us.

The officers to a man, from Gen. Allen down, told us that the men were contented and that the presence of the troops in Germany afforded the finest opportunity to train any army that they, as officers, had ever experienced. They gave our party an exhibition for a day of the work of training an army and convinced us—but that is too long a story. So much for the poor "homesick" boy's side.

I now wish to state the vital reason why I think we should have some military representation at Coblenz. I say "Coblenz" because under the armistice of November 11, 1918, to which we agreed, the bridgehead there was assigned to us. Our party spent two days in Berlin. There, among others, we were in touch with our military commission and our civil commission. The former is headed by Col. Davis, who, by the way, is an Illinois man. I might remark in passing that Illinois has also furnished Gen. Harbord, the present Chief of Staff. The civil commission, which is practically the embassy staff, has as its head a Boston lawyer, Mr. Ellis Loring Dresel. No mistake has been made in the selection of Col. Davis and Commissioner Dresel. Col. Davis was sent to Berlin over two years ago and has an organization of about a dozen men under him. His duty is to keep in military touch with the developments in Germany. Commissioner Dresel, I am informed, was the Red Cross manager in Germany before we entered the war, and after April, 1917, until November, 1919, managed the Red Cross from Switzerland, being sent back to Berlin as the United States representative as soon as it was feasible to send one there. Mr. Dresel has an able staff of men under him. The American newspapers are well represented in Berlin. The Chicago Tribune and Chicago Daily News both have special correspondents there. All with whom we talked in Berlin impressed upon us the necessity of our having some military representation in Germany. The same thought was conveyed to us on the Rhine and in Brussels, Belgium; and when we arrived in Paris our ambassador there made the same plea that we use our influence with the administration to maintain military representation on the Rhine bridgehead.

The following, Mr. President, represents the substance of what they all said: The present German Government, which is not the Kaiser government, recognizes that the United States went into the war with no hate and with no desire for gain, but was animated solely by the desire to wipe Kaiserism from the earth and, so far as possible, to put a stop to all war. The Germans feel that, while the United States expects them to pay to the limit and keep on paying, they will, on the other hand, treat them fairly. Under the armistice the Rhine Valley is to be occupied for 15 years, and the Germans want the United States to be represented in that occupation.

Another reason the Germans want us to remain is that if we stay we will perhaps keep 5,000 men there at our bridgehead, while the French have 100,000 at their bridgehead, and the Germans know that if we withdraw the French will at once occupy our bridgehead. As the Germans are now paying a portion and ultimately must pay all the cost of occupation, they estimate it will be cheaper to pay for 5,000 American soldiers than for 100,000 more French soldiers. Further, Gen. Allen and our other officers who come in contact with the German

Government's representatives treat them firmly but friendly, and there are no hitches, while at the French bridgehead there is continual friction. The impression made upon me was that there is a more bitter feeling now than there was during the war. The French remember that during the past 90 days German officers who were charged with killing captured French prisoners have been acquitted, despite the charge that the French prisoners were killed in cold blood in groups after capture upon orders of German officers. Such a situation is not very conducive to friendly feeling.

The French, the British, the Belgians—in fact, all the allied nations—want us to be represented, because, so long as there is one American soldier on the Rhine, it is notice to the world that the American people will stand for no more wars of ambition or aggression, and that one soldier will be backed by 4,000,000 more or 10,000,000 more, if necessary, to maintain the peace of the world.

I have visited Europe three times during the past 36 months and have formed this impression: Leaving out entirely the moral side, if you please, the world interests of the United States are too great, the world itself too small, and the means of communication too quick and easy for us to stand by and say to Europe, "Go to it and fight it out; it is none of our affair."

I was in Illinois 10 days ago and found that the price of new corn to the farmer was 28 cents, and might go to 25 cents, although the corn cost him 58 cents to raise. I myself think that 2 cents or 3 cents or 5 cents of the price reduction has resulted from the so-called "farmer legislation" we passed last summer, but the price of a crop is fixed by the surplus we have to sell. In normal times Europe bought our surplus. To-day Europe is underfed and needs our grain, but Europe has neither credit nor money, so they starve while we burn our corn for fuel. This condition will prevail until peace can be assured in Europe.

Doubtless, until the millennium arrives, we will have wars in the Near East, for warfare is their normal condition; but that condition is more remote as affecting our immediate situation.

Right now the trouble is nearer us. France is in a panic of fear—fear of Germany. To express the condition in American slang, they have the "jumps." France has a population of 39,000,000, which is decreasing, while Germany has 70,000,000, which is increasing. France now maintains an army of 800,000 men, recruited from her 39,000,000 of people. The United States, with three times that population, are groaning under an army of 150,000 men, or one-fifth of the army of France. France is keeping up her army through fear of Germany, and so long as she maintains an army of 800,000 men she can hardly be expected to pay her debts, and certainly will be in poor condition to buy our products. The business situation in Europe can not become normal—it can not begin to become normal—until this French-German situation is cleared up.

German business must be permitted to live or Germany will not be able to pay the indemnity. So long as France is in mortal fear that if Germany revives she will turn and crush France, that long France will maintain her army of 800,000 men and endeavor to keep German business down, and just that long will the world's business and the United States business be demoralized. If keeping 5,000 American soldiers on the Rhine will tend to restore the equilibrium in Europe and bring back a market for the excess products of the United States, it seems to me to be a good business investment to keep that American representation over there.

Mr. KENYON. Mr. President, I should like to ask the Senator from Illinois a question concerning a statement made by him in his most interesting address. What was it the Senator said as to the price of corn in Illinois?

Mr. MCKINLEY. In Illinois to-day the price of corn is 28 cents per bushel. As to the price in Iowa, I have a report from a man in the town where I live who owns 600 acres of land in Iowa who stated that it would not pay him to husk and ship his corn.

Mr. KENYON. That is why I asked the Senator the question. I have a letter here from a farmer in my State in which he says:

Bids for the 1921 crop of corn have just been made public. It is 18 cents a bushel at the local elevator. The above has cast additional gloom all over the Middle West.

Out of that 18 cents a bushel husking costs 4 cents a bushel shelling 3 cents a bushel, delivery 6 cents a bushel, leaving about 5 cents a bushel for producing a bushel of corn. It cost the farmers of the Middle West from 50 to 60 cents a bushel to produce it. In that condition of agriculture, Mr. President, I submit it is a very poor time for a railroad strike.

The VICE PRESIDENT. The question is on agreeing to article 1 of the German treaty.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gerry	McKellar	Spencer
Borah	Hale	McKinley	Stanley
Brandegee	Harrell	McLean	Sterling
Broussard	Harrison	Moses	Sutherland
Bursum	Heflin	Newberry	Swanson
Calder	Hitchcock	Norbeck	Townsend
Cameron	Johnson	Oddie	Trammell
Capper	Jones, N. Mex.	Overman	Underwood
Colt	Kellogg	Page	Walsh, Mass.
Culberson	Kenyon	Poindexter	Walsh, Mont.
Dial	Keyes	Pomerene	Warren
du Pont	La Follette	Ransdell	Watson, Ind.
Elkins	Lenroot	Reed	Willis
Ernst	Lodge	Sheppard	
Fernald	McCormick	Simmons	
France	McCumber	Smoot	

The VICE PRESIDENT. Sixty-one Senators have answered to their names. A quorum is present.

JUDGE KENESAW M. LANDIS.

Mr. DIAL. Mr. President, at the last meeting of the American Bar Association a resolution was passed in reference to Judge Landis. I understand that a resolution was also passed directing that copies of that resolution be sent to the President of the Senate and to the Speaker of the House. I do not know whether the resolution has been received or not. At any rate, I have a copy of it, and I ask that it be read and referred to the Judiciary Committee.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read as follows:

Resolved, That the conduct of Kenesaw M. Landis in engaging in private employment and accepting private emoluments while holding the position of a Federal judge and receiving a salary from the Federal Government meets with our unqualified condemnation as conduct unworthy of the office of judge, derogatory of the dignity of the bench, and undermining public confidence in the independence of the judiciary.

Resolved, That the president and secretary of this association send a copy of this resolution to the Vice President of the United States and to the Speaker of the House of Representatives.

Mr. DIAL. I ask that the resolution be referred to the Judiciary Committee.

The VICE PRESIDENT. It will be so referred.

APPOINTMENT OF PRESIDENTIAL POSTMASTERS.

Mr. DIAL. Mr. President, I noticed in the papers a day or two since that the Senator from West Virginia [Mr. ELKINS] had made a request upon the President that more Democrats be turned out and more Republicans put in office—a pretty sweeping request. I have just noticed an Executive order that the President has made on this subject dated October 14:

EXECUTIVE ORDER.

While the appointment of presidential postmasters is not within the legal scope of the civil service law, and, therefore, as a matter of law no "preference" is applicable thereto, yet in order that these young men and women who served in the World War, having their scholastic and business experience intercepted and interrupted thereby, may not suffer any disadvantage in the competition for such postmasterships, I direct the Civil Service Commission, in rating the examination papers of such candidates to add to their earned ratings five points and to make certification to the Postmaster General in accordance with their relative positions thus acquired.

I further direct that the time such candidates were in the service during the World War may be reckoned by the commission in making up the required length of business experience and that all age limitations be waived.

WARREN G. HARDING.

THE WHITE HOUSE, October 14, 1921.

Mr. President, as I see it, I fear this order is misleading. It only reiterates what the law is at present, and I ask to have the law inserted as a part of my remarks. I refer to Statutes at Large, volume 41, page 37.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

That hereafter in making appointments to clerical and to other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such, and to the wives of injured soldiers, sailors, and marines who themselves are not qualified, but whose wives are qualified to hold such positions.

Mr. DIAL. Furthermore, this order is erroneous, in that it states that the age limit is removed. Under existing law and rules that age limit could not be removed, and it would be impossible for any soldier in the war to have been beyond the age limit for these examinations of 65.

I further ask to have inserted in my remarks the order of August, 1921, the rules of the Civil Service Commission on this point, and also the order of June, 1921.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

(Form 2223, August, 1921.)

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

INFORMATION REGARDING POSTMASTER POSITIONS FILLED THROUGH NOMINATIONS BY THE PRESIDENT FOR CONFIRMATION BY THE SENATE.

Executive order requiring examinations: Under the civil-service law, positions which are filled through nomination by the President for confirmation by the Senate are not included in the competitive classified service. Positions of postmaster at first, second, and third class post offices are filled in this manner. For such positions, however, examinations are held by the Civil Service Commission, at the request of the Postmaster General, under an Executive order issued May 10, 1921, revised July 27, 1921, which provides as follows:

"When a vacancy exists or hereafter occurs in the position of postmaster at an office of the first, second, or third class, if such vacancy is not filled by nomination of some person within the competitive classified civil service who has the required qualifications, then the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the results thereof to the Postmaster General, who shall submit to the President the name of one of the highest three qualified eligibles for appointment to fill such vacancy unless it is established that the character or residence of any such applicant disqualifies him for appointment. *Provided*, That at the expiration of the term of any person appointed to such position through examination before the Civil Service Commission, the Postmaster General may, in his discretion, submit the name of such person to the President for renomination without further examination.

"No person who has passed his sixty-fifth birthday, or who has not actually resided within the delivery of such office for two years next preceding the date of examination, shall be given the examination herein provided for.

"If, under this order, it is desired to make nomination for any office of a person in the competitive classified service, such person must first be found by the Civil Service Commission to meet the minimum requirements for the office."

Status: Persons appointed as a result of an examination held in accordance with the foregoing Executive order will not thereby attain a competitive civil-service status, and will not thereby become eligible for a position in the competitive classified service; but a person already in the competitive classified service who is appointed or promoted to one of these positions will not thereby lose the privilege of retransfer to a competitive classified position provided his service is continuous and satisfactory.

GENERAL REQUIREMENTS.

General qualifications: To be eligible for examination for a position as postmaster at an office of the first, second, or third class, a candidate must be a citizen of the United States; must actually reside within the delivery of the office for which the application is made; must have so resided for at least two years next preceding the date of examination; must be in good physical condition; and must meet the age requirement hereinafter specified.

Photographs: In examinations in which the candidates are assembled in an examination room for a written examination as hereinafter specified candidates must submit to the examiner on the day of the examination their photographs, taken within two years, securely pasted in the space provided on the admission cards sent them after their applications are filed. In examinations in which the candidates are not assembled for a written examination the photographs must be forwarded with the applications. Group photographs, proofs, or indistinct prints will not be accepted.

Applications: Applications will not be accepted until an examination is announced for the office at which employment is sought. Persons who meet the requirements and desire examination may obtain the necessary application form (No. 2241) from the office where the vacancy exists or from the United States Civil Service Commission, Washington, D. C., after the examination has been announced. Applications must be properly executed and filed with the commission in Washington in time to arrange for the examination.

Date of vacancy: The date of any vacancy as referred to in any of these regulations shall be the date of the death, resignation, removal, or the date of the expiration of the term of the last postmaster.

EXAMINATIONS FOR OFFICES OF THE THIRD CLASS (COMPENSATION \$1,000 TO \$2,200).

Candidates for offices having annual compensation from \$1,000 to \$2,200, inclusive, will be assembled for a written examination and will be examined in the following subjects, which will have the relative weights indicated:

Subjects.	Weights.
1. Business training, experience, and fitness (under this subject full and careful consideration is given to the candidate's business training and experience. The rating is based upon the candidate's sworn statement of his personal history, as verified after inquiry by the commission. It must be clearly shown that the candidate has demonstrated ability in meeting and dealing satisfactorily with the public)-----	50
2. Accounts and arithmetic (this test includes a simple statement of a postmaster's monthly money-order account in a prepared form, furnished the candidate in the examination, and a few problems comprising addition, subtraction, multiplication, division, percentage, and their business applications)---	30
3. Penmanship (a test of ability to write legibly, rated on the specimen shown in the subject of letter writing)-----	10
4. Letter writing (this subject is intended to test the candidate's ability to express himself intelligently in a business letter on a practical subject)-----	10
Total-----	100

Age: Candidates in competitive examinations for the position of postmaster at an office of the third class must have reached their twenty-first birthday on the date of the examination and must not have passed their sixty-fifth birthday on the date of the occurrence of the vacancy.

SPECIMEN QUESTIONS FOR OFFICES OF THE THIRD CLASS.

The following questions and tests, which have been used, indicate the general character of the examination given for offices having annual compensation from \$1,000 to \$2,200:

First subject—Business training, experience, and fitness: This subject is rated on the candidate's statements and corroborative evidence. Statements as to training and experience are subject to verification. All information will be treated as confidential. Candidates will be required to give full and detailed information concerning their education, training, and business experience, on blanks furnished.

[Form 2223, June, 1921.]

Changed vacancy to examination.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

INFORMATION REGARDING POSTMASTER POSITIONS FILLED THROUGH NOMINATION BY THE PRESIDENT FOR CONFIRMATION BY THE SENATE.

Executive order requiring examination: Under the civil service law, positions which are filled through nomination by the President for confirmation by the Senate are not included in the competitive classified service. Positions of postmaster at first, second, and third class post offices are filled in this manner. For such positions, however, examinations are held by the Civil Service Commission, at the request of the Postmaster General, under an Executive order issued May 10, 1921, which provides as follows:

"When a vacancy exists or hereafter occurs in the position of postmaster at an office of the first, second, or third class, if such vacancy is not filled by nomination of some person within the competitive classified civil service who has the required qualifications, then the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the results thereof to the Postmaster General, who shall submit to the President the name of one of the highest three qualified eligibles for appointment to fill such vacancy unless it is established that the character or residence of any such applicant disqualifies him for appointment. *Provided*, That at the expiration of the term of any person appointed to such position through examination before the Civil Service Commission, the Postmaster General may, in his discretion, submit the name of such person to the President for renomination without further examination.

"No person who has passed his sixty-fifth birthday, or who has not actually resided within the delivery of such office for two years next preceding such vacancy, shall be given the examination herein provided for.

"If, under this order, it is desired to make nomination for any office of a person in the competitive classified service, such person must first be found by the Civil Service Commission to meet the minimum requirements of the office."

Status: Persons appointed as a result of an examination held in accordance with the foregoing Executive order will not thereby attain a competitive civil-service status, and will not thereby become eligible for a position in the competitive classified service; but a person already in the competitive classified service who is appointed or promoted to one of these positions will not thereby lose the privilege of retransfer to a competitive classified position provided his service is continuous and satisfactory.

GENERAL REQUIREMENTS.

General qualifications: To be eligible for examination for a position as postmaster at an office of the first, second, or third class a candidate must be a citizen of the United States; must actually reside within the delivery of the office for which the application is made; must have so resided for at least two years next preceding the date the vacancy occurred; must be in good physical condition; and must meet the age requirement hereinafter specified.

Photographs: In examinations in which the candidates are assembled in an examination room for a written examination as hereinafter specified candidates must submit to the examiner on the day of the examination their photographs, taken within two years, securely pasted in the space provided on the admission cards sent them after their applications are filed. In examinations in which the candidates are not assembled for a written examination the photographs must be forwarded with the applications. Group photographs, proofs, or indistinct prints will not be accepted.

Applications: Persons who meet the requirements and desire examination may obtain the necessary application forms (No. 2241) from the office where the vacancy exists or from the United States Civil Service Commission, Washington, D. C., after the examination has been announced. Applications must be properly executed and filed with the commission in Washington in time to arrange for the examination.

Date of vacancy: The date of any vacancy as referred to in any of these regulations shall be the date of the death, resignation, removal, or the date of the expiration of the term of the last postmaster.

EXAMINATIONS FOR OFFICES OF THE THIRD CLASS (COMPENSATION \$1,000 TO \$2,200).

Candidates for offices having annual compensation from \$1,000 to \$2,200, inclusive, will be assembled for a written examination and will be examined in the following subjects, which will have the relative weights indicated:

Subjects.	Weights.
1. Business training, experience, and fitness (under this subject full and careful consideration is given to the candidate's business training and experience. The rating is based upon the candidate's sworn statements of his personal history, as verified after inquiry by the commission. It must be clearly shown that the candidate has demonstrated ability in meeting and dealing satisfactorily with the public)-----	50
2. Accounts and arithmetic (this test includes a simple statement of a postmaster's monthly money-order account in a prepared form, furnished the candidate in the examination, and a few problems comprising addition, subtraction, multiplication, division, percentage, and their business applications)-----	30
3. Penmanship (a test of ability to write legibly, rated on the specimen shown in the subject of letter writing)-----	10
4. Letter writing (this subject is intended to test the candidate's ability to express himself intelligently in a business letter on a practical subject)-----	10
Total-----	100

Age: Candidates for this examination must have reached their twenty-first birthday on the date of the examination, and must not have passed their sixty-fifth birthday on the date of the occurrence of the vacancy.

SPECIMEN QUESTIONS FOR OFFICES OF THE THIRD CLASS.

The following questions and tests, which have been used, indicate the general character of the examination given for offices having annual compensation from \$1,000 to \$2,200:

First subject—Business training, experience, and fitness: This subject is rated on the candidate's statements and corroborative evidence. Statements as to training and experience are subject to verification. All information will be treated as confidential. Candidates will be required to give full and detailed information concerning their education, training, and business experience on blank furnished.

Mr. DIAL. Mr. President, this former order of June refers to examinations where vacancies existed. The latter order refers to the time of examination. In other words, under the latter order the two years' time has been extended to make applicants eligible for appointment to these offices who were not eligible before.

I also ask to have inserted as part of my remarks the Executive order of March 31, 1917, as amended on October 8, 1920, found on page 97 of the Thirty-seventh Annual Report of the Civil Service Commission.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

The Executive order of March 31, 1917, relating to post offices of the first, second, and third classes is hereby amended to read as follows:

"Hereafter when a vacancy occurs in the position of postmaster of any office of the first, second, or third class as the result of death, resignation, removal, or, on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or need of the service requires that a change shall be made, if such vacancy is not filled by nomination of some person within the competitive classified civil service who has the required qualifications, then the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless it is established that the character or residence of such applicant disqualifies him for appointment. No person who has passed his sixty-fifth birthday or who has not actually resided within the delivery of such office for two years next preceding such vacancy shall be given the examination herein provided for."

Mr. DIAL. Further, I beg to say that South Carolina's quota in the civil service—the number we are entitled to under the civil service—is 652 persons, whereas on October 8, 1921, we had only 301 on the rolls.

Mr. President, the difference in these orders is this: Under the present administration they have a civil-service examination for postmasters, or at least they claim to have a kind of an examination, and they certify the three highest names, and they select one from that number. I respectfully submit that that is no civil-service examination at all; it is misleading and is a mere farce. There is nothing fair about it. If you are going to invite people to go into an examination, the office should be awarded to the one making the highest mark, provided he is qualified in every other way. Otherwise it is a travesty upon justice, and it is a farce and misleading, and does not satisfy anybody. It does not decide anything. If the present powers want to select the postmasters, let them go and do so like men; but let them not try to deceive the people by this ridiculous kind of an examination. Contrast this with the order of President Wilson of March 31, 1917. Under the former order the one making the highest mark received the appointment.

Furthermore, the present operation of this thing is practically a nullity in South Carolina. Some time ago I knew of a case where there was a vacancy; an examination had been ordered, and it was not long until that examination was canceled and an acting postmaster was appointed. They did not follow the spirit of the rules requiring some one to be selected from the classified service, but that order was canceled, and no examination has been fixed since that time, and an outsider or practically an outsider from another State was appointed to the office. So I very much suspect that the object of the cancellation of the examination was to wait until that man had resided in South Carolina a sufficient time to qualify himself for that position—two years.

Mr. President, I must enter my protest to any such procedure as that. It is not fair, it is not just, and it violates all rules of business and fair play, to my mind. We are very glad down South to have good people move amongst us; we are glad to welcome them there; but we think they should come for some other purpose than to fill the offices. I am not one to speak for the Republican Party, but they have some men there capable of filling office, and if they are not going to fill them on merit then perhaps those who have been there longer should be given

these positions. Anyway, I want to say that the present method is simply a delusion and it ought not to be tolerated.

Mr. JOHNSON. Mr. President, the Senator from South Carolina [Mr. DIAL] has had read some resolution of the bar association respecting Judge Landis and reflecting upon him. I want to express the opinion that the indignation of the bar association arises not from the baseball employment of Judge Landis, but because of Judge Landis's judicial acts. I venture the assertion, Mr. President, that if Judge Landis's court had ever been a refuge for privilege, its commendation by those lawyers who teach great corporations to skate upon thin ice would have been certain and enthusiastic.

The VICE PRESIDENT. The question is on agreeing to the first article of the treaty.

Mr. SPENCER. Mr. President, I happened to be present at the meeting of the American Bar Association when the action with regard to Judge Landis, to which the Senator from California has referred, was taken. I wish the Senator from California might also have been there, for he has entirely mistaken both the motive and the purpose which actuated the bar association. It had nothing whatever to do with Judge Landis's judicial decisions nor with his attitude upon the bench. It was the feeling of the bar association, which was very general, that a man who occupies the high position of judge of a United States district court should not at the same time take employment as an arbitrator in regard to baseball matters while he was continuing his judicial functions. They felt that it not only showed a lack of appreciation of the dignity of the office but that it was an unwise thing to do and an unfortunate precedent to establish. It was that basis and that alone upon which the resolution stood which the bar association passed.

Mr. LODGE. Mr. President, I am aware that it has been the ruling in the Senate that a Senator is at liberty to discuss any subject he pleases, whether it is relevant to the subject before the Senate or not; but I feel that under this unanimous-consent agreement it is the part of good faith to confine the discussion to the treaties. The agreement is that these treaties shall be considered "to the exclusion of any other bill or resolution upon the calendar or that may be reported from a committee, or the consideration of other business that is not unanimously recognized as urgent, and will dispose of such treaties in the order named."

That order began at 11.30 o'clock to-day, it having been postponed from Friday. I hope Senators will confine themselves to the treaties which are before the Senate. Of course, the time they use, whether it is in the distribution of offices or anything else, must, under this order, be counted against them as part of their time in the discussion of the treaties.

Mr. KENYON. Mr. President, I would like to inquire what the resolution the Senator from South Carolina introduced was? Was it another resolution as to Judge Landis?

Mr. DIAL. It was a resolution passed by the American Bar Association last April.

Mr. LODGE. Of course, the resolution is not in order at this time.

The VICE PRESIDENT. It was referred to the Committee on the Judiciary.

Mr. KENYON. I would like to have go along with that resolution an editorial which appeared in the Chicago Tribune—

Mr. LODGE. Mr. President, I ask for the regular order. Under the unanimous-consent agreement it is perfectly clear that nothing is to be considered except the treaties, "to the exclusion of any other bill or resolution." I do not think the resolution introduced ought to have been received or referred under the consent agreement.

Mr. KENYON. Mr. President, I am not asking to have any particular action taken. I supposed that each Senator had so much time on the treaties, and I will have this taken out of my time.

Mr. LODGE. Certainly, if the Senator is going to discuss it, he can use his time in any way he pleases. What I am objecting to is the introduction of business not covered by the agreement.

Mr. KENYON. This may bear on the treaties in some indefinite way, and it can be taken out of my time.

I ask to have inserted in the RECORD this editorial on Judge Landis, showing that there are two sides to the Landis controversy. I am not defending for one moment a Federal judge having other employment, but no man in this country has done a greater service to the country in the strike troubles at Chicago and other matters than Judge Landis, and this editorial bears on that subject. He is probably regarded as highly by the country as some members of the association now condemning him.

The VICE PRESIDENT. Is there objection?

Mr. LODGE. Mr. President, I object to the introduction of any business not covered by the unanimous-consent agreement.

Mr. KENYON. Mr. President, I will take the time later, then, to read this editorial, to be taken out of my time on the treaty discussion.

The VICE PRESIDENT. The Senator has the right to do that. The question is on agreeing to article 1 of the pending treaty.

TREATY OF PEACE WITH GERMANY.

Mr. REED. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. REED. Is not the first question to be decided the reservations?

The VICE PRESIDENT. Any reservation which may be offered will come under the resolution of ratification. Under the rule the treaty is being considered article by article as in Committee of the Whole.

Mr. REED. I think it is an unfortunate way to handle this matter, to ratify the treaty article by article, and then put a reservation in at the end, because no one will know in advance whether the reservation is to go in or not. A reservation is in the nature of an amendment.

Mr. LODGE. Mr. President, if the Senator will allow me—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. This is a parliamentary inquiry. I am not debating the question. I do not want this taken out of my time.

Mr. LODGE. The general practice has been that a treaty should be read, and if there are amendments they can be offered. If there are no amendments, of course, the ratification takes place on the resolution, not on the treaty itself, and the resolution is open to reservations.

Mr. REED. When we had the league or the German treaty under consideration before, we first discussed and voted upon reservations.

Mr. LODGE. I beg the Senator's pardon; the first thing was the consideration of amendments.

Mr. REED. The reservations were offered in the nature of amendments.

Mr. LODGE. No; I mean the real amendments to the treaty. There were a number of them. The Senator from New Mexico offered 40. We disposed of the amendments first, and the reservations were not taken up until we came to the place for the reservations, which is when the resolution of ratification is under consideration.

Mr. BORAH. No amendments to this treaty have been offered.

Mr. LODGE. None have been offered or suggested that I know of.

Mr. BORAH. The Senator from Missouri is objecting to our proceeding to vote upon article 1 of the treaty before determining what shall be the form of the resolution with reference to ratification. For instance, the resolution of ratification has a reservation in it. It would not have any effect on me, but I can imagine that some one might not desire to vote for this treaty if that reservation to the resolution were not adopted.

Mr. LODGE. Mr. President, both systems of dealing with treaties have been used in the Senate at different times. The earlier practice of the Senate was to put the question on each article. For many years, certainly, it has been the custom, if there are no amendments, to read the whole treaty, and then take up the ratification resolution, which, of course, carries whatever reservations there may be. That is the system which it always seemed to me was the proper system, if there were no amendments to the treaty.

Mr. WALSH of Montana. Mr. President, I did not catch the last statement of the Senator.

Mr. LODGE. I said I thought that the proper system is to read the treaty if there are no amendments, and then go to the resolution, which is open to reservations, we being still in Committee of the Whole, of course.

Mr. WALSH of Montana. Mr. President, I have some amendments which I desire to tender to the treaty.

Mr. LODGE. An amendment, not a reservation?

Mr. WALSH of Montana. An amendment.

Mr. LODGE. I think that ought to be presented now.

Mr. WALSH of Montana. Those amendments are of a general character. I apprehend that the adoption of article 1 would not embarrass the consideration of the amendments which I propose to offer. I take it that the amendments can be tendered at the conclusion of the disposition of the various articles of the treaty, inasmuch as they are in the nature of additional provisions.

Mr. LODGE. As I understand the situation, the body of the treaty is now before the Senate as in Committee of the Whole and open to amendment, and any article is open to amendment. We can not take up the resolution until we have finished perfecting the text of the treaty. Then the resolution will be taken up as in Committee of the Whole and will be open to reservations.

Mr. WALSH of Montana. The difficulty which presented itself to me was this: The Vice President said the question was upon the adoption of article 1, and that would be followed by the putting of the question on the adoption of article 2. What I wanted to know, if I may address a parliamentary inquiry to the Chair, was whether, after those two articles have been adopted as they stand, an opportunity will then be given to offer amendments to the treaty?

Mr. LODGE. Not as in Committee of the Whole. That is the trouble with dealing with it article by article. I think the treaty is before us as a whole and open to amendment now at any point.

Mr. WALSH of Montana. If that is the case, I have some amendments which I desire to tender.

Mr. LENROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. Certainly.

Mr. LENROOT. I would like to ask the Senator if it has not been the practice, while we proceed article by article, never to vote upon each article, but to treat it exactly as we would a bill, each article being considered by itself for the purpose of amendment?

Mr. LODGE. Certainly.

Mr. LENROOT. And if no amendment is proposed, we proceed to the next article without a vote upon the article?

Mr. LODGE. Certainly; but not voting upon each article separately. The body of the treaty, I repeat, is now before the Senate as in Committee of the Whole and open to amendment, and any amendment to any part of the text of the treaty is now in order, in my judgment.

Mr. HITCHCOCK. Mr. President, it is also true that after this treaty has been read article by article, as in Committee of the Whole, and after it has been reported to the Senate, amendments to any particular article are still in order.

Mr. LODGE. Certainly; after it has been reported to the Senate.

Mr. HITCHCOCK. It seems to me that the Senator from Wisconsin has stated the practice correctly—that we should read the treaty article by article but not put each article to a vote.

Mr. LODGE. We have to deal with the resolution in Committee of the Whole also.

Mr. HITCHCOCK. Of course; that will come up later. It seems to me we should read the treaty article by article, and if no amendment is offered to any article we should proceed to the next article, but without any vote.

Mr. LODGE. Certainly; without a vote on each article as it comes up. The whole treaty is open to amendment. It has been read, as a matter of fact, and the whole body of the treaty is now open to amendment as in Committee of the Whole.

Mr. BRANDEGEE. Mr. President, can the Senator inform me also on this point: After the reservations or amendments have been agreed upon and incorporated in the resolution of ratification, and the resolution of ratification containing reservations and amendments is itself before the Senate, then that is still open to further amendment, is it not?

Mr. LODGE. It is still open to amendment when it comes into the Senate, of course, under our rules.

Mr. BRANDEGEE. So that at the last minute, after certain reservations have been incorporated in the resolution of ratification, can a Senator then offer a further reservation?

Mr. LODGE. In the Senate?

Mr. BRANDEGEE. Yes; that is what I am asking.

Mr. LODGE. Certainly.

Mr. BRANDEGEE. I thought it was rather important to have an understanding about that—to know when the process of proposing reservations and amendments shall cease.

Mr. LODGE. The Senate considers the treaty and the resolution in Committee of the Whole, and when it has completed that consideration it is reported to the Senate. Then an amendment which has failed in the committee can be offered in the Senate. In the same way you can then offer additional reservations in the Senate. It is exactly like a bill.

Mr. BRANDEGEE. That answers my question.

Mr. LENROOT. Will the Senator yield?

Mr. LODGE. Certainly.

Mr. LENROOT. Is not this the practice: While it is true that when it is reported to the Senate any amendment or reservation may be offered, it must be offered during the stage when the treaty proper is under consideration? Then, when the Senate has completed its consideration of that, the resolution, incorporating such amendments or reservations as have been agreed upon in Committee of the Whole or in the Senate, is then before the Senate; but I do not understand that at that stage it is open to further reservations.

Mr. BRANDEGEE. I am frank to say I have not examined the rule since we were considering the old treaty of Versailles a year or two ago, but my impression was that the rule states in substance that when we come to the resolution of ratification, advising, and consenting, then the reservations as agreed upon shall be incorporated in the resolution of ratification and it did not seem to me that after that it ought to be open to further reservations.

Mr. LODGE. Not after they have been agreed to in Committee of the Whole and in the Senate.

Mr. BRANDEGEE. That is right.

Mr. LODGE. I repeat that I think the position now is that the text of the treaty is as in Committee of the Whole, and open to amendment.

Mr. WALSH of Montana. Mr. President, I have drafted some amendments and they are now being transcribed by the stenographer. I shall be ready to offer them in a few moments.

The VICE PRESIDENT. Article 1 is before the Senate as in Committee of the Whole and open to amendment.

Mr. HARRISON. Mr. President, I desire to have read at the Secretary's desk the part which I have indicated of the Democratic platform.

Mr. LODGE. Mr. President, before that is done, I understand we are simply to read the articles, but not vote upon each article, and that the whole treaty is open to amendment.

Mr. HARRISON. If no action is to be taken at this time, I will withhold my request.

Mr. HITCHCOCK. Mr. President, I think there can be no doubt that the proper proceeding now, is to read article 1, and if no amendment is offered thereto, then read article 2 and so proceed with the treaty.

Mr. LODGE. Precisely, but not vote on it article by article.

Mr. HARRISON. Mr. President, it seems to me that, with such an important matter as this before the Senate there should be a quorum present, and with only about one-fourth of the Republican membership here, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Ernst	La Follette	Poindexter
Ball	Fernald	Lenroot	Pomerene
Borah	Gooding	Lodge	Ransdell
Brandegee	Hale	McCormick	Sheppard
Broussard	Harrell	McCumber	Simmons
Calder	Harris	McKellar	Spencer
Cameron	Harrison	McKinley	Stanley
Capper	Hedin	McLean	Sterling
Caraway	Hitchcock	McNary	Sutherland
Colt	Johnson	Nelson	Swanson
Culberson	Jones, N. Mex.	Newberry	Townsend
Curtis	Kellogg	Nicholson	Underwood
Dial	Kendrick	Norbeck	Walsh, Mass.
Dillingham	Kenyon	Oddie	Walsh, Mont.
du Pont	Keyes	Overman	Watson, Ind.
Elkins	King	Page	Willis.

The VICE PRESIDENT. Sixty-four Senators having answered to their names, a quorum is present. Are there any amendments to be offered to the first article?

Mr. WALSH of Montana. Mr. President, on Wednesday last I called attention to the fact that part 5 of the Versailles treaty is made a part of the treaty now before us. Under the treaty before us Germany agrees with us, as she agreed with the signatories to the Versailles treaty in part 5 thereof, that she would disarm and that she would remain disarmed for all time; that she would not have an army of more than 100,000 men; that she would have no naval force whatever except a few ships of no particular significance; that she would have no air force; that she would not tolerate within her borders any manufacture of munitions or army equipment of any character whatsoever except such as were conducted by the Government itself; that she would not permit in her institutions of learning any instruction in military tactics nor permit students there to practice them; and that she would destroy all the fortifications on the Rhine and Heligoland and she would not restore them. All these things she agreed that she would do.

I pointed out that under the treaty of Versailles there were reciprocal provisions under which the other nations undertake, to some extent at least, to see that Germany thus disarmed should not be invaded by any of her neighbors unprovokedly for

the purpose of conquest, but that we had repudiated the other provisions intended to safeguard an unarmed Germany, while we still insisted that she shall remain unarmed. I pointed out that Poland on the east has now an army, according to reports of our own War Department, of 450,000 men, with a war impending between that country and Germany at the present time; that France, on the other side, has an army of 800,000 men; that Czechoslovakia, on the south, has an army of 150,000 men, and that these countries can be amply supplied with munitions from other countries, which Germany is prevented from importing, much less from producing herself.

I insisted that either the provision by which part 5 of the Versailles treaty is incorporated into this treaty ought to go out, or else we ought to stand with the other nations to prevent Germany, thus disarmed, from being unprovokedly invaded by any of her enemies.

Mr. McCORMICK. To stand with those other nations, the size of whose armies the Senator has just enumerated, in preventing her invasion by them?

Mr. WALSH of Montana. With any other nations that would undertake to discharge the duties they obligated themselves to discharge. Of course, if one of those nations invaded Germany in violation of the treaty, it would scarcely be expected that we would stand with them in the invasion.

It is a matter of no consequence to me whether part 5 goes out of the treaty or some reciprocal provision is put in to safeguard that situation.

Mr. LODGE. I simply desire to ask the Senator if he has an amendment that has been printed?

Mr. WALSH of Montana. It has not been printed. I had no idea that we would reach the question of a vote on any of these matters this morning, and that must be my excuse for not having it printed, but I have the following to tender:

In view of the undertaking of the Government of Germany, recited in part 5 of the treaty of Versailles, to disarm and to remain disarmed, except as therein set forth, the right and advantage accruing from which undertaking is by this treaty specifically reserved to the United States, it agrees that so long as Germany shall observe the obligations of the said part 5 the United States will join with the signatories of the said treaty of Versailles in any steps that may be mutually agreed upon to protect from invasion the territory of Germany as by the said treaty of Versailles defined or as delimited thereunder.

Thus Germany has this guaranty from the United States so long as she observes the provisions of part 5. If she ever violates them and proceeds to arm, our obligations under this amendment would be nullified, but so long as she observes the provisions of the treaty and remains disarmed, as we insist she shall, so long we undertake to do whatever the other nations, which similarly obligated themselves, do to see that she is not invaded.

Mr. President, I conceive that nothing less comports with the dignity of the United States, nothing less comports with the spirit of justice which ought to animate us in this matter. Moreover, I pointed out that our material interests would be disastrously affected if Germany were overrun by some enemy—overrun in the disarmed condition in which we insist by this treaty she shall remain.

Mr. BORAH. Mr. President, the Senator from Massachusetts [Mr. LODGE] has asked that the amendment be read and I also should like to have it read.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. It is proposed to insert:

In view of the undertaking of the Government of Germany, recited in part 5 of the treaty of Versailles, to disarm and to remain disarmed, except as therein set forth, the right and advantage accruing from which undertaking is by this treaty specifically reserved to the United States, it agrees that so long as Germany shall observe the obligations of the said part 5 the United States will join with the signatories of the said treaty of Versailles in any steps that may be mutually agreed upon to protect from invasion the territory of Germany as by the said treaty of Versailles defined or as delimited thereunder.

Mr. LODGE. That amendment, I take it, should come in at the end of paragraph 5 of article 2. Is not that the right place?

Mr. WALSH of Montana. Yes.

Mr. KING. I should like to ask the Senator from Montana a question. Suppose that Germany should conform to the disarmament provisions set forth in the treaty of Versailles, but should violate some other provisions of the treaty which should result in an invasion from one of the signatories of the treaty or otherwise, would the amendment now tendered by the Senator from Montana compel the United States then to join with the allied nations in defending Germany from any aggressive movement?

Mr. BORAH. Mr. President, in view of the fact that the discussion arising from the question of the Senator from Utah

[Mr. KING] may take the 10 minutes which I have at my disposal, I yield the floor until the discussion may be concluded.

Mr. KING. I beg the Senator's pardon. I did not know he had taken the floor.

Mr. WALSH of Montana. Replying to the question of the Senator from Utah [Mr. KING] as to the duty of the United States to join with the allied nations in defending Germany from any aggressive movement under the circumstances which he has stated, I answer that the United States undoubtedly would be compelled to join the allied nations. The purpose of the amendment was to require the nation claiming the violation to submit the question of the violation to the tribunal provided by the Versailles treaty for the disposition of such a controversy.

Mr. BORAH. Mr. President, I can well understand the position of the Senator from Montana [Mr. WALSH]. It would seem to be entirely equitable, entirely just and honorable, if we are to disarm Germany and to insist upon her remaining disarmed, that we should protect Germany against invasion or interference on the part of other powers. I have no doubt, for the evidence accumulates every day—it comes to us not only from the press but from everyone who visits Europe and returns—that the fundamental foreign policy of certain of the great nations of Europe is to disarm Germany and then to dismember Germany. It is perfectly apparent that they will not feel at ease until Germany is Balkanized and restored to the position which she held prior to the time when Bismarck united Germany in one great empire. I entertain no doubt that that is the policy, well grounded and intelligently conceived, and that it will be determinedly executed. Such a policy means economic ruin to Europe and turmoil and strife without end. So, Mr. President, believing that, naturally, entertaining the views I do with reference to staying out of the broils and turmoils and disturbances of Europe, I should see myself plunged into the heart of them if I undertook to vote for a proposition which puts the United States in the position of guaranteeing the territorial integrity of Germany. Therefore I am unable to support the amendment proposed by the Senator from Montana. I would, however, very readily support an amendment to eliminate from the pending treaty the references to part 5 of the treaty of Versailles.

Mr. WALSH of Montana. I will say to the Senator that if this or some other similar amendment is not adopted I shall move to strike out the references to part 5 in the treaty.

Mr. BORAH. That would suit me precisely.

I wanted to say this much, Mr. President, because I am trying to stay out of these matters, not to get into them, and the Senator from Montana has struck at the very heart of this controversy—that is, the dismemberment and the destruction of Germany. It is no longer a question of reparation but of breaking up Germany.

Mr. KING. Mr. President, I do not agree with the position just taken by the Senator from Idaho [Mr. BORAH] that there is a purpose upon the part of the allied nations to dismember Germany.

Mr. BORAH. Mr. President, I did not say that was the purpose of the allied nations; I said it was the purpose of certain great nations of Europe.

Mr. KING. Mr. President, I accept the Senator's statement; but, obviously, the Senator contemplates within that general statement some of the allied nations; and I have no doubt that if the Senator were to answer categorically what particular nation he had in mind he would say France. He certainly could not say that Great Britain has evidenced a purpose to dismember Germany. Upon the contrary, Great Britain from the outset has evinced a strong determination that the territorial integrity of Germany should be preserved. This statement, however, is subject to the qualification that Great Britain believed that an independent Poland should be erected and that a part of the new State should consist of territory formerly belonging to Poland, but which had been annexed by Germany. I think it is entirely accurate to say that Great Britain, while she was desirous that France should be protected against any recrudescence of Germany's military power, was not agreeable to the permanent occupation by France of German territory west of the Rhine.

Undoubtedly France greatly desired that Poland should be erected into a strong and powerful State. It was the belief of many Frenchmen that a strong Poland would be a protection to France. It is obvious that the erection of a powerful State between Germany and Russia would prove of advantage to France against a revival of a military Germany. It was the opinion, not only of the allied nations but of the people of the United States, that one of the fruits of the war should be an independent Poland.

The destruction of Poland by Russia, Austria, and Germany was a crime against which the conscience of the civilized world revolted. Undoubtedly there are serious problems to be solved in the construction and maintenance of a Polish State. The tripartite division of Poland and the subjection of her people to three different nations for such a long period of time has created estrangements and dissimilarities even among the Poles themselves, so that it will require time and patience for the inhabitants of the new Poland to be welded together and to assume that solidarity so essential to a vigorous and progressive State.

If the peace conference at Versailles had not made provision for an independent Poland, and the people of that great race had been left as subjects of other nations, the seeds of war would have remained, and the settlement of the problems of Europe would have been further greatly postponed.

Undoubtedly France has insisted upon certain guaranties for her protection. The sword has been at the throat of France for many years. She was invaded by the military hosts of Germany in 1871 and lived in a state of terror even after the terms of peace had been signed, fearing further invasion by Germany, whose continued military preparations and militaristic attitude toward France, as well as other nations, were a continuing admonition that the independence and integrity of the French nation were still menaced.

In my opinion there has been an undeserved propaganda, not only in the United States but in Europe, against France. She has been charged with imperialistic ambitions and has been bitterly assailed because of the maintenance of a large military force since the armistice. The people of France are pacific. They have suffered from invasion and know the horrors and the evils of war. They desire to live their lives in peace and to develop their resources and to continue to be an intellectual and moral force in the world.

France emerges from the war with 2,000,000 of her heroic sons lying upon a hundred battle fields and with 5,000,000 suffering from wounds and disabilities. Millions of her citizens were driven from their homes and hundreds of her cities and towns and villages were destroyed. She is staggering under a stupendous debt, greater than the entire cash indemnity levied upon Germany to be shared by the allied nations.

She looks beyond the western boundaries of Germany and sees therein no cities in ruins, no forests and fields laid waste, no devastated lands, no ruined factories; but she perceives 67,000,000 people, compact, animated by a common purpose, organized industrially and otherwise, and determined to assume at an early period a proud position—indeed, a preeminent position—in Europe. Moreover, she discovers increasing evidence of a determination upon the part of the German people to read asunder the Versailles treaty and to escape from many of its obligations. Daily she learns of movements by monarchists and reactionaries to overthrow the present Government of Germany and to place the control of Germany in the hands of the militarists and the Prussian junkers, who constantly avow their purpose to assail France and to bring her people under the heel of a revived and militant Germany. The evidence is overwhelming that, except for military pressure—for which France is largely responsible—Germany would have evaded many of the provisions of the treaty and would have refused to agree to the payment of the indemnity fixed under the terms and by the authority of the Versailles treaty.

Germany defeated is in many ways stronger than France victorious. Whatever is recovered by France by way of reparation will but poorly compensate her for the great losses which she has sustained. In these observations I am not assailing Germany. I entertain no hatred of the German people. They will emerge from the war perhaps the most powerful force in Europe. Their genius, their ability, their capacity for organization, and, indeed, their many fine and splendid qualities, will lead them out of their present difficulties and place them upon the pathway of progress and development. If Germany will act justly and live up to the standard of international righteousness, if she will seek the paths of peace rather than the paths of war, nothing can prevent her from wearing the crown of industrial, if not political, primacy in continental Europe. The world needs a rejuvenated Germany; and it rests with the German people to win the confidence and esteem of the world and to assume a position of leadership among the nations of the world.

The treaty before us and the discussions which are taking place bring emphasis to the fact that our Nation committed a blunder when it failed to ratify the Versailles treaty and take its place in the League of Nations. If we had ratified that treaty, we would not have before us this weak, impotent, and

illogical instrument which has received the approval of the present administration. If we had ratified the Versailles treaty, as we should have done in August or September of 1919, the condition of the world would have been vastly different to-day. Undoubtedly Germany would now have been a member of the League of Nations. France, with the protection which the league would have afforded her, would have long before this demobilized most of her military forces, and Europe would have been far advanced along the pathway of pacification and stabilization. Our course has been a stumbling block in the pathway of world peace. It would seem as though there had been a concerted effort on the part of many in our land not only to discredit but to destroy the League of Nations and to prevent it from accomplishing the beneficent purpose for which it was organized.

Mr. President, I can not approve of this treaty. I can not approve of a plan which contemplates the abandonment of our allies, the placing upon them alone the responsibilities incident to the execution of the Versailles treaty. I am unwilling, having joined with them in the World War, to desert them in their efforts to secure world peace and to meet the great problems which the results of the war placed upon the victorious nations. I believe that duty and honor alike require that we stand with our allies, sharing with them the burdens and responsibilities, great or unimportant, which the war laid upon all the allied and associated nations.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

Mr. POMERENE. Mr. President, I am a little at loss to understand why the United States Senate should insist upon the amendment which has been proposed. The treaty as it stands has been ratified by Germany; Germany is not asking for any such amendment; and I do not quite understand why we should insist, as we do by this amendment, if it is adopted, upon going to the relief of Germany under certain contingencies and not go to the relief of other European nations if similar contingencies should arise.

Mr. WALSH of Montana. Mr. President, will the Senator pardon an interruption?

Mr. POMERENE. I yield.

Mr. WALSH of Montana. Let me say to the Senator that similar conditions can not arise, for there is no other nation on earth with whom we have a treaty compelling that nation to disarm. If there were, the conditions would be similar.

Mr. POMERENE. But this situation can arise; Poland may be invaded, and there is no provision to go to her relief; France may be invaded—

Mr. WALSH of Montana. Let me say, Mr. President, that we have not compelled either of those countries to disarm.

Mr. POMERENE. I understand that, but we have not compelled Germany to enter into this treaty; she has done so voluntarily. If the amendment was to adopt the Versailles treaty, I would vote for that. I am willing to go in for the benefit of all nations; but I do not see quite why, when we are not asked by Germany, we should go in under this amendment for the sole benefit of Germany. At the same time, I wish to say that I would regret exceedingly if there was any attempt on the part of any of the European powers to invade Germany. I want to see the war end. For the reasons thus briefly stated, I shall vote against the amendment.

Mr. WALSH of Montana. Mr. President, the Senator from Ohio must have missed altogether the reasons which prompt me to offer this amendment. I offer it simply because we are insisting by this treaty that Germany shall disarm and remain disarmed. Then she is exposed to any enemy that may care to invade her borders in her unarmed condition.

Mr. POMERENE. Will the Senator yield?

Mr. WALSH of Montana. In just a moment. If we had a treaty with Poland by which we should insist that Poland be disarmed, I should say that we should enter into the same kind of an agreement with Poland. If we had an agreement with France to the effect that France should remain disarmed while her neighbors were armed to the teeth, I should say that we should give the same kind of protection to France.

Mr. POMERENE. Has not the Senator overlooked the fact that these other nations are all in the league, and if disputes arise, and so forth, the council and the assembly have jurisdiction?

Mr. WALSH of Montana. That is the point I made. The Senator has forgotten, because he attended to what I was saying about the matter the other day. The other nations are in the league, and under that some kind of protection is given to Germany; but we are not. If Germany's disarmament is assured by the obligations of the other nations, why do we insist upon it at all? Or, if we do insist upon it, why should we not

assume exactly the same obligation that they have assumed looking to the preservation of Germany, so that she shall not be overrun?

The Senator has entirely overlooked the real motive that impels me in offering this amendment. I regard it not as a matter of looking after the interests of Germany at all, but as a mere matter of doing justice ourselves. We can not afford to say that Germany is making no complaint about this. Germany made no complaint at Paris; but, notwithstanding that fact, the President of the United States stood up there and insisted that the Saar Valley, for instance, should not be annexed to France, and that Alsace-Lorraine was the only territory that France should get as a consequence of the war. He did so because it was believed by him, as it ought to be, I think, by every Member of the Senate, that we were bound to see that Germany got such a treaty as that by reason of the negotiations resulting in the armistice. So here, Mr. President, it ought to be a matter of no consequence to us what considerations induced Germany to yield to such a demand; we never ought to make the demand. It is not consistent with the spirit of justice that we should.

Mr. HITCHCOCK. Mr. President, I rise to suggest to the Senator from Montana the insertion of the word "unjustified" before the word "invasion."

Mr. WALSH of Montana. That would meet the idea suggested by the inquiry of the Senator from Utah [Mr. KING], and it will be entirely agreeable to me to have that done.

The VICE PRESIDENT. The question is on the adoption of the amendment as modified.

Mr. KING. Mr. President, let me make one observation, if I may.

I can not comprehend how we can support a proposition that strips Germany bare and subjects her to certain responsibilities and the imposition of certain obligations; we disarm her; we compel her to submit to the provisions of the Versailles treaty; we prevent her through those provisions from defending herself against any aggression, justified or unjustified; we take the advantage of all the provisions of the Versailles treaty; and yet through this treaty we take the ignominious and pusillanimous course that we are unwilling to protect a foe that we have disarmed and that we propose to compel to be disarmed.

It does seem to me that the position taken by this treaty can not be defended, and that the amendment offered by the Senator from Montana cures it in a respect that ought to commend it to the judgment of those who believe in fair play and in international honesty.

The VICE PRESIDENT. The question is on the adoption of the amendment offered by the Senator from Montana [Mr. WALSH], as modified.

Mr. WALSH of Montana. I call for the yeas and nays.

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

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS], and therefore withhold my vote.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD], and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Indiana [Mr. NEW], and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE], but I am informed by the Senator from Massachusetts [Mr. LODGE] that if the Senator from Pennsylvania were present he would vote "nay" upon the pending proposition. As I desire to vote the same way, I take the liberty of voting, and do vote, "nay."

The roll call was concluded.

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from North Dakota [Mr. LADD], and will vote. I vote "nay."

Mr. CARAWAY. I desire to announce the unavoidable absence of my colleague [Mr. ROBINSON]. I will let this announcement stand for the day.

Mr. SWANSON (after having voted in the negative). I have a pair with the senior Senator from Washington [Mr. JONES], but I understand that if present he would vote the same way that I have voted; so I will let my vote stand.

Mr. CURTIS. I have been requested to announce that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. BALL (after having voted in the negative). I transfer my pair with the Senator from Florida [Mr. FLETCHER] to the

Senator from Maryland [Mr. WELLER], and will let my vote stand.

The result was announced—yeas 6, nays 71, as follows:

YEAS—6.			
Glass	King	Simmons	Walsh, Mont.
Hitchcock	Overman		
NAYS—71.			
Ashurst	France	McCormick	Shortridge
Ball	Frelinghuysen	McCumber	Smoot
Borah	Gerry	McKellar	Spencer
Brandegee	Gooding	McKinley	Stanley
Broussard	Hale	McLean	Sterling
Calder	Harrell	McNary	Sutherland
Cameron	Harris	Moses	Swanson
Capper	Harrison	Nelson	Townsend
Caraway	Heflin	Newberry	Trammell
Colt	Johnson	Nicholson	Underwood
Culberson	Jones, N. Mex.	Norbeck	Wadsworth
Cummins	Kellogg	Oddie	Walsh, Mass.
Curtis	Kendrick	Page	Warren
Dillingham	Kenyon	Poindexter	Watson, Ga.
du Pont	Keyes	Pomerene	Watson, Ind.
Elkins	La Follette	Ransdell	Williams
Ernst	Lenroot	Reed	Willis
Fernald	Lodge	Sheppard	
NOT VOTING—18.			
Bursum	Ladd	Penrose	Smith
Dial	Myers	Phipps	Stanfield
Edge	New	Pittman	Weller
Fletcher	Norris	Robinson	
Jones, Wash.	Owen	Shields	

So the amendment of Mr. WALSH of Montana, as modified, was rejected.

Mr. WALSH of Montana. Mr. President, in view of the rejection of that amendment, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The Assistant Secretary read as follows:

In view of the undertaking of the Government of Germany, recited in part 5 of the treaty of Versailles, to disarm and to remain disarmed, except as therein set forth, the right and advantages accruing from which undertaking is by this treaty specifically reserved to the United States, it agrees that so long as Germany shall observe the obligations of the said part 5, the United States will use its good offices to prevent the unjustifiable invasion of the territory of Germany as by the said treaty of Versailles defined or as delimited thereunder.

The VICE PRESIDENT. The question is on the adoption of the amendment.

Mr. WALSH of Montana. I ask for the yeas and nays.

Mr. BORAH. Mr. President, is this a second amendment offered by the Senator from Montana?

Mr. WALSH of Montana. It is.

Mr. BORAH. I beg the Senator's pardon, but I was out of the Chamber at the time he offered the amendment, and I would like to know the difference between the two.

Mr. WALSH of Montana. The difference between the two is simply this: By this the United States simply obligates itself to use its good offices to prevent the unjustifiable invasion of Germany. The other amendment obligated the United States to join with any of the signatories to the Versailles treaty in any steps they might take to prevent the unjustifiable invasion of Germany.

Mr. BORAH. Mr. President, we use this term "good offices" a great deal, and the expression has come to have a far-reaching effect, it seems to me. I think this is as good a time as any other to ask the Senator what he would understand by the term "good offices" and how far it would take us, in his opinion?

Mr. WALSH of Montana. I think the term is fairly well understood in diplomatic usage. It signifies the use in a diplomatic way of such influence as we possess. The good offices of one nation are frequently tendered in case of war threatened between two other nations with which it is at peace, with a view to compose the differences. It does not go any further than a diplomatic intervention, according to my understanding.

Mr. BORAH. Would it include an economic boycott?

Mr. WALSH of Montana. I should say not.

Mr. BORAH. Or financial pressure?

Mr. WALSH of Montana. I should think not. That is not my understanding of the use of the term.

Mr. BORAH. I ask these questions in good faith, because within the last few days I have read a very interesting article by a writer who seemed to think that "good offices" under present conditions included both those propositions. He referred, in other words, to financial pressure as a beneficent method of bringing matters to a conclusion without war. I think he was wholly mistaken. It generally results in war. But I simply wanted to get the Senator's view of it.

Mr. WALSH of Montana. Of course, my view may not be correct, because I do not profess to be particularly expert in these matters, but I should think that anything in the nature of pressure or duress upon either of the parties would fall

without the domain of "good offices." "Good offices" are such as a mutual friend would exercise as between two friends who were having a controversy.

Mr. WATSON of Georgia. Mr. President—

Mr. WALSH of Montana. But it occurred to me, Mr. President, if the Senator from Georgia will pardon me for a moment, that if we do insist upon part 5 remaining in this treaty, we ought, at least, to go so far as to say that we will interpose, diplomatically at least, to protect the foe whom we have insisted shall be disarmed. Indeed, I think the simile to which I referred the other day was quite appropriate—the case of a sheriff who has taken a prisoner and disarmed him so that he is not able to protect himself at all. Justice demands that the sheriff shall protect that man against anyone who would attempt to injure him.

Now I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Can the Senator cite an instance where any nation has bound itself beforehand, by law, to interpose its good offices?

Mr. WALSH of Montana. I have no specific case in mind.

Mr. BORAH. That was the substance of the Korean treaty, was it not, that in case the independence of Korea were attacked we would interpose our good offices to protect it?

Mr. WALSH of Montana. We did not do it.

Mr. BORAH. Not that I recall.

Mr. WALSH of Montana. It was not effective, then.

Mr. BORAH. No. That is the case with most agreements of that kind.

Mr. WILLIAMS. Mr. President, I think the amendment now pending, like the amendment just acted on, offered by the Senator from Montana, proceeds upon an absolutely wrong footing. It seems to regard Germany as a sort of helpless lamb surrounded by ravening wolves getting ready to pounce upon her at any moment, and he seems to think that the way to prevent a world war is to prevent somebody from pouncing upon Germany.

That happens not to be the situation. Germany is herself the wolf, who has just had her tusks partially extracted, and who has otherwise been admonished to quit playing the part of wolf. You can not reach a situation of international security which shall result in a just and abiding world peace by sympathizing with the wolf and regretting that the wolf's tusks have been extracted.

There is but one way, Mr. President, whereby we can secure an international consent to a general disarmament on land as well as on sea, and that is for the United States of America to become a party to the defensive treaty offered by Clemenceau, recommended by Lloyd-George to the British Parliament, and adopted by it, sent to this body, recommended by the President of the United States, and now lying on the shelf in the Foreign Relations Committee, the treaty to protect 40,000,000 French against any unprovoked and aggressive attack by Germany, with her 60,000,000 within the German Empire, and her 7,000,000 outside of it, lying in readiness and in crouch to spring whenever the opportunity shall be furnished.

So far as I have been able to learn, I have been the only Member of this body who was in favor of the United States entering into that treaty. There have doubtless been others, but they have not stated their opinions publicly.

You can not have disarmament and peace in Europe until the French people feel secure, and the French people will never feel secure unless they can either control the left bank of the Rhine—which is a thing unthinkable in justice and in right, because its population consists of Germans, in traditions, in ideals, in language, and in every other way; or unless these two great Anglo-Saxon powers, Great Britain and the United States—or, to speak more correctly, these two English-speaking powers, because neither of them is much of an Anglo-Saxon nation—shall agree that they will by force prevent a future unprovoked attack by the German peoples in Europe upon the French people there.

You may talk all you please, you may sentimentalize all you wish, but one of those two things is the alternative; or there may be a third alternative, another world war, out of which we will try to keep, and into which we shall unavoidably be plunged. There is no way around it.

The time has passed when any great country can in any great war remain neutral, because its neutral rights will be attacked by both combatant parties, and it must sooner or later take the side of one or the other in protest of the violation of its neutral rights by the one who has violated them most, or most intolerably violated them. You can not keep out of it.

So you must try to keep peace upon the Continent of Europe among our kinsmen—the other Europeans there. I say now, that when the French come here to this conference on disarma-

ment, one of the first things they will say, because it is one of the first things they must say, is, "France wants to disarm. Her people are being taxed to death. Taxation is so burdensome that it may even breed revolution. But France can not disarm as long as her forty millions of people are threatened by from sixty to seventy millions across the Rhine, unless there is some sort of security furnished her by her late allies and associates, and the only security that we can think of is that you shall agree to help protect us against any future unprovoked act by these German millions, in front of whom we are helpless whenever they are united to attack us."

If Germany had been the victor in the war, the French people would have been on a level with Portugal and with Spain, and would have remained so for the balance of the existence of the human race.

The French people stand as a people who are not breeding very rapidly, while their opponents are breeding like Negroes or guinea pigs; so the future holds out worse odds against them than the past or the present has held out or is holding out. Whatever happens, you have to make up your minds to bear your part in the responsibility of the world's situation or else to bear your part in the next world war.

The only question is in which you prefer to bear a part. There is no way of disarming Europe except by having France take the initiative, and there is no way of persuading the French people under a free government—a Republic where the people rule—to take the initiative except by the psychological assurance to them of security for the future, and we alone can give it. The British Parliament has agreed to do it, but the treaty was predicated upon the idea that neither Great Britain nor the United States was to be bound unless both were bound, so France can not even get the assistance of the British Empire against unprovoked German attack until we agree that we also shall render assistance. The amendments of the Senator from Montana are hitting at an imaginary danger just precisely the opposite of the real danger that confronts Europe.

Mr. LENROOT. Mr. President—

The VICE PRESIDENT. The Senator from Wisconsin.

Mr. WALSH of Montana. Mr. President, will the Senator yield to me a moment?

Mr. LENROOT. Certainly.

Mr. WALSH of Montana. I trust the Senator from Mississippi [Mr. WILLIAMS] will not leave the Chamber until I have said a word or two to him. I wish to say to the Senator from Mississippi that if he had done me the honor to listen to my address on Wednesday last he would recognize that I tried to make, in my poor, ineffective way, the very excellent speech he has just made. I am in entire accord with him in his views.

Mr. WILLIAMS. If the Senator is alive to the real danger, why put up the bars against this imaginary danger?

I was so unfortunate as not to hear the speech of the Senator from Montana. I regret the fact, as I regret any failure on my part to hear his counsel.

Mr. WALSH of Montana. That is not the question at all. We are now endeavoring to make a treaty with Germany. We have to accept the other situation just exactly as it is. The question is, Shall we make a treaty with Germany by which we insist upon Germany being disarmed and then leave her open to any enemy that may attack her? I agree with the Senator entirely that if we expect to accomplish anything by the conference which is soon to assemble here, we must accept at once the proposition that we are under obligation to make some kind of guaranty to France against invasion by Germany.

Mr. WILLIAMS. I am glad to hear the Senator say that.

Mr. WALSH of Montana. That is entirely separate from this question, however.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The present occupant of the chair has just taken the chair, but is informed that the time of both Senators has expired under the 10-minute rule. The Senator from Wisconsin has the floor.

Mr. LENROOT. Mr. President, just a word, because I do not think the statement made and repeated by the Senator from Montana should go unchallenged. He has twice stated that part 5 of the Versailles treaty is made a part of the pending treaty. That, of course, is not so. The Senator from Montana must concede that that is not so. What is done is that we are given the rights that we would be permitted to enjoy under part 5 had we entered into the Versailles treaty, but nothing more. We may or may not exercise any of those rights granted to us. If we do exercise any of the rights it is provided in the treaty that we must do so consistent with the rights that Germany has under the treaty of Versailles. We can not do otherwise. So Germany is fully protected under the treaty as it

stands, and surely the Senator from Montana would not go further in protecting the rights of Germany than the German people themselves have gone in this treaty voluntarily entered into and ratified by them.

Mr. KING. Mr. President—

Mr. LENROOT. Just a word further, and then I will yield. I wish to complete this statement, because my time is limited. If the amendment of the Senator from Montana should be agreed to, what would be involved? Whenever a controversy arose this Government would be compelled to pass upon the merits of that controversy and render a decision thereon and to find out and answer whether the obligation imposed by the amendment of the Senator from Montana was in force. It could not be otherwise. That would involve the United States Government acting, passing upon, and making a decision in any controversy which might arise covering the scope of the amendment offered by the Senator from Montana.

I now yield to the Senator from Utah.

Mr. KING. Perhaps I did not understand the attitude of the Senator from Wisconsin, but article 2 of the pending treaty specifically provides that the rights and advantages stipulated in part 5 of the Versailles treaty inure to the advantage of the United States.

Mr. LENROOT. Exactly.

Mr. KING. We get all the benefits of part 5, just as is contended by the Senator from Montana, and we deny any of the responsibilities or liabilities that the Versailles treaty imposes upon us.

Mr. LENROOT. Let us see. If the Senator from Utah will read the next paragraph following the one conferring the rights upon us, he will find that it provides that if we do exercise those rights we obligate ourselves to do so in a manner consistent with the rights accorded to Germany under the treaty of Versailles.

Mr. KING. May I inquire of the Senator what obligation would rest upon us under the treaty to defend Germany if she was wantonly attacked after we had stripped her?

Mr. LENROOT. The same rights that exist under the Versailles treaty, if any. But I doubt if we would undertake to exercise the right covered by part 5. If we do nothing with reference to that, of course there would be no obligation, but our obligation would be just as strong; in other words, we could not exercise the right or the rights which part 5 conferred upon us unless we did so consistently with the rights that Germany had under the treaty of Versailles.

Mr. KING. Does the Senator mean to use the word "consistently" in the sense that it is an obligation, moral or legal, that we shall go to the defense of Germany if she is wantonly attacked?

Mr. LENROOT. If there was an obligation to defend her, if wantonly attacked, under the provisions of the Versailles treaty, and if not to defend her would be inconsistent with the assertion of our rights, then we should be bound to defend her. But there is no such obligation.

Mr. KING. If the Senator's attitude is correct, then I am sure he will not get 10 votes for the treaty upon the other side of the Chamber, because the position of the Republicans has been that they would not assume any responsibilities under the Versailles treaty, and one of the responsibilities is that we and all signatories to the treaty should protect Germany if she was unprovokedly attacked by any one of the allied powers or any other power.

Mr. LENROOT. No responsibility is assumed here. All I say is that a right is granted which we may exercise or not. If we do exercise it, we must do so consistently with Germany's rights under the treaty.

Mr. LODGE. We are not bound to assume any of those rights or privileges. We are left entirely free.

Mr. KING. Mr. President, I am not quite sure that I understand the attitude of the Senator from Wisconsin [Mr. LENROOT], but it seems to me it is too clear for controversy that we, by the treaty now before us, are claiming the advantages of part 5 as well as the other parts of the treaty and that we decline in advance to assume any of the liabilities or obligations or responsibilities that flow from the treaty and which attach to the other signatories to the treaty known as the allied nations. We seek advantages, but we refuse to assume responsibilities. We insist upon the disarming of Germany, and that is right. We strip her bare, and yet we refuse, if she is wantonly attacked, to defend her or to join with our former allies in so doing, and now you are about to vote against the suggestion of the Senator from Montana that we tender our good offices to protect her if she shall be unjustly assailed. The present treaty obtains all of the benefits of the Versailles

treaty; it approves of the subjection of Germany to the allied dictated peace, but refuses to aid in carrying out the terms of the treaty or to protect Germany if she shall be assailed.

Mr. LENROOT. Will the Senator yield?

Mr. KING. I yield to the Senator.

Mr. LENROOT. Does the Senator desire the United States to enter into an obligation to defend Germany or any other European country if attacked, however wantonly?

Mr. KING. Mr. President, I am willing to now support a proposition to ratify the Versailles treaty and to enter the League of Nations. We could with propriety ratify the treaty with reservations deemed necessary for the protection of the United States with reference to her domestic affairs, or any other matter deemed important and necessary. As indicated by the Senator from Mississippi [Mr. WILLIAMS] a few moments ago, I believe that where we claim benefits we should be willing to assume responsibilities. If Germany should be unjustly attacked, and we are the beneficiaries of a treaty which compels her disarmament, then we should be willing to join with those nations who enjoy like benefits, in the protection of Germany.

If we claim the advantages of the Versailles treaty, where can we find justification in any law of morals for a repudiation of the provisions of the treaty, which have made possible the enjoyment of its benefits? Those supporting this treaty seem to be willing to use the allied nations to guarantee to the United States certain indemnities and advantages, but perceive nothing ignoble in deserting the Allies when they carry burdens made necessary in enforcing the treaty. And the attitude of many Senators seems to be that, having compelled Germany to disarm, we shall afford her no protection, if she should be unjustly assailed.

Mr. President, the honorable, the decent thing, is for the United States to unite with the allied nations in executing the Versailles treaty. We can not with honor desert Europe, turn our backs upon the allied nations, and leave unsettled the world problems which the victory which we helped to win gave birth to.

Mr. LODGE. Mr. President, just a word. We are not guaranteeing anybody's boundaries, either our allies or the associated powers or anyone else's. Of course, we are not undertaking to guarantee Germany our good offices which we offer to no one else. The German Government and the German Reichstag have ratified this treaty without amendment and with but little dissent. I think they can be trusted to do what they think is for their own interest and to look after their interests without having them looked after here.

Mr. HITCHCOCK. Mr. President, I favor the amendment offered by the Senator from Montana pledging the United States to use its good offices in case Germany is unjustifiably attacked or her territorial integrity endangered. I favor that as a natural supplement to the treaty which we are negotiating with Germany, in which we reserve to ourselves whatever rights we have under part 5 of the Versailles treaty. Part 5 requires Germany to disarm. That promise we exacted of Germany for the reasons stated in this paragraph of the original Versailles treaty:

In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval, and air clauses which follow.

In our pending treaty we have practically become a party to that clause. We have reserved whatever rights we have under it. That means that if Germany undertakes to violate that promise she would be violating a promise made to us. Having exacted that promise from Germany, I think we should also, on our part, take the position that if any nation undertakes unjustifiably to invade Germany we will at least use our good offices to prevent such a wrong.

Mr. President, that is not simply for the benefit of Germany; it is for the benefit of the world. We know that Germany is not the only country in which there is a military party. We know that at the present time there is a very active and threatening military party in France, and it is well for France or any other country to know that we assume here to use our good offices and serve notice in advance that we will use our good offices against the unjustifiable invasion of helpless Germany.

I am for it not only because it is justice to Germany but because it is in the interest of peace and may help prevent any unjustifiable attack on Germany.

Mr. SHORTRIDGE. Mr. President—

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

Mr. HITCHCOCK. I yield.

Mr. SHORTRIDGE. In view of the Senator's remark that there is a military party still in France, does the Senator think that France meditates any wanton attack upon Germany?

Mr. HITCHCOCK. I have not said that. I have said, and I repeat, that there is a military party in France. Woodrow Wilson called attention to that fact, and the fact that France is to-day not only maintaining an unnecessarily large army, far more than she needs on the Rhine, but she has 200,000 men in Asia Minor at this time. That is sufficient indication to the world that the military party of France may become an active danger to the world. I realize that fear of Germany is a large part of the military preparations of France, and I agree with those who say that we should have entered into the treaty of Versailles and the League of Nations for the purpose of guaranteeing France against such a danger.

But we did not do so. Now we are maintaining our rights under this treaty and requiring Germany to disarm. Doing that, we should at the same time serve notice on every other nation in the world that an unjustifiable attack upon Germany will be considered by us at least a cause for exercise of our good offices to prevent it.

Mr. SHORTRIDGE. Mr. President, I rose merely to ask the Senator from Nebraska the direct question as to whether or not he thought France meditated or had in remote contemplation any wanton or other attack upon Germany, and he has made his reply.

Of course, personally, I think that France is justified in what she is now doing to protect her present and to safeguard her future, and, not to multiply words, I think if we were similarly circumstanced, if the nation to the north of us were twice our size in population and had within half a century twice invaded us we would be well justified in the exercise of due caution and love of country in making substantially the same defensive preparations that France has made or is making.

Mr. JONES of New Mexico. Mr. President, I should like to inquire of the Senator from Wisconsin how he would construe that part of article 2 of the treaty which reads:

The United States, in availing itself of the rights and advantages stipulated in the provisions of that treaty mentioned in this paragraph, will do so in a manner consistent with the rights accorded to Germany under such provisions.

Turning to part 5 of the treaty of Versailles, I do not discover there any provision which at all limits the obligation of Germany to disarm or that there is anything in part 5 of that treaty which accords to Germany any rights in the premises whatever. There is a complete obligation upon Germany to disarm in the manner provided, and unconditionally, as I construe it. Therefore I should like to inquire of the Senator from Wisconsin how Germany will have a right under our treaty with her to insist upon any modification of that in pursuance of part 5 of the treaty of Versailles?

Mr. LENROOT. Mr. President, the language, as the Senator will see, does not refer merely to any obligation flowing to Germany under part 5, but to any obligation flowing to Germany under any part of the treaty of Versailles. We could not exercise any right we may have under part 5 inconsistent with any rights that Germany might have under any part of the treaty.

Mr. JONES of New Mexico. Then, may I inquire of the Senator, what right would Germany have under any part of the treaty of Versailles to invade in any respect the obligations of part 5 which we incorporate in our treaty with Germany?

Mr. LENROOT. We do not incorporate that in our treaty at all.

Mr. JONES of New Mexico. The treaty so states.

Mr. LENROOT. If we exercise a right granted to us, we can not exercise it inconsistently with any rights Germany may have growing out of the rights conferred upon her.

Mr. JONES of New Mexico. Let me call the attention of the Senator more specifically to the language. It reads:

The United States, in availing itself of the rights and advantages stipulated in the provisions of that treaty mentioned in this paragraph, will do so in a manner consistent with the rights accorded to Germany under such provisions.

There is no modification under the provisions of part 5 which I have been able to discover. I must confess that just for the moment I have only read part 5 hastily, and I may have failed to discover something which is in it, but I do not recall any provision of part 5 which permits any limitation at all upon the obligation of Germany to disarm.

Mr. LENROOT. If the Senator desires to confine it to part 5, then, if we have no obligation to Germany, the Senator from New Mexico and the Senator from Montana ought not to ask us to assume one that does not exist under the treaty of Versailles.

Mr. JONES of New Mexico. The point which the Senator from Montana made was that under this provision of the treaty we are entering into such an understanding with Germany that Germany is bound to us to disarm in accordance with part 5, and the Senator from Montana is insisting that there should

be something reciprocal in the matter; that if we are insisting that Germany shall disarm absolutely, as specified in part 5, then we ought at least to go so far as to say to Germany that in the event this provision in our treaty should invite any attack upon Germany we ought at least use our good offices to prevent that thing being done.

As I understood the reply of the Senator from Wisconsin to that question, he stated that this obligation, now embodied, as it is, in our treaty, carries with it the provisions of the Versailles treaty, including the various provisions for the protection of Germany; but I do not so read this part of our treaty.

Mr. LENROOT. If the Senator does not read it, then he is asking the Government to assume an obligation that does not exist anywhere in the Versailles treaty. The Senator from New Mexico did not ask when the Versailles treaty was up for consideration to assume an obligation that was not found in the Versailles treaty. Why is he asking it now?

Mr. JONES of New Mexico. Mr. President, I think the difficulty arises over what I construe to be a misunderstanding of the Senator from Wisconsin [Mr. LENROOT] in replying to the Senator from Montana [Mr. WALSH]. The Senator from Wisconsin assumed that the point now suggested by the Senator from Montana was already covered.

Mr. LENROOT. It is covered if there is any obligation in the treaty; but if there is no obligation in the treaty, of course, it is not covered.

Mr. JONES of New Mexico. Mr. President, the Senator now uses the term "treaty," referring to the whole of the Versailles treaty, whereas the language of the present treaty does not include all of that language, but simply includes the rights accorded to Germany under "such provisions"—that is, the provisions of specific parts of the Versailles treaty only.

Mr. LENROOT. Oh, no. It is the provisions of the Versailles treaty that are referred to there.

Mr. JONES of New Mexico. If the Senator will read the language, I think he will construe it differently. I will read it again:

The United States, in availing itself of the rights and advantages stipulated in the provisions of that treaty mentioned in this paragraph, will do so in a manner consistent with the rights accorded to Germany under such provisions.

It is specifically limited to the provisions of those paragraphs, those parts of the Versailles treaty embodied in article 2 of the German treaty.

Mr. LENROOT. Then, if there is no obligation in any of those paragraphs we are not under obligation, but the Senator now desires to assume one.

Mr. JONES of New Mexico. The Senator from Wisconsin, then, is willing to have the statement go that under this treaty we are requiring Germany to disarm, and that there is no provision in the treaty whereby we can do anything, even use our good offices, in the protection of Germany in the event that she is invaded by reason of our own treaty insisting upon that disarmament.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Montana.

Mr. WALSH of Montana. I ask for the yeas and nays.

The yeas and nays were ordered and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I have a pair with the Senator from Colorado [Mr. PHIPPS] and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Maryland [Mr. WELLER] and will vote. I vote "nay."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the previous vote concerning my pair and my reason for considering myself for the nonce liberated from it, I vote "nay."

The roll call was concluded.

Mr. OVERMAN. I inquire if the Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. OVERMAN. I have a general pair with that Senator and therefore withhold my vote.

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from North Dakota [Mr. LADD] and vote "nay."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 6, nays 62, as follows:

YEAS—6.			
Glass	King	Simmons	Walsh, Mont.
Hitchcock	McKellar		
NAYS—62.			
Ashurst	Gerry	McLean	Shortridge
Ball	Gooding	McNary	Smoot
Borah	Hale	Moses	Spencer
Brandegee	Harrell	Myers	Stanley
Broussard	Harris	Nelson	Sutherland
Calder	Johnson	New	Swanson
Cameron	Jones, N. Mex.	Newberry	Townsend
Capper	Kellogg	Nicholson	Trammell
Caraway	Kenyon	Norbeck	Underwood
Colt	Keyes	Oddie	Wadsworth
Curtis	La Follette	Page	Watson, Ga.
Dillingham	Lenroot	Poindexter	Watson, Ind.
du Pont	Lodge	Pomerene	Williams
Fletcher	McCormick	Ransdell	Willis
France	McCumber	Reed	
Frelinghuysen	McKinley	Sheppard	
NOT VOTING—27.			
Bursum	Fernald	Overman	Smith
Culberson	Harrison	Owens	Stanfield
Cummins	Heflin	Penrose	Sterling
Dial	Jones, Wash.	Phipps	Walsh, Mass.
Edge	Kendrick	Pittman	Warren
Elkins	Ladd	Robinson	Weller
Ernst	Norris	Shields	

So the amendment of Mr. WALSH of Montana was rejected.

Mr. WALSH of Montana. Mr. President, in some remarks I made on the treaty last week I called attention to the provisions of article 1, under which all rights, privileges, and advantages reserved under what is known as the Knox resolution are guaranteed to the United States. Included in those, as recited in that resolution, are—

all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefits; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any act or acts of Congress; or otherwise.

Under the Knox resolution the right is reserved to the United States to hold the property seized by the Alien Property Custodian until all claims of any of the nationals of the United States for damage suffered by any acts of the German Government or any of its agents since the 31st day of August, 1914, are satisfied or until provision is made for the payment thereof.

I then called attention to the obligation under which the United States rested, by virtue of the exchanges resulting in the armistice, not to exact of Germany compensation for any damages done to any of its nationals except such as were suffered by the civilian population. I called attention to the fact that at the conference of Versailles an insistent demand was made by certain of the Allies to exact compensation of Germany for all damages occasioned by the war; and I disclosed how, after the debate progressed before the Versailles conference, the contention was finally abandoned by every one of them, and it was agreed that the compensation to be exacted of Germany should be limited to the damage which was done to the civilian population; that thereafter the controversy raged around the question of the elements which should enter into the question of the damages done to the civilian population; and that that controversy finally resulted in annex No. 1 to article 232 of the treaty, which specified 10 elements entering into those damages, including pensions and separation allowances. I challenged anyone to attempt to defend pensions and separation allowances as damages done to the civilian population, and no one has attempted so to defend them.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

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

Mr. WALSH of Montana. I yield to the Senator from California.

Mr. SHORTRIDGE. Does the Senator fear or think that the United States ever will make such a demand upon Germany under the reparation rights? If he does, then of course it is a matter for careful thought.

Mr. WALSH of Montana. It is not a matter of fearing at all. We are reserving by this treaty the right to demand compensation for all these damages.

Mr. SHORTRIDGE. Precisely; but, with respect, the Senator does not answer my question. Does he think that this Nation, by whomsoever guided or directed, will ever make such a demand?

Mr. WALSH of Montana. I have no idea about the matter. I could not pretend to say what somebody, two, three, four or five years hence, may do. That is not the question. It is not a question with me as to whether we are going to insist upon all the rights that we have under this treaty. We are expressly reserving in this treaty the right to demand payment for all those obligations.

Mr. SHORTRIDGE. Why should we not?

Mr. WALSH of Montana. Because we have bound ourselves not to do so.

Mr. SHORTRIDGE. That is debatable.

Mr. WALSH of Montana. That is the question. Up to the present time Senators upon the other side have studiously refrained from saying one word in regard to the matter. They have refused to discuss even the question as to whether we are or are not bound by the exchanges resulting in the armistice to restrict our demands to the civilian population. I shall listen very attentively to any discussion by the Senator from California or anyone else controverting that proposition.

Mr. SHORTRIDGE. If given an opportunity, I may make a few remarks, addressing myself to that immediate point; but, so that the Senator may perhaps anticipate, the fact that we have a legal right to make a given demand, of course, does not necessarily imply that we shall enforce that right or make that demand. It occurs to me that it may be prudent for us to reserve that right; not to hold its exercise over Germany in terrorem, but prudently, in the nature of self-defense, if you please, to reserve the right to make the demand if the occasion should require. Whether we have that right under the armistice may be a matter of interpretation or discussion.

Mr. WALSH of Montana. Mr. President, if it were not for the fact that we are bound by the armistice negotiations to restrict our claims to damages done to the civilian population, I should entirely agree with the Senator from California that it would be advisable for us to reserve all of our rights, to be exercised, if we saw fit to do so, or not; but the argument I am making is that we are not at liberty to reserve these rights, having expressly agreed that we shall never exact anything more than reparation for damages done to the civilian population. That is the burden of my claim. Moreover, Mr. President, I called attention to the fact that under one provision of the treaty we reserve the rights to demand all of these damages, and under the other we limit ourselves to the damages done before we went into the war.

Mr. WILLIS. Mr. President—

Mr. WALSH of Montana. I yield to the Senator from Ohio.

Mr. WILLIS. I want to be sure that I understand the Senator's position, for I value his opinion very highly. What is his idea about this case? I happen to have in mind this instance:

In the years 1917 and 1918 a large plant in Belgium, worth perhaps \$2,000,000, located clear outside of what you might call the war zone—of course, it was under German control, but there was no actual fighting there—was demolished by the Germans. That plant was owned entirely by Americans. It was destroyed obviously for the purpose of crippling that industry. Is it the opinion of the Senator that under the armistice agreement we would have no recourse for that, but that under the terms of the treaty now pending we would have?

Mr. WALSH of Montana. No; the opinion of the Senator is that we would undoubtedly have the right to have compensation for that under the armistice agreement. That is obviously a damage done to the civilian population. The owners of that property were not injured at the front at all. That was damage done to the civilian population.

Mr. WILLIS. But the Senator will note that it was not in Germany; it was in Belgium.

Mr. WALSH of Montana. It does not make any difference. For the damage done by the Germans to the civilian population of the United States, no matter where they were, they are entitled to recover. For instance, when they were on the high seas a ship was submarined. They would be entitled to recover damages for that.

Mr. WILLIS. Then, as a matter of fact, it is the opinion of the Senator that both under the armistice and under the pending treaty we would have our remedy for that wrong?

Mr. WALSH of Montana. Undoubtedly, sir; undoubtedly. We would have the remedy if the amendments I propose to tender were adopted.

Mr. WILLIS. And if such an outrage as I have described had occurred, as it did occur in other instances prior to the time

we went into the war, we would have our remedy under the armistice also?

Mr. WALSH of Montana. Undoubtedly. If it occurred prior to the time we went into the war, we would have a remedy under the treaty; but the amendment which I tender contemplates that we should recover for damages done to the civilian population, whether they were done before we went into the war or after we went into the war, but that the recovery should be restricted to the damages done to the civilian population—such a case as the Senator from Ohio propounds.

Mr. WILLIS. Has the Senator offered his amendment?

Mr. WALSH of Montana. No; I offer it now, Mr. President.

The PRESIDING OFFICER. Does the Senator from Montana desire to have his remarks credited to his time on the treaty or on this amendment?

Mr. WALSH of Montana. On the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Montana.

The reading clerk read as follows:

Notwithstanding anything herein, Germany shall be under no obligation to make compensation to the United States for any damage sustained by any of its nationals in consequence of any acts of the Government of Germany or any of its agents since August 31, 1914, except for damage done to the civilian population of the United States; nor shall it, by reason of anything in this treaty, be entitled to retain any property coming into its possession since April 6, 1917, as the property of the nationals of Germany for the satisfaction of any claims asserted by the nationals of the United States except claims for damages done to the civilian population thereof.

Mr. WALSH of Montana. Mr. President, I should like to inquire of the Senator from Ohio whether the case to which he refers occurred prior or subsequent to the time we went into the war.

Mr. WILLIS. The particular case I stated in the first instance, the case of the glass plant in Belgium, as a matter of fact occurred after we went into the war.

Mr. WALSH of Montana. Then I want to suggest to the Senator from Ohio that there is some doubt whether under the treaty a recovery could be had in that case. It is a case which certainly should be taken care of. I refer the Senator to paragraph 4 of the annex to article 298, which reads as follows:

All property, rights, and interests of German nationals within the territory of any allied or associated power and the net proceeds of their sale, liquidation, or other dealing therewith may be charged by that allied or associated power in the first place with payment of amounts due in respect of claims by the nationals of that allied or associated power with regard to their property, rights, and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that allied or associated power entered into the war.

So if that provision of the treaty controls, recovery could not be had in the case to which the Senator refers.

Mr. WILLIS. But the Senator admits that under the terms of the pending treaty, if it shall be ratified, the case I have stated would very clearly be covered, would it not?

Mr. WALSH of Montana. It would not necessarily be covered. The question would arise as to whether the case would be controlled by article 1 of the treaty or by paragraph 4 of the annex to article 298 of the Versailles treaty. I called attention the other day to the fact that the two provisions are entirely inconsistent, and it is a question as to which of the two would prevail.

The rule of law, as the Senator well knows, is that if an inconsistency exists between two portions of a pact or treaty, other things being equal, the later provision will prevail, and this is found in article 2 of the treaty, and would probably prevail over article 1 of the treaty.

The PRESIDING OFFICER. Will the Senator indicate in what portion of the treaty he desires this amendment to be inserted?

Mr. WALSH of Montana. Immediately after subdivision 4 of article 2.

Mr. McCORMICK. Will the Chair state where it is to be inserted? I could not hear the Senator.

The PRESIDING OFFICER. Immediately after subdivision 4 of article 2.

Mr. WILLIS. Mr. President, I desire to be heard on the amendment. I have not had time to carefully examine the amendment, and I am not quite certain of its effect. I want to develop further the thought that was brought out in the colloquy between the Senator from Montana and myself. I want to find out whether in the pending treaty, or in the Versailles treaty, there is satisfactory provision to cover cases such as I have referred to. I have taken pains to collect some facts with reference to those claims. There are some 77 of them.

The claim to which I referred a moment ago was that of a glass plant in Belgium, located far from the war zone, never in

the line of battle, which was left substantially untouched until the American declaration of war, when it was destroyed, not for any possible military object, but deliberately, for the evident purpose of crippling an American-owned industry for some time after the war.

That is significant, because this was an American plant owned entirely by American capital. There were half a dozen other plants in that same territory which were owned by Belgians, carried on by Belgian capital, which were not interfered with at all. It was the evident purpose to cripple that particular industry.

Personally, I have not any doubt that the terms of the pending treaty cover that absolutely. I think it is perfectly clear, and I refer to section 5 of the Knox resolution, which is embodied in the pending treaty and which reads as follows:

SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals which was on April 6, 1917, in, or has since that date come into, the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in, or has since that date come into, the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law, until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government or their successor or successors shall have respectively made suitable provision for the satisfaction of all claims against said Governments, respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government or its agents or the Imperial and Royal Austro-Hungarian Government or its agents since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial-property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America.

That obviously covers the case I have stated. I doubt somewhat whether it is covered in the annex to article 298, to which the Senator calls my attention, which I have read rather carefully.

Mr. FLETCHER. Mr. President—

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

Mr. WILLIS. I yield.

Mr. FLETCHER. I was going to inquire whether or not this property would come within the exception mentioned under paragraph 9 of annex 1 to article 244 of the treaty of Versailles, which provides that—

Damage in respect of all property wherever situated belonging to any of the allied or associated States or their nationals, with the exception of naval and military works or materials which has been carried off, seized, injured, or destroyed by the acts of Germany or her allies on land, on sea, or from the air, or damage directly in consequence of hostilities or of any operations of war.

That would seem to cover this case.

Mr. WILLIS. From what is the Senator reading?

Mr. FLETCHER. It is annex 1, paragraph 9, page 37, of this printed pamphlet. The first paragraph of that annex is as follows:

Compensation may be claimed from Germany under article 232 above in respect of the total damage under the following categories.

That is one of the categories under which you could claim this damage, unless this property was used for naval or military works or materials.

Mr. KING. Or unless the destruction occurred before our belligerency. If it occurred after our belligerency, unquestionably recovery could be had.

Mr. FLETCHER. I think really the time would be immaterial. There is no limit fixed there, and the only exception is in case it is used for military or naval works or material. I do not know whether this plant was used in that connection or not.

Mr. LODGE. Mr. President—

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

Mr. WILLIS. I yield.

Mr. LODGE. Of course, the peace resolution, passed by Congress and embodied in this treaty, covers all claims of the United States from 1914. It draws no distinction between pre-war and subsequent claims; it covers them all, as the Senator has said. But there is a provision in the treaty of Versailles by which special arrangements are made for covering pre-war claims—that is, giving a choice to each of the powers as to whether they will take German property in their possession and turn it into the reparation fund or use it in settling the pre-war claims. So the pre-war claims are doubly covered. But this treaty, which was drawn very carefully, as the Senator has said, covers everything, all private claims.

Mr. WILLIS. That is my opinion. I think the treaty covers it absolutely. I would like to have the opinion of the Senator from Massachusetts on this point: In the pending treaty section 5 of the Knox resolution is embodied verbatim—

Mr. LODGE. Yes; it is.

Mr. WILLIS. In the opinion of the Senator, if there were a conflict between that clear and concise language and such an article as that referred to by the Senator from Montana [Mr. WALSH], for example, the annex to article 298, the one being stated clearly and in so many words, the other incorporated only by reference, which one of those does the Senator think would control?

Mr. LODGE. Of course, this one. We are not signatories to the treaty of Versailles. This is all that governs as between Germany and the United States.

Mr. WILLIS. The mere fact that we refer to an article in a treaty somebody else has made could not make that supersede in authority our own precise, definite language in our own treaty?

Mr. LODGE. No; because under the paragraph of the treaty of Versailles referred to in this treaty we are left perfectly free to do what we choose to do.

Mr. KING. Will the Senator from Massachusetts permit me an inquiry? I did not hear his first statement. Will the Senator from Ohio yield for that purpose?

Mr. WILLIS. I yield.

Mr. KING. I would like to ask the Senator from Massachusetts for information, whether, under the treaty now before us and the terms of the Knox resolution, we would be able to recover damages from Germany for losses sustained prior to our belligerency, if the fund which we have in our possession, namely, property received from German nationals, were inadequate for that purpose?

Mr. WILLIS. Mr. President, I desire to hear the Senator's answer to that, but I do not want it taken out of my time. I yield the floor.

Mr. LODGE. We should have the claim, of course. The German property we have is simply our security for the claim; and we are very fortunate to have it.

Mr. KING. If that were inadequate—

Mr. LODGE. We should still have the claim.

Mr. KING. We would have the claim. The Senator thinks we could then make demand upon Germany for further compensation?

Mr. LODGE. We would be free to make a demand, I should think.

Mr. WILLIS. Now, I desire to make some further observations concerning this class of claims. The first example I gave was one that developed after we entered the war. There is another one similar to that, except as to time. This occurred, as I recall it now, in October, 1914, and was the case of the confiscation and practical destruction of a great plant in Antwerp manufacturing supplies for telephone companies. That plant was practically dismantled and destroyed, entailing a tremendous loss. There have been very great losses to other companies, to shipping companies, and so on.

All of these claims have been duly filed in the State Department and are included among the 77 claims of this nature aggregating in excess of \$10,000,000, listed by the State Department in document No. 419 of the third session of the Sixty-sixth Congress, which was prepared at the request of the Senate.

Under the Belgian law none of the above-described claims filed by said companies can be collected from or through the Belgian Government. The Belgian Government has, however, established a war-damage tribunal with power to investigate and certify the facts and the amount of loss in relation to such claims as prima facie evidence for the use of the claimants in the proving and collection of their claims through their own Governments.

Of course, all of these losses occurred after the great World War began, but some of them occurred before we entered the war and some of them after we entered the war. In my own

opinion, there may be some question about the one or the other class of those claims under the paragraph which has been referred to by the Senator from Montana, but it seems to me that the language of section 5 of the Knox resolution, which is incorporated in this treaty, is absolutely clear. It covers all of those cases which arose after 1914, whether they occurred before we entered the war or after, and consequently it seems to me that the safe thing to do is to adopt section 5 as it was taken from the Knox resolution. Then we will conserve every American right.

Following the line of thought suggested by the Senator from California [Mr. SHORTRIDGE], it seems to me it is perfectly right that that should be done. We have certain property in this country in the control of the Alien Property Custodian. This plant I have discussed was American property, owned by American citizens, who, unless they can be compensated in this fashion, will be absolutely without remedy. Therefore, it seems to me the safe thing to do is to embody section 5 of the Knox resolution, just as it was adopted, in this treaty. I think the amendment should not be agreed to.

Mr. KING. May I inquire of the Senator, in my time, if he believes in an international morality which would seize the property of German nationals invested in the United States, under treaty provisions which permitted them to make investment, and take their property away and apply it to the liquidation of claims of American nationals resulting from wrongs committed by the German Government?

Mr. WILLIS. I might wish with the Senator that there were a better way to afford a remedy, but let me say to him that in my judgment we have a good deal better right to retain the property which is now in the custody of the Alien Property Custodian and apply it to the satisfaction of these claims than the German Government had, for example, to go into Belgium, clear outside the field of war, and take American property and destroy it. Now, if the German Government does not like the way that we adopt of treating its nationals it can compensate its own people, but it is the only remedy we have whereby we can compensate our people. Unless we are willing to adopt that remedy we are totally without a remedy. If the Senator asks my opinion about it, I think it is a fair remedy to adopt and I am in favor of adopting it, and therefore I am in favor of section 5 of the Knox resolution for which I voted.

Mr. KING. I may address myself to that question a little later, but I must confess that I can not approve of a policy which visits the sins of a government at war upon its nationals who, under the protection of peace treaties, have made investments in other lands.

Mr. WILLIS. Mr. President—

Mr. KING. Let me complete my thought. I should insist that Mexico, if she should confiscate the property of American nationals invested there under treaty rights, was committing an international crime if when she was at war with us she should seize that property and confiscate it. I can not see much difference between that supposititious case and the action of the United States seizing the property of the German nationals invested in the United States in peace times under the sanction and protection of sacred, solemn, treaties and applying that property to the liquidation of claims of American nationals because of the wrongs of the German Government.

I yield now to the Senator from Ohio.

Mr. WILLIS. I wish to suggest, if my friend will permit me, two answers to the proposition. In the first place, a considerable proportion of the property to which he alluded just now as being the property of German nationals was indirectly the property of the German Government, invested in this country for the purpose of undermining the industries and institutions of the country. In the second place—

Mr. KING. If there is any property of the German Government invested here, that is one thing. I am not talking about property of the German Government. I am talking about the property of the 40,000 or more German people invested in the United States for our benefit, for the benefit of our industries, as well as for the benefit, of course, of the German investors. It is concerning that property I am speaking and not the property of the German Government itself.

May I ask the Senator in my time what property seized by the Alien Property Custodian and now in his possession belongs to the German Government?

Mr. WILLIS. I can not answer that question now, and neither can the Senator, but he knows that the policy of the Imperial German Government was to encourage its nationals by camouflage loans, and so forth, to get hold of the industries of this and other countries. So that is one thing to be taken into consideration. I wish to ask the Senator, since he is so very generous and kind—

Mr. KING. Is this in my time?

Mr. WILLIS. What remedy would he suggest? Here is the case to which I have referred: Good American citizens, just as good as he or I, have gone into Belgium and established plants and invested millions of dollars in property which was ruthlessly taken by the German Government and destroyed as an act of vandalism, because it was clear outside the zone of war.

Mr. KING. I would make the German Government pay for it, and I would negotiate no treaty and would receive here in Washington no diplomats from Germany until payment had been made, or the processes of settlement had been set in operation.

Mr. WILLIS. We have the cash now. Why not pay it over to our own people and let Germany settle with her people?

Mr. KING. That is another question which we will discuss later. The Senator seems to be willing to breach international covenants. We have a solemn agreement with Germany under the terms of which her nationals had the right to invest in the United States, as our nationals had the right to invest in Germany, and their property by treaty stipulation is sacred here as under treaty provisions the property of American nationals is sacred in Germany. Let me say to the Senator that Germany has manifested a devotion to international law and treaty obligations and has restored to American nationals substantially all the property which she sequestrated during the war.

Mr. WILLIS. She has manifested no disposition to afford a remedy in the case to which I have referred, and the Senator knows that unless we avail ourselves of the remedy which we now have in our own hands we will be absolutely without a remedy. If Germany does not like that remedy she can compensate her own people.

Mr. KING. I am sure that if those engaged in negotiating the treaty now before us had presented the matter to Germany and said to Germany, "You have destroyed this property, and we ask that provision be incorporated in the treaty which we shall negotiate making provision for payment," Germany would have acceded to it, and if Germany had not acceded then Mr. Dresel, or whoever negotiated the treaty, ought not to have approved it, and it ought not to have been submitted to the Senate of the United States for ratification.

Mr. WILLIS. The best answer to that is the fact that our negotiators did provide a way in which this could be paid. Here it is: We had outlined it in the Knox resolution and Germany agreed to incorporate section 5 of the Knox resolution in the treaty. That is the method they were willing to have used in the settlement of that claim, and if the Senate now rejects it we are absolutely without remedy.

Mr. KING. I do not agree with the Senator that we are absolutely without a remedy. I have no doubt, referring to what he said a moment ago, that if our representatives had presented a demand for payment for the destroyed property Germany would have acceded to it. But doubtless our representatives insisted that we retain the property now in the possession of the United States, seized from German nationals, and that we confiscate it, and Germany, perhaps feeling that she was under duress, signed the treaty. Yet I protest against the violation of our solemn treaty with Germany which gave Germany's nationals protection for their property situate within the United States. I can not support a policy which calls for the confiscation of the investments made in our country in peace times by German nationals.

I protest against the contravention of a policy which the United States has contended for ever since the Jay treaty—that we shall not seize the property of nationals for the purpose of meeting the obligations resulting from war. The property of nationals should be immune, should be sacred, and the United States, now being a creditor nation and the American people investing millions, as they are doing, in all the countries of the world, ought to be the foremost nation in insisting upon the immunity of private property from seizure in order to meet the claims of belligerent nations.

Mr. WILLIS. Mr. President—

Mr. KING. My time has expired, so the Senator will have to speak in his own time.

Mr. WILLIS. I believe my own time has expired.

Mr. WALSH of Montana. Mr. President, I wish to say just a word to the Senator from Ohio. I am perfectly satisfied that the claim to which he refers is one that is in every way meritorious and one that Germany ought to satisfy. I have no doubt that it comes easily under the classification of damages done to civilian population, as contemplated in the exchanges leading to the armistice. I wish to call the attention of the Senator from Ohio to the fact that it is doubtful, to say the least, whether under the treaty we are now asked to ratify recovery

can be had. There is no doubt he is correct that it is covered by the article reserving to us all rights reserved by the Knox resolution, but he must not overlook the fact—

The VICE PRESIDENT. The time of the Senator to discuss an amendment has expired. He has further time in which to discuss the treaty.

Mr. WALSH of Montana. I will speak for a moment on the treaty.

The Senator from Ohio must not overlook the fact that the other provision is in the treaty. If he wants to protect the interests of the claimants to whom he refers, and they ought to be protected, he ought not to put in a provision making all of this property subject to all manner of claims, whether they arose by reason of damages done to civilian population or otherwise. The way to reach that would be just to add to the amendment tendered by me the simple clause, "whether arising before or after April 6, 1917." Then there would be no question in the world about it, notwithstanding any provision that may be there.

What I am calling to the attention of the Senator from Ohio is that the treaty as we propose it imperils to some extent the claimant to whose claims he refers and which are certainly entirely meritorious and ought to be taken care of.

But that is neither here nor there. If we are going to take care of these claims, the question is whether we should disregard the solemn obligations resting upon us by reason of the exchanges leading to the armistice under which this Government, through its commander in chief in the field, agreed that if Germany would lay down her arms, as she did, we would not exact any claim of her except for damages done to the civilian population, such as the instance to which the Senator from Ohio refers.

The VICE PRESIDENT. The question is on the amendment.

Mr. KELLOGG. Mr. President, I would like to have the pending amendment reported.

The ASSISTANT SECRETARY. The pending amendment is as follows:

Notwithstanding anything herein, Germany shall be under no obligation to make compensation to the United States for any damage sustained by any of its nationals in consequence of any act of the Government of Germany or any agents since October 31, 1914, except for damage done to the civilian population of the United States, nor shall she by reason of anything in this treaty be entitled to retain any property coming into its possession since April 6, 1917, as the property of the nationals of Germany for the satisfaction of any claim asserted by the nationals of the United States except claims for damages done to the civilian population thereof.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Fletcher	Lenroot	Shields
Ball	France	Lodge	Shortridge
Borah	Frelinghuysen	McCumber	Simmons
Brandeggee	Gerry	McKellar	Smoot
Broussard	Gooding	McKinley	Spencer
Caider	Hale	McNary	Sterling
Cameron	Harrell	Moses	Sutherland
Capper	Harris	Myers	Swanson
Caraway	Harrison	Nelson	Townsend
Colt	Heflin	New	Trammell
Culbertson	Hitchcock	Newberry	Underwood
Curtis	Johnson	Nicholson	Wadsworth
Dial	Jones, N. Mex.	Oddie	Walsh, Mass.
Dillingham	Kellogg	Overman	Walsh, Mont.
du Pont	Kendrick	Page	Watson, Ga.
Edge	Kenyon	Polindexter	Watson, Ind.
Elkins	Keyes	Pomerene	Williams
Ernst	King	Reed	Willis
Fernald	La Follette	Sheppard	

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. WALSH of Montana. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was rejected.

Mr. WALSH of Montana. Mr. President, the Senator from Ohio [Mr. WILLIS] a few moments ago called our attention to what appeared to be some very just demands and claims of citizens of the United States against the German Government for which that Government ought to make reparation. While I am not wholly in accord with my esteemed friend the Senator from Ohio, I believe that we may very properly insist that the German property which we have in our hands shall be held as a pledge for the satisfaction of those claims. They amount in the aggregate, as I am informed, to at least \$50,000,000, and possibly to very much more than that. As against those claims,

we hold the property in the hands of the Alien Property Custodian to the amount of some \$750,000,000.

The citizens to whom the Senator from Ohio refers ought to have the right to go before some body, some tribunal, some board, some commission for the purpose of establishing their claims; to establish that they had their property in Belgium; to establish that it was, in fact, destroyed by the Germans; and then to establish the value as a basis upon which they could assert their claims.

What I desire to know from the Senator from Massachusetts [Mr. LODGE], the chairman of the Committee on Foreign Relations, is before what body, commission, or tribunal will the citizens of the United States, to whom the Senator from Ohio refers, go for the purpose of establishing their claims against the German Government? In other words, by what body, tribunal, or commission is the amount which Germany shall pay under this treaty to be determined?

Mr. LODGE. Mr. President, if such claims should be taken to a tribunal it would be such a tribunal as we have had again and again for the settlement of claims against other countries. I take it, it would either be to The Hague tribunal or to a special tribunal agreed to in a treaty settling the terms of the reference.

Mr. WALSH of Montana. Yes; that is to say, if we do not agree—

Mr. LODGE. If we do not agree, we shall take the controversy to a tribunal on which the two countries shall agree.

Mr. WALSH of Montana. Exactly; in other words, Mr. President, we have got to make another treaty with Germany with respect to these claims, and in that treaty the amount of the claim will be settled. I invite the attention of the Senator from Ohio [Mr. WILLIS] to this discussion. How will the citizens of the United States who are referred to by the Senator from Ohio now proceed to establish their claims and where will they go?

Mr. LODGE. At this moment?

Mr. WALSH of Montana. No; but whenever they get ready to present their claims.

Mr. LODGE. They will not proceed right now because we have not yet ratified the treaty.

Mr. WALSH of Montana. No; but I mean after we have ratified the treaty?

Mr. LODGE. Mr. President, I suppose the situation would be about this: We have certain claims; we hold a large amount of German property; and we could, if we chose, I suppose, simply assert our claims and take that property which we have to cover them, so far as it would cover them, or we could do what seems to be the reasonable thing to do in regard to claims of any kind take them before a tribunal to be agreed upon by the two powers. I see nothing very remarkable in the fact that we should make a treaty of arbitration with Germany for the settlement of pecuniary claims.

Mr. WALSH of Montana. There is nothing remarkable about it at all, but I was simply asking the question for information, and I think I now have the information given by the Senator, namely, that it will be necessary to make another treaty with Germany.

Mr. LODGE. I think it is probable that we shall have to make several other treaties with Germany.

Mr. WALSH of Montana. We shall have to make another treaty with Germany setting up a tribunal or a commission, which tribunal or commission shall determine the amount of the claims which Germany shall pay.

Mr. LODGE. Of course, our treaties with Germany were abrogated by the World War, but we have treaties with all the other powers for the settlement of claims, and I suppose we may make settlement with Germany in the same way, unless we choose to assert our right to hold the German property which we have.

Mr. WALSH of Montana. Of course, we assert the right to hold the property for the satisfaction of such claims as we have against Germany; but, now, how are we going to determine what the amount of those claims is?

Mr. LODGE. How does the Senator from Montana propose to determine it?

Mr. WALSH of Montana. I am not proposing to determine it. I am asking how the pending treaty provides for the determination.

Mr. LODGE. It is usual when treaties between nations are made to leave many subjects for subsequent dealings, as was the case after the treaty of Ghent, after the treaty of peace in Paris, after the Mexican treaty, and after the treaty with Spain. Very frequently such subsequent treaties include the settlement of pecuniary claims. There is nothing remarkable about it.

Mr. WALSH of Montana. The answer, then, to the Senator from Ohio is that it will be necessary for the citizens to whom he refers to await the negotiation and ratification of another treaty with Germany which shall establish or create some commission which will settle the amount of those claims.

Mr. WILLIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH of Montana. I yield.

Mr. WILLIS. Mr. President, I desire to say, supplementing the statement made by the Senator from Massachusetts [Mr. LODGE], that I happen to know that the Belgian Government has already provided a tribunal where cases are being finally settled, in which 50 per cent or more of the stock of the companies involved is owned by Belgian citizens. Those cases to which I have referred, since they involve companies that are 100 per cent American, all their stock being owned by American citizens, have only a preliminary hearing; but the tribunal operates to preserve the evidence. I happen to know a number of those who have presented their cases to that tribunal and have made out their cases. That tribunal will make a finding of fact, and the cases, of course, will subsequently have to go for final adjudication before some other tribunal, as explained by the Senator from Massachusetts, the hearing in the first place being simply for the purpose of preserving the evidence, as it were.

Mr. LENROOT. Mr. President, will the Senator yield to me for a moment?

Mr. LODGE. I yield.

Mr. LENROOT. I should like to ask the Senator if this would not be the procedure: If the treaty is ratified the claims may be presented to the State Department and then through diplomatic channels to Germany, and if she allows them she may take her own means; so that it is only when it comes to a dispute that any question will arise?

Mr. LODGE. That is a preliminary in connection with the assertion of all claims. I suppose, of course, the Senator from Montana was aware of that.

Mr. WALSH of Montana. The Senator has referred to our experience to show that we would not find it difficult to make another treaty, but I can not understand why provision was not made in this treaty as was done in the treaty of Washington for the ascertainment of the sum Germany is to pay, that some progress might be made toward the adjustment of the differences between the two countries. Do we make any progress at all in that direction by this treaty?

The idea that Germany is going to admit for one single moment every claim that any American sets up, of course, is idle. It is not conceivable that such a thing should happen, for undoubtedly the claims are going to give rise to controversy. The treaty before us says that Germany shall pay all of these claims, but it makes no provision whatever for the ascertainment of the amount of the claims. In other words, we get nowhere so far as this treaty is concerned toward the settlement or adjustment of these claims. Why should not this treaty have provided for the appointment of three arbitrators to settle these matters?

Mr. LODGE. That can be done perfectly easy at any time. The important thing was to make sure of the great security that we now hold.

I inquire if there is not an amendment pending?

The VICE PRESIDENT. No.

Mr. LODGE. Then the treaty, I suppose, is before the Senate?

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, it will be reported to the Senate.

Mr. LODGE. Mr. President, under the practice pursued with the treaty of Versailles, the resolution of ratification was laid before the Senate as in Committee of the Whole. I think that was the ruling of the Chair, as I recall it, and I think that was the practice adopted by the Senate.

Mr. REED. Mr. President, what is before the Senate now?

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole and open to amendment.

Mr. REED. Mr. President—

Mr. LODGE. Mr. President, if the Senator will pardon me, the reservations are to be added, of course, to the resolution of ratification. That is in a form that does not need to be amended, but when we were considering the treaty of Versailles the reservations were put in Committee of the Whole after the amendments had been concluded.

Mr. REED. Mr. President, I want to get right on the parliamentary situation. The treaty is still in Committee of the Whole and open to amendment?

The VICE PRESIDENT. It is.

Mr. REED. I understood the position of the Senator from Massachusetts to be that the reservations would come up after the treaty had been adopted.

Mr. LODGE. No. If there are no amendments to be offered to the text of the treaty, the next thing in order, following the procedure adopted with the treaty of Versailles, is to consider the reservations reported from the committee, which the former Vice President, Mr. Marshall, held would be dealt with like amendments; that is, they would be considered after the amendments to the text had been disposed of.

Mr. REED. That is what I was contending for this morning, and I thought the understanding we arrived at was that we would be obliged to vote upon the resolution of ratification without any opportunity whatever to deal with the reservations separately. I may have been in error about my understanding; but that was my understanding, and I think the Record will show that I was correct.

Mr. LODGE. I certainly said nothing of that sort. I said the treaty was in Committee of the Whole and open to amendment, and under the practice adopted with the treaty of Versailles Vice President Marshall held that the reservations were to be treated just the same as amendments. When the amendments to the text were disposed of, and there were no more offered, then we should consider the reservations proposed by the committee. I do not see any way in which I can make it any clearer.

Mr. REED. I think I understand the Senator now. I did not understand him that way this morning. It is not an essential matter; I just wanted to understand the situation.

Mr. LODGE. It was due to my unfortunate way of expressing myself.

Mr. REED. The Senator has a very happy way of expressing himself, and I have a very unhappy way of being unable to comprehend sometimes.

Mr. LODGE. I do not think the Senator is ever lacking in quickness of comprehension.

Mr. REED. Mr. President, I desire to offer an amendment.

Mr. LODGE. To the text?

Mr. REED. To the text. At the end of paragraph (3) I move to insert the words "or any other part of the treaty."

Mr. LODGE. What article is that?

Mr. REED. Paragraph (3).

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Paragraph (3) of article 2 reads as follows:

(3) That the United States assumes no obligations under or with respect to the provisions of part 2, part 3, sections 2 to 8, inclusive, of part 4, and part 13 of that treaty.

After the word "treaty" it is proposed to insert a comma and the words—

Mr. REED. I desire to insert, after the words "and part 13," the words "or any other part." Then it would read "of that treaty."

The ASSISTANT SECRETARY. After the numerals "XIII" it is proposed to insert "or any other part," so that, if amended, it will read:

And part 13 or any other part of that treaty.

Mr. LODGE. Mr. President, if the Senator will allow me, this is a proposal to take out all those parts which are mentioned in the first section, in which it is provided that if the United States considers that there are any rights or advantages accruing to it in any of the parts enumerated it can assert those rights if it sees fit.

Mr. REED. Mr. President, I want to say just a word on this amendment.

Mr. JOHNSON. Mr. President, will the Senator yield for just a moment? It is difficult to hear, and I did not get very plainly the amendment that was suggested by the Senator. Will he restate it?

Mr. REED. I will ask the Secretary to restate it.

The VICE PRESIDENT. The amendment will be restated.

The ASSISTANT SECRETARY. In subdivision (3) of article 2, after the Roman numerals "XIII," it is proposed to insert the words "or any other part," so that, if amended, it will read:

(3) That the United States assumes no obligations under or with respect to the provisions of part 2, part 3, sections 2 to 8, inclusive, of part 14, and part 13, or any other part of that treaty.

Mr. JOHNSON. I thank the Senator.

Mr. REED. Mr. President, we are proceeding to the final vote on this, the most important treaty the United States has ever made, under very adverse circumstances. The treaty has been in one sense before the Senate for some time. A unanimous-consent agreement to vote on a given day was entered into, with the result that while the treaty might be dis-

cussed at any time, other business under the same agreement was allowed to intervene. The result has been that we have had before the Senate almost continuously a revenue bill which has absorbed the attention of the Senate to the practical exclusion of the consideration of this treaty.

I venture the assertion now that not 25 per cent of the Senators in this body have ever read this treaty. By that I mean that not 25 per cent of them have read the treaty along with the documents which it incorporates. The treaty itself is very short and can be read in a few minutes; but the treaty by express reference incorporates into it a large portion of the provisions of the Versailles treaty, and in my judgment unless we insert this language we may become bound by certain provisions of the treaty of Versailles to which our attention has not even been directed.

There was manifestly in the minds of the authors of this treaty the thought that unless we by express words of some kind relieved ourselves from obligations under the Versailles treaty so far as they were set forth in certain portions of that treaty, we would by implication be bound by the conditions of the treaty of Versailles, and accordingly we find this language here inserted—

Mr. BORAH. Mr. President, may I interrupt the Senator a moment?

Mr. REED. Yes. My time is very limited, however.

Mr. BORAH. Is the Senator speaking on his amendment.

Mr. REED. On my amendment.

Mr. BORAH. I should simply like to suggest to the Senator that instead of amending paragraph (3), he offer as a substitute the following amendment:

The United States assumes no obligations under or with respect to any of the provisions of that treaty.

Mr. REED. Mr. President, the amendment is a very sound one, and much shorter than mine. I was simply allowing the language to stand; but for the present let me proceed.

It is recognized by the very language employed in this treaty that unless we put into the treaty words of express exclusion we may find ourselves bound by conditions written in the Versailles treaty. Accordingly, it is here provided "that the United States assumes no obligations under"—the treaty? No; but "under or with respect to the provisions of part 2, part 3, sections 2 to 8, inclusive, of part 4, and part 13 of that treaty." If it is necessary to put in words of exclusion with reference to those particular provisions, which are incorporated, if incorporated at all, only by implication, then it is necessary to do exactly the same thing with reference to all parts of the treaty; for if these particular provisions are incorporated by implication, then all of the treaty is incorporated by implication.

So, with the permission of the Senator from Idaho, I will adopt his suggestion, and move to strike out the words "part 2, part 3, sections 2 to 8, inclusive, of part 4, and part 13 of," so that the section, as amended, will read:

That the United States assumes no obligations under or with respect to the provisions of that treaty.

Mr. BORAH. "Any of the provisions of that treaty."

Mr. REED. When you say "the provisions of that treaty," you have covered it all.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri.

Mr. BORAH. Mr. President, one of the peculiarities of this treaty is that while it is being contended that we assume no obligations under the treaty of Versailles, those who drew the treaty seemed to think that it was necessary to exempt us from certain provisions of the treaty of Versailles. If part 3 of article 2 were not here at all, then the question arises, Would we assume the obligations of part 2, part 3, sections 2 to 8, inclusive, of part 4, and part 13? Evidently the Secretary of State was of the opinion that if we did not specifically exempt ourselves from those provisions of the treaty we would assume some obligations under the treaty. If his reasoning was good with reference to those particular parts of the treaty, then it must necessarily follow that those portions of the treaty from which we have not exempted ourselves hold us by their obligations.

If, therefore, we desire to be exempt from all obligations of the treaty, we must follow the rule which the Secretary of State laid down in paragraph 3; that is, exempt ourselves from all the obligations. Certainly if it was necessary to exempt ourselves from those particular provisions of the treaty because if we did not do so then we would be bound by their obligations, it must necessarily follow that we must exempt ourselves from the other provisions of the treaty or we will be bound by the obligations therein contained. Especially would that be true, Mr. President, if we should reject the proposition not to be

bound by the obligations of the treaty. It would be a construction of the Senate to the effect that we deemed ourselves bound by the other portions of the treaty.

Mr. LENROOT. Mr. President, I was at first inclined to agree with the view which has just been expressed by the Senator from Idaho; but I think a closer analysis will demonstrate that that view is not correct.

In the first place, article 1 of the treaty might have stood alone, and it would have conferred upon us all of the rights that are intended to be conferred by the treaty. Article 1 contains no obligation of any kind upon the part of the United States. Article 1 is complete in itself.

Article 22 is added for the express purpose, as stated in the first paragraph of the article, "With a view to defining more particularly"—what? Any obligations of the United States? No. "With a view to defining more particularly the obligations of Germany under the foregoing article with respect to certain provisions in the treaty of Versailles."

The language is:

With a view to defining more particularly the obligations of Germany under the foregoing article with respect to certain provisions in the treaty of Versailles, it is understood and agreed between the high contracting parties—

And so forth.

Several articles follow, every one of them for the purpose of defining the obligations of Germany.

If there are no obligations imposed upon the United States anywhere it is difficult to see why this particular exemption should be incorporated in paragraph 3. But, Mr. President, in the second part of the first paragraph, the one which the Senator from Montana sought to amend, there is a contingent obligation. What is it? The obligation is that if the United States avails itself of its rights and advantages under these particularly enumerated articles, then the United States assumes the obligation not to assert those rights in a manner inconsistent with the rights accorded to Germany under such provisions. That is an obligation which the United States will assume if it ever chooses to avail itself of the rights that are granted by the treaty.

Paragraph (3) expressly disclaims any obligation under the particular parts of the treaty referred to. Whether it is a wise thing or not, Senators may disagree, but that clearly is the effect of the treaty, and of this article now in question, which the Senator from Missouri seeks to amend. There is a contingent obligation, not created by the treaty, which rests with us. If we choose to assert rights hereafter under the first paragraph of this article, we are under obligation to assert them in such a manner as is consistent with the rights of Germany; but under paragraph (3) we are not even under that obligation with reference to part 2, part 3, sections 2 to 8, inclusive, of part 4, and part 13 of that treaty.

It seems to me that clearly must be the construction. Otherwise, certainly, with our great Secretary of State there could have been no purpose in putting in this paragraph (3), because nowhere else in the treaty, except in the one instance I have given, which is a contingent obligation, is there any attempt to have the United States assume any obligation whatever under the treaty.

Mr. BRANDEGEE. Mr. President, I want to ask the Senator a question, if he will allow me, before he takes his seat. If the Senator will turn to page 6 of the treaty, the second paragraph, if you may call it so, the paragraph labeled (2), he will find it reads:

That the United States shall not be bound by the provisions of part 1 of that treaty, nor by any provisions of that treaty.

Mr. LENROOT. "Which relate to the covenant of the League of Nations."

Mr. BRANDEGEE. "Including those mentioned in paragraph (1) of this article."

I am not sure whether that means what it apparently says, and I am not perfectly clear as to whether that is consistent with the idea of accepting or repudiating any obligations under certain articles of the treaty, but it looks to me like a point-blank and complete declaration that we are not bound by any provisions of that treaty.

Mr. REED. Oh, no, Mr. President; if the Senator will read the next succeeding words he will see—

Mr. BRANDEGEE. I did read them. It says:

That the United States shall not be bound by the provisions of part 1 of that treaty, nor by any provisions of that treaty including those mentioned in paragraph (1) of this article.

Then it goes on.

Mr. REED. "Which relate to the covenant of the League of Nations."

Mr. BRANDEGEE. I know it includes those, but it is a broad declaration, it seems to me, that we are not bound by any provisions of that treaty. I will read the whole of it:

Including those mentioned in paragraph (1) of this article, which relate to the covenant of the League of Nations, nor shall the United States be bound by any action taken by the League of Nations, or by the council, or by the assembly thereof, unless the United States shall expressly give its assent to such action.

Why is that not a declaration that we are not bound by any of the provisions of the treaty of Versailles?

Mr. REED. If the Senator from Wisconsin, who has the floor, and on whose time we are encroaching, will permit me to ask the Senator from Connecticut a question, I would like to propound this inquiry to him. If the Senator's construction is true, that is to say, that the language employed in paragraph (1) takes us out of any obligation under any of the provisions of the treaty, then why was paragraph (1) mentioned at all, because paragraph (1) is a part of the treaty, and if we are out of the treaty, we would not need to mention paragraph (1). Again, why is it necessary in paragraph (2) to specifically mention certain other provisions of the treaty, and take the United States from under their obligations?

Mr. BRANDEGEE. I think I intimated that I was not sure that it was consistent, for I myself do not know that I perceive clearly, if we are not bound by any of the provisions of the treaty of Versailles, why we should refer to "including certain provisions."

Mr. REED. The Senator will certainly concede that if my amendment is agreed to the difficulty will be cleared up.

Mr. BRANDEGEE. I must say to the Senator, in order to put myself square with him, that I came on the floor just as the latter part of his amendment was being read, and I am not familiar with the effect of it.

Mr. LENROOT. I think paragraph (2) is clearly confined to the League of Nations. My judgment does not go beyond that, otherwise there could be no purpose in paragraph (3) at all. But it does seem to me that the construction I have given, that there is a conditional obligation, it being optional with the United States as to whether it shall ever arise, is the only rational construction of this language.

Mr. BRANDEGEE. Will the Senator permit me there to remark that I would hardly call that an obligation? It seems to me if we shall exercise the rights which Germany gave to the grantees under the treaty of Versailles, to which this refers, it shall be done consistently with the provisions of the treaty. But they are hardly to be called obligations. They are limitations upon our rights. We have those rights provided we do certain things.

Mr. LENROOT. That is true; yet there is an obligation that we will recognize those rights of Germany, to the extent that we will assert our rights only in accord with them.

Mr. BRANDEGEE. It is a kind of an obligation. If you make a free contract that somebody will sell you some coal for \$7, or \$15, or whatever the present rate may be, there is an obligation that you will perform your part of the contract.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BORAH. Mr. President, I think I have a moment or two left. I am unable to follow the able Senator from Wisconsin in his argument on this matter. No part of the treaty, except sections 2 to 8, inclusive, of part 4 is referred to in paragraph (3) that has not heretofore been referred to in article 1. Take, for instance, part 13, which deals alone with the question of the labor organization. The Secretary of State was so uneasy lest we be bound by that labor organization that he specifically exempted us from it, although there is no obligation in that at all with reference to Germany which does not relate to everybody else.

So, I undertake to say, Mr. President, that the construction which any court would put upon a contract where we had exempted ourselves from the obligations of certain clauses would be that there was an implied obligation upon our part that we would abide by the obligations of the other portions of the contract from which we had not exempted ourselves.

Mr. KING. May I ask the Senator if the doctrine of *expressio unius exclusio alterius* does not have some application to that matter?

Mr. BORAH. Yes; I think so.

Mr. REED and Mr. LODGE rose.

Mr. REED. Does the Senator from Massachusetts desire to speak?

Mr. LODGE. If I had any time left, I would like to take a few moments, but on an amendment we have only 10 minutes, and I have used some of my time.

Mr. SHIELDS. Mr. President, I have not been here during all the session to-day, and I want to ask what obligations it is

supposed may be assumed by the United States if this amendment is not agreed to?

Mr. LODGE. I do not understand that the United States assumes any obligations under this treaty at all. It is explicitly stated that the United States will not be bound by certain provisions of the treaty of Versailles. They mention certain other cases where the United States can assert its claim to rights and advantages if it thinks rights and advantages exist.

Mr. SHIELDS. I understand what is in the treaty, but I came in about the time this amendment was offered, and I did not know what discussion had been had on it, and whether it had been pointed out what obligations the United States would assume if this amendment were not agreed to.

Mr. LODGE. We assume no obligation under this treaty at all.

Mr. SHIELDS. I supposed that the proponents of the amendments had stated there were certain obligations we would assume unless this amendment were agreed to. What is the object of the amendment?

Mr. LODGE. The object of the amendment is to provide that we must not assert our claim to any rights and advantages under certain clauses of the Versailles treaty, enumerating them.

Mr. SHIELDS. I do not understand it that way; not that we must not assert our claim to any rights and advantages, but that we must not assume any obligations. Am I not right as to the amendment?

Mr. LODGE. The Senator means that we must not assume any unless we assert our claim to rights and advantages.

Mr. SHIELDS. What obligations are there set out in those sections which it is intended to guard against?

Mr. LODGE. There can not be any obligations until we assert some rights under them.

Mr. SHIELDS. I am not certain whether there are any, then.

Mr. LODGE. I doubt if there are any, then.

Mr. LENROOT. The obligation would only be to exercise our rights consistent with the rights of Germany.

Mr. LODGE. The only obligation is to only assert rights which are consistent with the rights of Germany. Owing to the Senator's interruption, I have said all I care to say.

Mr. BORAH. I wish merely to answer the question of the Senator from Tennessee as I understood it. There seems to be a difference of opinion between the Senator from Massachusetts [Mr. LODGE] and myself with reference to what the object of this is. Section 3 provides—

That the United States assumes no obligations under or with respect to the provision of part 2, part 3, sections 2 to 8, inclusive, of part 4, and part 13 of that treaty.

Now, then, we having excepted ourselves from the obligations of specific provisions of the treaty and not excepted ourselves from other provisions of the treaty, the assumption is that we have assumed the obligations which are contained in the other provisions of the treaty.

Mr. SHIELDS. What are the obligations contained in the other provisions of the treaty? That is the question I asked.

Mr. BORAH. I could not tell the Senator. They are too numerous.

Mr. SHIELDS. I supposed they had been pointed out.

Mr. BORAH. No; they have not, and the 10-minute rule would not permit us to point them out.

Mr. REED. If the Senator from Tennessee will pardon me in his time, if he has the floor—I do not know who has the floor.

Mr. SHIELDS. I believe I have the floor now.

Mr. REED. I would like to say to the Senator, if he will permit me to encroach upon him to that extent, that either we assume obligations under the treaty of Versailles by making this treaty or we do not.

Mr. LODGE. We do not.

Mr. REED. If we do not, then in the name of common sense why not say we do not and say it in just that many words?

Mr. SHIELDS. I understand that perfectly; but I want to know what are the obligations against which we are guarding?

Mr. REED. I said in my opening remarks here—and they had to be very limited—that nobody, as far as I know, has gone through the Versailles treaty and compared it so we can pick out every obligation that may rest upon us, but in general there is an obligation that every one of our rights—not all of our rights, not our rights with reference to the claims of our nationals, and so forth, but our great international rights—shall be settled through the Reparation Commission. They are rights that are as far-reaching as time and as broad as the world. If we assume the obligations of the Versailles treaty in any respect

we will be bound to submit some of our questions to that body, whether we want to or not.

The claim is made that we are not bound by any of the terms of the Versailles treaty, yet we find in this instance that it is specifically provided that we are not bound by part 1, it is specifically provided we are not bound by part 13, and it is specifically provided that we are not bound by certain other sections of the treaty.

Mr. SHIELDS. I understood that part of it.

Mr. REED. It leaves then open, by implication at least, situations where we may be bound by other provisions of the treaty. If it is not intended to bind us as to any of the provisions of the treaty of Versailles, then let us say so in plain language.

Mr. SHIELDS. Using the balance of my time on the pending amendment, I have read the provisions of the Versailles treaty referred to here, and I called upon the Senator from Idaho and the Senator from Missouri to state the obligations which the United States was under or assumed by adopting this. The Senator from Missouri stated that we would become a member of the Reparation Commission. It is a question whether we will or not.

I have read the Versailles treaty very carefully and the obligations that I have always opposed and which the Senator has mentioned and has always opposed are entangling military or political alliances, and there is absolutely nothing in these provisions that amounts to a military or political alliance between the United States and any other country in the world, in my opinion.

Mr. LODGE. Mr. President, if I have any time left—

The VICE PRESIDENT. The Senator has time.

Mr. LODGE. I wish to say on the question of reparations, which is specifically provided for, that the Senator from Missouri is drawing a dark picture of the obligations which we would have to bear as a member of that commission. The provision is that the United States is privileged to participate in the Reparation Commission, but is not bound to participate in any such commission unless it shall elect to do so. Therefore, there is no obligation carried in the treaty, because we have not joined the Reparation Commission or expressed any desire to join it. That must be determined subsequently if it is to be determined at all. We are just as likely and it is just as possible to take up the question of membership in the Reparation Commission now without the treaty as it would be after the treaty is made. The situation is not altered at all in that respect.

The treaty deals only with Germany and with no one else, and all the treaty does is to say that we reserve as to certain articles in the treaty of Versailles, used purely for descriptive purposes, the right to claim advantages and rights if we care to, and as to the others, no matter what happens, we are not bound by them. It seems to me that is the very plain purpose of the negotiators.

Mr. BORAH. May I ask the Senator a question? If we do not put in section 3 of article 2, would we be bound by the obligations of the Versailles treaty in part 13?

Mr. LODGE. No.

Mr. BORAH. Then why do we put that in?

Mr. LODGE. Because we wish to define precisely those parts by which we would not be bound under any circumstances.

Mr. BORAH. And the Senator just said if they had not been included we would not have been bound by them.

Mr. LODGE. I do not think we are bound by anything in the treaty of Versailles.

Mr. BORAH. What was the object of the very able lawyer who presides over the State Department in exempting us from the obligations of article 13 if we would not have been bound by them without the exemption?

Mr. LODGE. Because he thought it was wise instead of leaving it in general terms, and I believe it was the desire of Germany also, that we should enumerate those articles under which we might desire to assert a claim for rights and advantages and to exclude those with which we desired to have nothing to do and by which we decided we did not desire to be bound under any circumstances. It seems to me a simple and proper way of arranging it.

Mr. KING. In other words, if I understand the Senator's explanation, as to certain articles we are not only not bound but we never would be bound, but as to other articles we reserve the right to be bound if we choose to assert rights thereunder.

Mr. LODGE. We reserve the right to claim anything we consider right and advantageous under those articles if we choose to do so.

Mr. KING. But as to part 13, as illustrative, we expressly declare ourselves now as not willing to be bound now or hereafter, but as to other articles—

Mr. LODGE. We notify Germany, who is one party, of course, to the treaty of Versailles, and only one on the one side, that we shall not be bound under the provisions of part 1 as to the league and the others enumerated in part 3.

Mr. SPENCER. Mr. President, I must not take time from the Senator from Massachusetts.

Mr. LODGE. I yield the floor.

Mr. SPENCER. If the amendment proposed by my distinguished colleague were to be adopted, which provides that in paragraph (3) of article 2 it should be amended so as to read that the United States assumes no obligations under or with respect to the provisions of that treaty, it would necessarily follow that all of paragraph (1) of article 2 would have to be eliminated, because paragraph (1) of article 2 provides "that the rights and advantages stipulated in that treaty for the benefit of the United States, which it is intended the United States shall have and enjoy are those defined" under certain sections, and when we come to look at those sections under whose provisions we are to have certain rights or privileges we find that there are things which the United States must do in order to avail herself of those rights.

Therefore, if we come to the conclusion that the United States is not to be bound by any provision of that treaty we must eliminate paragraph (1) of article 2. For example, we bind ourselves in article 226 of the treaty that we will furnish to Germany the names of the German dead in order to carry out that provision of the treaty that has to do with graves. If we are not bound by any of the provisions of the treaty we cancel that.

Mr. REED. Then the Senator contends, if he will pardon me, and I will take a moment of his time, that wherever there is written in this instrument a provision that any of the allied powers shall do any particular thing, that is binding upon us unless we expressly repudiate any such obligation at this time?

Mr. SPENCER. If we adopt paragraph (1) of article 2, by which we take for ourselves the rights and advantages stipulated in that treaty for the benefit of the United States which it is intended the United States shall have and enjoy, then we are bound as of right to impose upon ourselves those conditions which are inseparably connected with the rights of which we seek to avail ourselves. That is my point. In other words, if the Senator's amendment is agreed to and we come to the conclusion that we must not be bound by a single provision of the treaty, to my mind it follows inevitably that we have to cancel out of this treaty paragraph (1) of article 2, for if we adopt that and take to ourselves the rights that are mentioned in that paragraph we are bound to impose upon ourselves the obligations which are incident to those rights. I cited one in regard to graves, and there are others in regard to prisoners of war; there are others in regard to notice in connection with article 6 that has to do with prisoners of war.

Mr. REED. I thought we would get to that. That is a frank statement. I am obliged to the Senator for having made it. It amounts to this, that wherever in this treaty there is a right asserted by the United States and a corresponding obligation of any kind, we must comply with that obligation in order to enjoy the right. That is very different from the doctrine that has been talked here on this floor that the United States by this treaty simply secures to itself certain rights and assumes no obligations. It has been the contention of the Senator from Idaho that when we sign the present treaty and take over rights under it we thereby, by implication, may become involved in the whole question of the settlement and determination of all of these questions.

Mr. BORAH. For instance, we claim rights and obligations which are provided for under part 14, and one of the specific provisions of part 14 is that the allied and associated powers will maintain their troops upon the Rhine for 14 years.

Mr. REED. Mr. President, what has been said merely illustrates again the terrible risk we are taking by ratifying this document unless we make it perfectly plain that we are to assume no risk. If the United States, in order to enjoy the rights which are here reserved, must take with them the obligations of the treaty that relate to those rights, then no finite mind can tell what obligations may not be imposed upon us before we get through with this controversy. The Senator from Missouri, my distinguished colleague [Mr. SPENCER], with his usual frankness and directness, has cut the ground out from under his own feet and out from under the feet of all those who stand upon the other side of the Chamber who declare to the American people that we are securing these rights by this treaty but assuming no obligations.

The VICE PRESIDENT. The Senator's time has expired.

Mr. REED. Mr. President, I will now proceed to speak in my time on the treaty, because what I shall have to say now in regard to the treaty has to do with the pending amendment.

Lest I forget it later on, let me say just a word with reference to my position upon this question. No one more than myself desires to see peace established between the United States and all of those nations with which we have been at war. I have mentioned for many months that we should have made a direct peace with Germany, settled our differences with that country, with Austria, and with Hungary, withdrawn our troops from the Rhine, come home, attended to our own business, and permanently kept out of—and I use the expression with apology—the hell pot of European politics and embroilment, that witches' cauldron, into which every poisonous and noxious thing is being dropped daily and hourly. Peace, however, was not made, and now a treaty is brought to us which, in my judgment, has many of the vices of the League of Nations compact and is lacking some of the virtues which its adherents ascribed to that document.

We are not obliged to accept this treaty; we can amend it to suit ourselves; and we shall escape no responsibility by saying that we must accept this treaty or have no treaty of peace. Sir, we ought to be at peace with Germany and with the countries with which we have been at war. Trade and free intercourse should be opened with those countries. Likewise, we ought to be dealing with the great Russian nation, with which we have never been at war except as our troops were illegally sent into that country. Trade with that country has been refused by the arbitrary action of the State Department and other executive departments of the Government. We ought long ago to have established diplomatic relations with Mexico. We ought to be trading with that country.

The business of the United States, the labor of the United States, the money of the United States all demand that these foolish embargoes, artificially created against trade with nearly one-third of the world, should be immediately broken down; but it is not necessary, in order to accomplish that, that we shall continue to embroil ourselves in the affairs of Europe.

How far some Senators would go is illustrated by the fact that there have been offered upon this floor to-day—and I must assume in good faith—amendments providing that the United States shall stand guarantor and sponsor for the German Empire and protect it against assault. Similarly we are asked to guarantee that France shall never be attacked. Thus far have we wandered from the old doctrine that the United States should remain at home, conduct her own affairs, and recognize the great truth uttered by Washington, that Europe has a set of interests in which the United States has little or no concern.

Mr. President, long ago it was written, "Verily, verily, I say unto you, he that entereth not by the door into the sheepfold, but climbeth up some other way, the same is a thief and a robber."

It was once proposed that we should enter through the League of Nations open door; that frankly we should take our seat at the council table of the world, and that there, in concert with other powers, we should undertake to control and regulate the affairs of all mankind. It is a doctrine with which I had no patience and against which, as everyone knows, I labored with all the power I possessed. The American people decided that issue. No human being can deny the fact that the great potential thing in the last campaign was the League of Nations controversy. We were told by the leader of the Republican Party, in language somewhat delphic but which the people understood to mean, that the United States would never enter the League of Nations; that we were to withdraw ourselves from the controversies of the Old World. Now, however, we have presented here a document which, I assert, seeks again to make us a party to those controversies.

This alleged treaty does absolutely and unqualifiedly nothing except to further embroil us with Europe. It is not a treaty which settles our controversies with Germany. Reluctantly, I think, the chairman of the Foreign Relations Committee a few moments ago, in answer to questions by the distinguished Senator from Montana [Mr. WALSH], admitted that every one of our controversies with Germany was left open; that the treaty had not even provided a tribunal to settle those controversies; that all we have done so far as settling our differences with Germany is concerned is simply to agree that we are now at peace; in other words, to seal officially a fact which already exists.

Every controversy that exists between Germany and the United States is left in dispute. We have not settled the amount of our claims for vessels sunk upon the high seas; we have not determined the amount of claims of our nationals for the death of their beloved before the war began; we have not settled the question of whether Germany is to continue submarine warfare in the future, so far as we are concerned. We now propose to do nothing except to agree with Germany that we will be

at peace and will hereafter settle our controversies in some way. We have not set up a tribunal to determine the controversies. So the advantages of this treaty materialize in nothing and it brings us no real peace we do not now possess.

In a controversy of this kind we would have a very simple proposition if what Germany was to do and what the United States was to do had been written out on this piece of paper; but that is not what is given to us. We are told that we shall have reserved to us the rights specified in section 1 of part 4, and parts 5, 6, 8, 9, 10, 11, 12, 14, and 15 of the treaty of Versailles. Do those rights carry corresponding obligations, as was stated by my colleague [Mr. SPENCER]? If so, then we would better very carefully consider what those obligations are.

May I be permitted for just a moment to call attention to some of the language of the treaty of Versailles, the rights and advantages of which we are to enjoy? Let us read section 1 of part 4 of the Versailles treaty:

ART. 119. Germany renounces in favor of the principal allied and associated powers all of her rights and titles over her oversea possessions.

What have we got to do with the oversea possessions of Germany? Are we claiming any of them? We never did claim any of them except the Island of Yap, and we have not got that.

ART. 120. All movable and immovable property in such territories belonging to the German Empire or to any German State shall pass to the Government exercising authority over such territories.

We do not exercise any such authority.

ART. 121. The provisions of sections 1 and 4 of part 10 (economic clauses) of the present treaty shall apply in the case of these territories, whatever be the form of government adopted for them.

There again are incorporated a multitude of things.

ART. 122. The Government exercising authority over such territories may make such provisions as it thinks fit with reference to the repatriation from them of German nationals and to the conditions upon which German subjects of European origin shall, or shall not, be allowed to reside, hold property, trade or exercise a profession in them.

Then follows article 123, having reference to the financial clauses; and then comes article 124, which reads:

Germany hereby undertakes to pay, in accordance with the estimate to be presented by the French Government and approved by the Reparation Commission, reparation for damage suffered by French nationals in the Cameroons—

And so forth.

The next article, article 125, reads:

Germany renounces all rights under the conventions and agreements with France of November 4, 1911, and September 28, 1912, relating to equatorial Africa.

Then follows article 126, by which—

Germany undertakes to accept and observe the agreements made or to be made by the allied and associated powers or some of them with any other power with regard to the trade in arms and spirits, and to the matters dealt with in the general act of Berlin of February 26, 1885, the general act of Brussels of July 2, 1890, and the conventions completing or modifying the same.

And finally comes—

ART. 127. The native inhabitants of the former German oversea possessions shall be entitled to the diplomatic protection of the governments exercising authority over those territories.

The only one of those clauses in which we have any direct interest must be the one in regard to trading in arms.

MR. FRANCE. Mr. President—

THE VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Maryland?

MR. REED. I will yield in a moment. If that is true, then, according to the doctrine that has been laid down by my colleague, we accept the responsibility, and the responsibility is that Germany shall be compelled not to have arms; that Germany shall be compelled to observe every one of the clauses and conditions of this section. If we accept the benefits, according to the argument, we must accept the responsibility, and the Army of the United States must be back of that responsibility. I now yield to the Senator from Maryland for a question, as my time is limited.

MR. FRANCE. Mr. President, the Senator asked a question, and as no one else has seen fit to answer it I shall be very glad to answer the Senator's question if he will permit me to do so. The Senator asked whether we were asserting any claim to the former German colonies. I will say to the Senator that through the doctrine enunciated by the last Secretary of State and by the present Secretary of State we have very definitely announced that we did not relinquish and had not relinquished any claim to our share in the former German possessions.

I will add, however, that the Senator has assumed that that doctrine applied only to the island of Yap. That is a general assumption which, I think, is a very erroneous one, because the same doctrine which would apply to the island of Yap would apply to all of the other former German possessions.

Mr. REED. That is true; but we well understand that the United States will not participate in a division of these German possessions. If anybody wants to attempt that, he should make the proposition to Congress and see how far it would get. Not that we have any sympathy for Germany, but the people of the United States do not propose to engage in a buccaneering expedition of that kind. It is not a part of our national policy.

Let us pass to the next obligation. We agree to the repatriation of German prisoners and to a commission of the representatives of the allied and associated powers to settle it. That is one of the rights we have; but, according to the doctrine that is now announced, we assume the responsibility also, and we bind ourselves by that responsibility.

Mr. President, as I proceed I shall call attention to other clauses which are incorporated in these parts under which it is expressly said that we are to have benefits and assume responsibilities; but let me now make this announcement to those who pay me the compliment of their attention:

I undertake to say that as we proceed through this document we will find that throughout two things exist. First, we may claim certain rights; second, attached to those rights is a condition as to the way in which they can be determined. We can not take the rights without taking the condition. The method of determining our rights is through a reparation commission, on which we will have one member.

There will be four other members, and each of the four other members will be engaged in the business of determining our rights and determining the rights of his own and other Governments. Certainly, every time our rights can be cut down, if it is a matter of dollars and cents, there will be that much more money left for his country to put into its pocket and walk away with. We do not have the benefit even of a disinterested tribunal. Every man sitting on such a commission sits in judgment on a case to which he is a party, and he can not decide it without affecting the interests of his own country.

Need I insist that if it is stated that we are to have certain rights under certain clauses of this treaty we must read those clauses? When we read them we find that the only way in which we can secure those rights is by the decision by a particular tribunal, to wit, the Reparation Commission. It is not a right that we can assert in any way. We must go to that particular tribunal and abide by the judgment of that particular tribunal. If we do not do so, we have no right whatsoever. Thus, we will be forced into this tribunal whether or not we desire to go to it.

Let me illustrate: If A agrees with B that he will pay to B a certain sum of money and does not pay it, then B is, of course, at liberty to go into any court and sue on that debt. But if A also agrees with B that he shall have whatsoever rights are determined by a particular court or tribunal, then unless A shall go to that tribunal he has no place or remedy, and when he undertakes to enforce his claim B can say to him: "You have no claim against me. There has been nothing ascertained as due from me. You have a promise from me that I will abide by the decision of a certain tribunal. Go to that tribunal; unless you do you have no rights."

In other words, Senators, this is an attempt to proceed in a certain tribunal to an adjudication, and you have no other right than that. Consequently this treaty forces us in substantially every interest to the Reparation Commission.

Now, let us see whether any rights of the United States are concerned. Bear in mind as we approach this question that when the treaty of Versailles was written its authors contemplated that they had set up a machinery by which every controversy arising between the various Governments and Germany could be settled. They had laid down the method of procedure. They had determined the particular tribunals, and had fixed their jurisdiction. Obviously when you go to claim rights under an instrument of that kind it is a certainty in advance that you will have to follow the *modus operandi* laid down in that document to secure those rights, because all of these matters were questions of controversy, the method had been prescribed and the tribunal set up. If you will follow it, you will see that that is true at every page.

Section 1 of article 2 also provides that we shall enjoy the privileges of part 5 of the Versailles treaty. Let me refer to that in a word. It is the chapter that deals with the disarmament of Germany. It specifies the amount of their cavalry, their infantry, and their cannon. It provides that they shall not use poison gas. In other words, it ties them hand and foot in a military sense for an indefinite period.

If Germany violates these requirements, and the allied Governments propose to force Germany to keep faith, how can the United States withhold her hand? She can not claim the right

and not accept the responsibility in the face of the world. How will the world look upon us?

We had certainly no obligation as a result of the operations of international law to interfere in the last European war. We had the right to stay out. We had no obligation to any other country in the world; yet because we entered the war late we are still taunted by France and by England and by Canada, who tell us that we did not enter in time. But if we take over to ourselves the benefits of this proposition for the disarmament of Germany, how can we escape just criticism if Germany fails in that agreement and we do not attempt to enforce it?

Mr. President, I call your attention now to part 4 of the treaty of Versailles. It relates to prisoners of war, and there is a mutual agreement, to which the Senator from Missouri, my colleague [Mr. SPENCER], called attention, that each of the countries shall repatriate prisoners. It but serves to illustrate how the obligation in the treaty is a mutual obligation.

I come now to part 8. Here is a question of reparation, and an express contract made for the benefit of the United States:

The allied and associated Governments recognize that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present treaty, to make complete reparation for all such loss and damage.

When we accept the benefits of that we accept that limitation.

I read further:

The allied and associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the allied and associated powers and to their property.

We claim under that. It is asserted that that is to be the basis of our claim now.

I read on the next page, and omit a little:

In accordance with Germany's pledges, already given—

Mr. McCORMICK. Mr. President—

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

Mr. REED. I do.

Mr. McCORMICK. From what page is the Senator reading?

Mr. REED. I am reading now from page 92, the first paragraph:

In accordance with Germany's pledges, already given, as to complete restoration for Belgium, Germany undertakes, in addition to the compensation for damage elsewhere in this part provided for, as a consequence of the violation of the treaty of 1839, to make reimbursement of all sums which Belgium has borrowed from the allied and associated Governments up to November 11, 1918.

There is a contract made for our benefit. As the situation stands, in the absence of this treaty we would be obliged to hold Belgium alone for the money which Belgium borrowed from us. It was a direct debt. Now comes in Germany, by the terms of this treaty, the benefits of which we propose to take over to ourselves, and agrees to pay. So that under the terms of the treaty as it stands now we would have two debtors, one of them Belgium, the other Germany, and a good claim against both of them. How can you claim the advantage of that, under the language which I have just read, unless you accept the responsibilities?

By reading a little further, let us see just how this debt will be paid:

This amount shall be determined by the Reparation Commission, and the German Government undertakes thereupon forthwith to make a special issue of bearer bonds to an equivalent amount payable in marks gold, on May 1, 1926, or, at the option of the German Government, on the 1st of May in any year up to 1926. Subject to the foregoing, the form of such bonds shall be determined by the Reparation Commission. Such bonds shall be handed over to the Reparation Commission, which has authority to take and acknowledge receipt thereof on behalf of Belgium.

What does that all mean? Clearly it means that Germany is to assume the Belgian debt, that the amount of the injury to Belgium shall be determined by the Reparation Commission, and by no other tribunal on earth than the Reparation Commission. That commission, and that commission alone, can determine the question. Then, when that is determined, Germany agrees that she will issue her gold-bearing bonds, those bonds go into the hands of the Reparation Commission, and then they go to the benefit of the United States in such proportion as they may be allotted to us. Moreover, we have agreed in advance, by a recitation, that we understand that Germany will not be able to pay everybody in full, hence we agree to take the scaling of our claim which may be made upon our claim. It can not be escaped.

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Minnesota?

Mr. REED. I yield very briefly.

Mr. KELLOGG. Where is there any statement that we agree to release Belgium from any part of her debt?

Mr. REED. Very well; let us say there is no statement. I have not said there was such a statement, although it is a matter of public record that the then President of the United States said that we were to do that thing.

Mr. WADSWORTH. Not the present President.

Mr. REED. No; not the present one. I do not know what the present one is going to do.

Mr. WADSWORTH. We are living under him now.

Mr. REED. But the argument is constantly being made here that whatsoever our representatives abroad agreed to we ought to carry out, that understandings arrived at between these parties are to be controlled. We had that point made the other day in an eloquent argument made by some Senator, who held that because Mr. Choate and some other people who negotiated the Hay-Pauncefote treaty put a certain construction on it, we were bound by that construction. But I have not time to discuss that.

Here, then, is the agreement that this Reparation Commission shall receipt to Belgium, that the Reparation Commission shall take the German bonds, and, in my judgment, while there is no express agreement that we shall release Belgium, I have not the slightest doubt that any disinterested tribunal would say that that was part of the plan. How else could it be worked out? Will not somebody tell me how we could take these German bonds?

Let us assume we loaned Belgium \$10,000,000, and that she owes us that money. Let us assume, then, that it is found by the Reparation Commission that Germany injured Belgium to the extent of \$100,000,000, and Germany's bonds for \$100,000,000 are taken; thereupon a receipt is made by Belgium, handed over to Germany for Belgium by the Reparation Commission, releasing Germany from further liability, and then \$10,000,000 of those German bonds are handed over to us, and we accept them. Having the benefit of the claim of Belgium against Germany, and having taken that money, how could we then claim that Belgium still owned us? Could we make Belgium pay us?

Mr. McCORMICK. Will the Senator explain how those German bonds are to be handed over to us, and how we are to be compelled to accept them?

Mr. REED. The Senator now is making the plea that we may not accept them.

Mr. McCORMICK. I am making no plea at all; I have asked for an explanation.

Mr. REED. The Senator asked me how it is to be done. Here is the way it is to be done laid down. You are voting for a treaty which demands in express terms that we shall have the benefits of that particular section. How are you going to escape the liability?

Let me put it again. If the Reparation Commission determines that Belgium has a good claim against Germany for a hundred million dollars and it determines that we are entitled to one-tenth of it, and we take that one-tenth, we have taken that much of Belgium's claim against Germany. We can not make a claim for a single dollar against Belgium afterward, unless there is a difference between the amount we get from Germany and the Belgium debt. We can not take money twice. That is my answer to the Senator from Minnesota.

This treaty provides:

The amount of the above damage for which compensation is to be made by Germany shall be determined by an interallied commission.

Again:

The commission shall concurrently draw up a schedule of payments prescribing the time and manner for securing and discharging the entire obligation within a period of 30 years from May 1, 1921. If, however, within the period mentioned Germany fails to discharge her obligations, any balance remaining unpaid may, within the discretion of the commission, be postponed for settlement in subsequent years, or may be handled otherwise in such manner as the allied and associated Governments, acting in accordance with the procedure laid down in this part of the present treaty, shall determine.

Again:

The Reparation Commission shall after May 1, 1921, from time to time consider the resources and capacity of Germany, and after giving her representatives a just opportunity to be heard shall have discretion to extend the date and to modify the form of payments.

And again:

In order to enable the allied and associated powers to proceed at once to the restoration of their industrial and economic life, pending the full determination of their claims, Germany shall pay in such installments and in such manner (whether in gold, commodities, ships, securities, or otherwise) as the Reparation Commission may fix, during 1919, 1920, and the first four months of 1921, the equivalent of 20,000,000,000 gold marks. Out of this sum the expenses of the armies of occupation subsequent to the armistice of November 11, 1918, shall first be met.

There is the method provided by which Germany is to pay for the armies of occupation. There is the method provided by

which Germany is to pay us our part of that money, which now amounts to over \$280,000,000. When we accept the benefits of that section we bind ourselves to the stipulated method of their adjustment.

We do not say to Germany, "You owe us a certain amount for our soldiers, and you must pay that amount." Instead we say, "We agree with you that we will take the benefits under this particular section." Therefore, we have either to be a party to this reparation board and there try to protect ourselves or stay out. However, even if we stay out, our agreement is that Germany shall pay for the occupation of our troops such sum as the reparation commission shall settle.

If I am talking with too much earnestness, it is because I have not time to drag this argument out. I am trying to drive it home to you. We have, in this one item, \$280,000,000 or more at stake, and we agree with Germany that we are to get only such sum of money as the Reparation Commission shall determine and shall distribute. Yet you say we are not bound in any way to go into the Reparation Commission and that we have no obligations.

Mr. President, it is further provided in another clause of this treaty, of which we are to have the benefit, that Germany shall not arm until she is permitted to do so by the League of Nations. Thus we bind ourselves that Germany may arm at any time that a tribunal, of which we are not a member and do not propose to become a member, shall say to Germany that she may arm. I do not imagine it as possible, although in these latter days almost anything appears at times to be possible, but the condition might easily enough arise when Germany, offended at the United States, should conclude she wanted to arm, when other great European powers, conspiring against us, would conclude they wanted Germany for an ally.

It might be that other powers, Asiatic or European, desiring to attack the United States, would be willing to give to Germany the right to arm as the price of Germany's cooperation with them against the United States. It might well be that in order once more to have arms in her hands Germany would agree to that sort of an alliance, and the two or three countries that controlled the League of Nations, under those circumstances, might find it the instrumentality of putting back into German hands the arms with which to destroy us.

I have only a few minutes left; I can not argue this question; I can only state it. I want the United States to keep out of the wars and turmoils of Europe. There is just one way and that is for the United States to sit down with Germany and agree upon what Germany must pay. We are no more compelled to submit to the treaties of other nations than they are compelled to submit to our treaties.

What ought to be done is this, in my opinion: We ought to say to Germany, "We have a large amount of property of your nationals. It does not equal our claims against you, but we will be very generous in asserting our claims against you if you will agree to assume the obligations which your nationals think they have against the United States for the property that is taken. We will wipe out and cancel our obligations to you."

If there is a balance left over, which we can not waive because it is too large, let us take Germany's obligations for it; that is all we will ever get in the end. And finally, let us bring our troops home.

Senators, when we went into this war we thought we would be there for six or eight months. There were great and wise Senators who voted for our entrance into the war who did not believe that an American soldier would ever cross the seas. But we had to cross the seas. We had to stay in the war. We stayed in the war for only a short period, after all, but three years have passed since the war, and our Army is still in Europe. We have expended over \$280,000,000 keeping an army of occupation in Germany. If we are to continue an army of occupation there until these debts are paid, the army will eat up the debts a hundred times over. It is true that Germany agrees to pay, but if Germany is in the bankrupt condition everybody claims she is, she never will be able to pay.

We had better waive part of our claim. We had better settle this business. We had better bring our soldiers home to their own soil. We had better make our peace with Germany, and not be a party to the long, bitter controversy of the next 20 or 30 years between Germany and the other nations over there.

Where will it end? The morning paper tells us that there are three or four new wars ready to start. We know that Greece and Turkey are at death grips, and we know that one great European nation is backing Greece, and that her ally in the last war is backing Turkey. We know that France intends that Silesia shall be wrested from Germany contrary to the terms of the treaty. We know England is resisting it. We

know that Poland proposes to have her part of it if she can get it. We know that out of these conditions there are bound to grow future controversies and probably future wars.

Either one of two things should be done—the United States should assert its dominance and its control in the world and raise armies and navies sufficient to back her world-wide pretensions, go over to Europe and demand peace at the muzzle of the gun if necessary, or else, as common sense and the magnificent wisdom of Washington dictate, we ought to bring our troops home and be free from the entanglements of that continent.

The pending treaty settles nothing. We are still a party to the affairs of Europe. It will force us into European tribunals to settle controversies that are inseparable from the rights we assert, if we assert them in the manner and form that is now proposed. There is a plain course and it ought to be pursued. We should make peace with Germany, and I say make it soon, because the war is over. Germany will still exist, and her trade and her friendship will possibly be of great value to us in the future. The old German Government has been driven out. It seems to me that the principal part of the cancer has been cut forever from the body politic of Germany. I hope that is true. So if we are going to have peace, let us make it. Let us bring our troops home. Let us be through with this thing.

Will Senators vote for this treaty, this miserable makeshift, this thing that accomplishes nothing, except to put us in through the back door of the League of Nations? It ought to be rejected by the Senate as it will be rejected by the American people when they understand it, even as the League of Nations covenant was rejected. For the people of this country can not be fooled by the soft sophistry of Senators who say we are in for the purpose of benefits, out for the purpose of responsibilities, and who, in the next breath, when I offer an amendment that takes us out, refuse to vote for it, because they say we can not have the benefits without the responsibilities.

Mr. President, I would like to have a vote upon my amendment.

Mr. WATSON of Georgia. Mr. President, if there is one undisputed fact about our war with Germany, it is that we said to the whole world that we had no enmity against the German people, that we were not making war against the German population; that the object of the war was to overthrow the Kaiser and the militarism which had grown up around the Kaiser.

The Kaiser is now overthrown, the militarism which we combated is prostrate, but we are now making war upon the German people. Nothing we have done here can hurt the Kaiser in his bombproof in Holland, protected by the great order of Teutonic knights. Nothing that we do here can hurt Ludendorff or Hindenburg or Von Tirpitz or any of those criminals. We are hurting the German people.

There was a time when we thought the ordinary Germans, men or women, were good people. I have been out in the West. I have ridden in private conveyances through Nebraska and Kansas, and have seen the beautiful farms which the Germans had made there after they had laid down their muskets following the surrender of Lee at Appomattox. They fought on the Union side. They fought against my own people. They fought bravely. They fought for your flag; they helped you to win victory for it. So now, knowing those people as I do and knowing the promises which were made and the assurances put forth, it seems to me extremely inconsistent that the Senate of the United States should be making war not upon the Kaiser or upon his military staff but upon the helpless, unarmed, and struggling German people.

Mr. President, it is an instinct of common humanity not to strike a man when he is down. Lloyd-George in England was reelected to Parliament upon the slogan of hanging the Kaiser, but he has not yet hanged him. The military criminals were to be punished; carried to England for that purpose. They have not yet been carried there, and they have not yet been punished, and they are not going to be punished. We all know that.

Let us briefly recount the events that led us into the war. An act of war, of the most atrocious sort, was committed against us when a German U-boat torpedoed and sank the *Lusitania* and murdered 119 American citizens, some of them women with babes in their arms. Did we then declare war? We did not. It was held to be not a cause of war. Other ships were sunk. An American consul on his way to his post was drowned as the result of the sinking of a neutral ship. Still we were too proud and too right to fight.

On January 28, 1917, Ambassador Gerard made an official speech at an official banquet in Berlin. That speech was delivered after Gerard had had a personal and confidential inter-

view with the then President at the summer White House in New Jersey. Mr. Gerard was talking to Von Tirpitz, the U-boat monster; he was talking to Hindenburg, he was talking to Ludendorff, he was talking to the men whose hands were dripping with Belgian and French blood. What did he say to them? He said, "The friendship which has so long existed between your country and mine now exists; and our relations were never better, and as long as the present régime remains in power in the United States there will be no conflict between our Governments."

Mr. POMERENE. What was the date of that speech?

Mr. WATSON of Georgia. January 28, 1917. The *Lusitania* had been sunk on May 7, 1915. When we finally became sufficiently provoked to declare war, the bones of the victims of the *Lusitania* had long been resting on the bottom of the sea off the Irish coast.

What had happened between the time that Gerard made his speech and the time we declared war in April, 1917? The German Empire had declared that, on account of the nature of the U-boat, a new weapon in warfare, it could not give the usual notice that had been given before sinking a ship that was violating the blockade. We used that order as a basis for declaring war when not one single passenger vessel had been sunk under that order; not one. The question arose, what is the law of blockade? Does the pending treaty settle that question? Does it say what shall hereafter be the law of blockade for U-boats? We are building U-boats. We are proposing to use them upon whom? What will be our policy as to notice on the high seas after blockade is declared? What will be our rule as to aircraft? The very question which was the ostensible cause of going to war with Germany is left unsettled and untouched in this so-called treaty of peace.

I do not think there have been many treaties which were not sufficient in themselves to explain their meaning. This is the only treaty that I ever studied that referred back to two others; and we have to study them both to know to what extent they affect the American people. They carry us right into the treaty of Versailles in some of its most important parts. They carry us back to the treaty of Vienna, made more than 100 years ago. Those clauses may not affect us, but we never can tell. Nobody knows. But those clauses in this treaty, including parts of the Versailles treaty, most assuredly affect us.

I say here and now that Germany had no more intention of keeping that treaty than we had of keeping ours when we made a treaty with Aguinaldo in 1898. We made a treaty with him. Admiral Dewey and President McKinley got the benefit of his services, got the benefit of the prowess of the Filipino troops; and the moment the treaty of Paris was agreed on and we paid Spain \$20,000,000 for the islands which our soldiers and our marines had conquered, we immediately made war upon Aguinaldo and upon the Filipinos; and our promises, made by both parties, to give those people independence, have been treated with a cynicism that is enough to shock any honorable man.

In this treaty, by section 1 of article 2, we take to ourselves all the benefits accruing to the United States under the following provisions of the treaty of Versailles: Section 1 of part 4 and part 5, part 6, part 8, part 9, part 10, part 11, part 12, part 14, and part 15. How many of the American people will ever know what those portions of the treaty of Versailles contain? What means will they have of knowing? Why should they not have been embodied in this treaty? Those who negotiated it took time enough. What were they doing all the while that they could not copy, or have copied by some typewriter, those clauses of the treaty of Versailles and let the American people see to what they were being bound? What right have we to ratify a treaty here which veils its face from the gaze of the American voter?

Talk about wearing disguises and masks! It seems a queer thing that a great state paper like this should come into the Senate Chamber wearing a mask, disguised, with enough dragon's teeth in it, properly sown, as they will be, to cause a dozen great wars. Does any human being believe that the German people, who at the beginning were the same stock as ourselves, and therefore a fighting people, will stand that humiliation for many years—the humiliation of our saying how many troops they shall have and for how long they shall be enlisted? I do not. Germany can bide her time, as France bided hers; and she will do it. France to-day is giving her every provocation that one nation can give another, including the domiciling of black troops from the jungles of Africa in the houses of white people in Germany, where the German wife and the German daughter have to cook and wash for and wait on and make beds for these black men from Africa. How would our white people like that? How would any white people like that? Does anybody believe that Germany will not find a way to

evade the limitation of her army and the length of its enlistment?

Mr. President, this military spirit, which has been fostered at such great expense to the American taxpayer, will pass away; peace will come again; the rainbow will span the heavens once more; and then when Germany says, "I need an army of a million men," where is the Government that will take the responsibility—which will dare to take it—of again enlisting by conscription 4,000,000 American young men and sending them across the sea? Whenever that thing is again tried we are going to have an insurrection in this country that will sweep from the Lakes to the Gulf and from the Atlantic to the Pacific.

Mr. KING. Mr. President, will the Senator from Georgia yield for a question?

Mr. WATSON of Georgia. With pleasure.

Mr. KING. I am sure the Senator does not want to take the position that Germany should be exempted from paying just reparation for the war which she has waged. The Senator certainly does not want to take the position that 130,000,000,000 gold marks was too much as a reparation to be paid by Germany. Germany admitted at the outset that she could pay \$25,000,000,000 as a reparation. One hundred and thirty billion gold marks exceeds that amount only by five or six billion dollars. Germany, as the Senator has indicated, has exhibited from the beginning a determination to evade the payment of the obligations imposed by the Versailles treaty. This morning's newspapers show that the Germans are organizing in various parts of Germany for the purpose of evading the payment of the reparation. Does the Senator from Georgia think that if France and the other allies shall not maintain troops, for a while at least, on the Rhine any part of the German reparation will be paid? Is it not necessary to exhibit force so long as Germany exhibits the spirit of opposition to the enforcement of the terms of the treaty which now characterizes her?

Mr. WATSON of Georgia. Mr. President, I have not touched upon the subject of reparations. I realize the fact that whoever is to blame for a war must compensate the injured nation for the damage inflicted upon it; but I remind the Senator from Utah that the United States Government was never established by our forefathers to be a debt collector for France, for Great Britain, or for any other country, and that our soldiers can not be legally conscripted, sent abroad, and kept there as debt collectors for France or for any other country. France has 5,000,000 black troops on the Niger River right now, and she has about 1,000,000 of them in Europe. She can bring the others when she needs them.

I agree with the Senator from Missouri [Mr. REED] that our troops ought to come home. We put ourselves in an attitude that is humiliating when we become a bill collector, at the end of a rifle, for any other nation on earth.

Mr. KING. May I say to the Senator, if he will pardon me further—

Mr. WATSON of Georgia. Always.

Mr. KING. That we have not yet collected our own obligations from Germany, and we have not yet negotiated a treaty with Germany. We have bills to collect against Germany. It is hoped by the proponents of the pending treaty that when it shall have been ratified we then may collect from Germany that which is due to us.

Let me make this further observation: May I say to the Senator that it is very clear that Germany would not have consented to sign the reparation agreement if it had not been for the display of military force, in which we in part participated by the maintenance of troops upon the Rhine.

Mr. WATSON of Georgia. At that time, of course, we were an associated power, engaged in a common enterprise, but we dissociated ourselves; we cut loose. We, however, left our troops over there; they are yet there; and the Senator from Massachusetts [Mr. LODGE] has not told us when those troops are coming home.

I wish to say in that connection that, as I understand the Associated Press dispatches, Germany has made a satisfactory adjustment with France of her indebtedness and her settlement is proceeding in accordance with that agreement. There was a dispute between Lloyd George and Briand as to whether further force should be used upon Germany, but they finally decided not to use it.

Not only will Germany after a while enlarge her army to suit herself, but she will do it in defiance of this Government, because this Government can not send another army across the seas without revolution. Our boys are not going any more; just put that in your pipe and smoke it. They are not going across the ocean any more to fight for France or Great Britain or any other nation. They will stand on their own soil and fight any and all nations until the last one of them dies, but

they are not going through the hell that they went through in France and Belgium any more.

Another thing, Mr. President: This treaty by reference to the treaty of Versailles takes away from Germany the control of her domestic waterways, her inland and natural lines of communication for the transport of persons and of freight. How long will Germany stand that? Suppose that two years from now Germany says, "I will not stand for that any longer," just as Russia, after she was forced, as a consequence of the Crimean War, to keep her ships off the Black Sea, said, "I will put my ships back there; now, let us see what you are going to do about it." Neither England nor France were in a position to do anything about it. Nations do not yield to force any longer than they have to. In that respect they are simply individuals in their collective capacity.

The time will come when Germany will say, "I have as much right to control the Rhine as you have to control the Ohio and Mississippi," and the conscience of the world will back her up in it. How can she pay the reparations when she can not use her own waterways except under the control of foreigners? What sort of folk would we be if we would permit such a thing? The pending treaty does not make peace.

The Senator from Massachusetts [Mr. LODGE], answering a query, said that we could form some sort of tribunal and would try these cases that we have against Germany. Suppose Germany refuses to be represented on that tribunal, which must necessarily be made up of her enemies, how can we force her into court? I will tell the Senator from Utah another thing. If this Government can find a way to cause the custodian of German private property and his accomplices to disgorge what they took in violation of treaties and of international law, we will have enough money on this side in our own hands to have a peaceable settlement with Germany. The first thing is to make those men disgorge. I should like to have a front seat when Mitchell Palmer begins to "shell out." I would pay a considerable sum to have a front seat when his accomplices, some of whom live in my State and represented it at the last national convention of the Democratic Party—I say I would give a considerable sum to be present when those rascals are made to disgorge.

So I say, Mr. President, the American people will never understand this treaty. It does not get us any nearer to peace. It does not get us anywhere beyond the point we reached when we passed the Knox peace resolution. It involves us in all kinds of complications, every one of which may become a cause of war; and if it becomes a cause of war, there is a question again of conscripting troops, taking them from their work, taking them from civilian life, throwing them across the seas, bringing them back here, dumping them down on the ground, and then neglecting them.

We pay great honors to the dead. We are not stingy with our money if the soldier was killed. The unknown dead must be honored with elaborate ceremonies in Paris, in London, and at Arlington. That is all right; but what of our living soldier who has no work and can not get any, who has no property, and to-morrow is a day that threatens him with hunger and the hunger of wife and children?

Mr. President, England paid her soldiers a bonus out of our money, and now Great Britain will not even pay us the interest on the money that was her salvation so that we can use it in part to pay a bonus to our soldiers; and we are proposing to let that debt run on just as long as Secretary Mellon and possibly three or four or five other just such melons decide it shall go.

That is a beautiful state of affairs—lending Great Britain the money to pay a bonus to her troops and our own ex-soldiers swelling the army of the unemployed, which carries anxiety to the mind of our President and no doubt plants thorns upon his pillow at night. Give us a treaty that makes peace. Let us know where we stand.

The war is at an end. When two men fight and one whips the other and go off and go to trading with one another again, the fight is over. There is not any war, but this treaty may make a lot of wars.

Senators, let us have this treaty rewritten so that the plainest citizen, reading it, will know just exactly what its terms are. It takes a lawyer or a publicist or a student to read three treaties to find out what this one means, and that is not good policy.

Mr. TOWNSEND. Mr. President, I desire to speak briefly to the pending amendment.

We are now engaged in an effort to make a treaty with Germany three years after the close of the war, and following the declaration of peace known as the Knox resolution, which was passed last July. I have no doubt, Mr. President, that if the Versailles treaty had not been complicated with the League of Nations covenant and if it had not contained the provisions

which are eliminated by paragraph (3) of the treaty, which we are now discussing, it would have been ratified by the Senate of the United States. The people, of course, in a measure, did pass upon that treaty last November, but they passed on it as they understood it, and they understood it from the speeches that were made on the floor of the Senate; and practically every opposition speech that was made, every strong objection presented was against either the league covenant or part 2, part 3, sections 2 to 8, inclusive, of part 4 or part 13 of that treaty.

I can recall no other argument that was made that reached the people. We objected to the league covenant, and for reasons well remembered and which I will not enumerate now. The reservations to the Versailles treaty were principally made to the parts mentioned in subdivision (3) of the pending treaty. The league covenant was purposely complicated with the Versailles treaty itself, so that a separation of them could not be made. It had so many objectionable features that a two-thirds majority of the Senate could not be obtained for it. It contained part 2, which obligated the United States to maintain the new enlarged boundaries of the Allies for all time. The Senate refused to be so obligated. Part 3 divided the spoils of war—the islands and territorial possessions of Germany and Austria—among the victorious nations, and asked the United States to use its military and naval powers to perpetuate the division. Senators waxed eloquent over this proposition and the country was properly aroused and indignant. They were against it, and the Senate adopted a reservation protecting the United States against part 3 of the treaty. It contained other provisions relating to Shantung and China, in which the United States could not in good conscience participate. It contained the unwise labor provisions which the Senate guarded against.

These, sir, are the provisions of the Versailles treaty which are exempted in paragraph (3) of part 2 of the treaty now under discussion. The other parts that are named in section (1) of article 2 are all of the balance of that treaty, and each of them contains matters in which the United States is interested or may become interested; and this pending treaty reserves whatever rights belonging to the United States may be included in them. It does not mean that the United States will participate in the Versailles treaty. Reference is made to parts of that treaty for convenience in designating rights which the United States may claim in addition to those which were enumerated in the Knox resolution.

We say that if the United States takes advantage of the treaty to obtain those rights it will assume whatever responsibilities attach to those particular rights; but that is something which Congress is to determine. We do not in any way enter into that treaty. We simply reserve whatever rights of the United States that are covered by it.

The distinguished Senator from Georgia [Mr. WATSON] said that the people will not understand what section 1 of part 4 and parts 5, 6, 8, and the other items may mean. Will they not understand them as well as they understood these same parts which were referred to in the same way in the Versailles treaty? Do they not understand it as well as they did when it was discussed before them during the last campaign? I repeat, those are the sections or paragraphs of this treaty which may contain rights belonging to the United States and which this or future Senates may desire to take advantage of and claim.

This treaty is for the purpose of determining what rights the United States has. It does not enumerate them in detail any more than any other treaty I have ever read enumerates in detail the particular, specified rights which go to the victorious nation. Every treaty of peace requires special subsequent agreements for carrying out its provisions.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. TOWNSEND. I have only 10 minutes.

Mr. REED. I will ask a very short question.

Mr. TOWNSEND. Very well.

Mr. REED. The Senator states that we have rights of which future Congresses may take advantage. Does not this treaty provide in praesenti that we do reserve to ourselves all of the rights named in the specified paragraphs?

Mr. TOWNSEND. Yes.

Mr. REED. If we reserve them in praesenti, how can we escape the obligation in praesenti?

Mr. TOWNSEND. Mr. President, that depends upon what the Congress proposes to do when the question arises—as each particular question arises, whether or not it will take the right with its attendant conditions. The present enumeration of rights to be had subject to conditions does not mean that they are presently demanded. The Congress may think best to have a mem-

ber on the Reparation Commission to protect our rights, but we do not at this time appoint such a member, although we provide for the right to do it.

I rose, however, principally to answer, if I could, the argument of the Senator from Missouri when he proposes to exclude by paragraph (3) all that we include in paragraph (1)—that is, paragraph (1) would be absolutely useless if he inserts his amendment, because it says that nothing in the treaty shall impose any obligations upon the United States. We specify in section (1) of article 2 that whatever rights we have under the Versailles treaty are those that may be found in the particular sections enumerated.

Mr. REED. Mr. President, will the Senator be so kind as to call my attention to the language of section 1 which says that we assume no obligations? The Senator has just stated that section 1 provides that we assume no obligations.

Mr. TOWNSEND. No; I do not say that the section provides in so many words that we assume no obligations, but we certainly do not. It does not have to provide that. We do not assume any obligations under that. We use that to enumerate the rights we claim.

Mr. REED. Very well. The Senator then thinks we do not assume any obligations.

Mr. TOWNSEND. Not by the ratification of this treaty.

Mr. REED. Then why not say so, and put my soul at rest? That is all that my amendment does. I simply want to say on paper what the Senator has just said with his mouth.

Mr. TOWNSEND. I fear that the soul rest of the Senator would require the defeat of the very purpose that the framers of this treaty had in mind; his amendment would not permit the United States to obtain any of its rights contained in the Versailles treaty if it had to comply with conditions according to rights to Germany. The Senator objects to the United States assuming any obligations and responsibilities under the Versailles treaty, even to obtain just and legal rights for our country. I, too, object to assuming any responsibility under parts 2, 3, 13, and sections 2 to 8 under part 4, of the Versailles treaty, and subdivision 3 is acceptable to me as it is.

Mr. REED. Oh, no.

The VICE PRESIDENT. The Senator's 10 minutes has expired.

Mr. REED. I am simply asking that we say now that we do not assume any obligation under this treaty. If hereafter we want to assume it, of course we can do so. The Senator says that is what the treaty means, and I say I want to say it in good, plain English, so that everybody will understand it.

Mr. TOWNSEND. I do not think the Senators misunderstand what I have in mind or what the Senator from Missouri has in mind.

Mr. WALSH of Montana. Mr. President, in the course of the interesting remarks made by the Senator from Georgia [Mr. WATSON], I think he must have inadvertently stated that, notwithstanding the declaration of the German Government issued January 31, 1917, that it proposed to sink all ships within the proscribed area, the policy was not carried out so far as the United States was concerned, and that no change ensued between that time and the time the declaration of war was made, April 6, 1917.

Just so that the record shall be perfectly straight, it will be recalled that two American ships—the *Housatonic* and the *Lyman F. Larc*—were sunk during the interim, and the declaration of war followed not alone because of the announcement of that policy upon the part of Germany but because it had actually entered upon the carrying out of that policy by sinking those two American ships. I should not like to have the statement even at this late date go unchallenged that no change had ensued between the 1st of February and the 6th of April.

Mr. WATSON of Georgia. Will the Senator state what sort of vessels they were, whether they carried passengers or not?

Mr. WALSH of Montana. I have not that in mind now.

Mr. WATSON of Georgia. I do not doubt the Senator's recollection is correct. I did not remember myself.

Mr. WALSH of Montana. My recollection is that they were two freighters.

Mr. REED. Three vessels were sunk in one day.

Mr. WATSON of Georgia. The real point is, Mr. President, that the declaration of war did not set out anything of that kind at all. The causes of war antedated this declaration and put the ground away back to the sinking of the *Lusitania*, in May, 1915, including everything that Germany had done to our ships since May, 1915; and the Supreme Court decision in the test case which I myself brought as to the conscription law declared that the cause of the war was not the sinking of

those three freighters, but that it was declared for the vindication of the rights and the honor of the United States Government.

Mr. WALSH of Montana. Mr. President, an inquiry was submitted by the Senator from Tennessee [Mr. SHIELDS] as to what obligations were impliedly assumed by the United States under the parts of the Versailles treaty other than those specified in subdivision (3) of article 2. By a cursory examination of the treaty it will be found that certain obligations were assumed by article 203, reading as follows:

All the military, naval, and air clauses contained in the present treaty, for the execution of which a time limit is prescribed, shall be executed by Germany under the control of the interallied commissions specially appointed for this purpose by the principal allied and associated powers.

That would seem to be one of the obligations which we do not repudiate and accordingly impliedly assume, namely, to appoint a member of the military interallied commission. That commission is constituted for the purpose of carrying out the disarmament provisions.

By article 233 it is provided that—

The amount of the above damage for which compensation is to be made by Germany shall be determined by an interallied commission, to be called the Reparation Commission, and constituted in the form and with the powers set forth hereunder and in Annexes II to VII, inclusive, hereto.

Then Annex I provides that—

1. The commission referred to in article 233 shall be called the Reparation Commission, and is hereinafter referred to as "the commission."

2. Delegates to this commission shall be nominated by the United States of America, Great Britain, France, Italy, Japan, Belgium, and the Serb-Croat-Slovene State. Each of these powers will appoint one delegate and also one assistant delegate, who will take his place in case of illness or necessary absence, but at other times will only have the right to be present at proceedings without taking any part therein.

The treaty stipulates, however, of course, that the United States may or may not appoint a member of that commission. But that commission is vested with very large powers touching the reparation to be accorded by Germany.

Then by article 296 it is provided that—

There shall be settled through the intervention of clearing offices to be established by each of the high contracting parties within three months of the notification referred to in paragraph (e) hereafter the following classes of pecuniary obligations.

Then is created what is known as the debtor clearing offices, which are invested with very large powers, one of which is as follows. It settles—

(1) Debts payable before the war and due by a national of one of the contracting powers, residing within its territory, to a national of an opposing power, residing within its territory.

That is to say, any controversy arising between a German domiciled in the United States and an American domiciled in the United States would be settled by this clearing office, and the United States obligates itself to appoint a member of that office, as it is expressed in the first paragraph of the annex hereto, as follows:

Each of the high contracting parties will, within three months from the notification provided for in article 296, paragraph (e), establish a clearing office for the collection and payment of enemy debts.

I think the Senator from Georgia is quite right in stating that the United States had not very clearly apprehended just exactly what large powers that clearing office had, and I doubt whether the matter has received very much consideration from Senators upon the other side of the Chamber.

Article 304 provides that—

Within three months from the date of the coming into force of the present treaty, a mixed arbitral tribunal shall be established between each of the allied and associated powers on the one hand and Germany on the other hand. Each such tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

That is also an article carrying obligations not excluded by paragraph 3 of article 2 of the treaty, and, therefore, impliedly the Government of the United States has assumed that obligation. The powers of this mixed arbitral tribunal are very extensive, indeed, and just exactly what the limits of them are I have not myself been able to quite understand, notwithstanding the study I gave the matter at the time the Versailles treaty was before us and such examination as I have given it now.

But I think that in fairness those who are urging the adoption of this treaty ought to say whether the United States has or has not obligated itself to appoint members of these various commissions, and to define in some understandable way just exactly what powers these tribunals and commissions will exercise, particularly, Mr. President, because it is expressly provided that so far as the Reparation Commission is concerned the United States may or may not, as it sees fit, decline to appoint a member of that commission. Therefore, Mr. Presi-

dent, impliedly it agrees that it will appoint members of the other commissions to which I have invited your attention. The same rule, *expressio unius est exclusio alterius*, applies as well to this. It is expressly provided that we may or may not, as we see fit, appoint a member of the Reparation Commission; therefore, for every reason, we impliedly agree that we will appoint members of these other tribunals.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. REED].

Mr. LODGE. Mr. President, I hope we may be able to have a vote on the amendment, and after that I will move to take a recess.

Mr. REED. I ask for the yeas and nays on the amendment. The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS], and in his absence I withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair with the senior Senator from Washington [Mr. JONES], and in his absence I am not permitted to vote. If privileged to vote, I would vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN], and in his absence, and being unable to secure a transfer, I withhold my vote. If I were at liberty to vote, I would vote "nay."

The roll call was concluded.

Mr. ELKINS (after having voted in the negative). I transfer my pair with the Senator from Mississippi [Mr. HARRISON], who is absent on official business, to the Senator from Missouri [Mr. SPENCER] and allow my vote to stand.

Mr. SUTHERLAND. Making the same announcement as before with reference to my pair and its transfer to the junior Senator from Maryland [Mr. WELLES], I vote "nay."

Mr. EDGE. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from North Dakota [Mr. LADD] and vote "nay."

Mr. HALE. I transfer my pair with the Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. WILLIAMS. I have a pair with the Senator from Pennsylvania [Mr. PENROSE], who is unavoidably absent. If I were at liberty to vote, I would vote "nay." [After a pause.] I have just been informed by what I deem very reliable authority that if the Senator from Pennsylvania were present he would vote "nay." I therefore ask to be recorded in the negative.

Mr. CURTIS. I desire to announce that the Senator from South Dakota [Mr. STERLING] is paired with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 7, nays 66, as follows:

YEAS—7.			
Ashurst	Johnson	Reed	Watson, Ga.
Borah	La Follette	Walsh, Mass.	
NAYS—66.			
Ball	Fernald	McCormick	Ransdell
Brandegee	Fletcher	McCumber	Sheppard
Broussard	France	McKellar	Shortridge
Bursum	Gerry	McKinley	Simmons
Calder	Glass	McLean	Smoot
Cameron	Gooding	McNary	Stanley
Capper	Hale	Moses	Sutherland
Caraway	Harris	Myers	Townsend
Colt	Hitchcock	Nelson	Trammell
Culberson	Jones, N. Mex.	New	Underwood
Cummins	Kellogg	Newberry	Wadsworth
Curtis	Kendrick	Nicholson	Warren
Dillingham	Kenyon	Norbeck	Watson, Ind.
du Pont	Keyes	Oddie	Williams
Edge	King	Overman	Willis
Elkins	Lenroot	Poindexter	
Ernst	Lodge	Pomerene	
NOT VOTING—22.			
Dial	Ladd	Pittman	Sterling
Frelinghuysen	Norris	Robinson	Swanson
Harrel	Owen	Shields	Walsh, Mont.
Harrison	Page	Smith	Weller
Heflin	Penrose	Spencer	
Jones, Wash.	Phipps	Stanfield	

So Mr. REED's amendment was rejected.

Mr. REED. Mr. President, I understand the Senator from Massachusetts [Mr. LODGE] desires to move a secret executive session, but before he does so I wish to offer the following amendment which I ask to have read and printed.

The VICE PRESIDENT. The amendment will be read as requested.

The reading clerk read as follows:

Strike out subdivision 3 of article 2 and insert in lieu thereof:
"The United States shall not be bound to submit any of its claims or rights to said Reparation Commission or any other body or agency created by the treaty of Versailles or be bound by any decision of such

agencies rendered. And if the United States shall not become a member of such commissions then, although the treaty provides that the question shall be determined by such agencies, it shall be decided between the United States and Germany in such manner as may be hereafter by them agreed upon."

The VICE PRESIDENT. The question is on the adoption of the amendment just offered by the Senator from Missouri.

Mr. REED. I am offering the amendment with the idea that it may be printed. I understand the Senator from Massachusetts desires to move a secret executive session. I also desire to say that if that amendment is defeated I shall offer the following amendment, which I ask to have read and printed.

The VICE PRESIDENT. The proposed amendment will be read.

The reading clerk read as follows:

Strike out subdivision 3 of article 2 and insert in lieu thereof:

"Except such obligations as may be assumed by virtue of part 1 of article 1 of this treaty the United States assumes no obligations under or with respect to any of the provisions of that—the Versailles—treaty."

Mr. REED. I do not desire to address the Senate at this time. I wish to know whether the Senator from Massachusetts desires to proceed further this afternoon.

Mr. LODGE. I do not suppose strictly under the unanimous-consent agreement I have a right to move to go into secret executive session. I wish to make the motion if there is not objection, but I shall ask unanimous consent for that purpose.

I desire to say that I am willing to take a recess immediately after a short executive session; but to-morrow night I shall ask the Senate to remain in session. I wish to give notice of that, and that is the reason why I do not make the motion to-night. However, we ought to dispose of the treaties one way or the other as soon as possible. If there is no objection—

Mr. UNDERWOOD. Mr. President—

Mr. LODGE. I yield to the Senator from Alabama.

Mr. UNDERWOOD. I have no objection to the plan proposed by the Senator, but I wish to make the suggestion that when we take a recess we take it until 12 o'clock to-morrow instead of 11. I think we can get through to-morrow; I am perfectly willing to stay here in session, but there are a number of Senators who have been here every morning, and I think it would accommodate some on our side who have other business that they want to attend to in the morning if the Senate could meet at 12 o'clock.

Mr. LODGE. I have no objection to making the hour 12 o'clock, but I wish it understood that I shall ask the Senate to remain in session to-morrow night and try to dispose of the treaties before we adjourn to-morrow. I wish to give that notice. If there is no objection, I will make the motion now—

Mr. WADSWORTH. Mr. President—

Mr. LODGE. I yield to the Senator from New York.

BURIAL OF UNKNOWN AMERICAN SOLDIER AT ARLINGTON.

Mr. WADSWORTH. I am about to make a request for unanimous consent that the Senate take action upon another matter, and in three or four sentences I can explain it.

A few days ago the Senate passed Senate joint resolution 123, making provision for payment of the expenses incident to the ceremonies connected with the burial of an unknown American soldier at Arlington on November 11. The House has passed the Senate joint resolution with amendments. If I may obtain unanimous consent, I shall ask that the message be handed down, and I intend also to move that the Senate concur in the House amendments, thereby making it possible for the War Department to proceed promptly with the arrangement; otherwise the War Department can not do so.

The VICE PRESIDENT. Is there objection to the Senate resuming legislative session and the Chair laying before the Senate the amendments of the House to the joint resolution?

Mr. LODGE. As I said, I shall make no objection. I think this comes under the provision in the unanimous-consent agreement relative to measures of urgent necessity and that this action is proper.

The VICE PRESIDENT. The Chair hears no objection, and the Senate resumes legislative session for this purpose.

Mr. WADSWORTH. I thank the Senator from Massachusetts.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 123) authorizing the Secretary of War to expend from the appropriation "Disposition of remains of officers, soldiers, and civilian employees, 1922" (act of Mar. 4, 1921, Public No. 389, 66th Cong.), such sum as may be necessary to carry out the provisions of public resolution No. 67, Sixty-sixth Congress.

The amendments were, on page 2, lines 6 and 7, to strike out "including the," and, on page 2, line 9, after the name "Washington," to insert "Provided, That the amount to be used for the expenses incident to ceremonies connected with such burial shall not exceed \$50,000."

The VICE PRESIDENT. The Senator from New York asks unanimous consent for immediate consideration. Is there objection? The Chair hears none.

Mr. WADSWORTH. I move that the Senate concur in the House amendments.

The motion was agreed to.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 5 minutes spent in secret executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow at noon.

The motion was agreed to, and (at 5 o'clock and 17 minutes p. m.) the Senate as in open executive session took a recess until to-morrow, Tuesday, October 18, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate October 17 (legislative day of October 14), 1921.

COLLECTORS OF INTERNAL REVENUE.

John P. McLaughlin, of San Francisco, Calif., to be collector of internal revenue for the first district of California in place of Justus S. Wardell, resigned.

Josiah T. Rose, of Atlanta, Ga., to be collector of internal revenue for the district of Georgia in place of Aaron O. Blalock, resigned.

UNITED STATES DISTRICT JUDGE.

Thomas Blake Kennedy, of Wyoming, to be United States district judge, district of Wyoming, vice John A. Riner, resigned.

UNITED STATES ATTORNEY.

Clint W. Hager, of Georgia, to be United States attorney, northern district of Georgia, vice Hooper Alexander, resigned.

UNITED STATES MARSHALS.

Jacob D. Walter, of Connecticut, to be United States marshal, district of Connecticut, vice William R. Palmer, resigned.

Daniel F. Breitenstein, of New York, to be United States marshal, northern district of New York, vice Clayton L. Wheeler, resigned, effective January 1, 1922.

I. K. Parshall, of Missouri, to be United States marshal, western district of Missouri, vice William A. Shelton, term expired.

MEMBER OF UNITED STATES EMPLOYEES' COMPENSATION COMMISSION.

Mrs. Bessie Parker Brueggeman, of St. Louis, Mo., to be a member of the United States Employees' Compensation Commission, vice Mrs. Frances C. Axtell, term expired.

RECEIVER OF PUBLIC MONEYS.

James Allen Fulwider, of Gregory, S. Dak., to be receiver of public moneys at Gregory, S. Dak., vice Daniel F. Burkholder, term expired.

PUBLIC HEALTH SERVICE.

The following-named passed assistant surgeons to be surgeons in the United States Public Health Service, to rank as such from the dates set opposite their names:

James G. Townsend, from December 6, 1921.

William H. Slaughter, from December 29, 1921.

Walter M. Jones, from December 11, 1921.

These officers have passed the examination required by law.

APPOINTMENTS IN THE REGULAR ARMY.

GENERAL OFFICERS.

Col. Charles Henry Martin, Infantry, to be brigadier general from October 10, 1921.

Col. Edgar Russel, Signal Corps, to be brigadier general from October 11, 1921.

POSTMASTERS.

ARIZONA.

Charles L. Beatty to be postmaster at Nogales, Ariz., in place of William Schuckman, deceased.

ARKANSAS.

Addie Morgan to be postmaster at Winthrop, Ark. Office became presidential January 1, 1921.

William J. Adams to be postmaster at Star City, Ark. Office became presidential April 1, 1921.

Bruce T. Wilgus to be postmaster at Madison, Ark. Office became presidential January 1, 1921.

Samuel D. Thomasson to be postmaster at Leachville, Ark. Office became presidential July 1, 1920.

Frederick M. Youmans to be postmaster at Lewisville, Ark., in place of J. H. Landes, resigned.

Flavel G. Briggs to be postmaster at Judsonia, Ark., in place of G. M. Walter, resigned.

Edwin E. Blackman to be postmaster at Augusta, Ark., in place of Pearl Berkheimer, resigned.

Marie O. Pitts to be postmaster at Cherry Valley, Ark. Office became presidential April 1, 1921.

CALIFORNIA.

C. Lester Covalt to be postmaster at San Aurelmo, Calif., in place of M. C. Hamilton, resigned.

Augustus H. Johnston to be postmaster at Anderson, Calif., in place of E. L. Story, resigned.

Robert O. Dickson to be postmaster at Loleta, Calif. Office became presidential January 1, 1921.

COLORADO.

John H. McDevitt, jr., to be postmaster at Durango, Colo., in place of O. F. Frary. Incumbent's commission expired June 27, 1920.

Chester L. Snyder to be postmaster at New Raymer, Colo., in place of F. C. Tighe, resigned.

William D. Woodward to be postmaster at Grover, Colo., in place of R. E. Jordan, resigned.

Edgar O. Buckley to be postmaster at Crook, Colo. Office became presidential April 1, 1921.

GEORGIA.

Lois A. Roberts to be postmaster at Bowman, Ga., in place of Scott Berryman. Incumbent's commission expired March 21, 1921.

IDAHO.

Owen D. Wilson to be postmaster at Hansen, Idaho. Office became presidential January 1, 1921.

ILLINOIS.

Anna M. Wyatt to be postmaster at Virden, Ill., in place of E. P. Kimball, resigned.

Fred Harmon Wood to be postmaster at Sidney, Ill., in place of C. W. Witt. Incumbent's commission expired January 29, 1921.

Harvie D. Harris to be postmaster at New Boston, Ill., in place of J. C. Rolander, resigned.

Tena S. Ecklund to be postmaster at Lamoille, Ill., in place of J. W. Payne, resigned.

Edzard Johnson to be postmaster at Oglesby, Ill., in place of T. P. McCann, reappointed June 5, 1920; not commissioned.

James E. Voorhees to be postmaster at Bushnell, Ill., in place of J. H. Spiker. Incumbent's commission expired January 3, 1921.

Jay L. Cushing to be postmaster at Assumption, Ill., in place of E. J. Cushing, resigned.

Charles G. Brainard to be postmaster at Round Lake, Ill. Office became presidential January 1, 1921.

John O. Miller to be postmaster at Industry, Ill. Office became presidential April 1, 1920.

John E. Sheary to be postmaster at New Holland, Ill. Office became presidential January 1, 1921.

George W. Doctorman to be postmaster at Buckner, Ill. Office became presidential April 1, 1921.

INDIANA.

Charles A. Burgess to be postmaster at Yorktown, Ind. Office became presidential April 1, 1921.

Homer E. Hostettler to be postmaster at Henryville, Ind. Office became presidential April 1, 1921.

Roscoe N. Shroyer to be postmaster at Daleville, Ind. Office became presidential April 1, 1921.

Russell C. Wood to be postmaster at West Lebanon, Ind., in place of M. M. Wood. Incumbent's commission expired July 3, 1920.

Andrew S. Blaine to be postmaster at Walkerton, Ind., in place of G. C. Spahr. Incumbent's commission expired July 24, 1920.

Ira F. Poling to be postmaster at Nashville, Ind., in place of J. F. Bond, resigned.

Edward W. Krause to be postmaster at Crotherville, Ind., in place of G. M. Mount, resigned.

Fred G. Armick to be postmaster at Camden, Ind., in place of H. R. Mills. Incumbent's commission expired December 20, 1920.

Ivan C. Morgan to be postmaster at Austin, Ind., in place of J. R. Winkelmann. Incumbent's commission expired December 20, 1920.

Hollice C. Brown to be postmaster at Silverlake, Ind., in place of M. D. Yotter. Incumbent's commission expired January 9, 1921.

Roscoe N. Shroyer to be postmaster at Daleville, Ind. Office became presidential April 1, 1921.

IOWA.

B. Frank Jones to be postmaster at Waukee, Iowa. Office became presidential October 1, 1920.

Edward W. Teale to be postmaster at Davis City, Iowa. Office became presidential January 1, 1920.

Jessaline M. Weinberger to be postmaster at Ledyard, Iowa. Office became presidential July 1, 1921.

Walter W. Aitken to be postmaster at Sidney, Iowa, in place of G. M. Waterman, resigned.

Hugh L. Smith to be postmaster at Montezuma, Iowa, in place of R. A. Mortland. Incumbent's commission expired September 7, 1920.

Roy L. Day to be postmaster at Melrose, Iowa, in place of James Duggan. Incumbent's commission expired January 27, 1920.

Harry C. Graves to be postmaster at Madrid, Iowa, in place of H. C. Graves. Incumbent's commission expired June 29, 1920.

George P. Reeves to be postmaster at Harris, Iowa, in place of E. O. Wellemeyer. Incumbent's commission expired January 13, 1921.

Harold I. Kelly to be postmaster at Early, Iowa, in place of H. I. Kelley. Incumbent's commission expired January 13, 1921.

Edwin T. Davidson to be postmaster at Duncombe, Iowa, in place of C. A. Bohnenkamp, resigned.

Henry W. Pitstick to be postmaster at Boyden, Iowa, in place of H. W. Pitstick. Incumbent's commission expired January 13, 1921.

Arthur A. Dingman to be postmaster at Aurelia, Iowa, in place of A. A. Dingman. Incumbent's commission expired June 29, 1920.

William H. Moore to be postmaster at Shelby, Iowa, in place of W. H. Moore. Incumbent's commission expired January 19, 1920.

George A. Bennett to be postmaster at Redfield, Iowa, in place of H. F. Chance. Incumbent's commission expired August 7, 1921.

Bruce C. Mason to be postmaster at New Market, Iowa, in place of T. J. Snodgrass. Incumbent's commission expired June 29, 1920.

John P. Fischbach to be postmaster at Granville, Iowa, in place of J. P. Fischbach. Incumbent's commission expired January 30, 1921.

William A. Stevenson to be postmaster at McCallsburg, Iowa. Office became presidential January 1, 1921.

Fred H. Seabury to be postmaster at Pisgah, Iowa. Office became presidential January 1, 1921.

KANSAS.

Fred W. Arnold to be postmaster at Vermillion, Kans., in place of E. W. Nelson, resigned.

Cora L. McMurry to be postmaster at Turon, Kans., in place of I. J. Collopy. Incumbent's commission expired April 24, 1920.

Ola G. Canfield to be postmaster at Scranton, Kans., in place of M. W. Ryan. Incumbent's commission expired December 20, 1920.

Ralph L. Coburn to be postmaster at Preston, Kans., in place of J. B. Lewis. Incumbent's commission expired August 26, 1920.

John C. Braden to be postmaster at Meade, Kans., in place of M. E. Godfrey, resigned.

William S. Lyman to be postmaster at Lewis, Kans., in place of E. S. Craft. Incumbent's commission expired June 27, 1920.

Mana M. McKinney to be postmaster at Hoxie, Kans., in place of M. D. Gallogly, resigned.

Benjamin F. Liebst to be postmaster at Greeley, Kans., in place of D. E. Pease, resigned.

John A. Radford to be postmaster at Dighton, Kans., in place of Bessie Young, resigned.

Stewart M. Young to be postmaster at Wichita, Kans., in place of J. B. Riddle. Incumbent's commission expired December 20, 1920.

KENTUCKY.

Taylor P. Sewell to be postmaster at Campton, Ky. Office became presidential April 1, 1921.

LOUISIANA.

John A. Burleigh to be postmaster at Port Barre, La. Office became presidential January 1, 1921.

MAINE.

Edgar J. Brown to be postmaster at Waterville, Me., in place of C. M. Richardson, resigned.

Ned I. Swan to be postmaster at Bryant Pond, Me., in place of C. E. Cole. Incumbent's commission expired December 20, 1920.

MARYLAND.

Charles W. Miles to be postmaster at Forest Glen, Md., in place of J. T. Culver. Incumbent's commission expired April 24, 1921.

Robert M. Garner to be postmaster at La Plata, Md., in place of W. T. McPherson, appointee declined.

MASSACHUSETTS.

Thomas F. Lyons to be postmaster at Billerica, Mass., in place of T. F. Lyons. Incumbent's commission expired August 26, 1920.

Frederick L. Smith to be postmaster at Haydenville, Mass., in place of J. R. Mansfield. Incumbent's commission expired July 25, 1920.

James B. Logan to be postmaster at North Wilbraham, Mass., in place of J. B. Logan. Incumbent's commission expired September 7, 1920.

MICHIGAN.

Hazel M. Tripp to be postmaster at Kibbie, Mich. Office became presidential April 1, 1921.

Roy A. McDonald to be postmaster at Douglas, Mich. Office became presidential April 1, 1921.

Mathew A. Brami to be postmaster at Ramsay, Mich. Office became presidential January 1, 1921.

Edward O. Webb to be postmaster at Casnovia, Mich. Office became presidential January 1, 1921.

MINNESOTA.

Ella S. Engelsen to be postmaster at Storden, Minn. Office became presidential April 1, 1920.

Lydia Hansel to be postmaster at Palisade, Minn. Office became presidential July 1, 1921.

Edward J. Soland to be postmaster at Oklee, Minn. Office became presidential January 1, 1921.

George W. Fried to be postmaster at Luverne, Minn., in place of M. N. Swedberg, resigned.

Harry S. Gillespie to be postmaster at Virginia, Minn., in place of G. I. Williams, resigned.

MISSISSIPPI.

Lee Bankston to be postmaster at Dundee, Miss. Office became presidential April 1, 1920.

MISSOURI.

Charles F. Boon to be postmaster at Greentop, Mo. Office became presidential April 1, 1921.

MONTANA.

Philip Daniels to be postmaster at Anaconda, Mont., in place of Edward Burke. Incumbent's commission expired April 24, 1918.

NEBRASKA.

Mary E. Krisl to be postmaster at Milligan, Nebr. Office became presidential January 1, 1921.

NEVADA.

Albert R. Cave to be postmaster at Montello, Nev. Office became presidential July 1, 1920.

NEW HAMPSHIRE.

Anna B. Clyde to be postmaster at Hudson, N. H. Office became presidential April 1, 1920.

Arthur W. Sawyer to be postmaster at Franconia, N. H. Office became presidential April 1, 1920.

Reginald C. Stevenson to be postmaster at Exeter, N. H., in place of Thomas Smith. Incumbent's commission expired March 9, 1920.

Waldo C. Varney to be postmaster at Alton, N. H., in place of Oscar Duncan. Incumbent's commission expired August 3, 1920.

NEW JERSEY.

Abbie Tonjes to be postmaster at Palisade, N. J., in place of G. F. Stabel, resigned.

Bertha A. Chittick to be postmaster at Old Bridge, N. J., in place of Maida Jolly. Incumbent's commission expired June 27, 1920.

NEW YORK.

Edwin B. Highy to be postmaster at Turin, N. Y. Office became presidential April 1, 1921.

Annie S. Prince to be postmaster at Peconic, N. Y. Office became presidential January 1, 1921.

Alfred Cox to be postmaster at Hawthorne, N. Y., in place of Alfred Cox. Incumbent's commission expired August 8, 1920.

Reuben H. Gulvin to be postmaster at Geneva, N. Y., in place of T. J. Gallagher. Incumbent's commission expired January 26, 1920.

Edwin P. Gardner to be postmaster at Canandaigua, N. Y., in place of J. J. Mattison. Incumbent's commission expired July 25, 1920.

NORTH CAROLINA.

Neill C. McFadyen to be postmaster at Cameron, N. C. Office became presidential April 1, 1920.

NORTH DAKOTA.

Elmer H. Myhra to be postmaster at Wahpeton, N. Dak., in place of C. D. Rittenhouse. Incumbent's commission expired February 7, 1920.

Florence D. Powell to be postmaster at Brinsmade, N. Dak. Office became presidential January 1, 1921.

OHIO.

John P. Lauer to be postmaster at Ottoville, Ohio. Office became presidential April 1, 1921.

Walter Fletcher to be postmaster at Lucas, Ohio. Office became presidential July 1, 1921.

Frank G. Winterringer to be postmaster at Hilliards, Ohio. Office became presidential July 1, 1920.

Frank A. Gamble to be postmaster at Van Wert, Ohio, in place of I. H. Mallick, removed.

Frank R. Jackson to be postmaster at Nelsonville, Ohio, in place of James Sharp, resigned.

Roy S. Clark to be postmaster at Middletown, Ohio, in place of J. Q. Baker. Incumbent's commission expired July 21, 1921.

James A. Barr to be postmaster at Dover, Ohio, in place of H. W. Streb, deceased.

Charles N. Sparks to be postmaster at Akron, Ohio, in place of F. P. Allen, declined.

Faye W. Helmick to be postmaster at Baltimore, Ohio, in place of C. J. Betz, resigned.

OKLAHOMA.

William B. Carroll to be postmaster at Okemah, Okla., in place of W. M. Davis, resigned.

PENNSYLVANIA.

Thomas J. Langfitt to be postmaster at Washington, Pa., in place of John Foster. Incumbent's commission expired March 16, 1921.

Edwin F. Miller to be postmaster at Mohnton, Pa., in place of F. W. Matz. Incumbent's commission expired March 16, 1921.

Jimmy R. Bethune to be postmaster at Langeloth, Pa., in place of M. C. Brown, resigned.

RHODE ISLAND.

Ernest P. Shippee to be postmaster at North Scituate, R. I., in place of E. M. Spencer, resigned.

PORTO RICO.

Julio Ramos to be postmaster at Cayey, P. R., in place of Julio Ramos. Incumbent's commission expired December 20, 1920.

Francisco Valldejuli to be postmaster at Yabucoa, P. R. Office became presidential January 1, 1921.

Cesar Baez Cabrera to be postmaster at Sabana Grande, P. R. Office became presidential January 1, 1921.

Jose L. Ortiz to be postmaster at Lajas, P. R. Office became presidential April 1, 1921.

Angel Fernandez Colon to be postmaster at Juana Diaz, P. R. Office became presidential July 1, 1920.

Eduvigis de la Rosa to be postmaster at Isabela, P. R. Office became presidential July 1, 1920.

Ramona Quinones to be postmaster at Catano, P. R. Office became presidential April 1, 1921.

Alfredo Font Irizarry to be postmaster at Cabo Rojo, P. R. Office became presidential July 1, 1920.

Florencio Salinas to be postmaster at Arroyo, P. R. Office became presidential January 1, 1921.

C. Torrens de Arrillaga to be postmaster at Anasco, P. R. Office became presidential January 1, 1921.
 Juan Aparicio Rivera to be postmaster at Adjuntas, P. R. Office became presidential January 1, 1921.

SOUTH DAKOTA.

Frank L. Gorman to be postmaster at Wagner, S. Dak., in place of C. H. Bonnin. Incumbent's commission expired August 15, 1920.

Harriet Pope to be postmaster at Delmont, S. Dak., in place of Harriet Pope. Incumbent's commission expired September 24, 1921.

TENNESSEE.

Charles S. Harrison to be postmaster at Benton, Tenn. Office became presidential April 1, 1921.

TEXAS.

Joseph W. Davis to be postmaster at Teague, Tex., in place of J. E. Woods, resigned.

UTAH.

Roland A. Madsen to be postmaster at Brigham, Utah, in place of E. M. Tyson. Incumbent's commission expired February 15, 1920.

VERMONT.

Carl W. Cameron to be postmaster at White River Junction, Vt., in place of M. J. Walshe, removed.

VIRGINIA.

Thomas C. Coleman to be postmaster at Ridgeway, Va. Office became presidential April 1, 1921.

Bernard R. Powell to be postmaster at Franklin City, Va. Office became presidential July 1, 1920.

WASHINGTON.

Richard H. Lee to be postmaster at Wilsoncreek, Wash. Office became presidential October 1, 1920.

John A. White to be postmaster at Toppenish, Wash., in place of L. B. Bryan, declined.

WEST VIRGINIA.

Leonard H. Jones to be postmaster at Sabraton, W. Va. Office became presidential April 1, 1921.

Guy A. Shuttleworth to be postmaster at Nutter Fort, W. Va. Office became presidential April 1, 1921.

William W. Beddow to be postmaster at Lundale, W. Va. Office became presidential April 1, 1920.

WYOMING.

Oscar W. Stringer to be postmaster at Dubois, Wyo. Office became presidential July 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 17 (legislative day of October 14), 1921.

UNITED STATES ATTORNEY.

Sawyer A. Smith to be United States attorney, eastern district of Kentucky.

POSTMASTERS.

IDAHO.

Francis M. Winters, Montpelier.

INDIANA.

Fred Y. Wheeler, Crown Point.
 Cyrus B. Dirrim, Hamilton.
 Herbert A. Marsden, Hebron.

MINNESOTA.

Ina Jarvi, Kinney.
 Anton Malmberg, Lafayette.
 Ole N. Aamot, Watson.

MISSOURI.

Patrick S. Woods, Columbia.
 John R. Wiles, Jamesport.
 Edward E. Whitworth, Poplar Bluff.
 W. M. Johns, Sedalia.

NEBRASKA.

Astor B. Enborg, Bristow.
 Harry H. Woolard, McCook.
 Harry C. Rogers, Upland.

PENNSYLVANIA.

Harry H. Potter, Bushkill.
 Ervin F. Moyer, Shenandoah.

TEXAS.

Mary A. Taylor, Bonham.
 George W. L. Smith, Henderson.
 Charles A. Tiner, Lavernia.
 William P. Harris, Sulphur Springs.

WEST VIRGINIA.

George Lafferty, Glen Jean.
 Eli Lusk, Herndon.
 George L. Carlisle, Hillsboro.
 William C. Bishop, Scarbro.

HOUSE OF REPRESENTATIVES.

MONDAY, October 17, 1921.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed Lord and Father of mankind, again Thou hast shown us how large is Thy pity and how infinite is Thy love; it therefore becomes us to bless and thank Thee. Help us to do justice, love mercy, and to walk humbly with our God. O soothe and subdue the feelings in our breasts which are not right, and may we grow in confidence, in trust, and in comradeship toward all men. O may we know that a mighty fortress is our God, a refuge never failing. We beseech Thee that the breath of the Almighty may sweep over our dear homeland, and may we bow down in this hour and then fall back into Thy everlasting arms for guidance and wisdom. Be with our President in these arduous and even solemn days. Help him to meet his obligations and bear his burdens. Throughout our country may all strife and depression cease and in our Nation's sky, from border to border, may there soon be seen the bow of promise, good will, and brotherhood. Then shall we be Thine in that day when the jewels of the world are made up. In the name of the Prince of Peace. Amen.

The Journal of the proceedings of Saturday last was read and approved.

REQUEST TO ADDRESS THE HOUSE.

Mr. BLANTON. Mr. Speaker, I desire to prefer a unanimous-consent request. I ask unanimous consent that I may be permitted to proceed for five minutes on the subject of the recent declaration of war against the people of the United States, which is to begin on October 30.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, this is unanimous-consent day, and I think we ought to proceed to the consideration of bills on that calendar.

Mr. BLANTON. The gentleman from Wyoming will appreciate that this is a very serious question.

Mr. MONDELL. I do not know what particular question the gentleman wants to address the House upon.

Mr. BLANTON. It involves the welfare of the millions of poor women and little children in the big cities of this country, who will freeze and starve if this war comes.

Mr. MONDELL. There will be plenty of opportunity to address the House.

Mr. BLANTON. Mr. Speaker, I think that inasmuch as the chicken-feed legislation which the gentleman from Wyoming alludes to is to be taken up we ought to have a quorum, and I make the point that there is no quorum present.

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

The question was taken; and on a division (demanded by Mr. BLANTON) there were 59 ayes and 1 no.

So the motion was agreed to.

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

Ackerman	Butler	Cooper, Ohio	Fess
Anderson	Byrns, Tenn.	Copley	Fish
Ansorge	Campbell, Kans.	Coughlin	Fitzgerald
Anthony	Cantrill	Cramton	Flood
Beedy	Carew	Cullen	Focht
Begg	Carter	Curry	Fordney
Benham	Chalmers	Dale	Freeman
Bird	Chandler, N. Y.	Deal	French
Bland, Ind.	Chandler, Okla.	Dempsey	Fulmer
Bond	Clark, Fla.	Denison	Funk
Bowers	Cockran	Drewry	Gahn
Brand	Codd	Dunn	Gallivan
Brennan	Collins	Edmonds	Garner
Britten	Connell	Elston	Garrett, Tenn.
Brown, Tenn.	Connolly, Pa.	Fairfield	Goldsbrough