432. Also, petition of the American Woman's Council of Justice opposing the passage of any legislation that would create a department of education; to the Committee on Education.

433. By Mr. GALLIVAN: Petition of T. F. Sullivan, adjutant, General Henry W. Lawton Camp No. 11, Department of Massachusetts, United Spanish War Veterans, Springfield, Mass., recommending early and favorable consideration of House bill 98; to the Committee on Pensions.

434. By Mr. KELLY: Petition of the First Christian Church, of McKeesport, Pa., protesting against weakening of the Volstead law; to the Committee on the Judiciary.

435. By Mr. KING: Petition signed by William Melvin and 65 other citizens of Quincy, Ill., in support of legislation for the relief of Spanish-American War veterans; to the Committee on Pensions.

436. By Mr. LEAVITT: Petition of the Woman's Clubs at Harrison, Washoe, Anaconda, St. Ignatius, Fort Benton, Havre, and Libby, Mont., urging extension of the life of the Sheppard-Towner maternity act; to the Committee on Interstate and Foreign Commerce.

437. By Mr. MOONEY: Petition of Cleveland Federation of Labor, indorsing investigation of merger of bakery interests; to the Committee on Interstate and Foreign Commerce.

438. Also, petition of Jewish Progressive Benevolent Association, indorsing Wadsworth-Perlman immigration bill; to the Committee on Immigration and Naturalization.

439. By Mr. YATES: Evidence in support of House bill 7810, granting a pension to Cora Murphy; to the Committee on Invalid Pensions.

440. Also, evidence in support of House bill 7244, granting a pension to Eva A. Blanchard; to the Committee on Invalid Pensions.

SENATE

SATURDAY, *January 23, 1926*

(Legislative day of Saturday, January 16, 1926)

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

Mr. NORRIS obtained the floor.

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

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

Mr. NORRIS. I yield.

SENATOR FRANK L. GREENE, OF VERMONT

Mr. LENROOT. Mr. President, the Senator from Vermont [Mr. GREENE] requested me to announce that he was absent from the Chamber yesterday and did not have an opportunity to sign the motion that was presented yesterday afternoon under Rule XXII; and that if he had had such an opportunity he would have signed it.

CALL OF THE ROLL

Mr. MOSES. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Bayard	Fletcher	McKellar	Robinson, Ind.
Bingham	Frazier	McLean	Sackett
Blease	George	McMaster	Schall
Borah	Gerry	McNary	Sheppard
Bratton	Gillett	Mayfield	Shipstead
Bruce	Goff	Means	Shortridge
Butler	Gooding	Metcalf	Simmons
Cameron	Greene	Moses	Smith
Capper	Hale	Neely	Smoot
Caraway	Harreld	Norbeck	Stephens
Couzens	Harris	Norris	Swanson
Cummins	Harrison	Nye	Trammell
Curtis	Heflin	Oddie	Tyson
Dale	Johnson	Overman	Underwood
Deneen	Jones, N. Mex.	Pepper	Wadsworth
Dill	Jones, Wash.	Phipps	Walsh
Edwards	Kendrick	Pine	Warren
Ernst	Keyes	Ransdell	Watson
Fernald	King	Reed, Mo.	Wheeler
Ferris	La Follette	Reed, Pa.	Williams
Fess	Lenroot	Robinson, Ark.	Willis

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

ACTIVITIES OF FORMER JUSTICE JOHN H. CLARKE

Mr. MOSES. Mr. President, toward the close of the session of the Senate yesterday a certain colloquy occurred with reference to the activities of former Supreme Court Justice John H. Clarke, and there was some comment upon the activities of an organization of which he is a member and president. This morning I have received a letter from a constituent of the Senator who raised the question, inclosing a copy of a letter sent out by Mr. Justice Clarke's association which will probably shed some illumination upon the subject that was under discussion. I ask that the association's letter may be read.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

THE LEAGUE OF NATIONS NONPARTISAN ASSOCIATION (INC.),
NATIONAL HEADQUARTERS,
New York, N. Y., January 15, 1926.

Mr. LOUIS K. BIRINYI,
Attorney and Counselor at Law,
8815 Buckeye Road, Cleveland, Ohio.

DEAR MR. BIRINYI: Recently we have had occasion to send you literature concerning the League of Nations or some phase of the international situation. We trust, therefore, that we may be able to interest you in our association and also in our immediate campaign.

We stand on the threshold of adherence to the World Court. We must go on! You know why—as millions of others know why! In this matter at last your voice seems about to be heard.

But there is the League of Nations. Still we linger far behind the procession of nations which are sharing in the truly triumphant march of progress of this institution for constructive cooperation. Locarno and the Greco-Bulgarian settlement are history! Next year other epoch-making conferences are planned on economics and disarmament—and we, self-admitted leaders of the world, will watch from afar!

The League of Nations Nonpartisan Association has a great work to do in continuing to maintain public opinion favorable to the World Court and to cultivate and organize it for the league. Happily, the unusual progress of events in the last few months makes this a favorable time for us to develop and intensify our program. We earnestly urge you to come in with us now, if you are not already a member.

All members receive copies of the League of Nations News—a monthly publication with articles of fact, serving to reveal the behind-the-scenes, daily struggle for world peace, and other articles of opinion and interpretations showing the world's appraisal of results achieved. The News also contains a monthly digest of world affairs, which is an invaluable aid for the information of all those interested in international progress.

Please do not delay. Each new member enrolled is a step forward in our campaign. We are inclosing a pamphlet outlining the details of our organization, together with an enrollment form giving the different classifications of membership.

Very truly yours,

CHARLES C. BAUER,
Executive Director.

The object:

1. To urge in every possible manner the adherence of the United States to the Permanent Court of International Justice on the terms recommended by Presidents Harding and Coolidge.

2. To make the value of American membership in League of Nations known to the people of the United States.

3. To inform regarding league and court all candidates for the Presidency, the Senate, House of Representatives, governorship of States, and delegates to national political conventions and secure from them pledges of support for American membership therein.

As in legislative session,

PETITIONS AND MEMORIALS

Mr. FESS presented a petition of sundry faculty members of Ohio State University, at Columbus, Ohio, praying the amendment of section 15 of the existing copyright law by inserting in lines 9, 15, 34, and 41 of said section the words "or mimeographic process" after the words "or photo-engraving process," which was referred to the Committee on Patents.

Mr. WILLIS. Mr. President, I present a letter in the nature of a petition from the Cuyahoga County (Ohio) Woman's Christian Temperance Union, signed by Carrie A. Lewis (Mrs. William Lewis), acting president of that organization, in favor of the early adherence of the United States to the World Court.

I also present resolutions adopted by the Ancient Order of Hibernians in the State of Massachusetts in meeting assembled at Boston, and the Steuben Society and United German-American Societies of Mahoning County, Ohio; also a letter from J. A. Downey, Great Titan of Province Six, Realm of Ohio, Knights of the Ku Klux Klan (Inc.), representing numerous voters in the State of Ohio, protesting against the participation of the United States in the World Court. I ask that these papers in the nature of a petition and memorials may lie on the table.

The VICE PRESIDENT. It is so ordered.

Mr. BINGHAM presented a petition of the Young Men's and Young Women's Hebrew Associations, of Hartford, Conn., praying for the passage of legislation amending the

immigration law so as to permit families of citizens and declarants to enter the United States without regard to the immigration quota restrictions, and opposing legislation providing for the registration and finger-printing of aliens, which was referred to the Committee on Immigration.

He also presented a petition of the executive committee of the New Britain (Conn.) Civic Safety League, praying for the passage of more adequate prohibition enforcement legislation, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Manufacturers Association of Connecticut (Inc.), expressing gratification at the terms of the debt-settlement agreement with the Government of Italy and recommending that the Government of France be requested to again take up the debt-settlement question with this country with a view to the prompt disposition thereof, which was ordered to lie on the table.

He also presented petitions and papers in the nature of petitions from sundry students of the Yale Divinity School; members of the Monday Club, of New Milford; the Chamber of Commerce of Branford; and the board of directors of the Women's Republican Club, of Hartford, all in the State of Connecticut, in favor of the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

He also presented resolutions adopted at a mass meeting of 1,200 citizens at Manchester, Conn., favoring the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

He also presented memorials and papers in the nature of memorials from the Ladies Auxiliary, A. O. H., Division No. 5, of Waterbury; the Ladies Auxiliary, A. O. H., Division No. 1, of Naugatuck; the Father McKeown Branch, A. O. H., of New Haven; 85 citizens of New Haven and 75 citizens of Fairfield County, all in the State of Connecticut, protesting against the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

REPORTS OF COMMITTEES

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

A bill (S. 451) for the relief of the city of Baltimore (Rept. No. 74); and

A bill (S. 2096) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols (Rept. No. 75).

Mr. BINGHAM, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2288) granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill. (Rept. No. 76);

A bill (S. 2472) to authorize the construction of a bridge across the Fox River, in Kane County, Ill. (Rept. No. 77);

A bill (S. 2473) granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River (Rept. No. 78);

A bill (H. R. 172) to extend the time for the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn. (Rept. No. 79);

A bill (H. R. 173) to extend the time for the construction of a bridge across the Rainy River between the village of Spooner, Minn., and Rainy River, Ontario (Rept. No. 80);

A bill (H. R. 3852) to authorize the construction of a bridge over the Columbia River at a point within 2 miles downstream from the town of Brewster, Okanogan County, State of Washington (Rept. No. 81);

A bill (H. R. 4440) granting the consent of Congress to the Board of Supervisors of Clarke County, Miss., to construct a bridge across the Chunky River, in the State of Mississippi (Rept. No. 82);

A bill (H. R. 4441) granting the consent of Congress to the Board of Supervisors of Neshoba County, Miss., to construct a bridge across the Pearl River in the State of Mississippi (Rept. No. 83);

A bill (H. R. 5027) authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa. (Rept. No. 84);

A bill (H. R. 5379) granting the consent of Congress to the county of Cook, State of Illinois, to construct a bridge across the Little Calumet River in Cook County, State of Illinois (Rept. No. 85);

A bill (H. R. 5565) granting the consent of Congress to the Civic Club, of Grafton, N. Dak., to construct a bridge across the Red River of the North (Rept. No. 86);

A bill (H. R. 6089) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Fox River in the county of McHenry, State of Illinois, in section 26, township 45 north, range 8 east of the third principal meridian (Rept. No. 87);

A bill (H. R. 6234) to authorize the department of public works, division of highways, of the Commonwealth of Massachusetts to construct a bridge across Palmer River (Rept. No. 88); and

A bill (H. R. 7484) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Fulton, Ark. (Rept. No. 89).

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 2658) to authorize the Secretary of War to fix all allowances for enlisted men of the Philippine Scouts; to validate certain payments for travel pay, commutation of quarters, heat, light, etc., and for other purposes, reported it without amendment and submitted a report (No. 90) thereon.

BILLS INTRODUCED

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

By Mr. PHIPPS:

A bill (S. 2695) for the adjustment of water-right charges on the Grand Valley irrigation project, Colorado, and for other purposes; to the Committee on Irrigation and Reclamation.

(By request.) A bill (S. 2696) to extend the provisions of section 2 of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes; to the Committee on Education and Labor.

By Mr. CARAWAY:

A bill (S. 2697) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Fulton, Ark.; to the Committee on Commerce.

By Mr. FLETCHER:

A bill (S. 2698) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida; to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A bill (S. 2699) for the relief of John Farrell; and

A bill (S. 2700) to amend the naval record of Frank H. Wilson, alias Henry Wencel; to the Committee on Naval Affairs.

By Mr. WALSH:

A bill (S. 2701) granting an increase of pension to Edyth M. Hulme (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD (by request in each instance):

A bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation;

A bill (S. 2703) to restore to the public domain certain lands within the Casa Grande Ruins National Monument, and for other purposes;

A bill (S. 2704) to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians;

A bill (S. 2705) to extend the civil and criminal laws of the United States to Indians, and for other purposes;

A bill (S. 2706) to provide for the reservation of certain land in California for the Indians of the Mesa Grande Reservation, known also as Santa Ysabel Reservation No. 1;

A bill (S. 2707) to authorize the Secretary of the Interior to pay to Robert Toquothty royalties arising from an oil and gas well in the bed of the Red River;

A bill (S. 2708) to prohibit Indians or other persons from assaulting or forcibly interfering with officers or employees of the United States Indian Service in or on account of the performance of their official duties;

A bill (S. 2709) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes";

A bill (S. 2710) to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes;

A bill (S. 2711) to provide for the permanent withdrawal of certain described lands in the State of Arizona as a camp ground for the pupils of the Indian School at Phoenix;

A bill (S. 2712) authorizing an appropriation from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation;

A bill (S. 2713) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and appropriating funds therefor;

A bill (S. 2714) to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States;

A bill (S. 2715) to authorize the Secretary of the Interior to purchase certain land in California to be added to the Cahuilla Indian Reservation, and authorizing an appropriation of funds therefor;

A bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands; and

A bill (S. 2717) to reserve the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon, hereafter allotted, and for other purposes; to the Committee on Indian Affairs.

By Mr. UNDERWOOD:

A bill (S. 2718) granting an increase of pension to William E. Sparks; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 2719) granting an increase of pension to Norman B. Davenport; to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 2720) granting a pension to Walter D. Quinn; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 2721) for the relief of Frank A. Kopp; and

A bill (S. 2722) for the relief of the Muscle Shoals, Birmingham & Pensacola Railroad Co., the successors in interest of the receiver of the Gulf, Florida & Alabama Railway Co.; to the Committee on Claims.

By Mr. SCHALL:

A bill (S. 2723) granting a pension to Sina J. Sutherland;

A bill (S. 2724) granting a pension to Daniel Flynn; and

A bill (S. 2725) granting an increase of pension to Charles Edson Smith; to the Committee on Pensions.

A bill (S. 2726) for the relief of Austin G. Tainter; to the Committee on Claims.

A bill (S. 2727) to authorize the appropriation of not more than $375,000 for the payment of drainage charges due on the public lands within the counties of Beltrami, Koochiching, and Lake of the Woods, in the State of Minnesota; to the Committee on Public Lands and Surveys.

By Mr. GEORGE:

A bill (S. 2728) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended; to the Committee on Patents.

By Mr. CAPPER:

A bill (S. 2729) to authorize the refund of $25,000 to the Columbia Hospital for Women and Lying-in Asylum; and

A bill (S. 2730) to amend section 1155 of an act entitled "An act to establish a code of law for the District of Columbia"; to the Committee on the District of Columbia.

A bill (S. 2731) granting an increase of pension to John W. Lowry (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 2732) to increase and equalize the rate of pensions to soldiers, sailors, and marines of the Civil War and the war with Mexico, and to their widows, including widows of the War of 1812, and to certain Army nurses; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 2733) for the relief of the State of North Carolina; to the Committee on Claims.

By Mr. NORRIS:

A bill (S. 2734) granting a pension to Emily E. Kelley; to the Committee on Pensions.

AMENDMENTS TO PUBLIC BUILDINGS BILL

Mr. UNDERWOOD submitted two amendments intended to be proposed by him to the bill (S. 2007) for the construction of certain public buildings, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. JONES of Washington submitted an amendment intended to be proposed by him to House bill 6707, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed as follows:

On page 84, after line 19, insert:

"Yakima project (Kittitas division), Washington: For continuation of construction and incidental operations, $2,000,000."

AMENDMENT TO TAX REDUCTION BILL

Mr. JONES of New Mexico submitted the following amendment intended to be proposed by him to House bill 1, the tax-reduction bill, which was ordered to lie on the table and to be printed:

On page 334, line 10, insert the following:

"LIBERTY BOND SINKING FUND

"SEC. —. (a) Clause (2) of subdivision (a) of section 6 of the Victory Liberty loan act is amended to read as follows: "(2) the interest (computed semiannually at the rate of 4 per cent per annum) which would have been payable during the fiscal year for which the appropriation is made on the bonds and notes purchased, redeemed, or paid, out of the sinking fund, during such year or in previous years."

"(b) Subdivision (a) of such section 6 is further amended by adding at the end of the first paragraph thereof a new sentence to read as follows: 'In the fiscal year beginning July 1, 1926, and in each fiscal year thereafter, payments (whether in money or in other property) received during such year from foreign governments in respect of their obligations held by the United States, and the proceeds received during such year from the sale of any such obligations shall first be applied against the appropriation made by this section for such year, and any excess shall be applied as otherwise provided by law.'

"(c) This section shall take effect on July 1, 1926."

THE TARIFF COMMISSION

Mr. NORRIS. Mr. President, as I have previously stated, it was during the presidential campaign of 1924 that the Tariff Commission had under consideration the question of the tariff on sugar. The first public hearing on that matter was held in Washington, beginning on the 15th day of January, 1924. The Tariff Commission had the sugar question before it upon an application made to that body under the law by the United States Sugar Association asking for a reduction of the tariff. As before stated, it was very much desired by many people high in authority, including, I think I may say without any contradiction being made, the President of the United States, to prevent an early report of the Tariff Commission. It was desired, as I think the evidence fairly discloses, that the report should be deferred until after the election. It must be remembered that President Coolidge was himself a candidate for President in that election. The Tariff Commission was divided three and three, and so long as they remained divided in that way the work of the commission was blocked.

Prior to this public hearing the commission had made, through its instrumentalities, the force in their office, their experts, and their employees, quite an extended investigation of the tariff on sugar.

Permit me to digress right here, Mr. President, by way of parenthesis, to say that whether there should be a higher or a lower duty or that the duty should remain unchanged on sugar is entirely immaterial in this discussion. The point I wish to make and to bring before the Senate and the country is that there was a demand being made to utilize the Tariff Commission for partisan political purposes. I should like to have those who consider the matter forget, if they can for the time being, what they believe as to whether there should be a high or a low tariff on sugar or whether there should be no tariff. My contention is that according to both the spirit and the letter of the law the Tariff Commission was a quasi judicial body.

In the remarks which I submitted to the Senate some days ago on the work of the Tariff Commission I had reference particularly to Commissioner Lewis and to what happened in his case. To-day I wish to discuss, among other things, Commissioner Culbertson, who was then a member of the Tariff Commission and had been so for a long time; indeed, I think since the establishment of the commission. Commissioner Lewis, Commissioner Culbertson, and Commissioner Costigan were in favor of submitting the report on sugar to the President as soon as possible, while Commissioner Marvin, Commissioner Burgess, and Commissioner Glassie were opposed to that course. During all the time of which I shall speak there was a constant contest going on in the commission, three against three, as to whether or not that body should delay its report to the President. It was generally understood and believed that the first

three commissioners I have named were in favor of recommending to the President a reduction of the tariff on sugar, while the other three members were opposed to that course; and that if the report was made during the campaign it might seriously affect the politics of the situation.

According to my idea—and I believe it is the only correct one—both the spirit and the letter of the law intended that the Tariff Commission should sit as a court, independent of politics, pass on facts, make investigations in a nonpartisan way, and report the truth, recommending whatever it thought the facts justified.

It will be understood now that if one of those three commissioners—for instance, Commissioner Culbertson, could be gotten off the Tariff Commission, then the commissioners opposed to making an early report would have a majority; there would be a vacancy, and the commission would stand three to two.

Just before the commission entered upon its public hearing on the 15th day of January, 1924, which was before the campaign commenced, though at that time everyone knew what the campaign was going to be and who the candidates were going to be, Commissioner Culbertson——

Mr. KING. That is, everyone knew who the Republican candidates were going to be?

Mr. NORRIS. Yes. There was an uncertainty about the Democratic candidates until the Democratic convention had worn itself out. That, however, is all foreign to this discussion.

At the beginning of the special meeting of the Tariff Commission on the 15th of January, 1924, Commissioner Culbertson told his brother commissioners that he had just been offered an appointment to the Federal Trade Commission, which, as I understand, would have brought him an increased salary and which would have left the Tariff Commission three against two in favor of the course that later events will disclose President Coolidge wished to see adopted.

Mr. KING. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. Yes.

Mr. KING. Had Commissioner Culbertson's term then expired?

Mr. NORRIS. No.

Mr. KING. Apparently, then, the offer to him of an appointment on the Federal Trade Commission was merely an effort to get him off the Tariff Commission after the investigation had been made.

Mr. NORRIS. Mr. President, I am going to lay this matter before the Senate without very much comment and let every Senator draw his own conclusions. I think that fact standing alone, if nothing else had occurred or if no other circumstances had afterwards happened, would probably not have justified any criticism of anybody, but that is only one of the appointments which were offered to Commissioner Culbertson, the effect of which, if accepted, would have been to have left a majority of the commission in favor of the course that the politicians, at least in one of the great political parties, were in favor of pursuing. Commissioner Culbertson, however, declined the appointment and continued to remain upon the Tariff Commission.

Commencing then and running along to the 31st day of July there was an attempt to delay any action upon the sugar report, and no report would have been made, and it would have been impossible to do anything if Commissioner Glassie had not later been disqualified, which created a majority of 3 to 2 in favor of making the report without waiting for the election to take place.

There was a meeting in the office of the Senator from Utah [Mr. SMOOT] called some time in May after this quarrel had been going on for a couple of months, to which Mr. Culbertson was invited. I think I can best describe what took place at that meeting by reading a memorandum on the subject made by Commissioner Culbertson himself. The memorandum is as follows:

MAY 24, 1924.

Contemporary memorandum

About 9.30 this morning Senator SMOOT called my office and asked to speak to me. I was not in, but at home. I was advised of Senator SMOOT's call and of his desire to have me call him up, which I did very soon afterwards.

Senator SMOOT stated that yesterday there were gathered in his office 12 or 14 Members of Congress and a representative of the sugar interests, and that they were discussing the investigation of the sugar industry made by the Tariff Commission. Senator SMOOT said that certain statements were made concerning my attitude in the investigation—

"My attitude" means Culbertson's attitude—

concerning my attitude in the investigation, and that he had told those present that he did not care to take time to discuss the matter with them in my absence and that he would, therefore, ask me to be present at a meeting the next day and state whether or not the statements made concerning my attitude were or were not true. He said that this meeting was to be held at 10 o'clock this morning and asked me if I could be present. I told Senator SMOOT that I was not willing "to be tried by the sugar interests," but that I should be very glad to come to his office and talk the situation over.

I reached Senator SMOOT's office about 10 o'clock and had a brief conversation with him alone. He spoke of his connection with the enactment of the flexible tariff provision and of the relation which I had with him at the time this section was being considered by the committee and in Congress. He said that the sugar interests were disturbed over the possibility of our basing our findings on the average of a period of years. He suggested that there was a hostility toward me, based on a fear that I might not be entirely fair to the sugar-producing interests of the country. I made no answer to these suggestions, except to say, in substance, that I would hear what they had to offer, and that my only interest in the subject was to discharge my duties as required by law. Senator SMOOT's attitude toward me was very courteous, and, after a brief conversation together, we went, at his request, to the conference room in the Senate Office Building, just opposite SMOOT's private office. There I found gathered 15 or 20 persons, including Senator PHIPPS, Congressman TIMBERLAKE, and perhaps half a dozen other Congressmen, all of them presumably from districts deeply interested in sugar. In addition the group included Truman G. Palmer, Washington representative of the beet-sugar interests; Mr. Love, also representative of the beet-sugar interests; Mr. Mead, representing the Hawaiian sugar interests; and Mr. Hodges, who represented at our sugar hearing one of the beet-sugar companies of Colorado. Mr. Rogers, representing the Louisiana sugar interests, was not present.

Senator SMOOT made a few remarks in opening concerning his relation to the flexible tariff provision, and then asked Mr. Mead to make any statement that he cared to make concerning the sugar situation. Mr. Mead referred in opening to the wheat report and said that "certain members of the Tariff Commission" had submitted a report upon which the President had based his wheat proclamation and that the principles laid down in that report were in opposition to those advocated by the sugar interests in the hearing before the Tariff Commission. He indicated that they feared the effect of a record based upon the weighted average cost over a period of years and that they disapproved the inclusion of transportation costs if Chicago is to be accepted as the principal competing market. He also referred to the position which he took at the second sugar hearing, namely, that without obtaining the actual cost of producing cane in Cuba our comparisons of Cuban costs with Hawaiian costs would not be satisfactory. His attitude was not that some adjustment should be made to correct this alleged omission, but that our whole investigation was worthless because of this failure to obtain agricultural costs.

I pointed out in answer to Mr. Mead's statement that most of what he had said was a product of unfounded rumor and of fear; that the commission had not reached a conclusion with respect to the sugar case, and that, so far as I was concerned, my mind was entirely open for consideration of our decision upon the basis of the record of the investigation. I pointed out the value to the wheat producer of a rate stabilized upon the basis of a three-year average rather than a fluctuating rate based upon the accidental conditions of a single year.

I quoted Mr. Hodges, who stated at the time of the sugar hearing that it was the function of the commission so to conduct its investigation and make its findings as to project a plateau of costs.

I then stated that apparently my opposition to Mr. Glassie—

I will take that up later; but it was one of the severe contentions that was going on in the commission and had been from the beginning of the sugar investigation.

I then stated that apparently my opposition to Mr. Glassie had led to a belief that I was making an attack upon the sugar industry, but that this attitude is incorrect. I stated that I had no apologies to make for my attitude toward Mr. Glassie's participation in the sugar case and that I would take the same attitude if a similar situation again arose. I said, furthermore, that I thought the worst thing that had happened to the sugar-producing industry of the United States was for Mr. Glassie to sit in the sugar case.

At this point Mr. Mead said that he regretted that Mr. Glassie had sat in the sugar case, and that he thought Mr. Glassie had made a mistake to accept appointment on the Tariff Commission when he knew that the sugar case was coming up. He then added that he thought our method of attacking Mr. Glassie at the time of the hearing was improper. I stated in reply that every effort had been made to persuade Mr. Glassie to recuse himself in the sugar case, but that he had refused to do so, leaving to us no alternative but to make a public issue of the matter.

I said, furthermore, that since the time I had written a book on Alexander Hamilton I had consistently believed in and advocated the

policy of national protection, that my duty now under my oath is to carry out the provisions of the law, and that under the flexible tariff provisions conditions of competition should be equalized through an analysis of the costs of production, and that since the statute in which the section was embodied is a protectionist statute the law should be interpreted sympathetically from the standpoint of the producer. I stated that I thought that the suspicions of unfairness which had been thrown out by Mr. Mead were entirely unwarranted, and that it was to be presumed that commissioners under their oath of office would make a finding upon the record which would be above question.

Mr. Hodges made a brief statement to the effect that he regarded the record before the commission as inadequate to warrant a change in the duty fixed by Congress.

Senator SMOOT'S attitude was conciliatory and even at times defensive of my position. He referred several times to my relation with him in the framing of the flexible tariff provision. However, I was conscious of the fact that this conference was indicative of a drive by the sugar interests to prevent, if possible, a report by the Tariff Commission on sugar; and in my remarks, all of which I have not made note of here, I endeavored to give the sugar interests an assurance of fair treatment at the hands of the Tariff Commission and at the same time to give them to understand that the Tariff Commission is a quasi judicial body, functioning under a principle laid down by Congress, and that the decision which we reach will be made fearlessly and in accordance with the facts warranted by the record, regardless of any outside influence which may be brought to bear.

The conference concluded about 11 o'clock, when I told Senator SMOOT that I had an appointment with the President which I was bound to keep.

That is the end of Mr. Culbertson's memorandum in regard to what happened at this meeting.

Mr. SIMMONS. Mr. President, what was the date of that?

Mr. NORRIS. That was May 24, 1924. I might add that this appointment which Mr. Culbertson had was with President Coolidge, and that he went from this conference to President Coolidge's office and told President Coolidge what had happened at the conference.

Mr. President, we ought, if we can, to visualize that meeting. Here was a body of men called upon to perform a judicial act, to reach a conclusion upon evidence that had been produced and upon investigations which they had made, presumably, and as far as I know, undisputedly in a fair, judicial way all the way through. Here was called together a large number of sugar men, mostly attorneys for sugar interests of various kinds, and into that meeting was invited a member of the court that was going to pass upon their case. Senators may disagree with me as to the propriety of doing such a thing; the country may disagree with me; but if the Tariff Commission is to be of any benefit, if its findings are to have the respect of the people, then it must be that no body of men having a case in court would have any honorable right to call to their conference a member of the court itself having then under consideration the decision of the very case to which they were parties.

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

Mr. NORRIS. I yield to the Senator.

Mr. SMOOT. I think that is a very fair statement made by Mr. Culbertson, but he does not call attention to the reason why he was asked to be present at that meeting. The only reason why he was asked there was that the sugar producers felt that their hearings ought to be extended; that they ought to have a further hearing as to the cost of production here, and particularly as to the cost of production in Cuba, and up to that time it had been denied; and what they wanted was to open the hearings for further testimony.

I said: "I know nothing about this, but I have every confidence in the world in Mr. Culbertson. I know that he is interested in section 315, because he worked with me in the formation of that paragraph of the tariff act, and I know that he would do just what he thought in his own mind was the proper thing to do." I said: "I am not going to pass upon this matter until I have a conference with Mr. Culbertson and see what he has to say about it."

I want to say to the Senator further that if Mr. Culbertson had had the least objection to it he never would have been asked to go into the meeting. He never intimated to me that there was anything wrong. He never intimated to me that he did not want to go, and while there not a thing was said that I would not be willing to have the whole world know. No opinion was expressed by me; no opinion was expressed by those who were present other than what Mr. Culbertson states there—that they thought that the basis of arriving at the cost was incorrect, and they wanted to open the case and have a further hearing upon that one subject.

Those are the facts of the case just as they happened.

Mr. NORRIS. And that does not vary very materially from what Mr. Culbertson said.

Mr. SMOOT. No; but I wanted the whole thing to be known.

Mr. SIMMONS. Mr. President——

Mr. NORRIS. Just let me answer that, and I shall be glad to yield to the Senator from North Carolina later.

The statement of the Senator from Utah corresponds substantially with the memorandum of Mr. Culbertson. I think probably there were two objects. They were not satisfied with the action of Mr. Culbertson in trying to prevent Mr. Glassie from sitting on the sugar case. They were not satisfied with the evidence that had been produced. They wanted a different investigation, and more of an investigation. Admit all that: How did they proceed to bring it all about?

Mr. President, suppose that we constituted a big corporation here, or several corporations, and we had pending in the Supreme Court of the United States a case which had been heard in part, and was still subject to their action; and then, upon listening to some of the arguments that had been made in the Supreme Court, suppose we concluded that they were not basing their conclusions upon the right kind of a theory, and we should immediately hold a meeting—not in public, but a secret meeting—get our people altogether, summon a member of the Supreme Court, and tell him where we thought he was wrong. Would anybody stand for that? Is it any less wrong that it should be done with the Tariff Commission?

Suppose they were wrong. As far as this case is concerned, I do not care whether they were right or wrong. They were a body performing a public function. The parties there who had what we may call a lawsuit before them were dissatisfied with the way they had investigated it. They wanted to correct that error. Suppose they were moved by the very best of faith. Where was the place and what was the method to get that correction? Why, before the body itself, before the eyes of the whole country.

If they thought this commission was considering this thing wrongfully, their place was to go before the commission and make any argument they saw fit to make in the face of everybody. If any man will view this Tariff Commission as I think it ought to be viewed, as a court, I do not believe he can conscientiously defend the course that was taken here. It was another circumstance, only another circumstance. I am going to offer several of them. Perhaps, standing alone, you might forgive it, although according to my idea it can not be forgiven. That is not the way to reach a judicial body; to take one member out by himself and talk the matter over with him in secret. The way to do is to go before the committee or to go before the court according to their rules, according to the ordinary procedure of civilization, and make your case there, and convince them if you can.

I yield now to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, as I understand the Senator from Nebraska, his position is that it is very difficult to differentiate between the interference which this letter shows took place in this case and like interference with members of a court.

Mr. NORRIS. That is what I said.

Mr. SIMMONS. I think the Senator is entirely right about that, but it seems to me it is a little bit worse than that. This commission, under the law, is both the court and the jury. It is a trial by a court which also finds the facts; and in this particular case it is a trial from which the taxpayer, who is interested upon the other side, has no appeal. Under the law the commission finds the facts and applies the law; the President approves or disapproves the finding; and any interference with that tribunal is an interference with both the jury and the court.

We have, in our system, guarded the jury from outside influence with more jealous care than we have the judge. Lawyers very frequently talk in private to the judge while a case is pending with reference to the law, because the judge is supposed to know the law as well as the attorneys, and the judge is supposed to be a man who, by reason of his training, is impervious to any improper influence.

When we come to the jury, we are so jealous of any tampering with any member of it that it is the constant practice of the courts in this country to confine the jury in important cases, and not permit them to circulate with the public until after a verdict has been rendered. If it is brought to the attention of the court that any outside influence has been brought to bear, that any person, whether interested or uninterested in the matter, has talked to one of the jurors, it is the cause of a mistrial.

Here was a jury impaneled to try a case between the Government and a taxpayer, to find the facts and here was an

effort to bring to bear on a member of the jury all the pressure and influence which could be brought to bear upon him by parties representing the interests involved in an inquiry then being prosecuted.

Mr. NORRIS. Mr. President, I thank the Senator from North Carolina for his valuable contribution, and his statement of the practice which ought to govern all courts and tribunals in civilized countries.

Delays of all kinds occurred and continued to occur from day to day, in an effort to retard the consideration of the sugar report, and to delay its submission to the President. I can give a chronological history of those delays. I shall cite only one or two instances, however.

These delays occurred from time to time until July 9, and still the report had not been made. On that day, July 9, the chairman of the commission made a report and submitted a request to the Tariff Commission for the dropping of the sugar investigation and the taking up of another question. The chairman of the commission was present on July 9 when the commission resumed the consideration of the sugar report. The chairman asked that the business of the meeting be suspended temporarily in order that he might present a message from the President. The campaign was on at that time. The nominee of the Republican Party had been named. President Coolidge was the Republican candidate.

The chairman of the commission thereupon dictated to the Secretary this statement, that he had been informed that morning—that is, July 9, 1924—by the Secretary to the President, that it was the desire of the President that the commission institute at once an investigation under section 315 in respect to the cost of the production of butter, and that the commission suspend all other work and concentrate its efforts upon the butter investigation until its completion.

There was considerable debate. The commissioners asked that the chairman go back to the Secretary to the President and request that the Secretary or the President submit the request in writing, so that there could be no dispute about it.

They used that proposition as much as they could, but because Commissioner Culbertson was still on the commission, and there were three commissioners who were in favor of going on with the sugar investigation, the chairman and those voting with him were unable to shift the work of the commission over to the butter investigation, at least in its entirety, and they kept on, in a modified way, in the consideration of the sugar report.

Some charges were made against Commissioner Culbertson. Those who know Commissioner Culbertson I think agree that he is an exceptionally able man. He was active in the work of the Republican Party, but when he went into this office he felt that he was occupying a judicial position, and he refused to be moved by partisan considerations to deviate a hair's breadth from what he believed to be his official duty.

Mr. CARAWAY. Mr. President, before the Senator leaves that I am anxious to know whether they ever got a written instruction to go on with the butter investigation.

Mr. NORRIS. No; they did not. They could not get through the commission the motion to make the request.

Commissioner Culbertson had agreed to deliver some law lectures in Massachusetts and at Georgetown University in this city. Under a peculiar provision of the law providing for the Tariff Commission, it seemed that there might possibly be some doubt as to his right to do that. He laid the matter before his fellow commissioners, they talked it over, and they decided unanimously that under the law there would be no objection to his delivering those lectures, and he proceeded to deliver them. While they were in the course of delivery, in July, Commissioner Culbertson was asked to come to the White House. He went there and was told by the President's Private Secretary that charges had been made against him for a violation of the law in the delivering of these lectures. The first information he had that any such charges were made against him came from the White House, and I desire to have Senators bear in mind that the charges then were not pending at the White House but were before the Attorney General.

When Culbertson went to see the Secretary to the President, in answer to the request, his attention was drawn by the secretary to a complaint filed against him by a disappointed applicant for tariff action by the commission, who charged that Culbertson was violating the act creating the commission in lecturing at Georgetown University during the winter months, and at Williamstown, Mass., in the summer.

The secretary told Mr. Culbertson in that conversation to see Mr. Martin, an assistant to the Attorney General. In accordance with that advice, after he had talked it over with the two tariff commissioners, Costigan and Lewis, who had been on the same side with him in the fight that had been continually going on, these two commissioners went to see Mr. Martin about July 12. Commissioners Costigan and Lewis saw Mr. Martin in the Attorney General's office with respect to the complaint filed at the White House against Commissioner Culbertson, and were advised that the practice of the Attorney General's office had been to construe liberally such statutes as that applying to the Tariff Commission, and Mr. Martin thought there was nothing in the complaint, that it was manifestly biased, and had been made to cause Commissioner Culbertson trouble.

On July 21, not having in the meantime heard from the Attorney General's office, Commissioner Costigan telephoned to Mr. Martin about Commissioner Culbertson's matter and was advised by Mr. Martin that it was in satisfactory shape, an opinion or letter then being on the Attorney General's desk for his signature, following a full and fair consideration of the case. Mr. Martin added that it was expected that the Attorney General, who was out of town, would return in the afternoon and would sign the opinion. Mr. Martin added that if his expectations were not realized Commissioners Costigan and Lewis would be advised before any opinion in the case was sent to the White House.

On the 24th of July, shortly following this, Mr. Martin, the Assistant Attorney General, telephoned to Commissioner Costigan in the morning that Commissioners Costigan and Lewis should see the Attorney General at once; that Mr. Martin did not know what was going to happen to Commissioner Culbertson. Shortly thereafter Commissioners Costigan and Lewis saw Attorney General Stone and were advised that the Attorney General's report, which the circumstances made clear was adverse to Commissioner Culbertson, was to be sent that day to the White House. It was suggested to General Stone that Commissioners Costigan and Lewis had from the first desired to file a written statement with respect to the commissioners' attitude toward Mr. Culbertson's lectures, but General Stone said that he could not hold his opinion to give an opportunity for the filing of such a statement because he was being urged to send that opinion to the White House at once. He added that he would, however, say to the President that Commissioners Costigan and Lewis desired to file such a statement.

On the 25th of July Culbertson himself was asked to come to the White House. He went to the White House and had a conversation with the President. That conversation was in regard to these charges, which in the meantime had been sent to the President. Bear in mind, this was in the latter part of July. These delays had been occurring and the report had not yet been made, although it had been practically ready for a very, very long time.

Commissioner Culbertson has written a full account of what took place at that meeting with the President, and if a committee is appointed to investigate the Tariff Commission under the resolution now pending in the Senate, they can probably get that memorandum by summoning and putting on the stand Mr. William Allen White, of Kansas, to whom it was sent by Commissioner Culbertson.

Mr. KING. Mr. President, may I ask the Senator the date of that conversation?

Mr. NORRIS. That was July 25, 1924. At the conclusion of that conference with President Coolidge, as Mr. Culbertson was about to leave the office, the President, with that adverse report of the Attorney General lying before him on the desk, asked Mr. Culbertson if he could not delay the report of the sugar investigation.

Mr. President, I think that is an important circumstance to take into consideration. Culbertson had not done anything wrong, according to his idea and the ideas of his fellow commissioners; yet a charge had been made against him. He got the first notice of that charge from the White House, and he was directed to go to see Martin. His fellow commissioners, Costigan and Lewis, went to see Martin and were told there was nothing to it; that if it should turn out differently they would be notified. Later on they were notified that the opinion was adverse to Culbertson, and that the Attorney General was about to act on it. Commissioners Costigan and Lewis then went to see the Attorney General, and the Attorney General refused to let them file a statement of their attitude toward Culbertson's lectures on the ground that he did not have time, that the opinion had to go to the White House at once. Then the next day, or about that time, at the request of the White House he went there to meet those charges, and there was requested by the President himself to postpone the report on the sugar investigation.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. ROBINSON of Arkansas. That statement of fact would indicate conclusively that the object was to intimidate the commissioner and to put him under compulsion.

Mr. NORRIS. I am going to let every man draw his own conclusions.

Mr. ROBINSON of Arkansas. What other conclusion can be drawn from the facts?

Mr. NORRIS. I do not know of any, I will say to the Senator. They did not want the report made. They did not want to have to face that proposition during the campaign.

Mr. ROBINSON of Arkansas. Evidently it could not have been made for the reason that the commissioner was regarded as an unfit person to perform public duties, because he was subsequently appointed to a high position in the diplomatic service. Of course the effect of that appointment was to take his very great influence away from the Tariff Commission and to take him out of the country. If they could not get rid of him in one way, they were determined to do so in another way.

Mr. CURTIS. Mr. President, I think in this connection, if the Senator from Nebraska will yield——

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

Mr. CURTIS. In all fairness it ought to be stated that for over a year before President Harding's death Mr. Culbertson had been asking for an appointment in Foreign Service. At the conclusion of the Senator's remarks I shall have something further to say with reference to that feature of the matter.

Mr. CARAWAY. He never got it until there was a demand for a sugar report.

Mr. CURTIS. Oh, yes; they were talking of and considering him for different positions.

Mr. CARAWAY. He was talked of, but never got the appointment.

Mr. CURTIS. Because a place he could afford to accept was not open.

Mr. SIMMONS. How long had he been giving trouble on the sugar tariff?

Mr. CURTIS. I know nothing about that, but I do know something about Mr. Culbertson's wishes. He was appointed on the Tariff Commission at the request of the Kansas delegation. At his own request, he was urged for appointment abroad before President Harding died.

Mr. NORRIS. Mr. President, perhaps I had better take it up now since the interruption of the Senator from Kansas. I intended to do it anyway. Commissioner Culbertson had an ambition to get into the Diplomatic Service. I do not think that has anything to do with the circumstances that I had been narrating as regards his official action on the Tariff Commission. I want to call that to the attention of the Senate. The proposition that he did want to get into the Diplomatic Service was another circumstance to which I want to call the attention of the Senate and the country, and I might as well do it now.

Some time in July, a few days before the other interview that took place with the President, Culbertson was called to the White House, and he there met the Private Secretary to the President, Mr. Slemp. Mr. Slemp asked him if his recollection was correct that Commissioner Culbertson had expressed the desire at one time for a foreign appointment. Commissioner Culbertson agreed that he had. Then he took up that question with Mr. Culbertson. It was the only thing discussed at that meeting. He was called to the White House and talked with the Private Secretary of the President in regard to a diplomatic appointment. The other plan had not worked. Culbertson kept on in the commission doing what he believed to be his duty, and now he came before the Private Secretary to the President, and the private secretary brought up the subject, calling him there for the purpose of talking with him about it. In that conversation they talked over various propositions.

Mr. SIMMONS. Has the Senator the date of that conversation?

Mr. NORRIS. That was on the 21st of July or thereabouts. Culbertson told the private secretary that he could not accept a diplomatic position where the expense was great because he was a comparatively poor man. They talked, however, about an appointment as minister to China. Culbertson would have been glad to accept that position. They talked about him being an agent for reparation demands, and Commissioner Culbertson told Mr. Slemp that he could not be a candidate for that place if Owen D. Young was a candidate. The governorship of the Philippine Islands was also mentioned in the conversation, and Mr. Slemp, the Private Secretary to the President, made notes of the requests—I do not know that I should call them requests—but made notes of the conversation as they proceeded. During the conversation he left Mr. Culbertson, went in to see the President, came back again and told Mr. Culbertson that the President was interested in Mr. Culbertson's future, and wanted him to be happy in his work, with an opportunity to round out his official career, and as Culbertson left the office of the private secretary the private secretary told him that he thought they would find some way to work it out so that it would be satisfactory to Culbertson. Later on Culbertson was appointed, and is now the American minister to Rumania. In this way the President got Culbertson off of the Tariff Commission. I have told you how he got rid of Lewis. He literally kicked Culbertson upstairs and kicked Lewis downstairs.

Mr. Culbertson, when he was performing those duties there on the Tariff Commission, had dangling before him practically a promise of the President's Private Secretary. He had the request, delivered in person by the President, that he would like to see the sugar report delayed. He had prior to that time been offered a position on the Federal Trade Commission, and he had in addition to that been summoned to the private meeting in the office of the Senator from Utah [Mr. SMOOT], to which I have referred.

Mr. REED of Missouri. Mr. President——

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

Mr. REED of Missouri. I do not want to break in on the thread of the Senator's discourse, but I think he has reached a natural breaking point. I think the Senator will agree with me that when we discussed here the question of the creation of a Tariff Commission the entire argument was that we would have a bipartisan commission and that the commission would, wholly free from political bias or prejudice, at least report the facts to the country with relation to the sugar situation. That was the idea, was it not?

Mr. NORRIS. I think so.

Mr. REED of Missouri. The Republican platform—and I am not calling attention to this for the purpose of introducing a political angle—recited:

> We believe that the power to increase or decrease any rate of duty provided in the tariff under the flexible provisions furnishes a safeguard on the one hand against excessive taxes and on the other hand against too high customs charges.

I take it that that meant—and I am asking the Senator for his construction—that we would have an absolutely fair and impartial tribunal sitting in a judicial way to pass upon the facts and to advise the President so that the taxes could be raised or lowered. That is the Senator's view, is it not?

Mr. NORRIS. It can not be denied that the object of it all was to see if we could not get a scientific tariff, one that would be unbiased and unprejudiced and not made up according to the whims of those who wanted to make a tariff wall sky high or those who wanted to remove it entirely; that we would fix by law a basis, and then we should give to the Tariff Commission the authority, the power, and the duty to investigate, to find the facts, to determine them judicially, and report their conclusions to Congress or to the President.

Mr. REED of Missouri. And to do so impartially and without bias or prejudice?

Mr. NORRIS. Absolutely, yes; without being influenced from any source.

There can be no doubt of the proposition that it was the duty of the Tariff Commission to pass upon the facts disclosed by evidence and carry their investigation in the same high, impartial way that we would expect the Supreme Court of the United States to pass on any matter submitted to them. There can be no other conclusion if we want a Tariff Commission that is fair and that would do its duty regardless of influences and regardless of coercion.

Thus, Mr. President, endeth the second chapter.

Now, I want to take up briefly the case of Mr. Glassie. At the beginning of the sugar investigation it was discovered that Commissioner Glassie, or rather Commissioner Glassie's family, held the ownership of some $200,000 par value of stock in a sugar corporation. Immediately the question arose in the commission whether Glassie was qualified to sit in the sugar-tariff case.

There were three members of the commission, Commissioners Culbertson, Costigan, and Lewis, who thought he was not qualified to sit. Commissioners Marvin, Burgess, and Glassie decided and held that he had a right to sit in the sugar case. Then the question was raised as to whether Glassie could pass on the question as to whether he had a right to sit or not. One of the commissioners offered a resolution that he should not be qualified, or offered a rule that Glassie should be disqualified on account of the interests of his family. They held that upon that motion Glassie should not be allowed to vote, but Glassie insisted on voting on the motion as well as on every-

thing else, and did vote on the motion. The result was 3 to 3, three members of the commission voting for the rule that had been proposed which would have disqualified Glassie, and three members, including Glassie himself, voting against it, leaving the commission tied.

Under the law the President of the United States has authority to make rules to govern the commission. When that deadlock occurred in the commission one of its members wrote a letter to President Coolidge explaining to him at length and in detail the controversy, showing that three members of the commission thought Glassie should not sit on the sugar case, at least that he should not vote on the motion that referred particularly to his own qualifications to sit; and the member of the commission asked the President to relieve the commission by making such a rule as he might think proper which should govern that case. The President did not make such a rule, but he called the members of the commission to the White House, and all of them went to see the President. The President at that conference declined to settle the question or to issue a rule. However, a few days later at a meeting of the commission the chairman of the commission, Mr. Marvin, who was recently reappointed by the President as chairman of the commission for the ensuing year, stated to the commission that he had an oral message from the President of the United States to deliver to the commission.

At a special meeting of the commission Chairman Marvin reported that he had an oral message to deliver to the commission from the President. He stated that the President wished Commissioner Glassie to be informed that he expected him to do his duty "as he saw it" and that he would stand back of him. Commissioner Glassie proceeded to do his duty just in that way "as he saw it." The President refused to make any rule, and there never would have been a break in the deadlock had it not been for the action of Congress.

Later on, however, this matter became public; it became discussed a great deal in the newspapers and in Congress. Resolutions were introduced, and finally Congress enacted into law a provision to the effect that no part of the appropriation for the use of the commission should be used to pay the salary of any commissioner who participates in any investigation in which he or his family has a direct pecuniary interest.

That provision became a law on the 12th day of April, 1924. When that law was passed Commissioner Glassie did not further participate.

Mr. ROBINSON of Arkansas. Mr. President, may I interrupt the Senator there to supplement his statement?

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

Mr. ROBINSON of Arkansas. The provision which the Senator from Nebraska has read, or one similar to it, was incorporated in the appropriation act for the following year.

Mr. NORRIS. Yes.

Mr. ROBINSON of Arkansas. It was almost an identical provision. That legislation was enacted after the subject matter had been discussed in the Senate fully under a resolution which I myself submitted. When the vote was taken on the limitation it was overwhelming, almost unanimous, in its favor.

Mr. NORRIS. Mr. President, let us get a vision of the picture. Here is a commission equally divided. It was investigating the tariff on sugar. It develops—and it is admitted and Mr. Glassie never disputed it—that members of Mr. Glassie's family owned $200,000 worth of stock in a sugar company, which is directly interested, of course, in the tariff on sugar. Then the question arises, Shall Mr. Glassie be allowed to participate in the sugar investigation? Mr. Glassie said, "Yes; I will participate"; and he voted to permit himself to participate, the other two commissioners who had been standing with the President to delay the report from time to time voting with him, and the other three commissioners voting the other way. The question was put up to President Coolidge. He had authority to end the controversy by a stroke of his pen providing for a rule—a rule, Mr. President, that prevails in every civilized court on earth—that the judge who has a direct interest in litigation has no right to sit in judgment when that interest is at stake.

The President declined to act. On the other hand, he sent the message that he expected Glassie to do his duty as Glassie "saw it." He knew how Glassie "saw it"; he knew that Glassie had been voting in favor of his own right to participate. The controversy never would have been settled had Congress not taken a hand.

Suppose, Mr. President, that in this body there was pending legislation in connection with which it was admitted that the Senator from Ohio [Mr. FESS] had a direct financial interest; is there anybody who thinks for a moment that the Senator from Ohio would vote on that question? But suppose he said: "Yes; I have an interest; my wife has an interest; my daughter has an interest, but that does not prejudice me; I can vote." That is not the law of civilization; that is not the rule anywhere on earth; but suppose he insisted on voting and that then some other Senator here made a motion that he should not be allowed to vote on that question and the Senator from Ohio insisted on voting on that motion. Such a situation would be on all fours with the Glassie case. Right or wrong, Glassie had no right to vote in passing upon his own qualifications. We might just as well let the party to a suit sit on the jury. He might be honest, he might be fair, but the law conclusively presumes that where he has a financial interest he may be unconsciously biased. No honest judge on earth will sit in judgment on a case where his own financial interests are at stake.

That situation created a good deal of sentiment over the country. The campaign was on, and the question of the appointment of a chairman of the Tariff Commission was up. People were interested in it, and it was wondered under the circumstances whether President Coolidge would reappoint Marvin as chairman. He had taken an active part; he had voted with Glassie all the way through; he had tried his best to prevent the report of the commission being submitted; he had voted that Glassie should have a right to vote on the question of his own qualifications. The country knew that; friends of President Coolidge knew that. I wish to read now what at least one of those friends of national prominence thought about the situation, one who was his supporter then and always has been and still is.

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

Mr. NORRIS. Yes.

Mr. FESS. The question grows out of the statement the Senator has just made. I was a Member of the Senate when the subject of Mr. Glassies activities was being discussed. It is a subject, however, which involves rather a broad field. For example, suppose that a Member of the Senate was a wheat grower and that legislation was before us imposing a duty upon wheat, would the wheat grower who sat in the Senate be denied the right to vote on the question whether or not the duty should be imposed?

Mr. NORRIS. Mr. President, I think the Senator brought that same question up when we were debating the matter.

Mr. FESS. That was in my mind.

Mr. NORRIS. Mr. President, a point can be reached, of course, where it would be foolish, perhaps, to enforce the rule; but in the case to which I am referring there was no dispute. Mr. Glassie admitted, not that he owned sugar stock, but that his wife and his relatives owned sugar stock amounting to $200,000 par value. The question was, Is Glassie qualified to sit in the sugar investigation of the commission? If it had been disclosed that he owned $25 worth of stock there would have been a different question presented, different in degree, at least; and the case the Senator from Ohio puts is something like that. I am not going into a discussion of the question as to the extent and character of the interest which should be held to disqualify a Senator from voting; I am stating here the facts as they existed in this case. Senators may draw their own conclusions. Is there any man here or elsewhere who can say that a judge on the bench is qualified to decide a case where his wife owns $200,000 of the capital stock of a corporation interested in the litigation before him? The suggestion of such a thing would be offensive to any judge I ever knew; he would not think of sitting in a case under such circumstances.

Mr. FESS. Mr. President, will the Senator yield further?

Mr. NORRIS. Yes.

Mr. FESS. In tariff legislation there are very many articles upon which duties are proposed that rather appeal to many Senators, and I wonder how far we can carry the idea of the Senator from Nebraska.

Mr. NORRIS. I think we ought to carry it further than we have. If there is a Member of this body who owns $200,000 of the capital stock of a sugar corporation he ought not to vote on the sugar provisions of the tariff bill; he ought, it seems to me, to exclude himself from voting.

Mr. President, I was about to give the opinion of one of President Coolidge's best friends in regard to the reappointment of Mr. Marvin as chairman of the commission because he had participated in the Glassie discussion, had always sustained Glassie in every vote taken, and had at one time on the commission later on just before the report was made, in order to delay it further, absented himself from the meeting.

This is a telegram sent by William Allen White to President Coolidge bearing on this question. It shows what he thought of it in a political sense. It was a night letter, and was dated January 10, 1924, which was before some of the occurrences that I have narrated took place, but it was after the public had

its attention called to the fact that Glassie was acting in the sugar case and that he was an interested party, a fact which had been publicly proclaimed many times. The telegram reads:

President CALVIN COOLIDGE,
Washington, D. C.:

I have just learned that Tariff Commission failed to adopt a rule excluding members from sitting on cases in which they or their friends had direct financial interest,

That was the rule that was offered in the commission and voted for by Costigan, by Lewis, and by Culbertson. If Glassie himself had not voted on it the rule would have been adopted; but Glassie insisted on voting on it, although the only question involved was his qualifications. That rule was defeated, as I have already explained, by a 3 to 3 vote, and Glassie voted. Because Marvin assisted and voted with Glassie, Mr. White thought he should not be appointed. He thought to appoint such a man chairman would be not only wrong but scandalous.

Mr. White continues:

I understand Mr. Marvin voted against that rule. To appoint him chairman of committee after that vote would create national scandal that would seriously hurt Republican campaign. It would be used as major issue of campaign, and your knowledge of it before appointment would hurt you seriously. Naturally, Culbertson's espousal of that rule should not injure him, though his general attitude along similar lines is, I am sure, responsible for much opposition to him. If you feel it impossible to appoint Culbertson—and I can understand that—I beg of you, as one who expects to support you in the West, to make it easier for us here, not to appoint anyone who voted against that reasonable rule.

W. A. WHITE.

Thus, Mr. President, endeth the third chapter.

Mr. CURTIS. Mr. President, I think the committee ought to make a thorough investigation of this subject, and I do not intend to discuss the question until a report is made; but I do feel at this time that it is my duty to state something about the Culbertson appointment, because I am more or less responsible for his appointment.

Mr. Culbertson was appointed upon the Tariff Commission at the request of the Kansas delegation. Soon after he was appointed he aspired to the chairmanship of the commission. President Harding, for some reason or other, did not see fit to appoint him, although I may say that I thought at one time he would be appointed. After he failed to secure the appointment of chairman of the commission he sought a place in the Diplomatic Service. For some time before President Harding died Mr. Culbertson had asked me to use my influence to secure him a position in that service; but, as stated on the floor, he was a man of small means, and he could not accept a place unless the salary warranted it; and many places were discussed by President Harding and Secretary Hughes and myself for Mr. Culbertson, and there were no vacancies which were acceptable to him.

After President Harding died I took up the question again with Secretary Hughes and with President Coolidge. I told them of Mr. Culbertson's desires, and several places were talked over. It came so near that in one case I had a cablegram sent to find out the expense of the ministry at that place, so that Mr. Culbertson could be fully advised. At one time he stated to me that he had been offered a position in a college, and I judged from his statements that he wanted a place that paid more salary.

We had had a member of the Federal Trade Commission from Kansas, Mr. Murdock; and when I found a vacancy was to occur on the commission, of my own volition I went to the President and asked him if he would not appoint Mr. Culbertson to the position, when the President told me that if Mr. Culbertson would consider the place he would appoint him. I conveyed the information to Mr. Culbertson, and he advised me that he did not desire to go on the Federal Trade Commission but would like to have a place in the diplomatic service.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. CURTIS. Certainly.

Mr. NORRIS. At the time the Senator asked for the appointment of Mr. Culbertson the Senator knew, did he not, of the controversy that was going on in the Tariff Commission?

Mr. CURTIS. When I first asked for the appointment the question was not up. The question of the chairmanship was up; and, as I stated a moment ago, I had recommended Mr. Culbertson for the chairmanship of the commission.

Mr. NORRIS. That is not the question I have asked the Senator. Let me ask it in another way. At the time the Senator notified Mr. Culbertson that he could have this position, was not that right in the midst of the sugar discussion, and was it not right on the eve of the public meeting that took place on the 15th day of January, 1924?

Mr. CURTIS. I knew nothing of the meeting, and I do not know that it occurred just at that time. There was nothing said, either between Culbertson and myself or between the President or the Secretary of State and myself, in reference to any matter pending before the commission. The request was made by me, because I understood from Mr. Culbertson that he wanted a place that paid more salary.

As the Senate knows, during the summer of 1924 I was in Europe. When I returned I renewed my requests for the appointment of Mr. Culbertson in the Foreign Service and kept them up until he was appointed. I may state that all these requests for appointment in the Foreign Service were made at the suggestion of Mr. Culbertson. I think it only fair to make this statement.

Mr. WALSH. Mr. President, the interrogation addressed by the Senator from Ohio [Mr. FESS] to the Senator from Nebraska just a few minutes ago concerning the application of the rule invoked by the Senator from Nebraska to the action of a Member of this body in connection with tariff legislation prompts me to read from Jefferson's Manual, as follows:

Where the private interests of a Member are concerned in a bill or question he is to withdraw. And where such an interest has appeared his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to.

Mr. HARRELD. Mr. President, I should like to ask the Senator if he does not know that Speaker Tom Reed, of the House, made an exhaustive ruling on the very question the Senator is discussing, in which Speaker Reed set out specifically that the question for the Member to determine was, notwithstanding the fact that he himself was interested, whether the public interest was greater than his individual interest. If so, he was entitled to vote. I desire to ask the Senator if that has not been the rule adopted by both bodies of Congress since that time?

Mr. NORRIS. Mr. President, the Senator has failed to get the real question involved here. It was worse than voting on a question in which a Member has an interest. The question on the adoption of this rule before this commission was whether he had a right to vote on the main question.

The Senator from Oklahoma referred to the decision of Speaker Reed, where he decided that whether or not the Member could vote depended upon whether his interest was greater than the public interest or the public interest was greater than his; but suppose the question of his right to vote was up, then he would not vote on that question, regardless of what the merits of the question might be.

I hope the Senator gets the distinction. That was this case. Suppose the case the Senator from Oklahoma puts were right here and the question arose whether the Senator himself was qualified to vote on a matter affecting oil, for instance. Suppose it were said, "Why, he has an interest in oil," and we investigated it, or he stated himself, as Mr. Glassie did, what his interest was. Then suppose there were a disagreement as to whether he was disqualified or not, and then suppose some one offered a resolution that under the circumstances he was not entitled to vote. That is the kind of a question that came before the Tariff Commission. Would the Senator vote on that? Would anybody claim that on that motion the Member concerned had a right to vote? I have not heard anybody anywhere in the civilized world make such a foolish, such an unfair, such an unjudicial claim as that.

Mr. HARRELD. Mr. President, of course the position outlined by the Senator from Nebraska is quite different from the general rule stated by the Senator from Montana.

Mr. REED of Missouri. Mr. President, I desire to ask my friend from Oklahoma if he thinks the decision of former Speaker Reed would settle any moral or ethical principle for the rest of the world to follow?

Mr. HARRELD. I assumed that the name "Reed" would be sufficient to satisfy the Senator from Missouri.

Mr. REED of Missouri. I am not saying that Mr. Reed did not have that opinion. I am not saying that he was not an honorable man. He had a good name, at least. But what I say is that it is surprising to me that my friend, in answering an argument addressed to an ethical or moral principle, should try to settle it by a ruling of one man who happened to be Speaker of the House of Representatives many years ago.

That does not settle the morals of it; and I do not think my friend would sit and vote money in his own pocket in any official capacity.

Mr. HARRELD. Mr. President, I call attention to the fact that I coupled with my statement the further statement that that rule had been adhered to in both Houses of Congress since that time.

THE WORLD COURT

The Senate, in open executive session, resumed the consideration of Senate Resolution 5, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations.

Mr. TYSON. Mr. President, so much has been said, and so well said, and so many points have been covered in this great subject of the World Court that it seems superfluous for anyone to attempt to say more.

It would seem that every single point that could possibly be raised for and against the World Court has already been placed before this body, and I can hardly hope to present much, if anything, to the Senate at this time that will throw any new light upon the subject. But in view of the fact that I was elected from a State which is strongly for the World Court and was strongly for the League of Nations, and as I announced to the people in my platform when going before them seeking my nomination for the United States Senate that I was for the World Court, and after election would do all in my power to secure the adhesion of the United States to the Permanent Court of International Justice, I feel that it is my duty and my desire to raise my voice at this time, before this momentous question is decided, and to put myself upon record as to my position in this great debate.

Furthermore, as one of those who went out and fought in the World War, and who appreciates as fully as any man can the value and necessity of maintaining peace in the world, and as one who has seen the devastation and the horrible effects of war upon the nations which were involved in the last great war; as one who has suffered in spirit and mind and has sacrificed as much as anyone can sacrifice by reason of the destructive effects of war, and as I am keenly interested in preserving peace, and in the hope of doing something, at least, during the remainder of my life to prevent the sons of men and women from being sacrificed in any wars which may come in the future, I wish now to be heard for a short time upon the subject of the World Court.

I appreciate fully that new Senators are expected to be seen and not heard, but at the same time I hope that Senators will appreciate the fact that I am not undertaking to project myself unnecessarily at too early a time into the debates of this great body, and I trust that they will fully understand my desire in every way to conform to the high and honorable and time-honored traditions of the United States Senate; but as this matter of the entrance of the United States into the World Court appears to be one of the most important questions that has ever been presented to the Senate, I wish to lend my voice in behalf of the entrance of the United States into the World Court.

I have examined this subject as carefully as I could, but I do not feel that it is necessary at this time for me to go into a detailed statement as to the origin of the World Court, further than to say that our country has been outstanding in its pronouncements in regard to peace, and the necessity for doing everything possible among the nations of the world in some concerted effort to maintain peace, for nearly 100 years.

As far back as 1843 there was a general peace convention held in London, asking for a supreme international tribunal. Delegates from this country attended.

There was a second congress at Paris in 1849, with a resolution adopted after a North American had read a draft plan for a court to decide disputes between nations.

Another conference was held two years later at Frankfort, adopting a similar resolution, and on the motion of Elihu Burritt, another American, who, it is said, stated that there had been a strong movement in the United States for a court of that kind ever since 1815; and in 1844 the Legislature of Massachusetts adopted a resolution urging the Federal Government to make every effort to induce the other Christian nations of the world to establish a high international tribunal; and there was a meeting of the congress and friends of universal peace in September, 1848, when a resolution was passed favoring an international court.

In 1867 another organization—the International League of Peace and Freedom—was founded at Geneva for the formation of an international law court as one of its main aims.

At the meeting in Lausanne in 1889 there was adopted a project for organizing the entire continent of Europe, and it stated that—

> the fundamental and permanent reason for the constant state of war in Europe is that there is no permanent international judicial institution.

And it stated further, after setting out the method which it suggested for the organization of such a court, that it might be said that, however great its moral strength might be, the decision of the court to be effective must have some coercive force for its sanction. Remember, this is as far back as 1889.

In 1895 an organization called the Mohawk Society was formed for the sole purpose of distributing propaganda exploiting the principles of arbitration, and for a court to which it would be applied.

As a result of the agitation and constant efforts which had been made by America and Great Britain, and especially America, during the last 100 years, to form a permanent court of justice for the nations of the world, the first permanent court of arbitration was formed at the first Hague conference in 1899.

The Bar Association of New York passed a resolution in 1896 asking the President of the United States to prepare a plan for the organization of a permanent international court.

In addition to all that, there have been other peace societies and peace congresses in America and in other countries for the last 25 years, but especially in the United States, for the purpose of encouraging the idea of peace throughout the world, and of getting the nations of the world who have continuously urged peace to cooperate, and to submit all their questions of dispute to the court of arbitration formed at The Hague.

In the light of these events, and with this unbroken history of the prolonged efforts of our Nation for peace and peaceful methods for the settling of international controversies, how preposterous, how ridiculous, how insincere and inconsistent is it for the opponents of the World Court even to intimate that the citizens of our Nation are the ignorant victims of an organized propaganda in behalf of the World Court! Such intimations show an utter ignorance on the part of those who make them, or else the sincerity of our efforts as a Nation toward world peace from the beginning of our history is in question.

America has been the outstanding nation of the world that has at all times undertaken to impress the rest of the world with her desire to aid in maintaining the peace of the world and of inducing other nations to realize that the best method of securing justice for themselves was to submit their disputes and controversies to arbitration, and in order to give you an idea of what effect this constant effort for peace has had upon the world I wish to call to your attention the increase in the number of cases decided by arbitration in the world.

From 1789 to 1840 there were 23 arbitrations, or one for every two years.

From 1841 to 1860 there were 20 arbitrations, or one for every year, an increase of 100 per cent.

From 1861 to 1880 there were 44 arbitrations, or two a year, an increase of over 200 per cent.

From 1881 to 1900 there were 90 arbitrations, or over four and a half per year, or an increase of about 500 per cent.

It will thus be seen what a wonderful effect the idea of peace and the value of arbitration have had upon the world in the last 100 years, and who can tell how many wars may have been avoided by these 187 arbitrations during the last 136 years?

These arbitrations evidently were a long step toward peace, and America did her part, and it is to be hoped she will not permit herself to be considered a hypocrite but will continue to do her part in encouraging the nations of the world to avoid war and to submit their disputes to courts of justice.

It was found, as has been repeatedly stated in this Chamber, that, notwithstanding the great progress which had been made in courts of arbitration up to 1907, they were not entirely satisfactory, and the whole world was anxious for something more definite than an arbitration award. The world was looking for something in the nature of justice, in so far as it could be given by a permanent court of justice presided over by men learned in the law, whose positions would be permanent, and in which the court would have opportunity at all times to dispense justice in so far as justice through law could be obtained.

No one can say what would have been the result of securing a permanent court of international justice had not the World War come on in 1914. That tremendous cataclysm affected all progress along this line.

At the time the treaty of Versailles was being drafted some of the most important statesmen of the world decided that this

was a great opportunity to agree upon the establishment of a permanent court of international justice, and a clause was inserted in the covenant of the League of Nations, article 14, which reads as follows:

The council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any disputes of an international character submitted to it. The court may also give an advisory opinion upon any disputes and questions referred to it by the council and assembly.

The United States Government has been up to that time the most active Government in the world in the matter of promoting international peace, and especially in encouraging arbitrations.

Up to the time of the World War the United States had participated in 57 arbitrations, 20 of which were with Great Britain.

In 1890 the Congress of the United States adopted a resolution providing:

That the President be, and he is hereby, requested to invite from time to time, as fit occasion may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which can not be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means.

In the instructions of the delegates of this Government to the first peace conference at The Hague in 1899 Secretary Hay said:

Nothing can secure for human government and for the authority of law which it represents so deep a respect and so firm a loyalty as the spectacle of sovereign and independent states, whose duty it is to prescribe the rules of justice and impose penalties upon the lawless, bowing with reverence before the august supremacy of those principles of right which give to law its eternal foundation.

These instructions were accompanied by a plan for a permanent international tribunal, and at that time there was established a permanent court of arbitration at The Hague, which was the most important step in the matter of arbitration of disputes between nations that had ever been taken in the history of the world.

The most extraordinary thing as to the conference was that, notwithstanding the fact that America had been foremost in advocating the Court of Arbitration, Russia was the nation of Europe that promoted the assembly of nations at The Hague, and the treaties and covenants adopted there provided for voluntary arbitrations.

In 1907 the second conference was called at The Hague upon the initiative of the United States and Russia. Nearly all the nations of the world were represented, and the instructions which were given to the delegates of the United States by Mr. Elihu Root, who was our Secretary of State, were memorable, far-reaching, and important. I desire to quote them. They are as follows:

It should be your effort to bring about in the second conference a development of The Hague tribunal into a permanent tribunal composed of judges who are judicial officers and nothing else, who are paid adequate salaries, who have no other occupation, and who will devote their entire time to the trial and decision of international causes by judicial methods and under a sense of judicial responsibility. These judges should be so selected from the different countries that the different systems of law and procedure and the principal language shall be fairly represented. The court should be of such dignity, consideration, and rank that the best and ablest jurists will accept appointment to it, and that the whole world will have absolute confidence in its judgment.

It will be seen upon examination of these instructions that Mr. Root may be said to be the father of the organization of the present Permanent Court of International Justice sitting at The Hague, and known as the World Court. The statutes upon which the court is now exercising its functions are largely an amplification of these very instructions which Mr. Root gave to the delegates of America to this second Hague conference.

The second Hague conference failed to establish a permanent court of international justice because an agreement could not be reached in regard to the method of selecting judges, but you will observe that a recommendation was adopted which is as follows:

The conference recommends to the signatory powers the adoption of the project hereto annexed of a convention for the establishment of a court of arbitral justice and its putting into effect as soon as an accord shall be reached upon the choice of the judges and the constitution of the court.

This resolution is the basis for that provision of the statute of the World Court which seeks to solve the one great problem that confronted those men of that conference, and it is to Mr. Root that we are indebted for the solution of the problem of selecting the judges of the court.

I ask special examination of the wording of the recommendations by Mr. Root and the wording of the statute of the court to see how nearly the statute conforms to the recommendations made 14 years before the Permanent Court of International Justice came into being. Later, after the treaty of Versailles had been signed and the covenant of the League of Nations had been adopted as a part of that treaty, and under article 14 of the covenant providing for the establishment of a court of international justice, the council of the league appointed an advisory committee of jurists, which sat at The Hague in the summer of 1920 and formulated a plan for the establishment of such a court, and notwithstanding the fact that the United States had refused to enter the League of Nations, and that the league treaty had been denounced in the Senate of the United States for more than a year of almost continuous debate in the most acrimonious manner, the Council of the League of Nations was unwilling to leave such a great country as America out, so that it would have no voice whatever in the formation of the Permanent Court of International Justice, and it therefore very properly appointed the Hon. Elihu Root as a member of that committee, and this committee drafted the statute to establish a permament court of international justice.

This statute, after some amendment, was adopted by both the Council and the Assembly of the League of Nations for recommendation to the nations, to be ratified by a protocol with the statute attached. It has been assumed that the Council and the Assembly of the League of Nations alone adopted and put into effect the statute for the Permanent Court of International Justice. This is wholly untrue.

While it is true that the statute of the Permanent Court of International Justice was formulated and adopted because of the provisions of article 14 of the covenant of the League of Nations, through which was appointed the committee to draft the statutes, the Council and the Assembly of the League of Nations did not consider that they had authority to establish this statute until it had been ratified separately and distinctly by the representatives of the various nations composing the Council and the Assembly of the League of Nations, nor to put it into effect until a majority of the nations in the assembly had ratified the protocol or treaty with the statute attached. The statute was thus specifically made a treaty by the various ratifying and signing nations by special ratification.

This statute is the absolute law of the court, and the court has no powers whatever except such as are given to the court under the articles of the statute.

Now, having seen why and how the court should come into existence, let us see how it was effected.

By September 14, 1921, 26 nations had ratified the protocol, and subsequently 22 other nations have adhered to the protocol, bringing the present number up to 48. The 48 nations now in the court are as follows:

Albania, Australia, Austria, Belgium, Bolivia, Brazil, British Empire, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, the Dominican Republic, Esthonia, Finland, France, Greece, Haiti, Hungary, India, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Panama, Paraguay, Persia, Poland, Portugal, Rumania, Salvador, Serb-Croat-Slovene State, Siam, Union of South Africa, Spain, Sweden, Switzerland, Uruguay, and Venezuela.

An effort has been made by the opponents of the World Court to try to make it appear that the court is not a World Court. This is wholly untrue.

Under the terms of the statute the court is absolutely open to every member of the league. There are certain conditions which have to be conformed to by the nations which are not members of the league in order to go before the court, but the statute expressly provides that any nation of the world may go before the court and that such nation shall have an equal standing before the court, whether it is a member of the League of Nations or not.

There are 11 regular judges and 4 deputy judges. No nation may have more than one judge at the same time. The judges of the court are from every part of the earth—three of them are from the Western Hemisphere, two of them from Asia, and the others from Europe. All of these judges have been selected because of their learning and high character and their knowledge of international law. Their election is for nine years, and the assembly and the council elect the judges. Any judge elected must secure a majority of votes of the council and of the assembly, thereby insuring that neither the council nor the assembly can elect a judge not satisfactory to the other

body. The judges are nominated not by the League of Nations, but from lists furnished by members of The Hague Court of Arbitration, which has been in existence since 1899.

One of the special reasons which has been repeatedly stated as to why the Permanent Court of International Justice could not be formed in 1907 was the fact that the nations assembled could not agree upon the method of electing the judges.

The Hon. Elihu Root hit upon a thought for the election of the judges when he realized that there would always be a permanent assembly of nations of the world at Geneva sitting as members of the league, and by having the judges elected by the council and the assembly separately it would be a solution of the method of electing judges, and this having been adopted it made it possible at last to have a permanent court of international justice which should properly and fairly represent all nations of the world.

It is true that all nations of the world are not represented in the League of Nations, but it is the greatest number of nations that has ever been brought together for any purpose. Fifty-five nations of the world have now joined the League of Nations, and there are now only eight nations remaining out of it, and only seven of the league members are not members of the court, namely:

Abyssinia, Argentina, Guatemala, Honduras, Irish Free State, Nicaragua, and Peru, and the eight states in the world that are not members of the league are: Afghanistan, Ecuador, Egypt, Germany, Mexico, the Russian Union of Socialist Soviet Republics, Turkey, and the United States of America. This does not include Hedjaz and three very small states—Andorra, Monaca, and Lichtenstein.

It has been suggested that, because of the fact that 10 of the judges of the court are members of foreign nations, and because some people in this country say they can not even pronounce the names of all of these judges, it may therefore be assumed that they will not be just and fair to America and that we should not join the court. Senators, at least, should not be willing to admit such ignorance.

Each judge is elected for nine years, and it is more than probable that every judge who is elected will hold his position for life.

Is it therefore reasonable to assume that any judge would be willing, even though he did not have the integrity otherwise, to jeopardize his seat by undertaking to be unfair to any particular nation knowing, as he would, what effect that would have upon his subsequent election, and that his only hope for reelection would be his reputation for fairness and honesty in the administration of the statute of the court and in the faithful performance of his duties as a member of one of the highest judicial bodies in the world? It is not conceivable that a man who had such a reputation as to be elected by a majority vote of both the council and the assembly, representing practically all the nations of the world, could so far forget his high position and his great responsibility as to be intentionally unfair in his decisions for or against any nation, however great or small.

Article 38 of the statute provides that in reaching its decisions the court shall apply—

First. International conventions, whether general or particular, establishing rules expressly recognized by the contesting states.

Second. International custom as evidence of a general practice accepted as law.

Third. The general principles of international law recognized by civilized nations.

Fourth. Subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the court to decide a case ex aequo et bono if the parties agree thereto.

It will thus be seen that the court applies particularly what is known as international law and customs.

The United States has from the dawn of its history recognized that international law is binding upon it and has always taken cognizance of international customs in its uses of trade, commerce, and so forth.

The principal thing to be considered in the World Court is its jurisdiction.

The statute of the court provides as follows:

The jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

The members of the League of Nations and the states mentioned in the annex to the covenant may, either when signing or ratifying the protocol to which the present statute is adjoined, or at a later moment, declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other member or state accepting the same obligation, the jurisdiction of the court in all or any of the classes of legal disputes concerning:

(a) The interpretation of a treaty.

(b) Any question of international law.

(c) The existence of any fact which, if established, would constitute a breach of an international obligation.

(d) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain members or states, or for a certain time.

In the event of a dispute as to whether the court has jurisdiction, the matter shall be settled by the decision of the court.

It will thus be seen that under this statute nothing can come before the court except what the parties refer to it, and such matters as relate to conventions and treaties; and one of the reservations offered especially provides that the United States shall not be bound by the optional clause for compulsory jurisdiction.

Article 33 of the statute provides as follows:

The expenses of the court shall be borne by the League of Nations, in such a manner as shall be decided by the assembly upon the proposal of the council.

There is a further provision of the statute, article 35, as follows:

The court shall be open to the members of the league and also to states mentioned in the annex to the covenant.

It is important, perhaps, to give some idea of the expense of the World Court. During the year 1923 the expenses of the court were $299,888.20. For the year 1925 the court's expense totaled $237,311.57. If the United States should adhere to the court it is assumed that it would cost the United States on an average of about $30,000 per year.

The court met for the first time in parliamentary session on January 30, 1922, and promulgated its rules on March 24, 1922.

The court has not only delivered judgments, but has given advisory opinions under the terms of the statute creating the court under article 14 of the League of Nations, which provides that when the Permanent Court of International Justice shall be established "that the court may also give advisory opinions upon any disputes or questions raised by the council or the assembly," and for that reason the court has been giving advisory opinions as well as rendering judgments during the time the court has been in existence. It has rendered 6 judgments and has given 12 advisory opinions.

In the judgments which have been rendered under various conditions there have been cases where a member of the League of Nations has been on one side, and a nonmember of the league has been the party on the other side. Decisions have been rendered against members of the League of Nations when nonmembers were the parties on the other side.

Judgments and advisory opinions have been rendered without regard to the size or strength of the nations involved, and the justness of the judgments and advisory opinions has not to my knowledge been questioned.

There are many legal authorities in this country who object to the giving of advisory opinions. There may be some grounds for these objections, but as I see it the great benefits outweigh any possible objection to advisory opinions by the World Court.

Furthermore, the principle of advisory opinions is so well established in this country, through the enlightened States of the Union, which have pursued a policy of asking advisory opinions of their supreme courts from the very earliest times down to this good hour, that it can be called American. There are nine States of the Union which authorize advisory opinions. It is only necessary, however, to cite one State. The Supreme Court of Massachusetts has had, during the existence of the State, as many as 150 advisory opinions. There is no State in the Union whose supreme court stands higher than Massachusetts. Therefore, the criticism that giving advisory opinions is a departure from our system of jurisprudence or tends to bring the court into disrepute seems to have no just grounds for support.

I have thus briefly sketched the efforts for peace and the organizations for peace in this country looking to early establishment of a court of arbitration and later efforts made to establish a Permanent Court of International Justice in 1907.

We must admit that if there is any moral obligation on the part of America to join the court with which she has had so much to do in promoting and which has really been the culmination of the efforts of the most enlightened thought and

experience and efforts on the part of those who are interested in peace in this country, then we should make every effort to join the court; and if we feel that the Court of Arbitration is good and that a Permanent Court of International Justice, wherein the principles of law and equity and justice are administered, is desirable and is in the interest of peace, then we should, unless there is some very great objection to the formation of the court or the statute upon which it is founded, adhere to it.

It is said that if we join the court it would entangle us with European affairs; that it would make us a part of the League of Nations; that it would take away from us our independence; and that we would sooner or later become a part of the European system with all of its complications and dangers.

Mr. President, I can not see any danger to the United States of America in joining the World Court, and especially since it is proposed to incorporate what are known as the Harding-Hughes-Coolidge reservations, which have been approved by the late ex-President Harding, ex-Secretary of State Hughes, and President Coolidge, and also the Swanson reservation in regard to advisory opinions.

There have been five reservations introduced as amendments to the protocol. These reservations, as set forth in the protocol, are as follows:

1. That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations constituting part 1 of the treaty of Versailles.

2. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other States, members, respectively, of the Council and Assembly of the League of Nations, in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

4. That the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

5. That the United States shall be in no manner bound by any advisory opinion of the Permanent Court of International Justice not rendered pursuant to a request in which it, the United States, shall expressly join in accordance with the statute for the said court adjoined to the protocol of signature of the same to which the United States shall become signatory.

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adhesion by the United States to the said protocol.

The first of these reservations provides that such adhesion shall not involve any legal relation on the part of the United States to the League of Nations, or the assumption of any obligations by the United States under the covenant of the League of Nations constituting part 1 of the treaty of Versailles.

Mr. President, could language be stronger or clearer? How can we assume an obligation that we positively state that we do not and will not assume? How can anyone be so obtuse as not to understand the words of the English language? How can we be held bound by any obligation to the League of Nations when we have specifically stated in our reservation that we will not be bound?

Reservation No. 2 provides:

That the United States shall be permitted to participate upon an equality with the other nations who are members, respectively, of the Council and the Assembly of the League of Nations in all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice, or for the filling of vacancies.

This reservation gives us as full and complete representation in the election of judges as we could possibly require.

Does any one think we could ask more for ourselves than any one else in the world can get or should have? Is it to be supposed that other nations will give us more than they get for themselves? Is it right and just that we should ask for more?

The objection has been raised that Great Britain will have 7 votes in the assembly to 1 for America. Mr. President, let us assume that Great Britain should have 7 votes to our 1. She has only 1 vote in the council, and the United States of America would have 1 vote in the council. The judges are elected by the majority of the votes in the council and in the assembly, each voting separately. Therefore, no judge can be elected who does not secure both the majority of votes in the assembly and also the majority of votes in the council. America will always have 1 vote in the council. Great Britain, with all her dependencies, will be entitled to but one judge on the court and will always have but 1 vote in the council. Is it to be assumed that other nations are not as jealous of their rights and privileges as is the United States of America? Is it to be assumed that France, or Italy, or Japan would be willing to give Great Britain more than they got for themselves? But even assuming that Great Britain should have two judges on the court, should we not stand just as much chance of securing justice from the dependencies of Great Britain as from any other countries of the world?

Is it to be assumed that Canada would not be as friendly to us as European and Asiatic nations? Is it not to be assumed that Australia would be as friendly to us as to any other nation in the world? Is not the same true of New Zealand or of South Africa or the Irish Free State or of any other English-speaking nation living practically under the same system of government and under the same laws as our own?

Can it be believed for one moment that Canada, Australia, and New Zealand, whose soldiers fought side by side with American soldiers of the World War, would not be as friendly to the United States of America as to any other nation in the world?

For my part I would rather have a British judge or a Canadian judge or an Australian judge or a South African judge or a New Zealand judge or an Irish Free State judge on the bench than a judge from almost any other nation in the world; men speaking our language, understanding our systems of jurisprudence, and in whose veins course the same blood as that of our English-speaking forefathers. So I feel that this is one of the most far-fetched objections that can be raised to the entry of the United States into the World Court.

The third reservation is that the United States shall pay a fair share of the expense of the court; and, of course, no one can object to that.

The fourth reservation provides that "the statute shall not be amended without our consent." That protects us from any changes except those to which we agree.

The fifth reservation provides that the United States shall be in no manner bound by any advisory opinion of the Permanent Court of International Justice not rendered pursuant to a request in which the United States shall expressly join in accordance with the statute for the said court adjoined to the protocol to which the United States shall become a party.

How can we be injured by an advisory opinion which does not bind us?

Is it to be assumed that the United States would be so obtuse and so void of national integrity that it would submit a case to the court wherein we were not willing to stand by the judgment of the court whatever it might be?

It has also been said that the court might endanger the Monroe doctrine; that its judgments might have a tendency to do away with the Monroe doctrine. I deny that that can be the case. If there is any question in which the Monroe doctrine would be involved, then we certainly would have sense enough not to submit it to the judgment of the court. If we were to do such a foolish thing, then we would deserve any consequences that might result from our action.

At present a great many Central and South American States are connected with the League of Nations and are members of the court. There may come a time when some question may arise involving the Monroe doctrine as to the nations who are members of the league and also members of the court, and who may submit such questions to the court. Article 21 of the covenant of the League of Nations specifically states:

Nothing in this covenant shall be deemed to affect the validity of the international engagements, such as treaties of arbitration and regional understanding, like the Monroe doctrine, for securing the maintenance of peace.

It will thus be seen that, notwithstanding all the criticism that the League of Nations has received at the hands of the American people, and especially by some Members of the Senate, the covenant of the league specifically sets out that it is a defender and protector of the Monroe doctrine. Instead of jeopardizing that doctrine it is a postive aid to the United States in defending the Monroe doctrine, and the whole power of the League of Nations could be invoked against any nation which should undertake to violate what we call the Monroe doctrine.

Now, is it desirable for the United States to belong to the World Court? If it is desirable or of any great importance to

us and the remainder of the world, should we do our part by joining and trying to maintain a World Court?

Many in this country say they are not satisfied with the World Court because it is a league court, and that we must form a new court separated entirely from it. This seems the main argument against it. Fifty-five nations are now in the League of Nations, 48 of whom have adhered to the World Court. This court has been in operation now for more than four years; its decisions and its advisory opinions have been accepted by many nations of the world; it has been founded on the very principles and upon the very suggestions and along the very lines that the statesmen of the United States of America have proposed. In view of these consideration I ask, is it to be assumed that these 48 nations are going to join with the United States of America alone in arranging some other World Court when they already have one that is upon the very plan that has been suggested and recommended by some of the most distinguished men America has produced, some of whom were the very men whom we sent to the second Hague conference in 1907?

It would be an insult to the great nations of the world who have been lending themselves ever since the World War to the formation of a court of international justice for us now to ask them to withdraw from this court and to join us in some other that we might plan. Indeed, no other plan is seriously advanced. Those who criticize to destroy have not the sincerity to construct nor the statesmanship to build.

So, Mr. President, I say that it is the Permanent Court of International Justice, with its headquarters at The Hague, which has been formed under the statute which we are now called upon to adhere to or it is no World Court. We will either become a member of the Permanent Court of International Justice at The Hague or we will not become a member of any court.

Is the Permanent Court of International Justice at The Hague a sufficient one for all our purposes?

In view of the fact that 48 nations of the world have adhered to this court, and in view of the fact that this court has now established itself so firmly, I am of the opinion that it matters little whether or not we join the court in so far as the future of its maintenance is concerned, because the World Court is a permanent institution. The League of Nations to-day is a permanent institution. Through good report and evil report, through trial and sorrow, through struggle and tribulation this great federation of nations stands together more firmly every day for the good of mankind. This covenant has shown itself to be the most remarkable document that has ever been produced since the Constitution of the United States was adopted.

The United States of America was more responsible for the League of Nations than any other nation in the world. It was largely the child of America, yet America has scorned and repudiated its own child. It was the child, also, of Woodrow Wilson, and, in my judgment, it is the strongest organization and the most permanent force for peace that the world has ever known. It is the hope, as I see it, of the ages. With the World Court to render just decisions upon any justiciable question or dispute, with the League of Nations ready to assemble the nations together for the purpose of talking over any matters regarding disputes, and with the opportunity for controversies to be adjusted by diplomacy where possible, and if not by the court, with these two great functions effectively being performed in behalf of peace and harmony and for the betterment of mankind, I say that there never has been a time in the history of the world when there was such assurance of permanent peace as there is to-day.

Mr. President, at this particular time, when there is no war cloud upon the horizon, it is urged that we are undertaking to frighten the American people into the World Court on the ground that if they do not join the court we will have war. This assertion is untrue, because I do not believe we will have any war in my lifetime, at least, if I should live for 25 years.

I believe that men have had enough of war for a long time to come. The World War so surfeited the world with suffering, agony, and death that it will be a long time before any great conflagration can break out again. Of course, there will be sporadic wars between small states, but they will not amount to much. If the League of Nations shall continue to do what it has done during the last five years, it will prove itself the greatest instrument for peace that has ever been known.

While there have been a few small disturbances in Europe since the war, none of them have been of any importance or of far-reaching consequence. What would have happened without the League of Nations? Without it I believe Europe would be in chaos. As it is to-day the nations of Europe are getting on their feet very rapidly. Law and order are prevailing practically everywhere, economic conditions are improving everywhere, nations are getting together more and more.

The Locarno treaty is the direct child of the League of Nations. It has been said that the Locarno treaty is the greatest advance toward peace that has been made in 50 years, but is there any fair-minded man in America that will advance the suggestion that the Locarno treaty could have been even a possibility but for the League of Nations? Is there anyone who will say that the World Court could have been formed but for the League of Nations?

The opponents of the World Court say that they are afraid to go into the court; that they are afraid that something will happen.

We of the United States of America say that we are the greatest Nation in the world; that we are the richest Nation in the world; that we are the strongest Nation in the world; that we have the greatest resources of any nation in the world, and that none of the nations of the world can come here and attack us; in fact, it is said that all the nations of the world might attack us at one time and they could not overcome us. I agree to every single one of those statements; and yet we are so afraid of ourselves, so afraid to take a chance, so afraid to do what even the very smallest nations of the world have done, that it seems to me we have no reason to be so self-satisfied; that we can not feel any pride in being the greatest, the most powerful, and the strongest Nation, because we will not take any chance of getting hurt. Why all this greatness? Why all this wealth? Why all this strength? Is it the destiny of one so great to be so small? Has God blessed us with riches, empowered us with strength, and endowed us with greatness that we may be of all nations the least and the last to comprehend His blessing of "Peace on earth; good will to men"?

Mr. President, I wish to ask if the men of America are willing to be Americans of this kind and are willing to be put in such a category as that?

When we think of what America has done in the past; when we think of the adventurous spirit which has ever been characteristic of America, the spirit that inspired Christopher Columbus to embark upon the most remarkable voyage that has ever been taken by man; when we think how from Spain he went across the uncharted sea and finally landed upon these shores; when we think of the Pilgrim Fathers, who came across the sea in their little barks and landed on the barren rocks of an unknown shore in Massachusetts, and took up their homes in this unknown land, and remember from that time on the history of our valiant people, driving back the savage, cutting down the forests, and providing for themselves here so far away from the Old World; when we think of the great adventures of George Washington and the other Revolutionary heroes; when we think of the great wars in which we have been engaged; when we think of those men who have gone to the uttermost ends of the earth and have made this country the greatest country in the world to-day, with such ideals, with such valor and courage; when we think of the spirit which put us into the great World War and of the spirit with which our men met the German hosts when they were about to overrun and conquer the world, and then contrast with their spirit our policy of to-day when we appear to be afraid to take any risk whatever, can it be said that we are worthy of our forefathers?

Think of this Nation, which had been at peace so long that the Germans did not think that they would fight, having the courage to send 2,000,000 men 3,000 miles across the submarine-infested sea, and then, upon the scarred and seared and riven battlefields of France, although untrained in war, to attack the greatest military organization ever known in the history of the world; to attack the mighty German Army, composed of the most wonderfully skilled soldiers of the world, and, although they were less than one-twentieth of the peoples of the world, they had such sublime courage that they were out to conquer the whole world, and came near doing it.

These soldiers of Germany had attacked the veteran soldiers of France and Great Britain, and had wrested from them the sacred soil of France, and had withstood the combined powers of the world, with the exception of the United States, and who without us had not been able to drive them from the soil of France. Not only that, but these German soldiers were even driving across the northern part of France with the hope and intention of ultimately crossing the Atlantic Ocean and of attacking America itself.

The French people were in despair and the people of England were almost in despair. When it seemed only a matter of days when the surrender of the Allies might

take place and the world be lost, these wonderful men of America, with a courage that has never been surpassed, and to the surprise and astonishment of the veteran soldiers of Germany, fell upon the Germans at Cantigny, at Chateau Thierry, at St. Mihiel, and in the great battle of the Argonne, at Ypres and Bellicourt, at Cambrai, at St. Quentin, and on the Hindenburg line between St. Quentin and Nauroy, and not only stopped them but drove them back and back and back and rolled them up one upon the other, so that in six months' time they were suing for peace, thus accomplishing in many ways the greatest military achievement that has ever been accomplished in the history of the world. And then the armistice was signed.

The President of the United States, Mr. Wilson, went to France to help make the treaty of peace.

I have always felt that he should have taken with him two important men from the Republican Party. I have always felt that he should have taken ex-President Taft and Mr. Root, or some other Republican of outstanding ability, whose love for peace was greater than his love for self or party. But he did not do it. If he had done it, I think we would not be carrying on this debate here to-day. I believe that the treaty of Versailles would have been made and signed and ratified, and that the League of Nations would have been an accomplished fact, and that the United States of America would to-day be an honored member of that organization.

I believe that we owe a great moral obligation to the people who signed the Versailles treaty, because, notwithstanding the fact that many people were opposed to our President going to France, nevertheless he did go. He was our President. He had the right to go, as I believe. He had more to do with the making of the Versailles treaty than any other two men, as I see it. The map of Europe would not have been to-day as it is had it not been for his insistence upon the self-determination of the nations, and that each nation should have the territory which had belonged to it in the past. Had it not been for his doing, as he thought, what the American people wanted, there would not have been any covenant of the League of Nations as a part of the Versailles treaty. The nations of Europe signed the Versailles treaty at the same time that Mr. Wilson did as our President and representative. Every signatory nation in the world ratified the signature of its representative except the United States, Hedjaz, and Ecuador. We came away and left the other nations of the world in the situation in which we had largely put them by the insistence of our representative; and then, after they had signed and ratified, we refused to ratify.

Now we have a World Court, and some claim that it is inseparably connected with the League of Nations. I say most emphatically that, while it has a connection with the league, it is as independent as any court can be made. There is no court in Christendom that was not created by some organization. The Supreme Court of the United States was created by our Constitution, and is in a certain sense dependent upon Congress. The Federal courts of the United States were created by Congress, and are dependent upon Congress for support. The salaries of the judges are paid by Congress, and they can be increased or diminished by Congress, and the judges can be impeached and tried by the Congress.

The courts of every State in the Union are more or less dependent upon the legislatures of the States; and even the judges of the supreme courts of the States in most instances are elected for a term of years, and are, therefore, dependent for reelection upon their popularity with the people.

There is no doubt in my mind but that the World Court has a certain connection with the League of Nations. It has a certain connection in so far as that the judges are paid by the League of Nations, in so far as that the council and the assembly of the league have the right to determine what advisory questions shall be submitted to the league; also in so far as that the court may be called upon to furnish advisory opinions; but, notwithstanding that, I consider the court independent, and I can see no danger whatever in its connection with the league.

Furthermore, Mr. President, is it to be assumed that the Permanent Court of International Justice would undertake to do anything to the United States of America that was not right, proper, and just under international law, treaties, and customs? And could it be assumed for one moment that the court would undertake to do anything unfair to a great Nation like the United States? What would be its object? What could be its purpose? The United States is able to take care of itself under any and all circumstances. I believe that we have sufficient ability in America to take care of ourselves. I believe that the statesmen of this country are able to meet every emergency and condition that may arise. To assume less is to admit the physical and intellectual inferiority of the American people. I am unwilling to place America in such a humiliating position.

So, Mr. President, it is unnecessary, it seems to me, to discuss this matter further. There is no sound reason for refusing to enter the World Court. I can not understand the position of the men who are afraid; who would represent us to the world as such a puny Nation, afraid to leave home, afraid to get more than 3 miles away from our own shores, afraid to do anything that seems to take any chance. This sentiment and this spirit, as I see it, is unworthy of the American people and unworthy of the great and glorious traditions of the Nation.

I can not but admire old England, that wonderful nation from which we sprang. Think of what she has done! From that little island, not more than twice the area of the State of New York, and with not one-half of the population that America has, she has gone out into the whole world; her flag floats on every sea and in every harbor of this great world, and every citizen of Great Britain knows he is protected by it, and is not afraid to go out and meet the world man for man in any place, anywhere, and at any time. I am proud of the fact that I am descended from the people of that great isle. I glory in the fact that our traditions and laws come from her; and I think that while many of us feel that we are very superior to her, we might profit in many respects by her example.

My distinguished friend the junior Senator from South Carolina [Mr. BLEASE] stated the other day, in his address to the Senate, that he was against the World Court; that he was proud of the fact that he was the only southern Senator who was against the World Court. He referred to the glories of his wonderful old State. He told of what she had done in the past. He told, among other things, of the glorious record which some of her sons had made on the battle fields in the World War. He spoke of the immortal One hundred and eighteenth Infantry of the Fifty-ninth Brigade of the Thirtieth Division of the American Expeditionary Forces in the World War, and he was kind enough to say something complimentary about me. Mr. President, I thank him for his compliment; but I wish to say that while the Senator may represent many of the people of South Carolina in their objection to the World Court, I can not believe that he represents the sentiment of that glorious South Carolina regiment that on the 29th day of September, 1918, helped to accomplish one of the greatest feats that has ever been accomplished by any army that ever went into battle, when it accompanied the immortal Thirtieth and Twenty-seventh Divisions of the American Army when the great attack on Bellicourt and Nauroy and Bony between Cambria and St. Quentin was launched, and when they broke through what was considered the impregnable Hindenburg line.

Mr. President, the opponents of the World Court claim that the people of the United States are against the World Court. I deny this most emphatically. The Republican platform of 1920 declared against the League of Nations. The Democratic platform of 1920 declared for the League of Nations. The Republican Party won by about 5,000,000 majority, and they claimed that the league was repudiated by that great majority.

Everyone knows why there was such a great majority at that time. Everyone knows that the Germans, the Russians, the Hungarians, the Italians, the Swedes, the bolshevists, the radicals, the reds, the socialists in this country, and every other man and woman in America who was against the war voted the Republican ticket.

Mr. Harding went all over the country making speeches and saying he believed in an association of nations, and that if he was elected President he would do his utmost to aid in having the United States enter an association of nations.

Thirty-one of the strongest and most influential men in the Republican Party, including Mr. Hughes and Mr. Wickersham and Mr. Taft, all of whom had declared for the League of Nations, signed a statement and an appeal to the people of the country urging them to vote the Republican ticket as the election of the Republican ticket was the surest way to get America into the League of Nations.

Thus, by this camouflage, and with these dissatisfied elements, and with the aid and comfort of every disloyal man and woman and slacker and draft dodger in America, the Republican Party was put into power.

In 1924 the platform of the Republican Party, while repudiating the League of Nations, declared unequivocally for the World Court with the Harding-Hughes-Coolidge reservations; and the Republican Party was elected more overwhelmingly than in 1920.

We are proposing to put in these very reservations here now.

If the vote in 1920 was a repudiation of the League of Nations, then the vote of 1924 was a 7,000,000 majority for the World Court.

If platforms can bind men, then every man and every woman who is a Democrat or a Republican is bound by the platform of his party in 1924.

Senators, permit me at this time to warn you against voting against the platform of your party. The salvation of this country is dependent upon maintaining not more than two great parties. Beware of too much independence and individualism. If this country ever divides into four or more considerable parties it is lost.

The greatest trouble with Europe to-day is the great number of parties, which renders any government impotent to act and breeds revolution and ruin and dictatorships.

Mr. President, the great weight of legal opinion of the most renowned lawyers in this country is in favor of the court. The great weight of enlightened opinion everywhere in the country is in favor of the court. The great weight of religious and Christian opinion is in favor of the court. Presidents Wilson and Harding were in favor of the court. President Coolidge is in favor of the court.

The last three Secretaries of State and, in fact, every living ex-Secretary of State, so far as I am informed, are in favor of the court. The platforms of both the Republican and Democratic Parties of 1924 declared unequivocally in favor of the court. The greatest constitutional lawyers of the country are in favor of the court. The House of Representatives, fresh from the people, at the last session voted 328 to 3 in favor of the court.

Who is against the court? I have found hardly anyone, except the few distinguished Senators in this body. Yet this small minority of Senators is insisting and demanding that the United States of America shall pursue a timid, weak, and pitiable policy of isolation by remaining out of the court, because they are afraid that something will happen—some nameless horror their fears conjure up as the bogy man.

Down with such a policy! Whatever else we are, let us be men—men who know our rights and duties, and, knowing them, dare to maintain and do them.

Mr. President, I am speaking for the 4,000,000 men who went to the great World War; 2,000,000 of whom went across the sea, 50,000 of whom lie now in the soil of France, and 250,000 of whom are back here in our own country to-day maimed and wounded. I appeal to you in behalf of these men who went out and fought as men have rarely fought in all the tide of time, fighting as they did under the banner of righteousness and with that immortal slogan, "We are fighting this war to end war."

Not merely content with having won the war, in an effort to make their victory doubly sure they have organized themselves as the American Legion, and in their annual convention in the city of Omaha, on the 15th of October, 1925, these men, coming from every State, from every city, from every town and hamlet in this great country, and representing therefore the thought and the highest aspiration of that army of 4,000,000 men, passed a resolution favoring the adherence of the United States to the Permanent Court of International Justice.

This action was not hastily taken, nor without due deliberation, for these men, acquainted with war and all its horrors, have been watching with deep and friendly interest the operations of the World Court, and it is their belief, as set forth in this resolution, that—

> A better method than war must be found for the settlement of international disputes, and the Legion favors the immediate adherence of the United States to the Permanent Court of International Justice under the Harding-Hughes-Coolidge reservations.

Only last week the national executive committee of the American Legion, in session at Indianapolis, reiterated the stand of the Legion on this question by the unanimous adoption of the following peace program:

> 1. The maintenance of adequate forces for internal and external defense.
>
> 2. The prompt enactment into law of the principle of the universal draft.
>
> 3 The immediate adherence of the United States to a permanent court of international justice.

Mr. President, in this hour, at this very time, when the world is at peace, when the minds of men are more or less undisturbed, and when they can get together and discuss matters calmly, and as such a time might not be found again, I appeal to the Senators from each State in this Union, to you Senators who may now have within your hands the fate of the generations of the future, I appeal to you to do your duty, to stand as men, to be worthy of the great traditions of America, to be men who dare to do all for right and justice. I beg of you, in the name of those men, as I have said, who lie now under the soil of France, and those who now live maimed and broken in body and spirit, because they thought they were fighting a war to end war, to keep faith with them by doing all in your power to maintain peace and righteousness in the world by seeing that America adheres to the Permanent Court of International Justice.

Mr. NYE. Mr. President, I am availing myself of this opportunity to speak upon the question of the World Court with many misgivings. I fully appreciate that ethics, prudence, and precedent dictate that for some time to come I be seen and not heard in this Chamber. I fully realize that my grasp of the facts and conditions involved in our possible adherence to the World Court is insignificant compared to that of Members of this body who have already expressed themselves upon the subject. Until a few weeks ago I believed that I was well informed on the subject, and that I was keeping abreast of the times with respect to it, only to discover since that my World Court education has been sadly neglected, though I firmly believed that I was as well informed on the subject as is the average man who has not enjoyed the better understanding to be gained through hearing this wonderful debate. But in spite of those facts, and in full appreciation of shortcomings, I elect to speak here on this matter.

My choice is prompted wholly by a conscience which urges me to serve honestly, as I see it, the best interests of the people of North Dakota and of the United States, the masses of people who have fully as much at stake in this controversy as has any Senator in this Chamber. Viewing the matter of our participation in the Court of International Justice as I now do, I fear that the day might come when forces within me would rebel and score me severely for not having done my all to prevent serious results which might easily follow a hasty vote by this body at this time, forcing the United States to participate in a game of great chance, a game of settling or helping to settle petty jealousies which have involved the nations of Europe in war for hundreds of years; a game, Mr. President, in which our adversaries' trump cards are first, a keen knowledge of secret diplomacy, and second, a cleverness in winning their way over the keenest minds with that diplomacy.

That is why I speak to-day, Mr. President, even though my effort may mean nothing in the way of advantageous personal returns.

I shall vote at this time, if a vote is called for, against participation on the part of the United States in the World Court. That decision does not necessarily mean that I am unqualifiedly opposed to the plan in its entirety, or to the ideals involved in it which are so strongly supported by able and sincere men in this body, or to any similar plan. Perhaps one's personal political fortunes would best be served by voting, speaking, and standing with those who hold that the best interests of the Nation require participation by us in this court—that is, provided the great burden of unfair propaganda is not eventually smothered and the great masses of the people permitted to see that there possibly are great dangers involved in our participation, dangers which are being pointed out by able men in this Chamber each and every day. But, would sanction or such service on the part of Senators indicate the kind of statesmanship which has for 140 years, with certain lapses, brought great glory to this Chamber? Would it not be better that we move a bit slowly in taking this step—this road which has so many dark recesses that even Senators here have not penetrated all of them to their own satisfaction?

I grow more firm daily in my belief that the great majority of the American people have not gained an understanding of the first fundamentals involved in this proposal. That they should understand it and be positive that they wanted their Government to become a member of the Court of International Justice is not likely, particularly in view of the fact that in this Chamber itself there are many who are still uncertain as to what might be the proper thing to do. Men in this Chamber have discussed and heard discussed this matter for many weeks, and have diligently sought the truth, yet many of them are still undecided as to the advisability of partaking of the fruit offered us in the resolution now under debate. In view of this fact, what right have we to assume anything other than that the millions of citizens of this great country are not sure that they want their country stepping into what might prove to be a mess of international politics, which may embroil us

in the turmoils of a war-mad Old World and lead us only heaven knows where?

I am sorry that it was only two evenings ago that I determined to voice my candid opinion on the subject. I should have liked much more time than I have taken to prepare to express what is in my own mind and heart with relation to the World Court proposal. I wish, too, that I had been privileged to have followed this debate from its beginning. Doubtless I have missed many illuminating facts which would have assisted me to such an extent as would have enabled me to stand with those Senators of my own party who hold that Republicans, to uphold the party platform, must support the World Court resolution, or which would have enabled me to stand with those Senators on the Democratic side, to whom I am personally indebted for their support in providing North Dakota with equal representation with other States in this Chamber. As it has been, while the Senate was giving close study to this World Court proposal, and while Senators were preparing, as I should have liked to prepare, to throw light upon this subject through addresses on the floor, I was being forced to confine myself to a close study of the statutes and the Constitutions of North Dakota and the United States that I might better understand whether it was good or evil lightning which had struck me when I was appointed to a vacancy created by the death of one so much admired as we in North Dakota admired Edwin F. Ladd. I would have given more time to preparation for this address if I had been sure that the opportunity would later have been available to present it before a vote was taken.

But since the opening of this session I have heard enough and studied enough on this World Court question to be satisfied in my own mind that it would be unfair to ourselves, and unfair to the people of the United States, if we were to vote this Nation into the World Court. The time is not ripe to enter it. There is nothing so pressing or urgent as to make our entry into the court necessary to-morrow, next week, or even next month. Then, too, I am satisfied that the people of the United States are not yet ready for the question, and, above all, are not demanding immediate adherence to the court plan. That this is true is indicated by many editorial expressions, among which I find the following illuminating one from the Dearborn Independent:

NO OPINION ON WORLD COURT

There is still no public sentiment in the United States for the World Court. Much work is being done for it, public officials are beseiged in its behalf, signs multiply that the potent springs of political action are being touched, but still there is no public opinion. The people are not asking for the World Court, to say nothing of our membership in it; they have expressed no opinion on the World Court; if the United States becomes a member of the World Court it will be as impersonal to the people of the United States as a presidential telegram of congratulation to the King of Siam on his birthday.

That is a fact. Not all the efforts of thoroughly regimented propaganda through the women's clubs, not all the idealistic preaching of misinformed and half-informed clergymen, not all the patter of unemployed minds that mistake a propagandist scheme of thought for the mighty tramp of world progress, can change it.

It is a fact of some significance, too. Our superior propagandists no longer seek to convince the people; they bring pressure to bear on political officials. Even the World Court can not function without the moral support of the people who constitute it, and moral support is based on knowledge and conviction; these, however, do not seem to be wanted. Votes of officials alone are wanted; it is the machinery of the court, not the belief of the people in it, that is desired. Thus there is no popular opinion on the subject. There is hardly any newspaper opinion on it. And Congress ought to wait for a mandate from the people, not from the clubs and the salaried secretaries and the paid propagandists, but from the people.

The people, indifferent as they may seem, are not so; reactionary as they may seem, are not so; provincial minded as they may seem, are not so; they rightly distrust all the rigmarole of the false prophets of this disappearing era. They know by instinct that these are not the means and this is not the spirit upon which they can rely. It takes only a normal amount of insight to understand that the strongest, most prophetic element in this whole situation is the silent instinct of the people.

It is rather strange that President Coolidge has not waited for the word of the people on this matter before giving his support to the plan. That he has not speaks the strength of the propaganda gas that has focused upon Washington. This is preminently a question on which the people of the United States should give mandate, and as yet they have not.

It may be right that we should go into the World Court. It may be right that we should stay out. In either case it is always right that the people should give the word.

The closing paragraph of the editorial I have read is one which speaks to my mind very loudly. Those words should be held fast in the minds of Senators at this time.

It might be right that we should enter into the World Court. It might be right that we should stay out. In any case it is always right that the people should give the word.

Have the people given the word? I believe they have, and that the word is merely "Wait; be not hasty." The word may not be one finally disposing of this question, but I think the people expressed themselves in 1920 when the matter of entering the League of Nations was made a great campaign issue. In the minds of the average man and woman who have given no extensive thought or study to the World Court question, the World Court is practically the same thing as the League of Nations. They are puzzled that men who were so strongly against the League of Nations idea should to-day be the strongest proponents for the World Court. After hearing the debates in the Senate I do not wonder that the public is puzzled, and it will remain puzzled for some time to come.

But just for the sake of argument, and granting that the people have changed their minds since 1920, who is there to point to proof of any great change, any positive change? Organized petitions circulated by organized and paid secretaries do not appeal to me as proof. These petitions might easily be the result of highly developed propaganda by influences not in accord with the true American spirit. Granting that they might differentiate between the League of Nations and the World Court, what positive proof is there to indicate that the people of this Nation are for the court now? Where is the mandate from the people?

At times it has appeared to me that the controversy is perhaps one for minds trained in the legal profession to settle. There has been so much debating of technicalities, though this, I have no doubt, is justified; so much of hair splitting over mere words, mere phrases, that I have sometimes wondered how many lawyers—and I do not say this in a spirit of disrespect—it would take to translate and determine the meaning of all the words involved in the provisions of the World Court if we should finally decide to become a party to it. I wonder just how much money would be required of the public to pay those lawyers for interpreting what other lawyers have written?

To me this wonderment is material in disposing of the question of the World Court. Frankly I am praying for the day to come when the laws of and agreements between peoples will be as clearly written and as easily understood as are the Ten Commandments. In any event I shall not deal in technicalities in voicing my objections to our entry into the World Court at this time. I shall not confine myself to the meaning of this or that word. My understanding may be very academic. In any event, it is such as to cause me to want, first of all, to know just what the fundamental and underlying reasons for the World Court are.

My objection to court entry at this time is based on general principles, principles which I believe are motivating the common people to-day. I am mindful of the fact that our entry into the World Court might easily be a most dangerous step.

Senators have quoted here often the words of American patriots, men who played great parts in first inaugurating this great Government of ours, and men who, from time to time, have added to it new strength to endure. These warnings are worth keeping before us. Washington has said:

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Against the insidious wiles of foreign influence, I conjure you to believe me, fellow citizens, the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. 'Tis our true policy to steer clear of permanent alliances with any portion of the foreign world.

I do not wish to take up much time here, but I feel that I must take the liberty of quoting another great American, Henry Clay, whose particular warning, which I now shall read, came at a time when Louis Kossuth, the Hungarian patriot, came to America to secure aid for the independence of the people of Hungary. Frank P. Litschert, writing in the National Republic, under the title of "Henry Clay, the hated and beloved," had this to say:

They give us an impressive warning not to rely on others for the vindication of our principles, but to look to ourselves, and to cherish with more care than ever the security of our institutions and the preservation of our policies and principles. Far better it is for ourselves, for Hungary, and for the cause of liberty that, adhering to our wise pacific system and avoiding the distant wars of Europe, we should keep our lamp burning brightly on this western shore as a light

to all nations than to hazard its utter extinction amid the ruins of fallen and falling republics in Europe.

Jefferson, Lincoln, and others have given us other warnings which are of similar import. These warnings might well have consideration in connection with the World Court subject which is before us to-day, and they are so considered by some.

But there is another cause for the doubt which prevails in the American mind. Let me refer again to the long debate which has occurred on the floor on this subject, a debate which clearly shows that even able students of the question are not wholly free from doubt regarding some features of the World Court proposal and responsibilities. There have been a great many questions asked in the debate, and many of them have not been so satisfactorily answered as to bring positive assurance to my mind that we can safely enter into this court and maintain our traditional position with regard to minding our own business and contenting ourselves with our own affairs. Some of the questions thus far not satisfactorily answered are these:

First. I have not been convinced that the World Court proposal would be approved by men who dreamed dreams of happiness, peace, and prosperity when they established this Nation of ours.

Second. I am not convinced that there is no danger involved in the fact that if we enter the World Court we will have but one vote alongside of seven by England and its Dominions.

Third. In view of the willingness expressed on all sides to accept any and all reservations, is it not merely wasted energy on our part to play with this question at all, since The Hague court is providing for us what the World Court would provide if we entered? It is argued that The Hague court does not accomplish what the World Court could. The Hague court, it is said, is a mere arbitrator, resort to which is voluntary. On the other hand, we are assured by World Court friends that adherence to the World Court is not positively binding under acceptable reservations. Therefore I think this question, propounded by one of our daily papers, is still in order: What kind of a dispute could we have with any other nation that we would be willing to submit for adjudication by the World Court of the League of Nations which we would not be willing now to submit to the already-existing Hague tribunal for international arbitration, and why?

Fourth. If our entry into the World Court is as simple as some hold, and if our entry surely would not involve us unnecessarily in war and would leave us unshackled in the event of a choice between going into a war or staying out of it—if these things be true, who will hold, who will argue and prove conclusively, that the existence of the World Court and our participating in it would have avoided the late World War?

Fifth. I am satisfied that a World Court decision without the right to appeal would not satisfy the American people; and if it be true that we may withdraw from the court when a decision is not to our liking, why should we enter into it in the first place?

Sixth. How much in common would World Court opinions and decisions have with true American ideals?

Seventh. Respect for courts and court decisions is dependent upon the patriotism of the people who are served by the courts. What moral bond, I ask, can be placed that would hold the people of involved nations to honor in future generations the decisions of a court serving the nations of the world?

Eighth. Will American institutions and American ideals conform with those of the World Court, or will the secret diplomacy and scrap-of-paper notes of Europe become the American ideal?

Ninth. What effect, might I ask, would our participation in the World Court have upon our naturalization and immigration laws?

I have not quoted Lincoln upon the specific point under discussion. Others have done so in this Chamber, but I wish a little later to quote him.

When I behold the power and the pressure which have been brought to bear in support of the court proposal, and when I find so little genuine interest on the part of the masses of people in this country, I am led to believe that Senators may be right in asserting that the World Court is fathered by international bankers. In other words, I sincerely believe that there is cause to think that the World Court is being forced upon our Nation, not by the people who would provide against future wars, but by men who are the makers of war, the international bankers. It is at least possible that the international bankers, having made vast and extensive investments in the Old World, might need now a world-wide collection agency, and would look to the World Court as affording just the agency needed.

I know something of what the international banker has done to show his power. All over the Nation the farmers and their families know how his power was asserted. They recollect the program of farm deflation which followed the war. They recollect, for instance, that they were persuaded during the war to make purchases of Liberty bonds and paid 100 cents on the dollar for them because they believed they were worth 100 cents on the dollar at any time, and because of a sincere desire to back their Government. They recollect that following the war and in the midst of the deflation program when they, the farmers, were unable to meet the demands made upon them for liquidation of war-made debts, their bonds were taken from them, not for 100 cents on the dollar but for 85 cents and 90 cents on the dollar. They are not unmindful of the fact that the bonds went back to par rapidly after the people had sacrificed theirs. And they know, too, these farmers do, that the Government of the United States is redeeming these bonds for 100 cents on the dollar, as it pledged itself to pay. These farmers, in other words, know that the deflation program was promoted by such influences as were able to steal millions from the people and to do it in the very face of this Government of ours.

It is in this connection that I desire to quote Lincoln as seeing the great danger which was fastening itself upon this Nation, the danger which probably has now fastened itself upon us. At the close of the Civil War, President Lincoln is said to have remarked:

> As a result of the war, corporations have been enthroned, and an era of corruption in high places will follow and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of war.

Were Lincoln here to-day he would doubtless observe that the money power reigns supreme, is now known as the international banker, has quite thoroughly conquered in America, has wealth aggregated in a few hands, and is now, perhaps, seeking new fields to invade and to mass the wealth, not of one lone nation, but the nations of all the world.

Mr. President, I can remember the time when such an expression as that would bring only the jeers and the scoffing of men, but I find here that men who have long been interested in public questions are asserting themselves in language not unlike that of mine with respect to the international banker. The question is a most serious one. The mere insinuation that the World Court and our entry into it is encouraged by this crowd of international bankers deserves the closest scrutiny. Yet when the Senator from Missouri [Mr. REED] appealed a few days ago for an investigation of the source of propaganda favoring the World Court, which has flooded and is flooding America, its schools and churches not excepted, this body refused to consider his request; the Senate positively refused to authorize any such investigation.

Then and there, Mr. President, was I convinced that we would do well not to hasten pell-mell into this World Court. It will be easy enough to enter the Court when we shall have satisfied ourselves that our fears are without foundation. It might not be so easy to get out of it if we go in and wait for proof that our fears are not without foundation. And we quite probably would not get out before we had lost the last chance to restore to this Nation or to the world any semblance of democracy and economic independence.

I want to be numbered among the first supporters of any program looking to added assurance of peace between nations. I need not elaborate upon what Senators have said in this Chamber with reference to the possibility of the World Court and our adherence to it winning this greatly desired feature; but in my mind there is a doubt as to how far participation in this World Court would go in accomplishing such an end. Indeed, I am given to wonder if our participation might not more quickly invite our taking part in another war than would a condition which found us where we are now—out of the court. With international bankers of America holding $14,000,000,000, or thereabouts, of foreign securities, and anxious to make more secure those securities, why should we not expect these bankers to appeal to the World Court for assistance in collecting their debts?

Before there can be certain assurance of world peace there must be a better practice of Christianity in all nations by those interests and individuals so extensively involved in the economic affairs of the world.

Looking over the credit situation in the world to-day, one is given to fear that this invitation to take part in the World

Court is but another of the "won't you come into my parlor said the spider to the fly" variety. At least, it is an invitation worth weighing for some time, and weighing more thoroughly than it has yet been weighed.

I fear that such an investigation as the Senator from Missouri has demanded into the sources of propaganda in support of the World Court would disclose that the responsible parties were the same individuals and interests which in former days demanded and secured the backing of our Government in forcing security and collection of their individual foreign loans. If these fears be well founded, are we further removing ourselves from the dangers of war by tying up with the World Court?

In a few words, Mr. President, it may easily be far more dangerous to step into this World Court than it will be to stay out. With that in mind I am driven to ask, Why the big rush about getting into this? Why must we get into this World Court before we do anything else in this Chamber? Why must we enter this court to-night, to-morrow, next week, or next month? What is the big rush? We have moved along quite nicely for 140 years without this court. We have The Hague court available and functioning in the meantime. Why must we rush now into the World Court? Who have demanded that we do rush in?

I have in my hand, Mr. President, an editorial from Tuesday's issue of the Chicago Tribune which asks practically the same question. I send the editorial to the desk and ask that it may be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The legislative clerk read as follows:

WHY THE HURRY WITH THE WORLD COURT?

The opponents of the World Court in the Senate learn that the supporters are seeking to apply cloture to the debate, cut it off, and get a vote. The court lines are still intact, and it is understood that the needed two-thirds vote is available any time it can be taken.

The opposition is fighting for time. It is prolonging the debate and delaying the vote until the tax bill has been brought in. Then the World Court must go over for the time. Court advocates say this is unfair and that the majority, which wants to vote to join, should have that opportunity and the business should be disposed of. The minority is rebuked as an obstruction to orderly conduct.

Senator BORAH, opposed to the court, said: "We are going into a court for all time. We are adhering to a tribunal which is proposed to be permanent. Through all the sweep of years we are to be there."

That being the case, what is the hurry? If the United States has any interests in this court, none are being endangered by delay. If it were wise, it would not be the less wise for being held for further thought. Time is not running against the welfare of the United States. In this case it will run for it.

There is no emergency. We have no disputes with other nations which should be hurried to arbitration before they get to war. We do not know of a case which properly awaits the determination of the United States to join the court.

The Senate is restless to get this thing decided and done with. The promotion financed by Mr. Bok has done its work, and Senators who privately wish the question had never been raised feel that they can vote for it with better countenance now than they will be able to do later.

No one has financed popular promotion against the court, but popular opposition is growing, and that is complicating the situation in the Senate, where some proponents of the court hope it will be made as easy as possible for them to vote for it and forget it.

If there were a deep conviction in the two-thirds vote which the court might get if it were voted on to-morrow, there probably would be willingness to allow the opposition to talk unimpeded, even to an empty Chamber. At least cloture would not be applied until patience had been badly worn and there was reason to believe the whole country would support it. The majority obtained, whether of reluctant or willing votes, does not feel itself on firm footing in the clear.

If debate and delay are weakening the support of the court and if cloture is needed to save it, then the proposition has another argument against it.

Mr. NYE. Now, Mr. President, I send to the desk a resolution, which I ask to have read and that it lie on the table.

The VICE PRESIDENT. The Secretary will read as requested:

The resolution (S. Res. 126) was read, as follows:

Whereas there is much diversity of opinion among the Members of the Senate regarding the nature and effect of the obligations to be assumed by the United States should this country agree to become a member of the World Court as required by Senate Resolution 5; and

Whereas there have been serious and well-founded charges that a thoroughly organized propaganda has been carried on for some time in this country, which propaganda has been directed toward the influencing of the Senate in behalf of a vote favorable to adhesion on the part of the United States to the protocol of December 10, 1920; and

Whereas this question of such adhesion is of such vital importance to the American people that this Senate has no moral right to pass on this important matter, either negatively or affirmatively, until the voice of the American people shall have been heard, and heard distinctly above the influence of the now attendant propaganda; and

Whereas it was once proposed by one of our greater national parties that the League of Nations proposal be lifted out of politics, and to that end the proposal read "to take the sense of the American people at a referendum election, advisory to the Government," suggested that the question be submitted to the people; and

Whereas the Senate feels that the people should be given full opportunity to voice their opinion on this important question of American policy before the Senate shall take final action, the Senate feeling it its duty to be submissive to the will of the people in carrying out their desires: Now, therefore, be it

Resolved, That the Secretary of the Senate be directed to advise the governors of their respective States of the Union that it is the request of the Senate of the United States that the question of adhesion to the World Court be submitted to the people of their respective States, in substance as follows: "Shall the United States become a member of the World Court created by article 14 of the covenant of the League of Nations upon such reservations or amendments as the President and Senate of the United States may agree upon?"; that this question be submitted to the people at the next duly authorized primary or general election: *Provided, however*, That said election be not held within six months from the adoption of this resolution by the Senate, and that as soon as the result of such an election shall be ascertained the governor certify such result to the Secretary of the Senate for the information of the Senate.

The VICE PRESIDENT. The resolution will lie on the table.

Mr. NYE. Mr. President, this resolution proposes that the people of the United States be permitted to make manifest a desire to enter this World Court. I do not submit it as coming from one who desires to "duck" responsibility for a vote on this question now. Nor am I "passing the buck." A sincere motive has prompted me in preparing and presenting it. That motive is only a desire to avoid hasty action in disposing of the pending question in such manner and in such haste as we may some day review with extreme sorrow.

I have remarked, Mr. President, that if the cloud of propaganda which has been lowered upon Americans, their homes, their offices, their clubs, their churches, and their schools, is not lifted it would perhaps be the wiser political judgment to vote in favor of the World Court. Even though I were sure, however, that this cloud would never lift and that the masses of people would never see the danger of sorry entanglements by our acceptance of this court proposal, I would still vote against the proposal. If in my own case I to-day were forced or am forced to choose between voting for this proposal and serving a six-year term as United States Senator, and if, on the other hand, my choice must be a vote against the measure and only a six months' term in this Chamber—in that event, Mr. President, I gladly take my position against entry into the court. I much prefer being a Senator for six months and then leaving with my conscience clear that I by no chance helped to lead my country into paths that held for this Nation little glory, much embarrassment, and great danger.

I have confidence that the propaganda cat in this procourt game will eventually come out for light and air and be discovered. When it is discovered by the people I have every confidence that there will be many men of prominence, enjoying favor from the people to-day, men sent here to serve the people of their States, who will be tormented by the knowledge that they helped the United States into this thing when they might well have paused a bit longer in consideration and avoided the action.

Just how extensive is this propaganda of which I speak? How powerful is it? What makes the settlement of this question so urgent? Why must we step into the World Court harness before we do anything else here—even before we tackle the tax-reduction program?

On Tuesday I received a number of telegrams from the folks back home. Several of them urged me to oppose the World Court. Three of them—three, understand—urged me to support the resolution which would put us into it.

Yesterday I was reminded of those particular three telegrams received Tuesday when I received my copy of a North Dakota daily paper published at Fargo. In it I found this very interesting bit of news:

NORTH DAKOTA WANTS WORLD COURT, FARGO FRIENDS SAY—GROUP OF REPRESENTATIVE CITIZENS ASK SENATORS FOR ACTION NOW

The overwhelming sentiment of North Dakota favors the World Court, LYNN J. FRAZIER and GERALD P. NYE, United States Senators from North Dakota, were informed in a telegram sent them at Washington to-day by about 12 representative business and professional men of Fargo.

Text of the telegram follows: "Overwhelming sentiment of North Dakota favors World Court. We ask immediate action on World Court resolution and urgently request your support. Fargo business, professional, and financial interests unanimously favor adherence. They believe it important step in promoting world peace. United States must lead. May we not depend on your support?"

Copies of the telegram were also sent to Senator LENROOT, of Wisconsin, in charge of the fight in the Senate for the World Court resolution, and to President Coolidge.

The telegram was decided upon at a meeting of friends of the World Court resolution at the commercial club this morning, headed by W. L. Stockwell and Rev. R. A. Beard. Mr. Stockwell called the meeting in response to a telegram received by him Monday from the American Foundation, urging that meetings be called in all communities regarding the World Court crisis.

The telegram received by Mr. Stockwell follows: "Crisis in World Court situation in Senate; filibustering begun. The fate of the court depends on the support of its friends in the next few days. Urge Senators to hold to original plans of getting vote in court before tax bill is allowed to come up. President Coolidge has just referred to displacement of court resolution as unnecessary and regrettable. Only vigorous and immediate genuine protest from court advocates can bring to a vote."

That appeal, then, that very urgent appeal of the American Foundation in its telegram to World Court friends in North Dakota, brought out this resounding response expressing the thought that "the overwhelming sentiment of North Dakota favors the World Court"—this resounding response of three telegrams!

Mr. President, I am not surprised in the response of North Dakota to the appeal of the American Foundation in its eleventh-hour drive to put the World Court across before there was any further wavering in this body on the question. The response of three telegrams to that urgent appeal, the citation of "crisis," shows how strong North Dakota now is for the World Court. It shows how anxious the people are for this World Court—ahead of farm relief, tax reduction, or anything else.

The oldest daily newspaper in North Dakota, a strong administration advocate, picked up, I imagine, this particular dispatch in the Fargo papers which I have quoted, and the editor sat down and wrote this editorial under the heading "How do they get that way?":

Twelve Fargo men wire Washington that the sentiment in North Dakota favors the World Court in an overwhelming degree. That is taking a lot for granted. President Coolidge carried North Dakota because of his opposition to entry into the League of Nations. The World Court as it is now established is merely an adjunct of the League of Nations.

It is hard for anyone to know definitely public opinion, but there is every evidence that the voters of this State are not excited over the World Court. They would welcome tax reduction and some form of relief for the agriculturalists of the State.

These important domestic issues are sidetracked for the World Court. It is to be hoped that with the disposal of that issue, there will be some time left for consideration of measures that concern the people of this Nation.

Mr. President, I should like to know more about this American Foundation, which now has discovered a "crisis" in the life of the World Court proposal. I should like to know just what and who this American Foundation is that seems to speak so authoritatively for those responsible for this proposal. Perhaps we should have discovered, had the request made by the senior Senator from Missouri been allowed for an investigation, to ascertain the source of the procourt propaganda which has flooded this country. Perhaps we shall find the information we now beg not so very long after we shall have become a one-fifteenth part of the World Court, more or less.

In any event, Mr. President, I believe all this matter adds justification to the resolution I have introduced, and which is lying on the table.

There are men and women who are perfectly sincere in the belief that our entry into the World Court would help prevent war. These people may be right. On the other hand, a clearer understanding of the whole situation leaves one doubting the wisdom of such a thought.

In this connection, an article appearing in the Saturday Evening Post by so good an authority as Dr. David Jayne Hill deserves reading. To make certain my position with regard to filibustering, I do not ask that this article be read, but I do ask unanimous consent, Mr. President, for its reprinting in the RECORD as Exhibit A to my remarks.

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

(See Exhibit A.)

Mr. NYE. Before sending the article to the desk, however, I desire to read just one lone paragraph from it, as showing how improbable it is that this World Court would be a war preventer:

For all the really vital matters of international interest it is obvious that, until an aggressor can be brought before some court for judgment, it is mere dupery to imagine that the court has any relation whatever to the question of war or peace. So long as it is legal for one nation to make a warlike assault upon another and there is no tribunal of justice before which the wrongdoer can be cited to appear, it is illusory to suppose that a bench of judges, however learned and however just, has any relation to the subject. The fanfaronade that joining the Permanent Court of Justice in its present state of development is a protest against war discloses complete ignorance of the powers of this court. It has at present no power to cite before it any aggressor for any cause or to give aid to any victim of aggression, great or small. Nor could it condemn an aggressor even if he consented to appear before it, until there is a law against warlike aggression that could be applied by the court.

Now, as to our moral obligations to the world:

The United States may owe, does owe, moral support to the nations of the world in the settlement of affairs which are of concern in the providing of peace and prosperity to the world. It may be right that we should help these nations back onto their feet. We are going far in that direction in the settlement of debts owing us by foreign nations on terms of the most liberal sort. If those who, I believe, are most insistent about our entry into the court would go as far in that direction as we go as a government, it is not unlikely that the world problem would be quickly settled in a very large measure. But if we are going to concern ourselves about putting people or peoples back on their feet, let us first look to the welfare of our own household and see what we can do to place crippled agriculture, for example, in a position that will permit it to function to the advantage and prosperity of those engaged in the great agricultural industry Some seem to feel that what this Nation needs above everything else is this tax-reduction program now coming along. All right; bring it along; let us be at it. Then let us tie into the farm problem and settle it so satisfactorily that the farmer will be able to pay the taxes levied against him, be they great or small. Then, after we have cared for our own people and the best interests of our country, after we have restored to the farmer a reasonable opportunity to be successful and prosperous, perhaps we can afford to give further attention to the bringing of happiness into the millions of homes in foreign nations. Whether that attention requires our entry into the World Court or not is aside from the question. Our plain duty now is to get down to the business of doing what we can to care for our own people.

EXHIBIT A

[From the Saturday Evening Post of January 9 and January 16, 1926]

THE WHOLE CASE OF THE WORLD COURT OF JUSTICE

(By David Jayne Hill)

PART I

THE PREPARATION

There has been much urgent pressure for the immediate signature by the United States of the protocol of the Permanent Court of International Justice established by the League of Nations, but there has nowhere been offered to the public a complete statement of the origin and nature of this alleged World Court. It is the purpose of this article to supply such a statement, and to make it as brief and as intelligible as possible, without partisanship and with dependence for the facts solely upon the documents in which they are contained.

THE ORIGINAL AMERICAN PROPOSAL

On August 12, 1898, a circular note was issued by the Russian Minister for Foreign Affairs proposing a conference to be held at The Hague to consider the limitation of armaments. On December 30, of the same year, a second note was issued from the same source containing a definite program, including "acceptance, in prin-

ciple, of the use of good offices, mediation, and voluntary arbitration in cases where they are available."

Since 1913 it has been publicly known that the action to be taken by the United States with reference to this proposal was referred for examination and report to the present writer (The Hague Court Reports, edited by James Brown Scott, Oxford University Press, 1916). In conference with Lord Pauncefote, then British ambassador at Washington, the conclusion was reached that in the then existing condition of Europe the discussion of the question of disarmament was premature, and that, if any useful result of the conference was to be expected, it was to be looked for in the direction of the later proposal made by the Russian Foreign Office on December 30.

In accordance with this conclusion, it was agreed with Lord Pauncefote that he should inform his government that the United States was ready and would be disposed to cooperate with Great Britain in giving effect to this last proposal.

The report made to the Secretary of State, the Hon. John Hay, and approved by him and by President McKinley, included three documents:

1. Instructions to the American delegates;
2. A historical résumé; and
3. A plan for an international tribunal.

(Printed in full in Instructions to the American Delegates to The Hague Peace Conferences, Oxford University Press, 1916, pp. 6–16.)

The instructions signed by Secretary Hay contained the following paragraphs:

"The duty of sovereign states to promote international justice by all wise and effective means is only secondary to the fundamental necessity of preserving their own existence. Next in importance to their independence is the great fact of their interdependence. Nothing can secure for human government and for the authority of law which it represents so deep a respect and so firm a loyalty as the spectacle of sovereign and independent States, whose duty it is to prescribe the rules of justice and impose penalties upon the lawless, bowing with reverence before the august supremacy of those principles of right which give to law its eternal foundation.

"The proposed conference promises to offer an opportunity thus far unequaled in the history of the world for initiating a series of negotiations that may lead to important practical results. The long-continued and widespread interest among the people of the United States in the establishment of an international court, as evidenced in the historical résumé attached to these instructions, gives assurance that the proposal of a definite plan of procedure by this Government for the accomplishment of this end would express the desires and aspirations of this Nation. The delegates are therefore enjoined to propose at an opportune moment the plan for an international tribunal hereto attached, and to use their influence in the conference in the most effective manner possible to procure the adoption of its substance or of resolutions directed to the same purpose. It is believed that the disposition and aims of the United States in relation to the other sovereign powers could not be expressed more truly or opportunely than by an effort of the delegates of this Government to concentrate the attention of the world upon a definite plan for the promotion of international justice."

The Historical Résumé traced the development in the United States of the idea of international conciliation and the abolition of war from the resolution of the senate of Massachusetts of February, 1832, that "some mode should be established for the amicable and final adjustment of all international disputes instead of resorting to war," down to President McKinley's inaugural address of March 4, 1897, in which he said: "Arbitration is the true method of settlement of international as well as local or individual differences"; ending with a reference to the arbitration treaty of 1893 with Great Britain—then before the Senate for ratification—as follows:

"Since this treaty is clearly the result of our own initiative, since it has been recognized as the leading feature of our foreign policy throughout our entire national history * * * I respectfully urge the early action of the Senate thereon, not merely as a matter of policy but as a duty to mankind. * * * It may well engage the best thought of the statesmen and people of every country, and I can not but consider it fortunate that it was reserved to the United States to have the leadership in so grand a work."

The plan for an international tribunal, conceived in the form of a resolution to be introduced at the conference, if the occasion seemed opportune, was, I believe, the first official plan for an international court of justice, as distinguished from voluntary arbitration, ever made. It provided for judges learned in international law, instead of arbitrators acting under a compromise submitted to them; the court was to have a permanent existence, and was empowered to fix its place and time of session; and the nations creating and maintaining the court, which was to be open to all, were to agree mutually "to submit to the international tribunal all questions of disagreement between them, excepting such as may relate to or involve their political independence or territorial integrity."

THE CONFERENCES AT THE HAGUE

The first conference at The Hague, held from May 17 to July 29, 1899, was a timid body, convoked under circumstances of distrust and suspicion, and dominated by diplomatic rather than judicial influences. Notwithstanding these impediments, the conference was saved from entire sterility by a final act which embodied many forward steps toward international conciliation.

"On the assembling of the conference," says the report of the American delegates (see Instructions and Reports, p. 22), of which the late Hon. Andrew D. White was the chairman, "feeling regarding the establishment of an actual permanent tribunal was chaotic, with little or no apparent tendency to crystallize into any satisfactory institution. * * * The American plan contained a carefully devised project for such a tribunal, which differed from that adopted mainly in contemplating a tribunal capable of meeting in full bench and permanent in the exercise of its functions, like the Supreme Court of the United States." The plan actually adopted provided only for a panel of judges, each chosen by its own government, subject to call whenever any two or more governments voluntarily agreed to arbitrate a difference between them, and bearing the title The Permanent Court of Arbitration. Judges from this panel were convened between 1902 and 1912 for the successful settlement of 14 cases, of which the first was the Pious Fund case between the United States and Mexico.

Although it was found impossible in 1899 to organize an international tribunal composed of permanent judges, elected on equal terms and having jurisdiction over all international law cases, the aim of which should be a decision according to law and not mere adjustment and accommodation—in short, the application of accepted principles of justice and not compromise—at the second Hague conference, which met from June 15 to October 18, 1907, the original purpose of the Government of the United States was not abandoned.

On October 21, 1904, in announcing the American initiative for the second conference at The Hague, Secretary Hay intimated that "its efforts would naturally lie in the direction of further codification of the universal ideas of right and justice which we call international law"—the essential precondition of a real court of legal justice—adding that "its mission would be to give them future effect." American instructions, as before, p. 61.)

In his instructions to the American delegates to the second conference, May 31, 1907, the Hon. Elihu Root, the Secretary of State, uttered the following words of caution:

"The policy of the United States to avoid entangling alliances and to refrain from any interference or participation in the political affairs of Europe must be kept in mind, and may impose upon you some degree of reserve in respect of some of the questions which are discussed by the conference."

He then recalled to the attention of the delegates the following words with which the American delegates to the first conference had accompanied their votes:

"That the United States in so doing does not express any opinion as to the course to be taken by the states of Europe. This declaration is not meant to indicate mere indifference to a difficult problem because it does not affect the United States immediately, but expresses a determination to refrain from enunciating opinions upon matters into which, as concerning Europe alone, the United States has no claim to enter."

Mr. Root further cites the following declaration made by the American delegates to the first conference:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions."

"These declarations," he says in these instructions, "have received the approval of this Government, and they should be regarded by you as illustrating the caution which you are to exercise in preventing our participation in matters of general and world-wide concern from drawing us into the political affairs of Europe."

Having thus forewarned the delegates with regard to abstention from every merely political question, Secretary Root reverted to the idea of an international court of justice in the following terms:

"It should be your effort to bring about in the second conference a development of The Hague tribunal into a permanent tribunal composed of judges who are judicial officers and nothing else, who are paid adequate salaries, who have no other occupation, and who will devote their entire time to the trial and decision of international causes by judicial methods and under a sense of judicial responsibility. * * * The court should be made of such dignity, consideration, and rank that the best and ablest jurists will accept appointment to it, and that the whole world will have absolute confidence in its judgments."

In pursuance of this instruction the American delegation to the second conference assisted actively in the further advancement of the procedure to be employed in the already existing tribunal of arbitration and the conventions aiming at the improvement of international law, but labored assiduously for the establishment of an international prize court, which finally took the form of a convention, and led the

conference in favoring a court of arbitral justice, a project which reached only the stage of the following resolution:

"The conference recommends to the signatory powers the adoption of the project hereunto annexed, of a convention for the establishment of a court of arbitral justice and its putting in effect as soon as an accord shall be reached upon the choice of the judges and the constitution of the court."

This project has never become effective; but it is important to note that, in the terms of the report signed by the Hon. Joseph H. Choate, as chairman of the American delegation, it was not intended to be submitted as a mere "plan or a model but for adoption as the organic act of the court," which "goes forth not only with the approval of the conference but as a solemn act adopted by it." But one essential step was still left to be taken—the selection of the judges.

THE WAR AND THE LEAGUE

The third conference at The Hague, provided for at the final sessions of the second conference, was never convoked. At the date when it was due to be convoked, 1915, the World War was at its full tide. A recurrence to arms, long preparing, which it had been hoped to avert, was asserting the sovereign will of power against the loyalties and the decencies of right. It is unnecessary here to dwell upon the holocaust of blood and fire that devastated the invaded lands and assaulted peaceful commerce on the sea.

Our problem now is peace; if possible, peace through justice.

It was difficult amidst the devastations of war, which demanded reparation, even to discuss the problem of permanent peace. At Paris, in 1919, the only peace possible was a peace of victory, and the treaty of Versailles was the result. The break with the traditions and the achievements of The Hague was complete. The end in view at that time was to enforce the peace by the means that had obtained victory—armed force.

Part I of the treaty of Versailles organized for this purpose the League of Nations, under a written constitution intended to supersede all previously existing international arrangements. Its controlling idea was the substitution of the forceful control of nations in place of their voluntary obedience to law. The center of gravity of this system was to be the council of the league, under the administration of the great powers, not a court of international justice. The Hon. Elihu Root complained at the time:

"The scheme practically abandons all effort to promote or maintain anything like a system of international law or a system of arbitration, or of judicial settlement, through which a nation can assert its legal rights in lieu of war. It is true that article 13 mentions arbitration and makes the parties agree that whenever a dispute arises which they recognize to be suitable for submission to arbitration they will submit it to a court 'agreed upon by the parties.' That, however, is merely an agreement to arbitrate when the parties choose to arbitrate, and it is therefore no agreement at all. It puts the whole subject of arbitration back where it was 25 years ago.

"Instead of perfecting and putting teeth into the system of arbitration provided for by The Hague conventions, it throws those conventions upon the scrap heap. By covering the ground of arbitration and prescribing a new test of obligation it apparently, by virtue of the provisions of article 25, abrogates all the 200 treaties of arbitration by which the nations of the world have bound themselves with each other to submit to arbitration all questions arising under international law or upon the interpretation of treaties.

"It is to be observed that neither the executive council nor the body of delegates to whom disputes are to be submitted under article 15 of the agreement is in any sense whatever a judicial body or an arbitral body. Its function is not to decide upon anybody's right.

"This is a method very admirable for dealing with political questions, but it is wholly unsuited to the determination of questions of right under the law of nations."

Clearly, after what Secretary Root had declared in his instructions to the delegates to the second Hague conference regarding abstention from the political affairs of Europe, he and those who thought with him could not advise the acceptance by the United States of the obligations of this league. A long debate followed in the Senate and by the press upon the question of ratifying the treaty of Versailles, in which the covenant of the League of Nations was the chief object of attack, and a decision was reached in the United States, and it has since been confirmed by two presidential elections, not to accept membership in the League of Nations. As a consequence, instead of ratifying any portion of the treaty of Versailles, a separate peace was made with the powers with which the United States had been at war.

THE LEAGUE'S COURT

From the beginning of the peace negotiations at Paris it was made evident, through the efforts of certain powers that had not wholly abandoned their faith in institutions of justice, that some provision must be made for determining questions of international law and justice, without leaving all decisions to the council of the league, as authorized by articles 11 and 16 of the covenant. Mr. Root, as we have seen, was one of the first to voice this necessity.

In President Wilson's original corrected draft of the covenant of the League of Nations—see Lodge, the Senate and the League of Nations (Scribner's, pp. 103–117)—there was no suggestion of a permanent court of international justice, nor any reference to the then existing Permanent Court of Arbitration at The Hague. It was the council of the league which was to judge, to decide, and to rule. It was not long, however, before the idea of a court was brought to attention. Mr. Root's sharp criticism, already quoted, "Instead of perfecting and putting teeth into the system of arbitration provided for by The Hague conferences it throws those conventions upon the scrap heap," could not be resisted. Accordingly, in order to make provision for a court in the covenant, article 14 was framed as an amendment in the the following terms:

"The council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the council or by the assembly."

The plans for the establishment of the Permanent Court of International Justice, it should be noted, were to be formulated by the council of the league and submitted to no others than the members of the league. The court was to have no compulsory jurisdiction, but was to serve as the adviser of the league regarding its legal rights, thus making it not only "the judicial organ of the League of Nations" but also its legal counsel—"a most essential part of the organization of the League of Nations." (Official Journal of the League, March, 1920, pp. 37–38.)

Article 14 having been thus introduced as an amendment of the original draft of the covenant, Mr. Root further proposed the addition to this article:

"The executive council shall call a general conference of the powers to meet not less than two years or more than five years after the signing of this convention for the purpose of reviewing the condition of international law, and of agreeing upon and stating in authoritative form the principles and rules thereof.

"Thereafter regular conferences for that purpose shall be called and held at stated times."

This proposal, though supported later, as we shall see, by the commission of jurists in their report to the council of the league on the statute of the court, was not adopted.

Pursuant to article 14, as it stands, on February 13, 1920, the council of the league invited the aid of a commission to prepare a report on the organization of the court—the project of a permanent court of international justice and resolutions of the advisory committee of jurists, by James Brown Scott, Carnegie Endowment for International Peace, Washington, D. C. Of the 12 members of this commission all were nationals of states that were members of the League of Nations, with the exception of the Hon. Elihu Root. The invitation extended to Mr. Root, then not engaged in any public office, was a tribute to his high character as a jurist and in recognition of his interest in the subject.

In the letter of invitation extended to these 12 jurists assurance is given that the proposed court "is a most essential part of the organization of the League of Nations." (Official Journal, March, 1920, pp. 37–38.)

On June 16, 1920, this commission met at The Hague to prepare the project of the court. It was fitting that M. Leon Bourgeois, an eminent French statesman who had served as first delegate at the first and second Hague conferences, should be chosen to state the object of the commission.

"The recollection of those conferences," said M. Bourgeois, "can never pass from the memory of those who had the honor, and there are some of them amongst you, to take part in them. It would be unjust to allow those first steps in the organization of justice to be forgotten."

It was natural that Mr. Root, who had instructed the American delegates in 1907 to propose an international court of justice, should recall to the attention of the commission the endeavors of the second Hague conference in this direction by proposing the following resolution:

"That the commission adopt as the basis for consideration of the subject referred to it the acts and resolutions of the second peace conference at The Hague in the year 1907."

Although other plans of organization were presented for discussion the work of this commission of jurists was unquestionably, so far as the commission itself is concerned, intended to be linked on as a continuation of the achievements of The Hague conferences, to which it rendred distinct homage as having "prepared with exceptional authority the solution of the problem of the organization of a court of international justice."

THE STATUTE OF THE COURT

The proceedings of the commission of jurists in preparing the statute of the court, which defines its organization and fixes its authority, are

given with sufficient fullness in the work of Doctor Scott last cited. It was understood, of course, that the commission was invited to prepare a statute for a court to be established by the League of Nations alone, and the details of the plan are a result of this limitation. This fact rendered possible the solution by the commission of certain problems which it had been found difficult to solve. The court of arbitral justice proposed by the second Hague conference had met what at the time was felt to be an insurmountable obstacle. The great powers had refused to accord to the small powers an equal voice in the election of judges. The organization of the League of Nations offered a means of overcoming this obstacle. The council included all the great powers, with a minority of the small powers, though in the assembly all had equal representation. This suggested to Mr. Root the idea that it might prove acceptable if those judges, and those judges only, upon whom both bodies, voting separately, could agree, were to be chosen to constitute the court. The organization of the American Congress served as an illustration of how the interests of the small States could be safeguarded by a small body, like the United States Senate, and the interests of all the States by a large body, like the House of Representatives, in which the large States would have a more numerous representation.

Though it is obvious that there is in fact no analogy between the council and the Senate, most of the small nations having no permanent representation in the council, the idea of two separate bodies appeared to the commission to afford a solution of the problem, and it was recommended:

"ART. 3. That the court shall consist of 15 members—11 judges and 4 deputy judges. The number of judges and deputy judges may be hereafter increased by the assembly, upon the proposal of the Council of the League of Nations, to a total of 15 judges and 6 deputy judges.

"ART. 4. The members of the court shall be elected by the assembly and the council from a list of persons nominated by the national groups in the court of arbitration, in accordance with the following provisions:

"ART. 5. At least three months before the date of the election the secretary general of the League of Nations shall address a written request to the members of the court of arbitration belonging to the states mentioned in the annex to the covenant or to the states which shall have joined the league subsequently, inviting them to undertake by national groups the nomination of persons in a position to accept the duties of a member of the court."

(The project of a permanent court of international justice and resolutions of the advisory committee of jurists, by James Brown Scott, Carnegie Endowment, 1920, p. 150.)

By this device it was believed by the commission the problem of the election of judges could be satisfactorily solved. Article 10 of the project and the statute of the court as adopted therefore read: "Those candidates who obtain an absolute majority of votes in the assembly and the council shall be considered as elected."

It should be noted that as this court was to be exclusively the court of the league, to which only members of the league were eligible, no general provision was made in the project for the adherence of any state not a member of the league. It was not contemplated at that time that any state not a signatory to the treaty of Versailles would ever be eligible to vote for the judges of this court, hence the right of election was confined absolutely to the council and the assembly of the league as the electoral bodies.

It should not be forgotten that in the summer of 1920, while the commission of jurists was sitting at The Hague elaborating a project for the league's court the position of the United States of America in regard to the league was not yet defined. President Wilson, "in his own name and by his own authority," had signed the treaty of Versailles, the first part of which consisted of the covenant of the League of Nations, but the Senate had declined to ratify the treaty. A presidential election was pending, the issue of which might and did determine the ultimate attitude of the Government of the United States toward the league.

The presence of Mr. Root in the commission of jurists was not official. He was there, by invitation of the council of the league, as a jurist of distinction and not as a public officer. Hence it happened that the United States, although referred to in the protocol as "mentioned in the annex"—the vestibule to the league, being a list of the states that had signed but not ratified the treaty—was not in any sense a participant in the preparation of the project for a court which, with modifications made by the council of the league, eventually became the league's Permanent Court of International Justice.

It is unnecessary in this place to analyze in detail the statute of the court, and it is even less necessary to pass any criticisms upon it. It was prepared by capable men for a specific purpose, namely, to constitute a court for the League of Nations, which aimed to become the organized society of nations for the entire world, excluding from that society those nations which would not assume the obligations of the league.

The United States, by its refusal to ratify the treaty of Versailles, voluntarily placed itself in this latter class. Whatever may be the attitude of parties and individuals on this subject, the Government of the United States has at present no legitimate place in what is called "the annex," in which it is mentioned as an expectant member of the League of Nations; for whatever privilege that mention may confer has thus far been respectfully declined: first, by a refusal to ratify the treaty to which it relates and, secondly, by the negotiation and ratification of separate treaties with the Central Powers, which render a future ratification of that treaty superfluous and improbable.

It is of interest to note that the recommendation unanimously adopted by the commission of jurists, which the American member deemed of most importance and which had in substance been sent to Paris from Washington with the strong indorsement of American jurists at the time when the treaty of Versailles was in process of negotiation, was wholly disregarded by the council of the league, as it had been in the negotiations at Paris. The recommendation is as follows:

"The advisory committee of jurists, assembled at The Hague to draft a plan for a permanent court of international justice,

"Convinced that the security of states and the well-being of peoples urgently require the extension of the empire of law and the development of all international agencies for the administration of justice,

"Recommends:

"I. That a new conference of the nations in continuation of the first two conferences at The Hague be held as soon as practicable, for the following purposes:

"1. To restate the established rules of international law; especially, and in the first instance, in the fields affected by the events of the recent war.

"2. To formulate and agree upon the amendments and additions, if any, to the rules of international law shown to be necessary or useful by the events of the war and the changes in the conditions of international life and intercourse which have followed the war.

"3. To endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore.

"4. To consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted.

"II. That the Institute of International Law, the American Institute of International Law, the Union Juridique Internationale, the International Law Association, and the Iberian Institute of Comparative Law be invited to prepare, with such conference or collaboration inter se as they may deem useful, projects for the work of the conference to be submitted beforehand to the several governments and laid before the conference for its consideration and such action as it may find suitable.

"III. That the conference be named Conference for the Advancement of International Law.

"IV. That this conference be followed by further successive conferences at stated intervals to continue the work left unfinished."

The most hopeful sign in the development of the League of Nations as an organization for peace had been its consent to turn again to the jurists for aid and counsel in making the league an organ for justice instead of an organ for the armed enforcement of peace, which it was originally planned to be. It was therefore disappointing when, having received this aid and counsel, the council of the league, disregarding this advice, manifested a disposition to appropriate the court entirely as an auxiliary of the league, a political and military alliance, free to exercise its own authority under its own rules, as provided for in article 20 of the covenant, which, in the following terms, assumes to render null and void all engagements inconsistent with the obligations of the league:

"The members of the league severally agree that this covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof."

THE COURT AND THE LAW

The manifest reluctance on the part of the League of Nations to pursue the further development of international law along juristic lines, as proposed by the commission of jurists, quite naturally raises the question: By what law are the decisions of the Permanent Court of International Justice to be governed?

The court, created under the covenant by the League of Nations, chosen and maintained by the league, will certainly not repudiate any portion of this charter from which it derives its being and which therefore is its fundamental law; and if it is its fundamental law, then the judges of this court are bound to hold that no law inconsistent with the terms of the covenant of the League of Nations can be binding upon states that have accepted article 20 of this covenant.

It results, therefore, that the law applied by the Permanent Court of International Justice will be primarily the engagements of the covenant, as understood by the judges, with such application to states not members of the league as may seem to them appropriate.

The future growth of international law, from the point of view of the league, is not to be determined by the free acts of governments under the advice of jurists in the form of general laws to be ratified by legislative bodies, as proposed by the commission of jurists, but by

the decisions of the court itself as from time to time it may pronounce judgment upon the cases brought before it.

It may no doubt be said that the common law in certain countries has grown up in this manner by judicial decision, and that therefore it would be in harmony with that system that international law also should grow in the same manner.

This observation overlooks two important considerations:

1. That municipal judges derive their authority from the sovereignty of the state in which they act, while in the field of international legislation there is no single sovereignty from which that authority is derived; so that it is absurd, as Mr. Root has pointed out, to assert that a French judge may create the law for Italy or an Italian judge for France. 2. That the Supreme Court of the United States, for example, does not make the law, but only declares what, under the limitations of the Constitution, the law made by our legislative bodies actually is. Were the Court of International Justice restrained by no law, and were it free to declare to be law its own decisions, however just these might be, the court would possess and exercise an unlimited universal sovereign power superior to that of any single state, and even to that of all the states combined, if they were under obligation to obey it.

It is, therefore, only by framing projects of law which may be accepted and ratified by the legislative bodies of sovereign states to which the law is to be applied—that is, by their previous consent—that international law can grow and at the same time possess real and undisputed authority.

Some inkling of this seems at last to have dawned upon the Council of the League of Nations, which already has become aware that it must adjust its policies to the demands of self-governing nations, with the result that, despite the rejection of the chief recommendation of the commission of jurists, it has announced its determination itself to supervise the codification of international law, quite plainly taking care that the process does not proceed so far as to affect any matter which is vital to the interests of the league, such as its own right to make war to enforce peace or to impose it upon unwilling states.

THE CAUSE OF JUSTICE AND THE CAUSE OF PEACE

More and more with the passing of events it is made clear that the cause of justice and the cause of peace are not identical. There may be peace without justice. The aim of a world court of justice is not peace alone; it is peace with justice, or, more precisely, it is justice, from which alone peace can be assured.

There are many human interests besides justice which are served by peace, and therefore there exist many reasons why peace is sometimes preferred to justice from the hand of power. A court of justice is distinguished from a tribunal of compromise chiefly by the fact that its decisions are in accordance with a rule of law.

The great task, therefore, in the development of a world court of justice is not so much the mechanical organization of a body of men to judge and decide questions of disagreement as previous general agreements on the part of the nations of the world as to what the matured opinion of mankind considers just in the intercourse of nations. This, as the commission of jurists saw it, is the great problem to be solved, and they recommended a definite method of solving it.

This method opens before us a vast vista of future endeavor. It will not satisfy our consciences to win a temporary and fruitless triumph, setting up an impotent court before which a wronged nation can not bring its adversary, and then, with folded hands, to say, "Now, we have created a court; let the court do the rest."

We shall, however, make no progress toward the goal if we decline to approve of steps in advance already taken, because they have not gone the whole distance.

In the Permanent Court of International Justice established by the League of Nations we have an accomplished fact. The court, such as it is, exists. It is probable that in some modified form it is the only court of international justice that can rally to its support so many sovereign states.

The question is pressing upon us, therefore: What shall be the attitude of the United States toward this court? Something already accomplished is now before us. We have followed in outline the course of its preparation. There remains to be considered the statement of the problem to which it has given rise and of its solutions as these are presented to us at the present time.

THE WHOLE CASE OF THE WORLD COURT OF JUSTICE

(By David Jayne Hill)

PART II

THE PROBLEM AND ITS SOLUTIONS

It is only to a limited extent that the Permanent Court of International Justice established by the League of Nations realizes the object aimed at in the instructions to the delegates to The Hague conferences of 1899 and 1907. It is a court entirely without compulsory jurisdiction, even for the most simple justiciable cases. This is in pursuance of the terms laid down in article 14 of the covenant of the league "that the court shall be competent to hear and determine any dispute of an international character which the parties may submit to it." This was not, however, the plan submitted by the commission of jurists, which defined the jurisdiction of the court as follows:

"Between states which are members of the League of Nations, the court shall have jurisdiction—and this without any special convention giving it jurisdiction—to hear and determine cases of a legal nature, concerning:

"(a) The interpretation of a treaty;

"(b) Any question of international law;

"(c) The existence of any fact which, if established, would constitute a breach of an international obligation;

"(d) The nature or extent of reparation to be made for the breach of an international obligation;

"(e) The interpretation of a sentence passed by the court.

"The court shall also take cognizance of all disputes of any kind which may be submitted to it by a general or particular convention between the parties."

A COURT WITHOUT JURISDICTION

In framing the statute of the court adopted by the assembly of the league, the council rejected this proposal of the jurists, which, to use Mr. Root's metaphor, "put teeth in the court," at the same time making it optional for any member state to sign an acceptance of compulsory jurisdiction, if it chose to do so, either in a limited or an unlimited sense.

It is worthy of remark that no one of the great powers has availed itself of this option. It is doubtful if the United States would avail itself of the option so long as international law remains in an undeveloped condition. It could safely accept compulsory jurisdiction only when the law is so far developed that a reasonable forecast could be made of what the law would require and what it would disallow, and when the duty of the court would be simply to declare the law in its decisions.

This absence of compulsory jurisdiction, even in the most plainly justiciable cases, is sometimes advanced as a reason for immediately participating in the court as a member, regardless of all obstacles, on the ground that it will never be necessary to meet an adversary before this court; and it will be, therefore, just as safe to be in it as to be out of it! This adventure in reasoning has called forth the answer that adherence to the court upon this principle would be wholly superfluous, since the court is at present accessible for judgment even to nonmember states if they can induce their adversaries to meet them there.

For all the really vital matters of international interest it is obvious that until an aggressor can be brought before some court for judgment it is mere dupery to imagine that the court has any relation whatever to the question of war or peace. So long as it is legal for one nation to make a warlike assault upon another and there is no tribunal of justice before which the wrongdoer can be cited to appear, it is illusory to suppose that a bench of judges, however learned and however just, has any relation to the subject. The fanfaronade that joining the Permanent Court of Justice in its present state of development is a protest against war discloses complete ignorance of the powers of this court. It has at present no power to cite before it any aggressor for any cause, or to give aid to any victim of aggression, great or small. Nor could it condemn an aggressor, even if he consented to appear before it, until there is a law against warlike aggression that could be applied by the court.

But it is not the absence of jurisdiction that presents the serious problem for the United States and other nations in relation to this court. The question of jurisdiction is a question relating to the development, not to the judicial entity of the court. Given the court, by the voluntary agreement of the nations its jurisdiction could by agreement be extended. A criticism directed against this court because of its present lack of jurisdiction is, therefore, not a conclusive criticism. It could with equal justice be brought against any international court that could be formed, so long as the great powers continue to trust in their strength rather than in their right; and they will trust in their strength and not in their right so long as their rights are not clearly defined in the law. In time this court may be provided with an adequate law, which will secure for it the confidence of the world, and thus enable the nations with assurance to intrust all justiciable causes to the jurisdiction of a court whose decisions are made under a rule of law.

THE COURT AS AN ADVISORY AGENT

A more real embarrassment confronting the United States in considering adherence to the protocol of the Permanent Court of International Justice arises not so much from the imperfections of the court, which might, perhaps, be overcome through further development, but from a peculiarity in its organization which renders it doubtful whether it really aims to be a world court of justice or something different.

If the Permanent Court of International Justice were indisputably a world court of justice, however imperfect, it would be in the line of American tradition to become an immediate participant in its

organization and maintenance. The question therefore arises, Is this court in reality a world court of justice or is it merely an organ of the League of Nations designed to serve its distinctive purposes?

There is a peculiarity in the functions of this court which has given rise to the suspicion that it is not so much designed to be a court of justice as a shield for the political and military procedure of the league by giving its actions the éclat of judicial approbation.

Why, it is asked, after emasculating the court by giving it no jurisdiction of a judicial character was this sentence inserted in article 14 of the covenant:

"The court may also give an advisory opinion upon any dispute or question referred to it by the council or by the assembly."

Very innocent in appearance is this nonjudicial function. May not the league seek legal advice? Certainly. But why should it seek it from its own court? In doing so is it not charging its court with a protective rather than a judicial function? Is it not preparing the way to say to the court: "We have given you no power to cite us before you, but we reserve the power to cite you before us to defend our procedure before the world by covering it with the ermine of your prestige as a court."

Thus far at least the advisory opinions of the court have greatly outnumbered its decisions. Of nine questions before the court in its first two years of existence eight were on request of the council. And it is the council or the assembly alone that can thus interpellate the court. No wrongdoer can be brought before it without his consent; but the court upon mere inquiry by the council can render an opinion without hearing a case.

While this peculiarity appears to demand examination, it may not be decisive against the organization of the Permanent Court of International Justice. It is not the first time that courts have been charged with advisory powers. When the exercise of these powers is inspired by the desire of the judges themselves to prevent injustice, this function may be very useful to society. It is always possible that the court may refuse to express an opinion, and there is no power in the statute of the court that can compel it to express itself.

The desirability of permitting or suppressing this advisory function may very well be determined by the use actually made of it; and it is certain that the more widely the existence of the court rests upon a foundation of diversified, as distinguished from exclusive, political support—that is, the less upon the will of the League of Nations for its maintenance—the more reluctant will it be to depart from the strictly judicial character upon which its strength and dignity depend.

THE PROBLEM OF THE PROTOCOL

It can hardly be doubted that, whatever else it may be, the Permanent Court of International Justice is intended to be, for those who voluntarily seek it, a real court of justice. Were it not so, it could not command the respect of those who have actually created it. But there remains a legitimate question, worthy of most careful consideration: Is this court really a world court?

If anywhere, the definitive answer to this question is to be found in the act which, as the result of long preparation, finally created the Permanent Court of International Justice. This act, called the protocol, has been differently described and interpreted. In the literature of propaganda issued to favor the signature of this protocol by the United States, a legend has been promulgated that the protocol is "a special and independent treaty signed by the various sovereign nations," without any relation to the League of Nations, and therefore a world court and not a league court. To give this legend—I forbear from using a stronger term—the general credence at which the propaganda aims, it is asserted that the statute of the court in question "was referred to the various sovereign nations for their acceptance or rejection, by a special independent treaty, or protocol. It has been signed by 47 states, of which 36 have completed their formal ratification. This ratification by the nations is the authority in virtue of which the court actually came into being and is now working."

Is this widespread representation the truth, or is it not? The answer is found in the protocol itself.

It is interesting to note that the text of this document has not been generally circulated with the statements above quoted, has never been seen by hundreds of thousands of those who have believed these statements, and an earnest seeker after truth, in average circumstances, looking for a copy of the protocol for his information, would not know where to find it.

The full text of this document reads as follows:

"PROTOCOL OF SIGNATURE RELATING TO THE PERMANENT COURT OF INTERNATIONAL JUSTICE

DECEMBER 16, 1920.

"The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the assembly of the league on the 13th December, 1920, at Geneva.

"Consequently, they hereby declare that they accept the jurisdiction of the court in accordance with the terms and subject to the conditions of the above-mentioned statute.

"The present protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each power shall send its ratification to the secretary general of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory powers. The ratification shall be deposited in the archives of the secretariat of the League of Nations.

"The said protocol shall remain open for signature by the members of the League of Nations and by the states mentioned in the annex to the covenant of the league.

"The statute of the court shall come into force as provided in the above-mentioned decision.

"Executed at Geneva, in a single copy, the French and English texts of which shall both be authentic.

"OPTIONAL CLAUSE

"The undersigned, being duly authorized thereto, further declare, on behalf of their Government, that from this date they accept as compulsory, ipso facto and without special convention, the jurisdiction of the court in conformity with article 36, paragraph 2, of the statute of the court, under the following conditions:"

(Official text issued by the League of Nations, quoted in American Journal of International Law, April, 1923, pp. 55, 56.)

With this text before him, it is desirable that the reader should himself answer the question whether or not this is a world court or only the court of the league which has brought it into being.

To aid his inquiry, it may be observed that article 14 of the covenant, in authorizing the formation of plans for a court, provides that the council, after formulating them, shall "submit the plans to the members of the league for their adoption," but names no others. The protocol is evidently the formula chosen for this submission and adoption.

Examining the protocol itself, it may be observed: 1. That the only nations mentioned in this protocol are the members of the League of Nations and "states mentioned in the annex"; 2. That the statute of the court was never approved by any other nations than those voting in the assembly of the league on December 13, 1920, at Geneva; 3. That the present protocol was drawn up in accordance with that decision alone; 4. That the statute of the court was submitted for approval to no nations who were not members of the league; 5. That the ratifications are to be sent to the secretary general of the league; 6. That the secretary is not authorized to notify the ratifications to any nations that are not members of the league; 7. That the ratifications shall be deposited in the archives of the league; 8. That the protocol after adoption remains open for signature only to members of the league and states mentioned in the annex to the covenant of the league; 9. That the statute of the court shall come into force as provided in the decision of the assembly of the league; 10. That the protocol, executed at Geneva, in a single copy, the French and English texts of which shall both be authentic, remains in the archives of the league, but no provision is made, in compliance with article 18 of the covenant, for the registration of this protocol as an international treaty. It is merely deposited as an agreement between the members of the league.

IS THE PROTOCOL A TREATY?

The general public does not burden itself with diplomatic distinctions. When it is told that a document is a treaty, it believes it, even though it is called a protocol. The difference does not seem alarming.

But why refer to it as an independent treaty?

Even the most innocent portion of the public, if it had been informed, would distinguish between a treaty open to and actually signed by various nations and a document only supplementary to a treaty which the United States had declined to ratify and executed only by those who had ratified the treaty.

Was it in good faith that those who knew obscured the fact or was it obscured because those who spoke of a treaty and various nations did not know?

In the general usage of diplomatic intercourse a treaty is one thing and a protocol is another.

In his authoritative work, A Guide to Diplomatic Practice, Sir Ernest Satow explains the word "protocol" as "derived from the low Latin, 'protocollum,' the 'first glued in,'" having reference to a subordinate document attached to a book or original document, to which it stands in the relation of a supplement. The word is also sometimes applied to a preliminary document meant to serve as an agreement regarding subsequent procedure. Defining the word, Sir Ernest writes:

"Used to denote the form taken by an international compact, the word may be regarded as describing a somewhat informal record of an agreement between the high contracting parties."

It is precisely in this sense that the word "protocol" is used in the present instance. It is a final agreement upon a result which all the actual signatories had negotiated and planned together, marking the termination of a course agreed upon from the first. Specifically it is simply the acceptance of a result which all the signatories had labored

together to produce, namely, the statute of the Permanent Court of International Justice, as already prepared by themselves in the council and formally adopted by themselves in the assembly.

It is astonishing that anyone should disfigure this document for the purpose of imposing it upon the public by calling it "an independent treaty signed by various nations." There is not in the history of diplomacy a more palpable endeavor to put over something by changing its name.

The secretariat of the League of Nations never thought of putting forth the substance of the protocol as "an independent treaty signed by various nations." That was reserved for American ingenuity.

If we make all due allowance for ignorance and suppose that to certain minds any international agreement may be properly regarded as a treaty, it does not require much research to arrive at the conclusion that the document in question has not the origin or nature of an independent treaty. It depends not only for its origin but for its aim upon a series of operations necessary to the execution of article 14 of the covenant of the League of Nations. So far is this protocol from being an independent treaty that it is clearly only a supplementary step in the execution of the treaty of Versailles, of which article 14 of the covenant is a part.

No plenipotentiaries are named, no seals are attached. The document is merely signed by the members of the League of Nations, in whose name alone it is drawn, and deposited in its archives.

WHY THE UNITED STATES IS IN THE ANNEX

This last statement, that the protocol is a supplementary document necessary to the execution of the treaty of Versailles, is the only explanation of the exceptional right of the United States of America, from the point of view of the league, to be a signatory of this protocol.

This right arises exclusively from the fact that the United States is "mentioned in the annex to the covenant."

What then is the annex to the covenant? It is a list of those nations whose representatives signed the covenant of the league at Paris as a part of the treaty of Versailles. In drawing up this protocol it was not any special grace toward the United States, Hejaz, and Ecuador alone that admitted them to the privilege of signature to this document.

Being "original members of the League of Nations, signatories of the treaty of peace," as the annex is defined in the treaty of Versailles, these three nations could not be ignored. They were at that time waiting, as it were, in the vestibule of the league; and therefore it was prescribed that "the said protocol shall remain open to them for signature."

On the slender ground that the protocol remains open to the signature of these nations, the legend of the protocol was made to say that when the council and assembly of the league "proceed to the election of judges for the court, they sit and act, not as a league, but as electoral agents for the nations."

"For the nations!" What nations, except the members of the league? What other nations have ever authorized the council and assembly to sit and act for them?

THE SOLUTIONS OF THE PROBLEM

To every person who has examined this subject it is so obvious that the Permanent Court of International Justice is merely the league's court, and not a world court, that the question has become acute. If the United States decides to participate in this organization of the court, how can it do so, with dignity and without self-stultification, without becoming at the same time a member of the league?

For those who believe that the United States, notwithstanding all that has happened, is still in the annex, waiting to enter the league, and should not hesitate to cross the sill into the league; there is, of course, no problem, and hence there is required no solution.

But on the other hand, for those who think the United States has done well not to join the league, and that it does not properly belong even in the annex, the problem of how to participate in the Permanent Court of International Justice, and to make it appear a world court when, even with the United States as a signatory of the protocol, it would still be the league's court, the problem is grave and the solution is difficult.

If the court is in fact, as the Official Journal declares, "a most essential part of the organization of the League of Nations," how can the United States become a part of a part without becoming a part of the whole?

It should further be considered that, were the United States to sign the protocol, that action alone would give it none of the privileges of the court that it does not now possess as an outsider. Unless something is done to alter the protocol or to construe the statute of the court which the protocol is drawn to accept, the United States would have no voice even in the election of judges, which by the statute is confided solely to the council and assembly of the league, to which there is no admission provided except through entrance into the league as a member.

All the solutions of this problem are forced to recognize this condition of fact. Whoever wishes to enter the court officially without also entering the league is obliged to face it. What then is the solution?

THE HARDING-HUGHES RESERVATIONS

On February 24, 1923, President Harding sent to the Senate a message in which he recommended participation of the United States in the Permanent Court of International Justice. (CONGRESSIONAL RECORD, 67th Cong., 4th sess., vol. 64, No. 74, p. 4508.)

This message was accompanied by a letter under date of February 17, addressed to the President by the Hon. Charles E. Hughes, Secretary of State, descriptive of the court and commending adhesion to it upon the following conditions and understandings, to be made a part of the instrument of adhesion:

"1. That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations, constituting Part I of the treaty of Versailles.

"2. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other states, members respectively of the Council and Assembly of the League of Nations, in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for filling of vacancies.

"3. That the United States will pay a fair share of the expenses of the court, as determined and appropriated from time to time by the Congress of the United States.

"4. That the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

"If the Senate gives its assent upon this basis, steps can then be taken for the adhesion of the United States to the protocol in the manner authorized. The attitude of this Government will thus be defined and communicated to the other signatory powers whose acquiescence in the stated conditions will be necessary."

This statement requires no interpretation. It frankly recognizes that the signature of the protocol open to the United States is impossible without implying on the part of the United States some legal relations and the assumption of some obligations to the League of Nations under the covenant of the league constituting Part I of the treaty of Versailles. It recognizes also that, without the permission stipulated in the second paragraph of these reservations, the United States would have no part in the election of judges or deputy judges or the filling of vacancies.

Correspondence followed between President Harding, Senator Lodge, then chairman of the Senate Committee on Foreign Relations, and Secretary Huges (CONGRESSIONAL RECORD, 67th Cong., 4th sess., vol. 64, No. 80, p. 5135) regarding the intentions of the President as to compulsory jurisdiction, the recognition of Part XIII—on labor—of the treaty of Versailles, and what reservations, if any, had been made by those countries that had adhered to the protocol. The answer given to this question was that the Secretary of State was "not advised that any other state has made reservations on signing the protocol." (The Harding-Hughes reservations and the correspondence may be found also in the American Journal of International Law for April, 1923.)

President Harding's message to the Senate produced at the time a variety of reflections. To many it was a friendly gesture to the league. To others it was a positive assurance of peace. To others it was an indirect step toward a world court of justice when it might have been bolder to take a direct step. To still others it seemed a retreat and a humiliation.

The subject had a political angle. For a time it looked as if the President's party might be divided. Had he not characterized the League of Nations as "a political and military alliance" with which the United States should not be in any way associated. And now he was proposing participation in a court that was claimed as an "essential part of the league's organization."

President Harding was deeply moved by this division of opinion in his party. At St. Louis, on June 21, 1923, he laid down two conditions which he regarded as indispensable: "1. That the tribunal be so constituted as to appear and to be in theory and practice, in form and substance, beyond the shadow of a doubt, a world court and not a league court; 2. That the United States shall occupy a plane of perfect equality with every other power.

"There admittedly is a league connection with the World Court," he said, "and though I firmly believe we could adhere to the court protocol with becoming reservation and be free from every possible obligation to the league, I would frankly prefer the court's complete independence of the league."

Referring to the fact that the United States, voting for judges with the council and the assembly, as a candidate for adhesion admitted from the annex—a kind of halfway covenanter—as the reservation proposed, might find its single voice overwhelmed and submerged by the united will of these bodies, acting not only as members of an electoral body, but organically, with the interest of the league in view, President Harding, somewhat startled, said:

"I am not wedded irrevocably to any particular method. * * * Granting the noteworthy excellence, of which I, for one, am fully convinced, of the court as now constituted, why not proceed in the belief that it may be made self-perpetuating? This could be done in one of two ways: By empowering the court itself to fill any vacancy arising from the death of a member or retirement for whatever cause, without interposition from any other body; or by continuing the existing authority of the Permanent Court of Arbitration to nominate and by transferring the power to elect from the council and assembly of the league to the remaining members of the court of justice." (American Journal of International Law, July, 1923, p. 536.)

It was this suggestion, that the United States might possibly commit its rights and interests to the decisions of a self-perpetuating foreign tribunal, which more than anything else caused the country to realize with what slight consideration the gravity of the whole commitment had been weighed. The public interest in the proposal to adhere to the court, even with reservations, languished to a point where its advocate found it necessary to set in motion an extensive organized propaganda, similar to that which had been undertaken in behalf of the League of Nations, and nourished in large measure from the same sources.

THE TOTAL SEPARATION OF COURT AND LEAGUE

The people of the United States had become familiar with the idea of reservations in the endeavors to render acceptable some mode of entrance into the League of Nations. The method had proved futile, but this was not its only ground of condemnation.

To make reservations about entering a political and military alliance was one thing, but to make reservations about participating in a legal tribunal of justice seemed quite another. The bare fact that reservations were admittedly necessary gave rise to much hesitation. If there were dangers in adhering to the league's court, why venture at all upon an enterprise that required great caution? Would the reservations be adequate for protecting the interests of the United States? But, adequate or inadequate, was it not a national humiliation and a reflection upon the character of a court to approach it with open misgivings and distrust?

The Senate, being in doubt, permitted the Harding recommendation to repose in its archives. The Committee on Foreign Relations, although containing a majority of members of the President's party, was absorbed by other matters. Letters and telegrams from various parts of the country, inspired by organized societies, urging the Senators to sign on the dotted line, became so numerous and so urgent that the lot of a Senator was felt to be unenviable.

Something must be done. Had not President Harding said, in so many words, "I would frankly prefer the court's complete independence of the league"? Why not then propose such a total separation?

On December 10, 1923, Senator LENROOT offered in the Senate a resolution to this effect:

"*Resolved*, That the Senate advises and consents to the adhesion on the part of the United States to the protocol of December 16, 1920, accepting the statute of the Permanent Court of International Justice, but not the optional clause for compulsory jurisdiction: *Provided, however*, That such adhesion shall be upon the following conditions and understandings, to be made a part of the instrument of adhesion:

"1. That such adhesion shall not be taken to involve any legal relationship on the part of the United States to the League of Nations, or the assumption of any obligation by the United States under the covenant of the League of Nations, constituting a part of the Versailles treaty.

"2. That such adhesion shall not take effect until the statute for the Permanent Court of International Justice is amended so as to provide:

"That all independent states having diplomatic representatives accredited to The Hague, which have not adhered to the protocol of December 16, 1920, accepting the statute of the Permanent Court of International Justice, shall be permitted to so adhere.

"That in lieu of elections of said judges and deputy judges in the future by the Council and Assembly of the League of Nations, such elections shall take place in the following manner:

"The states adhering to such protocol shall be divided into two groups, the first group to be known as Group A and to consist of the following states: The British Empire, France, the United States, Italy, Japan, Germany, and Brazil. All the states adhering to such protocol shall constitute the second group, to be known as Group B; provided that if Germany shall not have adhered to such protocol when the said statute shall have been amended as herein provided, Belgium shall be substituted therefor in Group A.

"The diplomatic representatives of the states adhering to said protocol, accredited to The Hague, and the Netherlands minister for foreign affairs shall act as electors for the election of judges and deputy judges of said court. The electors representing the states in Group A shall perform the duties and exercise the powers conferred upon the Council of the League of Nations pertaining to such court in such statute, and the electors representing the states in Group B shall perform the duties and exercise the powers conferred upon the Assembly of the League of Nations pertaining to such court in such statute.

"That all notices of election and other duties now imposed upon the secretary general of the League of Nations, pertaining to said court, shall be transferred to and performed by the registrar of the Permanent Court of International Justice.

"That the expenses of the court shall, instead of being paid by the League of Nations, be paid by the states adhering to the said protocol in such manner as may be determined by the electors of the states entitled to participate in the election of judges.

"That the court shall be open to all independent states, and when a state not adhering to said protocol is a party to the dispute the court will fix the amount which that party is to contribute to the expense of the court.

"That the option provided for in article 36, chapter 2, of said statute, shall be open to all states adhering to said protocol.

"3. That the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended except as herein provided without the consent of the United States.

"That the President of the United States, when he is satisfied that the said statute has been amended, as herein provided, shall, by proclamation, so declare, whereupon the adhesion of the United States to the said protocol shall become effective."

[CONGRESSIONAL RECORD, Sixty-eighth Congress, first session, vol. 65, No. 5, p. 152.]

THE WORLD COURT PROPOSED BY SENATOR LODGE

The proposal to separate the Permanent Court of International Justice entirely from the League of Nations having led to no action, and the propaganda for adherence to the league's protocol still continuing, on May 5, 1924, Senator Lodge, chairman of the Committee on Foreign Relations, presented to the Senate a "Plan by which the United States may cooperate with other nations to achieve and preserve the peace of the world," prepared under his direction by an experienced American jurist, the Hon. Chandler P. Anderson. (Senate Doc. No. 107, 1924.)

The purpose of this plan was set forth as follows:

"The aim of this plan is the organization of the world for peace through the development and enforcement of law, as approved by past experience, and the timely submission of international disputes to the great court of public opinion, the decisions of which constitute the real sanction for the enforcement of law."

The entire substance of the plan may be most briefly stated in the form of the conclusions with which the document closes, as follows:

"1. The United States should resume its former position of leadership in the development of international law and the organization of the world for peace on the basis of respect for law and the jural equality of all nations.

"2. To this end the United States should take appropriate steps for convening the third Hague peace conference:

"(a) To reaffirm and further develop the world organization for peace embodied in The Hague convention of 1907 for the pacific settlement of international disputes; and

"(b) To make more effective all the modes of procedure therein provided for the amicable adjustment of international disputes; and

"(c) To transform the present league court into a world court of justice as a part of The Hague peace organization; and

"(d) To formulate and agree upon further rules and principles of international law which should be embodied in the code of the law of nations; and especially

"(e) To define (1) justiciable questions which all nations should agree are subject to arbitration, and (2) unjustifiable wars and the legal restraints which should be imposed upon the sovereign right of a nation to declare war, the violation of which all nations should agree would constitute an international crime.

"3. Pending the meeting of another Hague conference the United States should enter into preliminary agreements with the other great powers defining justiciable questions and unjustifiable wars and stigmatizing such wars as international crimes, and imposing the legal restraints above suggested upon the legality of war."

THE REORGANIZATION OF THE COURT PROPOSED BY SENATOR PEPPER

No action having been taken in the Senate upon Senator Lodge's proposal for a World Court, on May 16, 1924, a resolution was presented to the Senate from the Committee on Foreign Relations by Senator PEPPER, of that committee, for the remodeling of the Permanent Court of International Justice in such a manner as to convert it into a World Court without destroying its identity, and yet entirely separate the court from the control of the League of Nations. The execution of this plan involved a rewriting of the protocol and a thorough revision of the statute of the court, for which a form was definitely drawn up in which all the details of amendment were distinctly set forth. In this new form of the protocol, to be signed by all members, old and new, it was specified that—

"The present protocol shall be deposited after ratification with the secretary general of the Permanent Court of Arbitration at The Hague.

"The said protocol shall remain open for signature by all nations generally recognized by treaty or diplomatic relations with the signatories.

"The signature of the United States of America shall be understood to be affixed, subject to the declaration that the United States disclaims all responsibility for the exercise by the court of the jurisdiction to render advisory opinions, and subject to the further declaration that the United States intends to adhere to the Monroe doctrine as a national policy and assumes no obligations inconsistent therewith.

"The adjoined statute shall come into force as an amendment of or substitute for the existing statute as soon as all the signatories of the protocol of December 16, 1920, shall have deposited their assent thereto with the secretary general of the Permanent Court of Arbitration at The Hague in a single copy, the French and English texts of which shall both be authentic.

"Third, that the adjoined statute referred to in the protocol shall be the present statute of the court amended in such a way as to confirm the existence and competency of the Permanent Court of International Justice, but to disassociate it from the League of Nations and constitute it a world court. The specific amendments to be assented to by the signatories to the protocol before the United States of America is authorized to become a signatory are those set forth in the annex to this resolution which is incorporated herein and made a part hereof.

"Fourth, that the signature by the United States herein referred to is a signature to the protocol as set forth in this resolution, but not to the so-called optional clause referred to in article 36, paragraph 2, of the statute of the court.

"Fifth, that the Senate advises the President that a third international conference similar to The Hague conferences of 1899 and 1907 be called not later than the year 1926 for purposes which shall include the giving of effect to the recommendation of the committee of jurists upon the basis of whose report the court was established, regarding the clarification and further development of international law and the codification thereof."

This proposed reorganization of the existing court was intended not to destroy the league's court, but to transform it in such a manner as to make it no longer the league's court, but in a true sense a World Court, in which all nations regarded as civilized and responsible nations might have a part on terms of equality.

THE DISCOURAGEMENT FOLLOWING THESE EFFORTS

It was not without a certain feeling of discouragement that the friends of these last-named efforts to reorganize the league's court, so as to make it a veritable world court of justice, found their endeavors reproached with the accusation of a lack of sincerity. It was a cruel and wholly unjustified reproach.

But the attack on these efforts was something more and worse than individual reproach. The method of dragooning senatorial action by public importunity and condemnation, if applied to the executive and judiciary departments of the Government, as in this case it was applied to a legislative department, would result in the entire abolition orderly constitutional procedure. To be in any sense responsible, the action of the Senate, and of individual Senators as well, must be free from every form of organized popular constraint. This is of the very essence of representative government.

There is clearly a wide difference between that importunity which consists solely of mere mass influence on the one hand and the presentation of reasoned argument for or against public policies on the other. It is the undoubted privilege of citizens and of the press to support or to criticize public measures, no matter who advocates or who opposes them; but this is a quite different procedure from urging upon elective officers the uninstructed preferences of portions of the public by the parade of formidable resolutions.

There can, of course, be no doubt regarding the sincere intentions of many of those who have participated in this urgent pressure for immediate action in a predetermined sense. They were no doubt deeply interested in the cause of peace. Quite naturally they were anxious to have something done. But there was no occasion that anything should be done hastily. As we discovered in the prolonged discussion of the proposal to ratify the treaty of Versailles, especially with regard to its first and its thirteenth parts, such occasions, if properly utilized, afford immense opportunities for public education in foreign affairs and the general comprehension of the import of public policies. But this implies that these policies should be freely discussed from all points of view; and, so far as they are technical questions, that they should be discussed even from a technical point of view. There has never been anywhere a complete examination of this subject. The whole question up to the present time has received but little attention in the Senate and little detailed analysis in the press.

THE LOGIC OF THE SITUATION

What, then, is the actual situation? The different proposals relating to a world court of justice are, in substance:

1. The Harding-Hughes reservations;
2. The Lodge world court plan; and
3. The plan for reorganizing the permanent court.

These all agree in one thing, namely, that the United States should not sign the protocol of the court of December 16, 1920, as it stands.

The first plan seems to imply that it should be signed only upon certain conditions and understandings called reservations. The second and third plans oppose signing that particular protocol at all.

The first question, therefore, to be resolved is, Should the league's protocol be signed?

Against signing it is the fact that, no matter what reservations are made, it is designed only for those nations that are members of the league or signatories of the treaties of peace mentioned in the annex to the covenant. The United States can not sign the protocol as a member of the league, and to sign as "mentioned in the annex" implies that the United States still has the relation of a halfway adherent to the treaty of peace which it did not ratify and quite certainly never will ratify.

What, then, remains? The protocol of the league is the league's own protocol, prepared as a supplement to the treaty of Versailles and in particular to article 14 of the covenant.

The United States, if it adheres to the Permanent Court of International Justice, should have the privilege not of participating in an act provided for by a treaty it has not ratified, but of adhering to a court already in existence, made broad enough to include all sovereign states, as the signatory of a protocol in which the United States is an equal. It should sign with its peers as a peer.

As the members of the league have signed a protocol appropriate for them as members, the United States, if it adheres to the court, ought to sign a protocol appropriate for it, as a nonmember of the league—a protocol in which the League of Nations, as such, has no part. Its right to join with the present members of the court as an adherent of the statute of the court should not be derived from its repudiated signature to a treaty it did not ratify—that is, as a quasi member of the league—but from the fact that a court actually exists in which a great number of the civilized nations of the world are represented, and from which other sovereign states should not be excluded.

No one can sustain the thesis that this court which these nations have established should be destroyed or that members of the League of Nations should not be members of a world court. The thesis that can be sustained is that the United States can not, without compromising itself, join this court while it is only the league's court.

A PROTOCOL OF PEERS

The reason for joining the Permanent Court of International Justice should not be that the United States and other nations signed together a treaty that has not been ratified by the United States and certain other nations, but that the United States and certain other nations are independent sovereign states. The protocol of December 16, 1920, was signed by members of the League of Nations because they were members of that league. It was sufficient to constitute a league court, but it is not sufficient to constitute a world court. There can probably be no other international court of which the states signing the protocol will become members. It is necessary, therefore, if there is to be a world court, to deal with these states. But they should be dealt with not as members of the League of Nations but as separate sovereign states. It is idle to think of breaking up their constructive work. What is needed is to enlarge and develop it. For this, all responsible sovereign states are necessary. There should be, therefore, a protocol which all responsible sovereign states can sign with equal privileges. Such a protocol should contain the following agreements, to which the signers of the existing protocol should consent by signing with the United States and other nations:

1. That all sovereign states may be admitted on equal terms without reference to whether they have or have not either signed or ratified the treaty of Versailles.

2. That states thus adhering to the existing statute of the court should have equal representation in the electoral bodies named in articles 3, 4, 5, 8, 10, 12, and 32 of the statute of the court, without implying any legal relation or obligation to these bodies other than those prescribed for them in the statute of the court as coequal for the purposes of the court.

3. That changes shall not be made in the statute of the court without the consent of the adherents.

4. That the charges for maintenance of the court shall not be different for the adherents from those borne by the signatories of the protocol of December 16, 1920.

5. That the decisions of the court do not bind any states except the actual litigants, and the opinions of the court bind no one.

6. That the signatories of the protocol do not oppose the convocation of future conferences at The Hague for the revision and ameliora-

tion of international law, the engagements of which do not become binding upon any state until it has itself ratified them.

Such a protocol, open to all adherents, would preserve the rights of all. It would include the formal consent and agreement of the signatories of the protocol of December 16, 1920, on the one hand, and on the other the acceptance of the jurisdiction of the court, in accordance with the terms and subject to the conditions of the statute of the court, by the adherents to the statute, with all the rights, powers, privileges, and immunities of the signatories of the protocol of December 16, 1920. Such a protocol would constitute a real World Court. Although all the members of the League of Nations would be, or might become, participants in the court, it could no longer be reproached with being merely the league's court.

NO HALFWAY COVENANT

Though signature of the protocol of December 16, 1920, is impossible for the United States without reservations which would take back with one hand what was granted by the other, and imply that this engagement was open to it only as a halfway covenanter who had signed the treaty of Versailles but had refused to ratify it, the signature of a protocol in which the existing court would be opened to sovereign states without this embarrassment would secure without reservations, and with the formal consent and agreement of the present members of the court, a perfect equality and a wholly adequate safeguard.

The statute of the court has never been the object of criticism in this country, as a structure of jurisprudence, except from the fact that it was originally created as a closed and impenetrable organization under the name of a court of justice. Those who have created it have the unquestioned right to open it to adherents by the broader construction they might place upon its provisions. [See Satow's Diplomatic Practice, Vol. II, p. 223, for a similar explanatory protocol.]

A simple resolution of the Senate declaring its disposition to ratify a new protocol, to be signed by the signatories of the protocol of December 16, 1920, and future adherents to the statute of the Permanent Court of International Justice, would no doubt solve the problem of transforming the present tribunal into a real world court and would be in accord with good practice.

Would such a proposal be accepted or rejected?

That would depend upon whether the signatories of the protocol of December 16, 1920, really mean to make the Permanent Court of International Justice a mere organ of the League of Nations or a true world court. Before approaching them with an application for membership in the court they have organized in one hand, and a dossier of reservations implying doubt of our position and reflecting upon their control of the court in the other hand, would it not be more courteous and more honorable to inquire through their common registrar, the secretariat, whether such a protocol of adherence as here suggested would be acceptable?

It would certainly be both an expression of loyal comity and an act of dignity on the part of the United States, before deciding upon a unilateral resolution of adherence to the Permanent Court of International Justice, accompanied with reservations, to seek a test of the ultimate intentions of the signers of the protocol of 1920 by an amicable inquiry as to their disposition regarding a real world court.

Mr. REED of Missouri obtained the floor.

Mr. LA FOLLETTE. Mr. President, 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	Frazier	McKellar	Robinson, Ind.
Bayard	George	McMaster	Sackett
Bingham	Gerry	McNary	Schall
Blease	Gillett	Mayfield	Sheppard
Borah	Glass	Means	Shipstead
Bratton	Goff	Metcalf	Shortridge
Bruce	Gooding	Moses	Simmons
Butler	Hale	Neely	Smith
Cameron	Harreld	Norbeck	Stephens
Capper	Harris	Norris	Swanson
Caraway	Harrison	Nye	Trammell
Couzens	Heflin	Oddie	Tyson
Curtis	Johnson	Overman	Wadsworth
Dale	Jones, N. Mex.	Pepper	Walsh
Edwards	Jones, Wash.	Phipps	Warren
Ernst	Kendrick	Pine	Wheeler
Fernald	Keyes	Ransdell	Williams
Ferris	King	Reed, Mo.	Willis
Fess	La Follette	Reed, Pa.	
Fletcher	Lenroot	Robinson, Ark	

Mr. SMITH. I desire to announce that the Senator from Indiana [Mr. WATSON], the Senator from Iowa [Mr. CUMMINS], and the Senator from Alabama [Mr. UNDERWOOD] are attending a meeting of the Committee on Interstate Commerce.

The PRESIDING OFFICER (Mr. BRATTON in the chair). Seventy-eight Senators having answered to their names, a quorum is present.

PALMER RIVER BRIDGE, MASS.

Mr. BINGHAM. As in legislative session, I ask unanimous consent for the consideration of the bill (S. 1884) to authorize the department of public works, division of highways, of the Commonwealth of Massachusetts to construct a bridge across Palmer River. It is a bridge bill in the usual form, to which there is no objection and for which there is considerable haste.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The amendments were, on page 1, line 6, after the word "thereto," to strike out the comma and the words "without a draw therein," and in the same line, after the words "Palmer River," to insert "at a point suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the department of public works, division of highways, of the Commonwealth of Massachusetts, to construct a bridge and approaches thereto across Palmer River at a point suitable to the interests of navigation in the towns of Swansea and Rehoboth, in said Commonwealth, said bridge constituting a part of a highway known as the Providence-Fall River State Highway, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The amendments were agreed to.

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

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

THE WORLD COURT

The Senate, in open executive session, resumed the consideration of Senate Resolution 5, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations.

The PRESIDING OFFICER. The Senator from Missouri [Mr. REED] is entitled to the floor.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. REED of Missouri. I yield.

Mr. SWANSON. Acting under Rule XXI, which permits a Senator to modify a resolution he has offered, under certain conditions, I have modified Senate Resolution No. 5, which I introduced and which is pending, and I ask to have read at the desk the resolution as modified. I also request at the same time that there shall be a reprint of Senate Resolution No. 5, and that in the reprint the amendments, alterations, and additions shall be put in italics for the convenience of Senators.

The PRESIDING OFFICER. If there is no objection, it is so ordered. The Secretary will read the resolution as modified by the Senator from Virginia.

The Chief Clerk read Senate Resolution No. 5 as modified by Mr. SWANSON, as follows:

Whereas the President, under date of February 24, 1923, transmitted a message to the Senate accompanied by a letter from the Secretary of State, dated February 17, 1923, asking the favorable advice and consent of the Senate to the adherence on the part of the United States to the protocol of December 16, 1920, of signature of the statute for the Permanent Court of International Justice, set out in the said message of the President—without accepting or agreeing to the optional clause for compulsory jurisdiction contained therein—upon the conditions and understandings hereafter stated to be made a part of the instrument of adherence: Therefore be it

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the adherence on the part of the United States to the said protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice—without accepting or agreeing to the optional clause for compulsory jurisdiction contained in said statute—and that the signature of the United States be affixed to the said protocol, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution, namely:

1. That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the treaty of Versailles.

2. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other states, members, respectively, of the Council and Assembly of the League of Nations in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

4. That the United States may at any time withdraw its adherence to the said protocol, and that the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

5. That the court shall not render any advisory opinion except publicly after due notice to all states adhering to the court and to all interested states and after public hearing or opportunity for hearing given to any state concerned, nor shall it without the consent of the United States entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adherence by the United States to the said protocol.

Resolved further, as a part of this act of ratification, That the United States approve the protocol and statute hereinabove mentioned, with the understanding that recourse to the Permanent Court of International Justice for the settlement of differences between the United States and any other state or states can be had only by agreement thereto through general or special treaties concluded between the parties in dispute; and

Resolved further, That adherence to the said protocol and statute hereby approved shall not be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state, nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED of Missouri. I yield.

Mr. BLEASE. I offer the reservation which I send to the desk and ask that it be read.

The PRESIDING OFFICER. The Secretary will read the proposed reservation.

The CHIEF CLERK. The Senator from South Carolina offers the following reservation:

Whereas in elections of judges to the Permanent Court of International Justice in the Assembly of the League of Nations each sovereign state within the British Empire casts one vote, therefore the United States Senate advises and consents to the protocol of signature of the Permanent Court of International Justice only on condition that in elections of judges to the Permanent Court of International Justice in the Assembly of the League of Nations each sovereign State within the United States shall cast one vote.

The PRESIDING OFFICER. The proposed reservation will lie on the table and be printed.

Mr. BORAH. Mr. President, while we are on reservations, will not the Senator from Missouri permit me to have two reservations read and to ask that they be printed?

Mr. REED of Missouri. I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Secretary will read the reservations.

The Chief Clerk read as follows:

The adherence of the United States to the statute of the World Court is conditioned upon the understanding that in the election of the judges in each electoral body each signatory state shall have one vote, but not more than one vote shall be cast in either the assembly or the council by the British Empire and the states included therein.

Also:

The adherence of the United States to the statute of the World Court is conditioned upon the understanding that in acting upon request for advisory opinions, the court shall not, under any circumstances, depart from the essential rules guiding its activity as a judicial tribunal, but shall give notice and open hearings to all interested parties, and shall in each case freely determine, in the exercise of its own judgment, whether it can, in keeping with its judicial character, properly answer the question put to it, and what shall be the nature and form of its response; that in no case shall the court give any confidential advice, but shall announce its opinions publicly, together with the opinions of dissenting judges; that the court shall not give an opinion on a question to which the United States is a party without the consent of the United States; and that the United States disclaims all responsibility for any opinion on any question to the submission of which the United States was not a party.

The PRESIDING OFFICER. The proposed reservations will lie on the table and be printed.

Mr. MOSES. Will the Senator from Missouri yield to me for a similar purpose?

Mr. REED of Missouri. I yield.

Mr. MOSES. I wish to present an amendment in the form of a substitute for Senate Resolution No. 5, which I ask to have printed and to lie on the table.

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

The reservation submitted by Mr. MOSES is as follows:

Whereas the Senate has had under consideration the message from the President of the United States dated February 24, 1923, in which the Senate is asked to consent to the signature by the United States of the protocol of December 16, 1920, establishing the Permanent Court of International Justice, and has likewise had under consideration the messages from the President of the United States dated December 6, 1923, December 3, 1924, and December 8, 1925, in which this proposal is again commended to the favorable consideration of the Senate; and

Whereas the proposal thus submitted and commended contemplates the signature of the protocol by the United States upon such conditions as will enable the United States to give its adherence to the court while remaining wholly free from any legal relationship to the League of Nations; and

Whereas it is desirable to express with greater precision the safeguards suggested in general terms in the message of President Harding: Now be it therefore

Resolved, First: That the Senate approves the pending proposal and advises the adherence of the United States to the Permanent Court of International Justice upon the terms hereinafter specified.

Second. That permission to the United States to participate in the election of future judges should, in the opinion of the Senate, take the form of an amendment to those portions of the statute of the court which prescribe that the election shall be by the Assembly and Council of the League of Nations.

Third. That the Senate advises the President to communicate with the states which have adhered to the court for the purpose of securing assent to such amendments to the protocol and the statute as will accomplish the disassociation of the court from the League of Nations.

Fourth. That the Senate advises and consents to the signature by the United States of the protocol of December 16, 1920, when the same shall have been amended as specified in the first annex to this resolution and when amendments shall have been made to the adjoined statute as specified in the second annex hereto.

Fifth. That the signature of the United States of America shall be understood to be affixed subject to the declaration that the United States disclaims all responsibility for the exercise by the court of the jurisdiction to render advisory opinions, and subject to the further declaration that the United States intends to adhere to the Monroe doctrine as a national policy and assumes no obligations inconsistent therewith.

Sixth. That the signature by the United States herein referred to is a signature to the protocol as set forth in this resolution, but not to the so-called optional clause referred to in article 36, paragraph 2, of the statute of the court.

Seventh. That the Senate advises the President that a third international conference similar to The Hague conferences of 1899 and 1907 be called not later than the year 1926 for purposes which shall include the giving of effect to the recommendation of the committee of jurists upon the basis of whose report the court was established, regarding the clarification and further development of international law and the codification thereof.

FIRST ANNEX TO THE RESOLUTION

"PROTOCOL OF SIGNATURE

"The signatories of this protocol, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, and hereby declare that they accept the jurisdiction of the court in accordance with the terms and subject to the conditions of the above-mentioned statute.

"The present protocol shall be deposited after ratification with the secretary general of the Permanent Court of Arbitration at The Hague.

"The said protocol shall remain open for signature by all nations generally recognized by treaty or diplomatic relations with the signatories.

"The adjoined statute shall come into force as an amendment of or substitute for the existing statute as soon as all the signatories of the protocol of 16 December, 1920, shall have deposited their assent thereto with the secretary general of the Permanent Court of Arbitration at The Hague in a single copy, the French and English texts of which shall both be authentic."

SECOND ANNEX TO THE RESOLUTION

A. SUBSTANTIVE AMENDMENTS TO THE ADJOINED STATUTE

(1) Strike out article 4 and substitute a new article, as follows:

"ARTICLE 4

"The present judges and deputy judges constituting the Permanent Court of International Justice shall retain their offices under the statute of the court."

(2) Strike out the first paragraph of article 5 and substitute the following:

"ARTICLE 5

"Vacancies which occur either by expiration of term or otherwise shall be filled by the states which at that time are signatories to the protocol. At least three months before the date of an election to fill any such vacancy the secretary general of the Permanent Court of Arbitration shall address a written request to the members of the Permanent Court of Arbitration, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the court."

(3) Strike out article 8 and substitute a new article, as follows:

"ARTICLE 8

"Representatives of all the signatories to this protocol shall meet at such time and place as may be designated by the said secretary general and shall proceed to an election. The representatives of all signatories shall ballot as an electoral assembly. The states named in the Versailles treaty as the principal allied and associated powers, together with such five of the other signatory states as shall be selected by the signatories, shall ballot as a separate electoral council. The assembly of signatories and the council of signatories shall proceed independently of one another to elect, first the judges, then the deputy judges. In each electoral body each signatory state shall have one vote, but not more than one vote shall be cast in either assembly or council by the British Empire and the states included therein."

(4) Strike out article 10 and substitute a new article, as follows:

"ARTICLE 10

"Such nominee as shall receive a majority of votes in the electoral assembly and a majority of votes in the electoral council shall be elected a judge or deputy judge, as the case may be.

"In the event of more than one national of the same signatory state being elected by the votes of both the assembly and the council, the eldest of these only shall be considered as elected."

(5) Strike out article 34 and substitute a new article, as follows:

"ARTICLE 34

"Only states can be parties in cases before the court."

(6) Strike out article 35 and substitute a new article, as follows:

"ARTICLE 35

"The court shall be open to all states generally recognized by treaty or diplomatic relations with any of the signatories.

"When a state which is not a signatory is a party to a dispute the court will fix the amount which that party is to contribute toward the expenses of the court."

B. FORMAL AMENDMENTS TO CARRY THE FOREGOING INTO EFFECT

(1) In the following articles strike out "assembly" (or "Assembly of the League of Nations") and "council" (or "Council of the League of Nations") and substitute "assembly of signatories" or "council of signatories," as the case may be: Articles 3, 12, 13, 32, and 41.

(2) In the following articles strike out "member of the League of Nations" and substitute "signatory state": Articles 26 and 27.

(3) In the following articles strike out "the secretary general of the League of Nations" and substitute "the secretary general of the permanent court of arbitration": Articles 7 and 18.

(4) In article 1, after "established," substitute a period for a comma and strike out "in accordance with article 14 of the covenant of the League of Nations."

(5) In article 7 strike out the last six words and substitute "each of the signatories."

(6) Transfer the last two paragraphs of article 12 to a new article to be numbered article 13.

(7) Strike out in articles 12 and 31 "articles 4 and 5," and substitute "article 5."

(8) Strike out the first sentence of article 14 and transfer the residue of the article so that it shall become the last sentence in article 5 as amended.

(9) In article 36 strike out the first 17 words of paragraph 2 and substitute "a state," and for the words "they recognize" in the same paragraph substitute "it recognizes."

(10) In article 40 strike out the last paragraph.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED of Missouri. I yield.

Mr. OVERMAN. I offer a reservation to lie on the table subject to my call. If the resolution, as modified, presented by the distinguished Senator from Virginia [Mr. SWANSON] is adopted, I shall not press my reservation.

The PRESIDING OFFICER. The Secretary will read the reservation.

The Chief Clerk read as follows:

1. The adherence of the United States to the statute of the World Court is conditioned upon the understanding that the submission to the World Court of any question which affects the admission of aliens into the United States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy, shall not be considered without the consent of the United States.

The PRESIDING OFFICER. The proposed reservation will lie on the table and be printed.

Mr. WILLIAMS. Mr. President——

Mr. REED of Missouri. I yield to my colleague.

Mr. WILLIAMS. As I understand, the parliamentary process that is being invoked is Rule XXII, under which 16 Senators or more have signed the motion for cloture. I would like to know how late it will be possible for a Senator to introduce a substitute for the pending resolution? I assume that the reservations which have been introduced at this time and the substitute which has been offered by the Senator from New Hampshire [Mr. MOSES] have been presented on the theory that if the rule becomes effective it will not be competent for any Senator to offer an amendment except by unanimous consent, and that the reservations are being introduced at this time for that reason?

Mr. MOSES. Mr. President——

Mr. REED of Missouri. I yield to the Senator from New Hampshire.

Mr. MOSES. The Senator will recall that last night, after the motion had been filed to bring about a vote by cloture, I attempted to give notice to all Senators that reservations, in order to be protected, should be presented before 1 o'clock on Monday.

Mr. WILLIAMS. I should like to ask the Senator from Wisconsin whether there would be any objection to my offering a substitute for resolution No. 5 on Monday at 12 o'clock?

Mr. LENROOT. No. The Senator would have until the vote is taken upon the motion, so he would have one hour on Monday in which to offer any amendment.

Mr. WILLIAMS. I propose to offer a substitute for the pending resolution.

Mr. LENROOT. The Senator will have an opportunity to do so.

Mr. REED of Missouri. Mr. President, I ask to have read the resolution which I sent to the desk yesterday relating to the production of original documents.

The PRESIDING OFFICER. The clerk will read as requested.

The legislative clerk read the resolution (S. Res. 125) submitted yesterday by Mr. REED of Missouri, as follows:

Resolved, That the Secretary of State is requested to immediately send to the Senate the original protocol of the so-called Court of International Justice and all other original documents relating to such protocol or the proposed adhesion of the United States thereto.

Mr. REED of Missouri. I move the adoption of the resolution.

Mr. LENROOT. I make the point of order that under the rule the resolution can not be brought before the Senate at this time.

Mr. REED of Missouri. Why?

Mr. LENROOT. It must go over one day under the rule, and this is the same legislative day as yesterday. I will say in this connection that the resolution asks for what everyone knows is an impossible thing, because the original of the protocol is at Geneva.

Mr. REED of Missouri. Very well, Mr. President; then let us have the Secretary of State say so.

Mr. WALSH. Mr. President——

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

Mr. REED of Missouri. I yield.

Mr. WALSH. I rise to a point of order. The resolution is not in order. The question before the Senate is Resolution No. 5, and until that is displaced in some way no other business can be transacted.

Mr. REED of Missouri. We can displace it by moving to take up another proposition.

Mr. WALSH. Not at this time.

Mr. REED of Missouri. Why not? We can displace any proposition at any time by a vote of the Senate, unless we are held by a majority vote to the direct consideration of the particular question.

Mr. WALSH. But we can not take up a resolution by motion in the midst of general discussion.

Mr. REED of Missouri. Oh, I think so.

Mr. WALSH. I am quite sure it can not be done.

Mr. LENROOT. There can be no question that the rule requires that resolutions when submitted shall lie over for one day under the rule.

Mr. REED of Missouri. I think the Senator is correct. I thought he would make the point. Of course, the resolution could be taken up by unanimous consent, but I expected the identical thing would happen that has happened; that is to say, the Senator, being in charge of the majority of the Senate, has denied us the opportunity of an adjournment so that a legislative day would intervene, and now on the very eve of asking a vote in the Senate he denies us the opportunity to point out what papers the Secretary of State has by raising the point of order. It is another application of gag rule, all of which makes, of course, for the enlightenment of the Senate and an opportunity for the Senate to know what it is doing. So far as we know to-day there have been some papers laid on the Vice President's desk without authentication, no pretense made that they are certified copies, no pretense made, at least authoritatively made, that they are identical with the original of the documents which we are informed by word of mouth is in Geneva and about which we have no official information whatever. So we are about to be asked to agree to a document as to the authenticity of which we have no official information.

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

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

Mr. REED of Missouri. Yes; I yield.

Mr. LENROOT. The document sent to the Senate by the President of the United States shows on its face that the protocol was executed in a single copy at Geneva.

Mr. REED of Missouri. Very well; so much the more reason why we should have some authenticated copy of the original. The thing that is sent to us now is an unofficial document and so described in the papers that have accompanied it.

Mr. MOSES. Mr. President, will the Senator from Missouri permit me to ask the Senator from Wisconsin a question in this connection?

Mr. REED of Missouri. Certainly.

Mr. MOSES. Would the Senator from Wisconsin object to the resolution if that portion of it relating to the original protocol were stricken out and it simply asked for copies of such correspondence as the department has with reference to the matter? I ask the question, if the Senator will permit me further, because under the terms of the protocol, it being left for the signature of the United States more than the signature of any other nation, it might be desirable to know whether the initiative in our moving toward signature was taken through the secretary of the League of Nations, who is the custodian of the protocol, or whether this Government itself approached the secretary of the League of Nations for the purpose of signing.

Mr. LENROOT. I will say to the Senator from New Hampshire that when such a resolution is before us I shall be glad to consider the question, but it is a very late hour for a request of this kind to be made. The World Court matter was made a special order for the 17th day of December, and now, just upon the eve of voting, these requests are made.

Mr. MOSES. We are not very near voting, even under cloture. There will be several days of debate, even after cloture is put in effect on Monday. I suggest that the Senator from Missouri modify his resolution as I have proposed and that he ask unanimous consent for its immediate consideration, so that we may have the correspondence in the matter.

Mr. REED of Missouri. I can see no reason for modifying it when I am told that it is out of order under the rule and it must go over a day.

Mr. MOSES. Unanimous consent would cure that.

Mr. REED of Missouri. The Senator is correct; unanimous consent would control, and unanimous consent would have permitted my original resolution to be considered. I appreciate the position of the Senator from New Hampshire. I simply want the country to know the kind of "gag" rule we are having applied in the Senate.

Mr. MOSES. Of course, if my distinguished friend and associate from Missouri is merely making a gesture, I have nothing further to add to the discussion.

Mr. REED of Missouri. Oh, I am not doing that.

Mr. MOSES. I pointed out yesterday, when the Senator from Missouri presented his resolution, that necessarily under the terms of the protocol it was not available to us in an original. I doubt very much if we could secure even an authenticated copy without a good deal of difficulty and lapse of considerable time. But the correspondence could be had, and could be had readily. I think there is no reason why we should not properly ask for it and I can see no reason for it being withheld from us. It seems to me that it is a collateral matter of some consequence to know whether we were invited by the custodian of the protocol to adhere to it, or whether we ourselves took the initial step to ask that we might be permitted to sign.

I can hardly think the Senator from Wisconsin would interpose an objection to a request for the correspondence. If the Department of State should feel it incompatible with public interest, of course they may refuse us the correspondence, but I would certainly think it most incomprehensible that any Member of the Senate should object to a request for copies of the correspondence in connection with a document of so much importance as the protocol.

Mr. WILLIAMS. Mr. President——

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

Mr. REED of Missouri. I do.

Mr. WILLIAMS. I should like to ask my colleague a question as to the parliamentary procedure upon the consideration of a treaty. We are considering Resolution No. 5. That resolution provides that we shall adhere to the protocol and the statute which created the World Court. Neither the protocol nor the statute is made a part of the resolution. Will my colleague tell me whether that is the usage in the Senate, he being a member of the Committee on Foreign Relations? I have another question to ask after that one is answered.

Mr. REED of Missouri. So far as my experience has gone on the Committee on Foreign Relations, it has been very limited. I have only recently become a member. So far as I understand the customs with relation to treaties, they are sent here for our examination and approval. They come here with the signature of the President already attached, and if we advise and consent the treaties become binding. We thus have before us in such cases the identical contract we are signing, and the President has taken the initiative in negotiating the treaty. I do not say that has been the universal custom, but so far as my own experience goes it has been the custom.

Mr. WILLIAMS. I will say to my colleague that I have examined several of the resolutions and I find that all such resolutions have incorporated within them the treaty which it is proposed we shall ratify. May I read to my colleague an excerpt from a decision of the Supreme Court of the United States by Justice Brown in the case of Fourteen Diamond Rings versus United States? There is nothing significant, of course, about those diamond rings. Mr. Justice Brown said:

> Obviously the treaty must contain the whole contract between the parties, and the power of the Senate is limited to a ratification of such terms as have already been agreed upon between the President, acting for the United States, and the commissioners of the other contracting power.

My point is that the thing which we are considering—which is the protocol—must be here, or it must be incorporated in the resolution, or it must be incorporated definitely in the proposal which comes to us for our advice and consent. That is to say, what are we advising the President of and yielding our consent to?

If my colleague will pardon me, the treaty of Versailles was executed in 1919. The protocol of this statute is designated by the League of Nations which created it as the "protocol of signature" and the lines are dotted for the members to sign. The protocol of signature was promulgated by the council on the 16th of December, 1920. At that time the way was open for us to ratify and consent to the action of President Wilson, who, acting on his own behalf and in his own right, had signed the treaty of Versailles which made us a member of the League of Nations—I say at that time when this protocol was promulgated. We did not ratify the treaty of Versailles at all, but we disclaimed that treaty and made independent separate treaties in 1920 and 1923 with the central powers, Germany, Austria, and Turkey. We made our

treaties with Germany and with Austria in 1921 and our treaty with Turkey in 1923.

Of course, the effect of that disclaimer on our part—to ratify the treaty of Versailles by the execution of these treaties, independent of the Versailles treaty, made by the United States with the central powers—was notice to the signers of the Versailles treaty that we would have nothing to do with that treaty. The minute that we disclaimed the Versailles treaty and put it beyond our power to execute the Versailles treaty by making these independent treaties with the central powers our right to membership in the League of Nations became functus. We had no further right after that, and the mention of our name there in the annex was superfluous. It meant nothing to us so far as that is concerned. On the 16th day of December, 1920, when we had a right presumably still to execute the Versailles treaty and thereby become a member of the League of Nations and bound by the obligations of the covenant, it was competent for them to send papers to the President of the United States, through diplomatic channels, for us to sign. After that we could not sign.

I should like to know, in response to the resolution which has been submitted by my colleague, when these papers were furnished by foreign countries or by the League of Nations—from the secretariat, presumably—to the United States, and whether they have lain in the archives of the Secretary of State since a date prior to our disclaimer of the Versailles treaty.. Our status has been materially changed legally since that date, and from their standpoint it would no longer be competent for us to execute this protocol as one who might become a member of the League of Nations.

I think it highly important, Mr. President, that these papers be furnished us, so that we may not only have the date when they were received here but the circumstances under which they were sent. I do not see how we can proceed until we know that, because it is going to become necessary for us to make some diplomatic inquiries as to whether we can still be received as a member of this court. We are only invited to become a member of the court by virtue of the fact that our name appears in the annex to the covenant of the League of Nations, and that annex has become functus as to us.

Mr. REED of Missouri. Mr. President, it seems to me incomprehensible that the Senate would for a moment consider the question of taking action with reference to a document not officially before it. What has happened here is that President Harding sent a message and afterwards President Coolidge sent a message. In his message President Harding states:

> There has been established at The Hague a Permanent Court of International Justice for the trial and decision of international causes by judicial methods, now effective through the ratification by the signatory powers of a special protocol.

That is, a special protocol; not the protocol of the League of Nations. President Harding continues:

> It is organized and functioning. The United States is a competent suitor in the court through provision of the statute creating it, but that relation is not sufficient for a nation long committed to the peaceful settlement of international controversies—

And so forth.

> It is for this reason that I am now asking for the consent of the Senate to our adhesion to the protocol.
>
> With this request I am sending to the Senate a copy of the letter addressed to me by the Secretary of State, in which he presents in detail the history of the establishment of the court, takes note of the objection to our adherence because of the court's organization under the auspices of the League of Nations and its relation thereto, and indicates how, with certain reservations, we may fully adhere and participate and remain wholly free from any legal relation to the league or assumption of obligation under the covenant of the league.

That message transmitted to us a letter of the Secretary of State. Let me read it again. I think that is all he undertook to transmit—

> There has been established at The Hague a Permanent Court of International Justice for the trial and decision of international causes by judicial methods—

And so forth.

> It is for this reason that I am now asking for the consent of the Senate to our adhesion to the protocol.
>
> With this request I am sending to the Senate a copy of the letter addressed to me by the Secretary of State.

Then there follows the letter of the Secretary of State, in which he at length describes the court, and advocates certain reservations and recommends that we adhere to the protocol.

I know of no document which is authenticated and sent to us officially. We have some letters about an alleged document.

President Coolidge goes on to say in his message of December 6, 1923:

> Our foreign policy has always been guided by two principles—

And so forth. He speaks of The Hague court and of our foreign policy.

> Pending before the Senate—

Says the President—

> is a proposal that this Government give its support to the Permanent Court of International Justice, which is a new and somewhat different plan. This is not a partisan question. It should not assume an artificial importance. The court is merely a convenient instrument of adjustment to which we could go, but to which we could not be brought. It should be discussed with entire candor, not by a political but by a judicial method, without pressure and without prejudice.

That seems to be all there is about it. So it appears that the documents themselves have never been sent here in any official way, and therefore it would appear to me that they are not before the Senate.

Mr. WILLIAMS. Mr. President, may I ask my colleague a question?

Mr. REED of Missouri. I yield to my colleague.

Mr. WILLIAMS. I should like to ask my colleague whether he understands it is a protocol of signature or a protocol of adhesion?

Mr. REED of Missouri. I will have to answer my colleague and say that I do not know what it is.

Mr. WILLIAMS. Does not my colleague understand that there is attached to the letter of Secretary Hughes, which in turn was attached to the letter of President Harding of the 23d of February, 1923, a protocol in the form as promulgated by the League of Nations which is called a "protocol of signature"?

Mr. REED of Missouri. I will read to the Senator just what is attached:

> Copies of the resolution of the assembly of the League of Nations of December 13, 1920, the protocol of December 16, 1920, and the statute of the court are inclosed herewith.
>
> I am, my dear Mr. President, faithfully yours,
>
> CHARLES E. HUGHES.

Then follows this:

> LEAGUE OF NATIONS—PERMANENT COURT OF INTERNATIONAL JUSTICE
>
> Resolution Concerning the Establishment of a Permanent Court of International Justice Passed by the Assembly of the League of Nations, Geneva, December 13, 1920
>
> 1. The assembly unanimously declares its approval of the draft statute of the Permanent Court of International Justice—as amended by the assembly—which was prepared by the council under article 14 of the covenant and submitted to the assembly for its approval.
>
> 2. In view of the special wording of article 14, the statute of the court shall be submitted within the shortest possible time to the members of the League of Nations for adoption in the form of a protocol duly ratified and declaring their recognition of this statute. It shall be the duty of the council to submit the statute to the members.
>
> 3. As soon as this protocol has been ratified by the majority of the members of the league, the statute of the court shall come into force and the court shall be called upon to sit in conformity with the said statute in all disputes between the members or states which have ratified, as well as between the other states, to which the court is open under article 35, paragraph 2, of the said statute.
>
> 4. The said protocol shall likewise remain open for signature by the states mentioned in the annex to the covenant.
>
> PROTOCOL OF SIGNATURE OF THE STATUTE FOR THE PERMANENT COURT OF INTERNATIONAL JUSTICE
>
> *Provided for by article 14 of the covenant of the League of Nations with the text of the statute*
>
> PROTOCOL OF SIGNATURE
>
> The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the assembly of the league on the 13th December, 1920, at Geneva.
>
> Consequently, they hereby declare that they accept the jurisdiction of the court in accordance with the terms and subject to the conditions of the above-mentioned statute.
>
> The present protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each power shall send its ratification to the secretary general of the League of

Nations; the latter shall take the necessary steps to notify such ratification to the other signatory powers. The ratification shall be deposited in the archives of the secretariat of the League of Nations.

The said protocol shall remain open for signature by the members of the League of Nations and by the states mentioned in the annex to the covenant of the league.

The statute of the court shall come into force as provided in the above-mentioned decision.

Executed at Geneva, in a single copy, the French and English texts of which shall both be authentic.

I take it from that that it is very plain that what we are doing, if we had the proper documents before us, is that we are accepting the statute of the Permanent Court of International Justice. That seems to be all that we would be doing.

Mr. WILLIAMS. I disagree with the Senator.

Mr. REED of Missouri. Let me see if I have overlooked anything:

The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the assembly of the league on the 13th December, 1920, at Geneva.

Consequently, they hereby declare that they accept the jurisdiction of the court in accordance with the terms and subject to the conditions of the above-mentioned statute.

They there accept the statute, and they accept the jurisdiction of the court. That is plain, I think.

The present protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each power shall send its ratification to the secretary general of the League of Nations—

There is an ambiguity there, because I can not say which of these protocols is embraced within it, or whether both of them are. I should be glad to have my colleague's views on it.

Mr. WILLIAMS. I think my colleague does not quite catch the import of my question. It is this:

That protocol, promulgated by the assembly with instructions that it be sent out for signature by the members of the league and those who had the right to sign, it being understood that it was to be sent out by the council, was a protocol of signature. It was not expected that anything would be done to that protocol except that it be signed. The nations that were to sign that protocol were members of the League of Nations; and all they had to do, as I understand, was to notify the secretariat of the league, who would make a proper memorandum of it at the league's headquarters.

The thing that we propose to do, as I understand, really is to pass a protocol of adhesion. A protocol of adhesion is entirely different from a protocol of signature, and there are some legal implications which arise from the President of the United States executing a protocol of signature.

I am addressing myself not only to my colleague but to the Senator from Wisconsin [Mr. LENROOT], the Senator from Pennsylvania [Mr. PEPPER], and the Senator from Montana [Mr. WALSH].

If the President, upon the adoption of this resolution, signs the present protocol as adopted by the League of Nations, even though he signs it with reservations, the legal implication is that it makes us a member of the League of Nations; whereas if we should authorize him to sign, on our behalf, a protocol of adhesion, it would be a thing entirely different in its legal implications. What is proposed here by the pending resolution, through legal implication—unwittingly, I am sure—is to make us a member of the League of Nations.

Mr. REED of Missouri. Mr. President, I am not prepared to pass on the point raised by my colleague without time to consider it and time to examine the particular language of the resolution; but I say that when a lawyer of his experience and ability raises a question of this kind it is time for the people to give attention to it. I make a different point, however.

What lawyer would permit his client to agree to be bound by a contract which he had not seen or an authenticated copy of which had not been furnished him? And what authority has this body to act upon a document that is not officially before it? There has not been sent to the Senate, as I understand, in an official way, any document for our consideration.

Mr. BORAH. Either officially or unofficially.

Mr. REED of Missouri. Perhaps the Senator from Idaho is right.

Mr. WILLIAMS. Mr. President, may I put another question to my colleague?

Mr. REED of Missouri. I yield.

Mr. WILLIAMS. Suppose that my colleague is the owner of a piece of real estate and that I am a contractor and that the Senator from Montana [Mr. WALSH] is my agent with limited powers, and that he, my agent, negotiates for the construction of a building on my colleague's land, and that I notify my agent that he has exceeded his powers. Although he has signed the contract by his own authority and in his own right, the contract indicates clearly that it must have my consent before it becomes binding upon me and upon my colleague. Suppose, then, that my colleague hands me a memorandum of a change in that contract—an addition or a modification or any other change in the contract—a protocol—and that I, after my colleague has signed the memorandum, also sign the memorandum, am I bound to the original contract then?

Mr. REED of Missouri. Clearly not.

Mr. WILLIAMS. I should say I am.

Mr. REED of Missouri. The Senator is not bound if the change was made without his knowledge.

Mr. WILLIAMS. I signed the memorandum for the change knowing full well all that my agent had done.

Mr. REED of Missouri. Oh, I did not understand the Senator's illustration, then.

Mr. WILLIAMS. And, by the same token, if our agent, President Wilson, in his own right and by his own authority, executes a contract which does not become binding upon this state, the United States of America, until it has received our consent, and we later sign a protocal of signature, what are the implications arising from that? Surely the acknowledgment on our part that we are a member of the League of Nations.

Mr. LENROOT. Mr. President, will the Senator from Missouri yield?

Mr. REED of Missouri. I yield.

Mr. LENROOT. I just want to ask the junior Senator from Missouri one question with reference to the protocol itself.

The Senator observes the language of the protocol, a copy of which is sent to us.

Mr. WILLIAMS. I have read as nearly a true copy of the protocol as I could get.

Mr. LENROOT. I do not question it.

The said protocol shall remain open for signature by the members of the League of Nations and by the states mentioned in the annex to the covenant of the league.

Mr. WILLIAMS. Yes; true; but the Senator from Wisconsin will remember that at that time we had not disclaimed membership in the League of Nations. The time, at that time, was still ripe for us to ratify the Versailles treaty. We had not then disclaimed ratification by the execution of independent contracts of treaty with the Central Powers, all of which took place after that date.

Mr. CURTIS. Mr. President, will the Senator from Missouri yield to me to submit a unanimous-consent request?

Mr. REED of Missouri. I yield.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock on Monday.

Mr. REED of Missouri. Why not an adjournment?

Mr. HEFLIN. Mr. President, may I ask the Senator from Kansas why he can not make it 11 o'clock?

Mr. CURTIS. I prefer 12 o'clock, and I think that is a better hour.

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

Mr. WILLIAMS. Mr. President, did I answer the question of the Senator from Wisconsin—that there had been a change in the facts?

Mr. LENROOT. Does the Senator really believe that any state named in the annex that did not join the League of Nations by attaching its signature to this protocol joins the league?

Mr. WILLIAMS. That is my sincere conviction, sir, under the facts as they are in this case, this being a protocol of signature and not a protocol of adhesion.

Mr. LENROOT. I have no further questions.

Mr. REED of Missouri. Mr. President, I am going to make one more effort to get some information. It is suggested that I change the resolution against which the point of order was made. In its modified form I send it to the desk and ask that it be read to the Senate.

The VICE PRESIDENT. The Secretary will read.

The legislative clerk read as follows:

Resolved, That the Secretary of State is requested to immediately send to the Senate the original correspondence relative to the protocol of the so-called Court of International Justice, and all original documents relating to such protocol or the statute of adhesion of the United States thereto.

Mr. REED of Missouri. I ask unanimous consent for the present consideration of the resolution.

Mr. LENROOT. I shall have to ask that it go over.

Mr. REED of Missouri. The Senator asks that it go over when we have already made an order for a recess, and we will be forced to vote on Monday on cloture. An order for a recess to-day at the conclusion of our business having been made, there will be no morning hour for consideration of the matter Monday, and the point of order now made against this resolution can be made Monday just the same as it is made now.

Mr. LENROOT. Mr. President, if the Senator had really desired this information, the resolution could have been introduced long, long ago. The usual rule is, when a request of this kind is made, to give some time for its consideration. The Senator made a request last night which I assume he knew was impossible of fulfillment because it appeared right upon the face of the document.

Mr. REED of Missouri. What document? There is not a document before us that is here officially.

Mr. LENROOT. This message of the President, and the papers attached thereto.

Mr. REED of Missouri. Mr. President, what is the "nigger in the woodpile" here? What is the reason we can not send down for these papers? What is there to conceal? What is irregular about this matter that Senators are afraid to put their papers on the table?

Mr. WALSH. Mr. President, I ask the Senator the reason why he did not introduce the resolution last March, when this matter was set down for action.

Mr. REED of Missouri. I will answer that very plainly. It is utterly immaterial to this question whether I introduced it last March, or last April, or last June, or last July, or whether I am introducing it now. The White House is about 1 mile from here, and with reasonable expedition a man can travel from that immediate vicinity to the Senate in less than 15 minutes, as the Vice President well knows. [Laughter.]

Mr. WILLIAMS. Mr. President——

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

Mr. REED of Missouri. I yield.

Mr. WILLIAMS. Would it not be a sufficient reason for sending for it, now that it appears that we are about to consider it?

Mr. REED of Missouri. That is a sufficient reason; and I was going to say, further, that not until yesterday was my attention directed to the fact that we were doing the astonishing thing of undertaking to give official consideration of a matter not officially before us. I had assumed that the proponents of this measure were not considering and were not asking action by the Senate until they had something before the Senate to consider, and I did not take the trouble to go back and hunt through the files to find out whether we had any documents before us or not. I assumed that the President would not ask us to take action until he had sent us something to act upon, and that something a properly authenticated document sent here to us officially. I had a right to assume that the President was not merely writing us a letter about something and asking us to act on it without having produced the necessary documents for our consideration.

Mr. HEFLIN. Mr. President——

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

Mr. REED of Missouri. I yield.

Mr. HEFLIN. The Senator from Missouri said that the Vice President knew how long it would take to come from the White House to the Senate. I want to ask him how long it would take to go from the Vice President's chair to the White House?

Mr. REED of Missouri. That depends entirely upon the act of God and the fortunes of politics. [Laughter.] In this day of topsy-turvy, of jazz politics, God knows what will happen, nor who will get there, nor how he will get there. God knows what will happen in this body when Senators refuse to find out whether a treaty which they are asking us to adhere to is properly in the archives of our Government.

It will be found, when these treaties are read, the treaty of Versailles, for instance, it is recited that it shall be signed in both French and English, and then it is recited that in case of a dispute as to meaning, the French text shall govern, so careful are they about what is being signed. But here is the spectacle of men refusing to ask the White House for the papers in a case that we are deciding, and here is a pettifogging plea, "Why did you not do it a little earlier"?

This was proposed yesterday. The papers could have been here this morning. The resolution was called up this morning, and it was objected to on the technical ground that a legislative day had not intervened; and that was the fact, because the Senators in charge of this resolution have refused to allow a legislative day to elapse, and have held us here under recess from day to day.

It is now proposed, then, to take some sort of action with reference to a document which is not officially before this body, and that document is in every essence and in every particular a treaty. The only way we can deal with foreign countries with reference to our international matters and make a binding agreement is by treaty. Whether they are called conventions or treaties or agreements, they nevertheless are treaties between the countries, unless it is some executive act taken in pursuance to a treaty already entered into.

We have no treaty with reference to the league court. We are not a part of the League of Nations. We repudiated the league covenant. We refused to ratify the Versailles treaty. The nations that were in that treaty formed this organization called the World Court. They wrote an agreement between themselves which was not to be effective until ratified by the respective nations, and if we are doing anything we are here attaching the name of the United States to that treaty. Therefore it is in every particular, in my judgment, a treaty of adhesion.

Mr. LENROOT. Mr. President——

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

Mr. REED of Missouri. I yield.

Mr. LENROOT. Is it the Senator's position that with the procedure now proposed the action of the Senate will have no validity?

Mr. REED of Missouri. My position is that this is a totally anomalous situation. The President does not go and negotiate a treaty, but a President writes a letter setting out that he is advised by the Secretary of State that certain foreign powers have adopted an arrangement for the creation of a court and for a statute governing the court, and asks us to consent to it in advance. I do not know what you call that. Why did not the President sign it? Why did he not send it here saying, "I have signed this treaty and I ask your assent"? He did not do that. I think that what President Coolidge wanted to do was this—may I use the very improper expression, "pass the buck"—shift the responsibility. I think he wanted to be able to go to the country and say, "I did this because the Senate told me to do it. I am not the originator of it. I did not negotiate it, but when the Senate told me to do it, then I filed it over there."

The whole proceeding is irregular, and my own opinion is that if we pass any one of these resolutions of adhesion at this time the President should then negotiate with the other countries for the acceptance of our conditions, and the matter must come back here again for our ratification when the other nations have signed. That is my notion about it.

Mr. LENROOT. Is it the Senator's opinion that it would have no validity until that were done?

Mr. REED of Missouri. I very much doubt its validity.

Mr. LENROOT. Then I should think the Senator would be entirely satisfied with the course of procedure.

Mr. REED of Missouri. Why should I be satisfied that we would be pretending to do something we are not doing, or that we should be pretending to do something that we never ought to pretend to do at all? Why should I be satisfied? I am not satisfied. The Senator might be satisfied in putting a fake over on the country, pretending we have done something that we did not believe had any validity.

Mr. LENROOT. No; but the Senator desires to keep us out of adherence to this court.

Mr. REED of Missouri. I do.

Mr. LENROOT. And, according to his view, that will be exactly what will happen if we take this position.

Mr. REED of Missouri. Perhaps that will come as a final result. That may be the effect of it. But that is no reason I should not stand here to-day and ask that we do not in any way entangle ourselves in the proposition.

If the Senator were practicing law and a client came to him and said, "Here is a contract that I am asked to sign. I am going to sign it, but I am going to sign it upon your opinion that I can get out of it," I imagine the Senator would say, "That is rascally; that is crooked; and if you are going to try to get out of it, keep out of it." That is what an honest lawyer would say. So there is not very much in that point.

Mr. President, in this connection, this being clearly, in my judgment, a treaty, I want to call attention to the rules of the

Senate, especially Rule XXXVII, and let us see what we do with treaties and how we handle them. First, we have to have a treaty. The rule reads:

When a treaty shall be laid before the Senate for ratification it shall be read a first time; and no motion in respect to it shall be in order except to refer it to a committee (as amended, S. Jour. 428, 50–51, March 6, 1888), to print it in confidence for the use of the Senate (as amended, S. Jour. 428, 50–51, March 6, 1888), to remove the injunction of secrecy, or to consider it in open executive session.

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed (as amended, S. Jour. 428, 50–51, March 6, 1888). At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, or proceed with its consideration in open executive session.

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motiton to postpone indefinitely, which shall be decided by a vote of two-thirds.

2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

Now, Mr. President, it is proposed here to employ cloture; and the cloture rule in no manner, in my humble judgment, fits the rule that I have just read. The two rules, in my opinion, can not be construed together and reconciled. I read now a part of Rule XXII:

One hour after the Senate meets on the following calendar day but one he—

The Presiding Officer—

shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business, to the exclusion of all other business, until disposed of.

Thereafter no Senator shall be entitled to speak more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

Mr. President, how are you going to reconcile the proposition that no amendment shall be allowed with the proposition that is laid down in Rule XXXVII, which expressly declares that amendments shall be allowed:

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise directs, lie one day for consideration, after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed, and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately or in gross, if no Senator shall object, after which new amendments may be proposed.

Now, we have a cloture rule which provides that we can not amend the treaty, that we can not offer an amendment to the treaty after the Senate convenes on Monday. We have here a rule which provides that the treaty may be amended at any time in Committee of the Whole, and that when it is reported to the Senate it is still open to new amendments. Now, two-thirds of the Senate may set it aside; improper rulings may brush it aside; but there is the rule, and it is in absolute conflict with the gag rule that is being invoked here. This gag rule was never intended to operate as to treaties. It was intended to operate as to legislation. Hence we have here, in my judgment, an absolute conflict between the two rules if it is undertaken to apply to the matter of the treaty the cloture rule which I think was intended for legislative matters.

Mr. President, I am asking now for unanimous consent to consider the resolution which I have offered as amended.

Mr. LENROOT. But I have already objected.

Mr. REED of Missouri. Did the Senator from Wisconsin object?

Mr. LENROOT. I did object.

Mr. REED of Missouri. I did not so understand it.

Mr. LENROOT. If the Senator is through, I want to say just a word with reference to the matter. In the first place, with reference to whether there be any conflict between the two rules, I do not think there is. One may modify the other to some extent, but even if there were a conflict, the Senator, I think, will agree that where there is a conflict, Rule XXII or the paragraph of it under consideration having been passed later than the rule to which he has referred, Rule XXII would govern the situation.

Now, with reference to whether there is anything before the Senate. Rule XXXVII, of course, contemplates a treaty already negotiated and signed by the President where the ratification of the Senate is asked. That is not the present situation. The President asks for the advice and consent of the Senate for the adhesion of the United States to the protocol that he sets out. He sets out the protocol in full that he asks the advice and the consent of the Senate that the United States adhere to. He sets out the statute in full. It accompanies his message.

I have not any doubt in the world that under the Constitution the President might send to the Senate a treaty which he proposed to make that had never been submitted to anybody and ask the advice and consent of the Senate with reference to his making that treaty. If the Senate did advise and consent to it, making no amendments to it, or even if it did make amendments, and he actually afterwards made the treaty in accordance with the advice and consent of the Senate, it would be perfectly valid under the Constitution of the United States.

So whether we have any original documents before us or not is not important. The President has advised the Senate of the protocol that he desires us to advise and consent that he may sign and that we may adhere to. He has set out the statute in full. The Senator does not question that it is correctly set out, does he?

Mr. REED of Missouri. I do not know whether it is or not, sir.

Mr. LENROOT. Every Senator has read the statute. That is purely a technical point, I will say. The statute has been published over and over again, and it has always been in exactly the same wording. There is no question in the mind of any Senator that the statute is here correctly set out. It is purely technical upon the part of the Senator from Missouri, but technical or not I insist it does not make a particle of difference where the original document may be. We do not have to have the original document before us in order to advise the President with respect to this matter.

Mr. REED of Missouri. Of course it is purely technical whether a man signs his name to a promissory note or to a will. That is purely technical in the minds of some people, but it is very essential in the minds of people who do business with a reasonable degree of care. I do not know what is deposited over in Geneva and the Senator from Wisconsin does not know. He does not know whether other nations have made reservations to the document as originally submitted or not and I do not know. Whether the nations that have adhered since the President sent his message here have made reservations I do not know and the Senator from Wisconsin does not know.

What we do know is that the President has not undertaken to lay before us an authenticated copy. What we do know is that the President merely wrote a letter to the Senate and inclosed a letter from the Secretary of State in which the Secretary of State undertook to set out what the Secretary of State understood to be copies of certain instruments. The matter is not here for official action. But that will not make any difference

to the people who would drive us into this court without any regard to anything except haste.

Mr. President, I do not know what is going to happen here Monday. I do not know whether the gag rule is going to be applied for the first time in the Senate, because I believe it has never yet been applied, although, if I recollect right, it was adopted sometime during the war. I do know that as a matter of fact the attention of the Senate has been directed to this question, and it really has been under consideration only since the 17th day of December, 1925. I do know that for practically two weeks of that time the Senate was adjourned. I do know that practically one week was taken up with the contest over the seating of a Senator from North Dakota. I do know that there are a number of Senators who have not finished their arguments in the matter.

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

Mr. REED of Missouri. I yield.

Mr. LENROOT. I do not think the Senator was here, so he probably does not know that the debate was opened on the 17th of December, and the full day was occupied. On the 18th the full day was occupied. The proponents had made their opening case. On the 19th no one was ready to speak in opposition and we adjourned over until the following Monday. On Monday the Senator from Montana [Mr. WALSH] discussed the question. On Tuesday no one among the opposition was ready to speak, and we were in session 1 hour and 10 minutes on that day, and 20 minutes of that time was occupied in secret executive session.

Mr. REED of Missouri. Yes; the terrible and unprecedented thing happened that with an important question pending, where men wanted to prepare something worth hearing, they were not ready at the tap of the bell to proceed. That happens in connection with every bill of importance. In the early days of the session it always happens that we find ourselves unable to proceed, and under ordinary circumstances, where ordinary rules of decency are observed, there is no question made when a Senator in good faith asks that the matter may go over until the next day but that it goes over. It is only when a measure is so sponsored and when there is a fear of delay so prominent that we find any question raised about an important bill in the early days of the session going over to enable a Senator to be ready.

Mr. LENROOT. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. Yes.

Mr. LENROOT. Is it not true that the 17th of December had been fixed as the date to begin the consideration of the resolution for about seven months?

Mr. REED of Missouri. Oh, what is the use of asking that?

Mr. LENROOT. The Senator from Missouri is talking about Senators having an opportunity to prepare for debate.

Mr. REED of Missouri. The Senator asks, Is that not true? Everybody knows, of course, that it is true.

Mr. LENROOT. And Senators have had seven months in which to prepare their speeches.

Mr. REED of Missouri. Yes; they have had seven months in which to prepare their speeches, but no Senator in opposition to this resolution need have been expected to say a word until some Senator had said something for it, and there was something to reply to. It is true that not once but many times we have passed measures over from a preceding session fixing a day when they would be taken up for consideration; and it is also true that all of the courtesies and all of the decencies have been maintained right along except in this case.

Mr. WALSH. Mr. President, I wish to inquire of the Senator from Missouri if it is the rule of procedure in the trial of lawsuits to wait to prepare until the other side has made its presentation of the case?

Mr. REED of Missouri. I will say to the Senator from Montana that I have practiced law for 38 years and I never in my life took a default until I notified the attorney upon the other side and had found that he intended not to appear at all.

Mr. WALSH. That was not my question.

Mr. REED of Missouri. I will answer the Senator's question.

Mr. WALSH. The Senator from Missouri had stated to the Senate that a Senator ought not to be called upon to prepare his speech until the proponents of the measure had been heard upon the matter, and I inquired of him whether in the practice of his profession it had been his custom to delay his preparation for a lawsuit until the case had opened on the other side of the question?

Mr. REED of Missouri. Oh, no. If the Senator from Montana and I ever get on opposite sides of the table we shall both be ready just as nearly as we can get ready.

Mr. WALSH. Yes.

Mr. REED of Missouri. But if in such a case the Senator from Montana arose and said to me that a witness was absent, or if the Senator stated to me that he needed a few hours' time in which to look up authorities, I would give it to him, as I have done in such cases universally.

However, what we do in lawsuits is quite a different thing from our course of procedure here. I have been here some years; not yet long enough to undertake to deliver any lectures from the standpoint of being a venerable man; I might be a thousand years old and yet I would not be venerable; but I say this is the first time that I have ever heard it claimed that a reasonable time for Senators to prepare should not be granted and granted willingly and without a word, and this is the first time I have heard it claimed that because a measure went over——

Mr. WALSH. Mr. President——

Mr. REED of Missouri. Just a moment—that because a measure went over during the summer every Senator had to be ready instantly to debate it as soon as it was laid before the body for consideration.

Mr. WALSH. The Senator from Missouri will not dispute the proposition that seven months furnishes sufficient time in which to prepare.

Mr. REED of Missouri. It would have been sufficient time to prepare if we had been able to devote our undivided attention to the subject; but some of us were busy with other things. Most men have something else to do. I did not have an hour's vacation during the summer. The Senator from Montana had time to go over to Europe. I envied him his trip. I wish I could have been along.

Mr. HARRELD. Mr. President——

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

Mr. REED of Missouri. Yes.

Mr. HARRELD. I wish to call attention to the fact that every day Senators are deciding to vote against our entrance into this court. Should not those Senators have time to prepare to give their reasons for opposing the court? If they listen and wait to hear the evidence and the arguments on the other side, should they not be given opportunity to be heard?

Mr. HEFLIN. Mr. President, will the Senator permit me to interrupt him?

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

Mr. REED of Missouri. Yes.

Mr. HEFLIN. I should like to have the Senator from Oklahoma name one Senator who has changed his position.

Mr. HARRLED. The junior Senator from Oklahoma [Mr. PINE] has done so, if the Senator from Alabama wishes to know.

Mr. HEFLIN. The junior Senator from Oklahoma?

Mr. HARRELD. I so understand.

Mr. HEFLIN. He must have changed his position as a result of the eloquent speech which the senior Senator from Oklahoma delivered a few days ago.

Mr. HARRELD. I do not know why he has done so; but he has announced that he is not going to support the resolution providing for our entrance into the court, and I presume he will wish to be heard on the subject, though I do not know. I was just citing his case as an illustration.

I know of other Senators here who are talking of changing their position on the resolution. They themselves have told me so.

Mr. HEFLIN. I should like to say to the senior Senator from Oklahoma that I have never considered that the junior Senator from Oklahoma was for the court. I should like to have the Senator from Oklahoma give me the name of one other Senator who proposes to change his position.

Mr. BORAH. Mr. President, I suggest to the Senator from Alabama that there has been an important change, and that is in the Swanson resolution of ratification.

Mr. HEFLIN. Which makes the proposal all right now, does it not?

Mr. REED of Missouri. Then the Senator has learned something from this debate. [Laughter.]

Mr. HEFLIN. But the Senator suggests something that I have helped to bring about.

Mr. REED of Missouri. Certainly; and if we manage to change the mind of the Senator from Alabama, then the hour of miracles has come. We might perform a little more, and see if some more legerdemain can not be accomplished.

My God, Mr. President, if we change the mind of the Senator from Alabama in this debate then there is hope. "The vilest sinner may return" up to the last moment, so it is said. [Laughter.]

Mr. HEFLIN. Mr. President——

Mr. REED of Missouri. I will submit to the Senator either quoting the Scripture or telling us about a crap game, but I first want to know which he is going to tell us about, because he does both with equal facility.

Mr. HEFLIN. And they always have a very telling effect, too.

Mr. REED of Missouri. Yes, and they are always very amusing.

Mr. HEFLIN. Mr. President, what I wanted to say to the Senator is this: I have advocated throughout this debate a reservation to provide that the court shall not consider and pass judgment upon any case in which the United States is interested unless this Government shall consent for it to do so; and I have contended that we ought to have a reservation under which this Government, if it desires to do so, may withdraw from the court.

Mr. REED of Missouri. But the Senator has been for entrance into the court with the original reservations; now he is for entrance into the court with additional reservations, and if we keep on discussing this question it is possible that even he may be converted. He was away off on the back benches; we have not got him up to the mourners' seat as yet; he is just about halfway down the aisle; but he is admitting that there is something wrong with what was proposed to be done by His Eminence the President of the United States; he is admitting there is something wrong with the Swanson reservation, and even Brother SWANSON admits the necessity of some change.

That reminds me of the old League of Nations contest that started here with a document that was handed to us, and we were told it was to be taken without the dotting of an "i" or the crossing of a "t." The majority of this body were for taking it in just that way, in my opinion—and I was here and had something to do with the debate. After a while a large number of the Senators in this body became convinced that there ought to be one reservation; then two reservations; then we became divided into two camps, the radical or extreme reservationists and the mild reservationists; we had every sort of degree. I checked the vote here, and I think before we got through that every Member of the Senate had voted for some reservation. If there was any exception to the rule, I do not know who the Senator was.

Now we are discussing a question as to which important points have been raised; others will be raised; and yet the majority propose to adopt a cloture resolution in the Senate so that when the clock reaches the hour of 1 on Monday next, if they are successful in the effort to secure the adoption of the resolution, no Senator can even stand on his feet and offer an amendment to the pending proposition unless that amendment has been thought out in advance and has been filed; and if he finds under a strict construction that his amendment is defective, if he gets into the frame of mind that the Senator from Virginia [Mr. SWANSON] has been in with reference to his own reservation, and wants to change or modify it because of facts disclosed in the debate or which occur to him, he can not make such change or amendment. We will be bound here hard and fast to pass upon this question solely on the amendments that may be filed in advance. We may adopt one amendment; we may find it necessary because of the adoption of that one to adopt another; there will be none that fit exactly; we may want to change the language; but we are tying our hands when we are about to enter into a contract to submit great issues and important matters to a court sitting on the other side of the sea.

Mr. WALSH. Mr. President, the Senator could avoid all that by agreeing to a day when we shall vote.

Mr. REED of Missouri. I have not objected, sir. Has the Senator heard me object?

Mr. WALSH. The friends of the Senator have objected.

Mr. REED of Missouri. Mr. President, that is an insinuation not quite worthy of the Senator from Montana. The Senator who objected, I hope, is a friend of mine. I met him for the first time when he came to the Senate. I suppose he is equally the friend of the Senator from Montana. I should like to describe each of the Senators as an intimate acquaintance, but I profess no intimate acquaintance with the Senator from South Carolina.

I have shown the situation that we are in. What I am asking for is that this debate shall be allowed to proceed until Senators can have full time for consideration. Other business that is of importance can be taken up; there is no hurry about this matter. If after the tax bill shall have been passed, the pending resolution still being subject to call, there develops a real filibuster; if it appears that Senators are not talking in good faith, then if cloture be applied, although I do not believe in it at all—I do not believe it is the right principle ever to apply in the Senate—I shall feel entirely different about it. If it is desired to secure consent to vote at a reasonable time in the future, allowing reasonable opportunity for debate, I shall not object, and I have not objected. But what is being done here is to say that those of us who have not finished the discussion of this case and who think they have something to say on it shall not have the opportunity. Other Senators may not think that what we are saying has any weight, but we have the right to submit our views to the Senate and to the country.

Mr. HEFLIN. Mr. President——

Mr. REED of Missouri. Just a moment. I would hate to have my right to speak here determined by the opinion of some of my brother Senators as to whether I was saying the right thing, and I think they would not want to submit their views to that test and let me apply it. I now yield to my friend from Alabama.

Mr. HEFLIN. Mr. President, the other afternoon I suggested that if we could not get unanimous consent to fix a day for voting upon this question, we might as well apply the cloture rule which we have. When we are through with the debate I feel that we ought to vote. I talked to some of my friends here on the subject, and they said, "The opposition is going to have a conference to-night to see if they can not agree." I understand that they did have such a conference, but no suggestion as to what they agreed on was ever reported. I want to ask the Senator from Missouri if they did have a conference and if they did determine to make a proposition by which we could end debate, or whether they declined to do it?

Mr. REED of Missouri. No, sir; neither statement would be correct. The conference was, as most conferences are, private; but I think my colleagues will exonerate me from blame for disclosing what took place. We discussed the question of how long it would take to debate this matter, of the different Senators who wanted to speak upon it, of the desirability of having a reasonable time in which to debate the resolution, and it was finally left with the Senator from Idaho [Mr. BORAH] to talk with the representatives of the other side and see if an agreement could be reached. That is all that took place, and it is all that reasonably could take place.

Mr. HEFLIN. But was any date suggested?

Mr. REED of Missouri. Different dates were talked of. Nobody undertook to suggest a particular date, because that was a matter to be left to negotiation. Nothing was done looking toward barring a vote on this matter.

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

Mr. REED of Missouri. I yield.

Mr. McKELLAR. If the Senator were to indicate what day he thought would give everybody a fair chance and ask unanimous consent that a vote be had on that date, perhaps an agreement might be reached. What date would the Senator suggest; and would he be willing to prefer a request for unanimous consent?

Mr. REED of Missouri. I am not willing to suggest a date in my position in this debate on my responsibility, because the contest has been in charge of the Senator from Idaho [Mr. BORAH] from the first. I am only a high private in the rear ranks, appealing, however, for the rights that ordinarily go to a private on this side of the Chamber.

Mr. WILLIAMS. Mr. President, I will ask my colleague if he does not recall that it was considered that the tax bill should be gotten out of the way by the 15th of February, and that the desire to get it out of the way by that time moved us to say that if we could take up this measure five days after that it would be satisfactory?

Mr. REED of Missouri. There was general talk of that kind, and it was turned over to the Senator from Idaho [Mr. BORAH] for negotiation.

Mr. President, I say to my colleagues that I have not finished the discussion of this question in what I consider a legitimate argument. It may not appeal to a single Senator here. Almost all of you have some views in which I do not concur; but that does not mean that you are right, and it does not necessarily mean that I am wrong. I want to present my views on this question. I could not do it between now and the time when it is proposed to apply cloture. I could do it, of course, if I stood here all of these hours and risked my health, and perhaps my life; but I am not going to do that. I was here as soon as I could get my materials together and make my studies and be prepared to go ahead.

I say—and I am talking now because this is the only time we have had to talk about this matter of cloture—that I believe in

the entire history of the Senate cloture never has been applied. We started once or twice to apply it here——

Mr. ASHURST. Mr. President, if the Senator will yield to me, we applied it on the League of Nations.

Mr. REED of Missouri. No; I think we agreed there in the end.

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

Mr. LENROOT. No; it was applied on the League of Nations.

Mr. ASHURST. The cloture was applied.

Mr. REED of Missouri. It may have been. I thought we had simply talked of it. My recollection gets indistinct about matters and I am glad to be set right.

Mr. ASHURST. I knew the Senator would not object.

Mr. REED of Missouri. I thought we had talked about it, but finally had agreed on a time to vote. Very well; it was applied on the League of Nations.

Mr. McKELLAR. May I say to the Senator that I would very much prefer to have the Senate agree upon a day to vote; and if the Senator from Missouri—even though he is, as he claims, but a high private in the rear rank in his organization—were to prefer a request fixing, say, somewhere between the 10th and the 18th of February, I am inclined to believe that he could get unanimous consent. In fact, I have no doubt about it in my own mind.

I have not conferred with any Senator. I do not know how they think about it, but I believe that any reasonable time that the Senator from Missouri might suggest at which we could come to a vote by unanimous consent would be agreed to by the Members of this body rather than to apply cloture.

Mr. REED of Missouri. Mr. President, I have stated my position about that. I am not authorized to make any statement that will bind anybody.

Mr. CARAWAY. Mr. President, may I ask the Senator from Missouri a question? The Senator said a moment ago that the Senator from Idaho was the general in command.

Mr. REED of Missouri. He has been the leading Senator. I would not say that he is the general in command.

Mr. CARAWAY. I was trying as nearly as I could to adopt the language of the Senator. The Senator said he was a private in the rear rank, and that the other Senator was of higher rank. The Senator from Idaho suggested the 10th day of February. Is the Senator from Missouri willing to follow his general in command?

Mr. REED of Missouri. Yes; although I think the date he mentioned is too early.

Mr. CARAWAY. The 10th of February is satisfactory to the Senator?

Mr. REED of Missouri. I say I think it is too early, but I am willing to agree on a day.

Mr. CARAWAY. I thought the Senator stated that the Senator from Idaho was in charge. The Senator from Idaho said that would be satisfactory to him, and now I want to know if the Senator from Missouri is willing to follow his leader.

Mr. REED of Missouri. I do not know what the Senator from Idaho said. I was not here at that time, but, of course, what the Senator from Arkansas says about it is correct.

Mr. HEFLIN. Mr. President, how about the 15th of February?

Mr. REED of Missouri. I say you are asking me to agree to something where I am simply one of many. I am perfectly willing to confer with my associates; I am perfectly willing to talk over the matter with the Senator from Idaho and all the rest of the Senators who feel as I do against this court; but each of us has his individual rights, which I, of course, can not waive. All I can do is to use my influence, and my influence generally has just the opposite effect to what I want it to have.

Mr. ASHURST. Mr. President, we may disagree with or dissent from the able and eloquent Senator from Missouri; I presume everyone here admires him, one not more than the other; but whatever date that is reasonable he asks, or whatever other request he makes, will be granted. He need not through modesty disclaim his leadership here on this subject. No one in favor of the court would object to a date he proposed and no one opposed to the court would agree to a date to which he objected. Let the Senator lay aside his modesty.

Mr. REED of Missouri. I wish I felt that I had that much influence. It would be a great solace to my soul to have all my colleagues agree with me for once.

Mr. McKELLAR. I think we will all agree with the Senator from Missouri if he will fix a reasonable day.

Mr. SWANSON. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. Yes.

Mr. SWANSON. I think the proposition offered by the senior Senator from Arkansas [Mr. ROBINSON] yesterday afternoon was a fair proposition. Let us see what it was.

That the general debate should continue as long as any Senator wanted to speak; that this matter should be kept before the Senate for discussion to the exclusion of any other matter; that on the 10th of February unlimited debate should end, and we should then proceed under the 30-minute rule, applied to every amendment or reservation offered to the resolution of ratification. It does seem to me, in all fairness and justice, that if there is any disposition to reach a conclusion of this matter, that is an equitable arrangement.

I understood that the Senator from South Carolina [Mr. BLEASE] would reconsider his objection. I fully expected to come in here this morning and find everything settled, so that we could proceed under that agreement. Then we would have full discussion, discussion of every reservation, and the matter would be settled amicably to the satisfaction of every Senator.

I should like to know what is the objection to that arrangement? So far as letting other business crowd out this matter is concerned, the understanding is that it shall be before the Senate for general debate if any Senator wants to discuss it, from now until the 10th of February; and it was the understanding of all of us that that would be done. I presume, in all frankness and candor, that no man in the Senate who wants to present his views in connection with the World Court will deny that that would be ample time.

It may be said that interest might be lost in the debate. We can not keep Senators here to listen. We can not do that; but Senators can give notice the day before they desire to speak—they can give notice two days or three days before—and it would be really more advantageous for debate. I know of Senators here whom people would like to hear in opposition to the resolution, and if they would give notice that they were going to speak on a certain day I am satisfied that Senators would be here. This would give an opportunity to have debate conducted in that way; and when that notice was given, under the unanimous-consent agreement that was sought, the Senator would be entitled to the floor.

When the time comes for 30-minute debate, any Senator will have 30 minutes to discuss every amendment, every reservation. There is no limit on that. Senators can discuss the amendments and reservations until they are content; but it does seem to me, in fairness and justice, that this matter ought to be brought to a conclusion.

Last spring we intended not to adjourn the special session of the Senate if this special order had not been made. A resolution was pending here to make it a special order immediately and to discharge the committee from its consideration. That resolution was introduced by the senior Senator from Georgia [Mr. HARRIS]. We all got together and had an understanding that we would ask for a unanimous-consent agreement, which could not be obtained. Then it was understood, as far as I was concerned—it was so understood by me; I can not say that any specific promise was made—that the matter would be made a special order on the 17th of December; and when it is made a special order, if you are going to keep faith and carry out the understanding, it means that it is going to be disposed of after reasonable debate. I think we ought to keep that understanding, and I think that after reasonable and fair debate this matter ought to be disposed of.

Every Senator but three voted for that proposal. I am just talking about the two sides of this question. All Senators but three voted for that proposal with that understanding. Now, we come here and say, "Name a day. You can have full debate. Name a day when you will vote." You say you do not want to name a day to vote, because there are amendments, and reservations might be offered from time to time, and that would interfere with you. We say, "Then close general debate. You can speak two days, three days, four days, any time you please. Make your announcement that you are going to speak to-morrow at 4 o'clock or 2 o'clock. Suit yourself, and have general debate until the 10th of February, and then you will not have any trouble and misunderstanding in connection with reservations and amendments that are offered. Nobody will be surprised. Everybody will have an opportunity to offer all the proposals they want and to debate every one of them for 30 minutes."

It does seem to me that that is a fair proposition. Does not the Senator from Missouri think so?

Mr. REED of Missouri. In a general way I think it is. I do not agree to the day. I think I can convince Senators that that is not a fair proposition.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Missouri a question? Does the Senator desire to suggest a day?

Mr. REED of Missouri. I have already answered that question before the Senator from Arkansas came in. I said that I had no authority to suggest a day; that I was willing to confer with the Senator from Idaho [Mr. BORAH] and other Senators who are just as important in the matter as I am. They are all Senators. I can speak for nobody but myself; but I say that in my judgment the day suggested is too early a day, and I will tell you why.

Mr. HEFLIN. Mr. President, it is 17 days off.

Mr. REED of Missouri. Yes; but we have had an illustration to-day, and a very mild sort of illustration, of how time can be taken in a perfectly proper manner which shuts out the consideration of a question. If this matter were pending under a unanimous-consent agreement, any Member could rise and talk, as the Senator from Nebraska [Mr. NORRIS]—who delivered a very interesting speech to-day—talked, upon a question in which he was interested. The tax bill will be up and probably will engross the attention of the Senate. I am not averse to fixing a day when we will begin to take up this matter for final action, with right of amendment and right to discuss the amendments under reasonable limitations; but I do not think the 10th day of February would do.

Mr. SWANSON. Mr. President, if the Senator will yield, the 10th day of February was fixed because the Senator who had charge of this matter, the Senator from Idaho [Mr. BORAH], suggested that day himself.

Mr. REED of Missouri. It has been objected to, and you can not expect people to waive their objections just out of hand. I am trying to say now that if the proponents of this measure can get a day fixed, it does not seem to me it makes very much difference to them whether it is the 10th of February or the 1st of March.

Mr. McKELLAR. The 10th of February will be on Wednesday. How would the 17th suit the Senator?

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will permit me, I happen to know that a number of Senators can not be here at that time.

Mr. REED of Missouri. On the 17th?

Mr. ROBINSON of Arkansas. On the 17th.

Mr. REED of Missouri. Let us say the 1st of March.

Mr. ROBINSON of Arkansas. I have looked into this matter very carefully, and my reason for suggesting the 10th of February was to meet the suggestion originally made by the Senator from Idaho. The expanded limitation on debate which was incorporated in my request of yesterday would work inconvenience to some Senators.

Mr. REED of Missouri. How would the 1st of March be? The 1st may be Sunday; I have not a calendar before me. On what day will the 1st of March fall?

Mr. McKELLAR. The 1st of March will be on Monday.

Mr. REED of Missouri. I will say this, that if the Senate fixes approximately that time, as far as I am concerned, I shall not feel that there has been any hardship placed on me. I shall feel—and I am speaking only for myself—that we have had a chance to debate this proposition, and I shall feel that, having had a chance to debate a proposition fully and fairly, and let the country have some chance to know what is going on, the Senate is entitled to its vote. We have stayed out of the World Court a good many years——

Mr. ROBINSON of Arkansas. May I interrupt the Senator in that connection?

Mr. REED of Missouri. Yes.

Mr. ROBINSON of Arkansas. What does the Senator say to entering into an arrangement that would contemplate a final vote on the 25th day of February?

Mr. REED of Missouri. I think that is too early. The Senator says a final vote. We have made such agreements many times, and we know the danger of an agreement for a final vote at a certain hour. I have seen important amendments thrown out on account of such an agreement. But if the date is put over to about the 1st of March, I think I can probably persuade some of the Senators in opposition—more than one has been objecting—to accede to that. I will try to do it. I am not taking this matter out of the hands of the Senator from Idaho [Mr. BORAH]. I have said that when he was not here.

Mr. BORAH. Go ahead.

Mr. ROBINSON of Arkansas. Of course, it would do no good for the Senator to persuade some of the Senators and not persuade all of them.

Mr. REED of Missouri. I have enough confidence——

Mr. BRUCE. Mr. President, if Senators want unanimous consent they had better stop just for a moment to find out how some of us feel about the matter. I for one am not going to give my assent to any such postponement. Yesterday an agreement on February 10 was entirely satisfactory to the Senator from Idaho, who considered the matter, and who stated it was satisfactory to him. It was entirely satisfactory to the Senator from Missouri.

Mr. REED of Missouri. No——

Mr. BRUCE. As I understand it, the only thing in the world that brought about the miscarriage on yesterday with reference to that agreement was the objection made by the Senator from South Carolina [Mr. BLEASE]. That was the only thing.

Mr. BORAH. Mr. President——

Mr. BRUCE. I do not see why the Senator from South Carolina should have any monopoly in objecting.

Mr. BORAH. I think that is true. That is one monopoly that can not exist in the Senate. But I ought to say, in justice to the Senator from South Carolina, that there were other opponents of the court who were not ready at that time to fix a date, although he made the only objection, because it was necessary to make only one objection. I doubt very much if just at this juncture, in view of the situation and the change in the situation by reason of the procedure for cloture, we could agree on a day certain. It might be that we could agree after a little time for consideration. But I am quite sure that no one of us is authorized now to make any such agreement, because we supposed everything was off after the procedure last evening.

Mr. SWANSON. We adjourned with the understanding——

Mr. ROBINSON of Arkansas. We were advised that a conference would be held last evening. The Senator from South Carolina announced that he would not withdraw his objection last evening, but that he might do so to-day after he had had an opportunity to confer with some of the Senators with whom he had been in conference.

Mr. BORAH. As I said, I have not had any conversation with the Senator from South Carolina to-day. I do not know whether he was inclined to withdraw his objection or not, but I am sure we can not agree at this particular time. How long are we to stay in session this evening?

Mr. LENROOT. I would like to inquire what the Senator from New Jersey desires to do? Does the Senator from New Jersey desire to go on to-night?

Mr. EDWARDS. I do.

Mr. HEFLIN. Mr. President, I regret that we have been unable to get Senators to enter into some sort of an agreement, after having the understanding last night that they would get together, and tell us to-day what they were willing to do. Now, the two leaders of the opposition, the Senator from Missouri [Mr. REED] and the Senator from Idaho [Mr. BORAH], having no proposition to submit and declining to suggest any date, it seems to me that the duty of nearly three-fourths of the Senate is very plain and clear.

The idea of these Senators failing to agree on the 10th of February, with 17 more days in which to debate this question! Strange, indeed. There are not enough Senators in the opposition to the World Court resolution to keep debate going here for six days, if they will really discuss the question before the Senate. We do not want to shut off debate. I think every point the opponents can possibly make against this proposition has been made, and made ably, by the Senator from Missouri, the Senator from Idaho, and some of the others who have spoken on the question.

The Senator from Missouri talks about cloture not having been applied in a long time. It was applied in the matter of the League of Nations debate, and was about to be applied when the Isle of Pines treaty was before us. The Senator from New York [Mr. COPELAND] withdrew his opposition to fixing a date and permitted us to agree on a time for a vote.

The cloture rule, which provides that after long, general debate has been had on a measure and two-thirds of the Senate desire to vote they may do so, has been threatened many times, because two-thirds of the Senators felt that the matter before the Senate had been thoroughly discussed, and that they ought to vote; and in nearly every instance the opposition would agree on a day when a vote could be had. We do not find that situation now. A petition for cloture has been signed, not by 16 Senators, but by about 50. More than two-thirds of the Senators present have already signed it. Why should we hold up debate for two or three or four weeks in the face of a situation which shows that more than two-thirds of the Senators are already for the World Court?

It takes only two-thirds of the Senators present to adopt the World Court resolution, and more than two-thirds of those present have signed the request that a vote be had on the question of closing general or unlimited debate.

We ought to apply common sense to our practice and procedure in this body. We have the tax bill here awaiting our consideration. The people have a right to demand that early action be had upon it. It ought to be passed in some form, and we ought to have time to consider it. But being acquainted, as I am, with the situation here, I am not willing to consent to give that bill precedence over the World Court resolution. We might just as well fight that proposition out now as at any other time. We ought to hold the court resolution before this body until we dispose of it. We should not permit the tax bill to be brought up, to be battered about and kicked around in order to postpone consideration of the World Court and maybe prevent the passage of the tax bill until after the 15th of March. I want the country to know that we have gone along with these gentlemen for more than a week and tried to get an agreement as to when we could vote. We have not tried to cut off debate. They have had all the time they have needed thus far, it seems to me, but we are holding out the olive branch to them and offering them 17 days more, but they can not or will not agree on that. They suggest the 1st of March, and if that were agreed to, they would debate the tax bill God only knows how long.

Mr. President, it seem to me the time for action has come, if Senators can not agree. The World Court resolution has been pending for three years, and who can say that three years is not long enough in which to thoroughly discuss it?

How, then, can Senators contend that we are attempting to cut off debate and deny them the right to be fully heard on this question? That charge can not be sustained. The facts that exist here in regard to this World Court matter justify the three-fourths of the Senators who favor the World Court in demanding a vote in the next five days.

Mr. REED of Missouri. Mr. President, may I say this, and I will be very brief, if the Senator from New Jersey will pardon me.

Mr. EDWARDS. Certainly.

Mr. REED of Missouri. The question of the long pendency of this measure has been discussed, but the resolution was not before the Senate, it was in committee, not here at all, not on the floor at all, and nobody giving it serious consideration.

Addressing myself now to the Senator from Alabama, the point is not that of holding up a matter at all; the point is that since we came to the consideration of this matter there has been very consistent work and very consistent adherence to the topic under discussion. I never have seen a time when the debate was more closely confined to the subject. But one or two speeches have been made utterly irrelevant to this question, and the Senator from Alabama has made one or two of them himself.

Mr. HEFLIN. I did not catch that remark.

Mr. REED of Missouri. I said that during the time we have had this question before us, since the 17th of December, there have been some discussions irrelevant to this matter, very interesting discussions, very illuminating, but not on this question, and the Senator from Alabama has done his share of that kind of talking.

Mr. HEFLIN. I was doing that to relieve the Senate and the people assembled here from the monotony of the other debate. [Laughter.]

Mr. REED of Missouri. Mr. President, that is a good deal like—I will not say what. [Laughter.] If the Senator is offering himself as an oratorical soporific, he has a strange conception of his effect upon his audience. But I am making the point seriously; the Senator from Alabama and myself can never talk without joking, and nobody listens to him with greater pleasure than myself, particularly when he quotes Scripture. [Laughter.] But he has taken a full measure of the time since the 17th of December discussing matters that had nothing to do with this case, and he had the right to do it, and I do not criticize him.

This morning, with the imminence of cloture upon us, the Senator from Nebraska [Mr. NORRIS] rose and made a speech, which ought to have been made, but it was not on this question, and it took just that much time.

If we should agree to vote 17 days from now, the tax bill will, of course, come before the Senate; it will attract the attention of the Senate, the minds of Senators will be taken from this important question, and in the meantime, when this question is called up, nobody can keep any Senator from talking on any subject he wants to talk about, the tax bill or anything else. If we call this particular question up, any Senator can get the floor and hold it to the point of his own physical exhaustion, talking about the tax bill, talking about farm legislation, or talking about any other subject he is interested in.

Senators want to vote. If they can be assured of a vote by the 1st day of March—that is, that they shall begin then with the limitation of debate—it is only a reasonable extension, and it gets us past the 17th, when, the Senator from Arkansas has said, some Senators can not be present.

Without being able to speak for anyone, I think if that were the general consensus of opinion it would be acceptable. However, I speak for nobody but myself. It probably might be accepted. I know I would try to have it accepted. That would assure us of a vote at this session of Congress and we can then go on with our other business. So far as I am concerned, I should then feel we had had a full chance to debate the question, and if we are defeated we will have to accept the results.

Mr. EDWARDS. Mr. President, I am not going to bore this body with an exhaustive restatement or rehash of the parrot-perfect arguments already advanced in the interest of or detriment to our joining an international court of justice.

We have already glutted the RECORD with little that is relevant to the true issue and much that is foreign to intelligent and instructive World Court debate. We have been surfeited with wild conjecture and alarming prognostications which can not be justified or substantiated so long as words are made to substitute for deeds. We have pondered well the pros and cons.

The editorial resources of the civilized world have flooded our offices and homes with volumes of fact and no little fancy proving or disproving alleged advantages of a closer international cooperation on the part of America.

Great men and small, in and out of Congress, have ranged from inconclusive generalities to futile and wordy detail in their efforts to either clarify or befog the issue, depending upon their nationality or bias of opinion.

Women's clubs and men's clubs, the farmer and the lawyer, the doctor, the Jew and gentile, teacher and pupil, master and servant, the native born and the foreigner have submitted oral or written briefs on the why and the wherefore of the World Court.

Nearly 30 years have elapsed since the first Hague conference of international comity and equity was first conceived and nurtured by the genius and unselfish magnanimity of American statesmanship.

Nearly six years have passed since the International Court of Justice came into being in 1920—a living fact, a breathing reality.

More than five years have gone since bloody bedlam, with the world as its stage, battered its maniacal way through the peaceful life of the earth's citizenry, leaving millions of voices crying: "Peace; peace. Let us have peace."

More than four years have passed since the Permanent Court of Justice first held the country-wide interest, thought, and active will of the 48 States of this Union, during which time State legislatures and the National Houses of Congress praised and denounced any and all devices looking to what the American people are pleased to denominate foreign entanglements.

Nearly a year has passed since the Senate of these United States by a vote of 76 to 3 made the World Court a special order of business on December 17 last.

And now, Mr. President, I join with our minority leader, the Senator from Arkansas [Mr. ROBINSON] in charging those Senators who voted to make the World Court a special order of business, with bad faith if they hinder or obstruct in any way the recording of an early and decisive vote on the Swanson resolution.

I venture the assertion, though I have no ready means of proving my point, that there is not an argument yet conceived by the human brain, for or against the World Court, that has not been presented in all its varying phases before this Senatorial body.

There has been ample time for earnest study. Our minds should be made up. We may not be convinced, but we should have the courage and honesty to vote our intentions—our opinions. We must have a serious thought concerning the advisability or inadvisability of American entry into world affairs. If we have not, this Chamber should harbor saner and more fertile intellects.

The American public, aye, the civilized world, is demanding "yes" or "no" from each and every one of us. We can not—we should not—shirk our duty. Let us determine here and now, once and for all, to go into the court or stay out of the court. Do not let us wait for the night, ring the doorbell of the court's back door, halloo "Boo, I'm not afraid of you," and then sneak off into the darkness frightened, yet unafraid, and eager to be frightened again.

I do not know whether we are doing the right thing if we, by a majority vote, pledge America's active cooperation in the International Court of Justice. Mr. Coolidge does not know. The Senator from Idaho [Mr. BORAH] does not know. The Senator from Virginia [Mr. SWANSON] does not know. None of us know. And this, Mr. President, is no reflection upon our intelligence. I do not know whether, as my young friend, the Senator from Wisconsin [Mr. LA FOLLETTE], charged yesterday, the World Court is responsible for prostitution and sexual intemperance in Syria because of the mandate exercised over that nationality by France, yet my better sense tells me that the charge is sheerest nonsense.

I can not believe that because a nation is not America, its every intention toward my Government is one of poisonous and ruinous intent. I can not believe that active association and friendly cooperation with a government, whether that government be French, Italian, English, Irish, German, or what not, is going to bring rack and ruin into my social, economic, spiritual, or political life.

No; my friends, I can not believe, yet I do not know. But I am willing to give the World Court a chance. Let us find out of what stuff it is made. Let us go in or stay out. Let us do something besides obstruct important legislation which must, perforce, suffer if we do not act and act now.

My constituents are flooding my office with letters and telegrams urging not so much that I vote "yea" or "nay" on the World Court proposition, as that I vote some way.

Mr. President, with the proper reservations, I am prepared to vote on the Swanson resolution to-day, not to-morrow, or Monday, or February 10, but to-day; and I am of the opinion that every other Senator in this Chamber is likewise prepared.

To extend this debate further means a befogging of the real issue rather than a clarification. If we have not learned to have enough faith in our judgments on this issue, six years after its presentation to us, God have mercy on our poor, functionless minds.

Let me repeat, I do not know whether it is right for America to join the World Court. But I do know, at least I am reasonably sure, that we owe it to ourselves, we owe it to our country, we owe it to our neighbors across the sea to give it a trial. If, after entering the court, we are not received on a parity with other members, let us withdraw.

We have always had the manhood and hardihood to stand up for our rights in the past. Why should membership in a World Court weaken, in any way, our usual stability to resist the perpetration of wrong?

This continuation of nonsensical bickerings and stupid reiteration of conjectural fact will lead us nowhere. Let us free ourselves from this argumentative maze of uncertainty and vote our convictions like true Americans.

We should go in or we should stay out. But let us not remain suspended in the air by a treacherous string whose threads are made of such shoddy stuff as indecision, want of settled purpose, indetermination, wavering of mind, vacillation, or hesitation.

Let us vote on the World Court.

And let us vote now.

As in legislative session,

DEATH OF REPRESENTATIVE JOHN E. RAKER

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. JOHN E. RAKER, late a Representative from the State of California, and transmitted the resolutions of the House thereon.

Mr. JOHNSON. Mr. President, I ask that the resolutions just received from the House be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Chief Clerk read as follows:

House Resolution 101

IN THE HOUSE OF REPRESENTATIVES,

January 23, 1926.

Resolved, That the House has heard with profound sorrow of the death of the Hon. JOHN E. RAKER, a Representative from the State of California.

Resolved, That a committee of 12 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. JOHNSON. Mr. President, I submit the resolutions I send to the desk and ask for their immediate consideration.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 127) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JOHN E. RAKER, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. JOHNSON. Mr. President, I move that the Senate now take a recess, under the unanimous-consent order, out of respect to the memory of the deceased Representative.

The motion was unanimously agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) under the previous order, took a recess, as in open executive session, until Monday, January 25, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, *January 23, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Be not silent unto us, O God, for amid our joy and our sorrow we offer Thee our daily praise. Oh, speak to us out of the cloud, for the voice of weeping breaks through upon our music; it is a painful jar. Again there is a silence in our roll call. A Member honored and esteemed will answer no more to his name. In our sorrow may we remember the One who built the skies and our heavenly Father, who has promised to make all things new. We thank Thee that we have an inheritance that is incorruptible, undefiled, and that fadeth not away. Remember the loved ones with the blessing of an untroubled heart. Impress us with the brevity and the uncertainty of life. As men, as citizens, and as servants of the public may we deal justly and love mercy. Through Jesus Christ our Lord. Amen.

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

PERMISSION TO SIT DURING SESSIONS OF THE HOUSE

Mr. DYER. Mr. Speaker, I ask unanimous consent that the Judiciary Committee and its subcommittees may sit during the sessions of the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the Judiciary Committee or any subcommittee thereof may sit during the sessions of the House. Is there objection?

Mr. BLANTON. That is only in Washington?

Mr. DYER. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, for what purpose?

Mr. DYER. We have some matters before the committee, including an impeachment investigation, and some public hearings which we should like to hold and be permitted to sit during the sessions of the House.

Mr. GARRETT of Tennessee. For the present, Mr. Speaker, I object.

PERMISSION TO FILE MINORITY VIEWS

Mr. BLANTON. Mr. Speaker, I have authority from the District Committee to file minority views on the bill H. R. 6556, which comes up Monday. I have not had time to finish those views, and I ask unanimous consent that I may have until midnight to-night to finish them.

The SPEAKER. The gentleman from Texas asks unanimous consent that he may have until midnight to-night to file minority views on H. R. 6556, by direction of the District Committee. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD certain extracts from the speeches of President Coolidge before the Budget Committee. They are of exceeding value and there are a half dozen of them.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by printing

extracts from certain speeches made by President Coolidge before the Budget Committee. Is there objection?

Mr. BEERS. I object for the present, Mr. Speaker.

PERMISSION TO ADDRESS THE HOUSE

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to proceed for one minute in explanation of a unanimous-consent request I wish to present to the House.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. BYRNS. Mr. Speaker, on January 20 Mr. Noah W. Cooper and a committee were in Washington for the purpose of appearing before committees of the House and the Senate in support of their proposition for a Sabbath observance law in the District of Columbia. The chairman of the District Committee of the House very kindly arranged, at their request, for a hearing before that committee, but owing to some confusion they were not present. They were subsequently heard during the day by the Senate committee on District affairs.

I have always believed in Sabbath observance, but I am frank to say to the House that I do not subscribe in their entirety to all the views of Mr. Cooper and his committee set forth in the address which he left with me and which I hold in my hand. But it is addressed to the Members of Congress in support of their proposition, and I think they are entitled to have their views presented to each individual Member of Congress. At the request of Mr. Cooper and this committee, one of whom was from Virginia and the other from Arkansas, I ask unanimous consent to insert this address in the RECORD, and also the letter from the committee to me requesting that I do so.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I gave notice a day or two ago that I was going to object to letters, speeches, and statements from outside sources which undertake to make the CONGRESSIONAL RECORD a scrapbook for editorials and statements delivered elsewhere. This is a matter that ought to go to the District Committee; it is a matter which should be considered by the District Committee, and I shall have to object.

Mr. BYRNS. If the gentleman will withhold his objection for a moment, I have explained that they were prevented, not by the action of the committee, but by a mistake as to the date, from going before the District Committee, and they had to leave that day.

Mr. BLACK of Texas. I regret, but I shall have to object.

The SPEAKER. Objection is heard.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

Mr. MAGEE of New York, by direction of the Committee on Appropriations, reported the bill (H. R. 8264, Rept. No. 143) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, which was read a first and second time, and, together with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BYRNS. Mr. Speaker, I reserve all points of order.

FEDERAL SUBSIDIES AND TAXATION

Mr. BEERS. Mr. Speaker, I withdraw my objection to the request of the gentleman from Virginia [Mr. TUCKER].

The SPEAKER. Is there objection to the request recently submitted by the gentleman from Virginia [Mr. TUCKER]?

There was no objection.

Mr. TUCKER. Mr. Speaker, under leave to extend remarks, I submit the following extracts from addresses of President Coolidge:

PRESIDENT COOLIDGE ON FEDERAL SUBSIDIES AND TAXATION

[From address of President Coolidge, budget meeting, January 21, 1924]

I take this occasion to state that I have given much thought to the question of Federal subsidies to State governments. The Federal appropriations for such subsidies cover a wide field. They afford ample precedent for unlimited expansion. I say to you, however, that the financial program of the Chief Executive does not contemplate expansion of these subsidies. My policy in this matter is not predicated alone on the drain which these subsidies make on the National Treasury. This of itself is sufficient to cause concern. But I am fearful that this broadening of the field of Government activities is detrimental both to the Federal and the State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. (Pp. 2–3, address of the President of the United States at the sixth regular meeting of the business organizations of the Government, at Memorial Continental Hall, January 21, 1924, issued by Budget Bureau.)

[From address of President Coolidge, budget meeting, June 30, 1924]

A government which lays taxes on the people not required by urgent public necessity and sound public policy is not a protector of liberty, but an instrument of tyranny. It condemns the citizen to servitude. One of the first signs of the breaking down of free government is a disregard by the taxing power of the right of the people to their own property. It makes little difference whether such a condition is brought about through the will of a dictator, through the power of a military force, or through the pressure of an organized minority. The result is the same. Unless the people can enjoy that reasonable security in the possession of their property which is guaranteed by the Constitution against unreasonable taxation, freedom is at an end. * * * Against the recurring tendency in this direction there must be interposed the constant effort of an informed electorate and of patriotic public servants. * * *

We must have no carelessness in our dealings with public property or the expenditure of public money. Such a condition is characteristic either of an undeveloped people or of a decadent civilization. America is neither. It stands out strong and vigorous and mature. We must have an administration which is marked * * * by the character and ability of maturity. * * * To maintain this condition puts us constantly on trial. It requires us to demonstrate whether we are weaklings or whether we have strength of character. It is not too much to say that it is a measure of the power and integrity of the civilization which we represent. I have a firm faith in your ability to maintain this position, and in the will of the American people to support you in that determination. In that faith in you and them I propose to persevere. I am for economy. After that I am for more economy. At this time and under present conditions that is my conception of serving all the people. (Pp. 2, 6, address of the President, seventh regular meeting of the business organizations of the Government, June 30, 1924, issued by Budget Bureau.)

[From message to Congress transmitting the Budget for the fiscal year ending June 30, 1926. (CONGRESSIONAL RECORD, December 2, 1924.)]

For Federal aid to States the estimates provide in excess of $109,000,000. These subsidies are prescribed by law. I am convinced that the broadening of this field of activity is detrimental both to Federal and State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies. My conviction is that they can be curtailed with benefit to both the Federal and State Governments.

[From address of President Coolidge, Budget meeting, January 26, 1925]

We have proven that we can reduce the cost of government, and I propose that this cost shall be further reduced * * *. Sacrifices will be required. I want to see the sacrifices of those who are charged with the expenditure of the money of the Government somewhat commensurate with the sacrifices that have to be made in the home by the taxpayers who furnish the money for the Government. If you are in doubt as to the wisdom of such sacrifices, resolve the doubt in favor of economy * * *.

We have superfluous employees. It is an unpleasant and difficult task to separate people from the Federal service. But it can be done. It will be done. I advise Federal administrators to plan to operate with a smaller personnel than is now employed (pp. 2–3).

[From address of President Coolidge, Budget meeting, June 22, 1925]

Unfortunately the Federal Government has strayed far afield from its legitimate business. It has trespassed upon fields where there should be no trespass. If we could confine our Federal expenditures to the legitimate obligations and functions of the Federal Government a material reduction would be apparent. But far more important than this would be its effect upon the fabric of our constitutional form of government, which tends to be gradually weakened and undermined by this encroachment. The cure for this is not in our hands. It lies with the people. It will come when they realize the necessity of State assumption of State responsibility. It will come when they realize that the laws under which the Federal Government hands out contributions to the States is placing upon them a double burden of taxation. * * * Federal taxation in the first instance to raise the moneys which the Government donates to the States, and State taxation in the second instance to meet the extravagance of State expenditures which are tempted by the Federal donations. * * *

The Chief Executive may preach economy, but, unless the people in the service practice it, the preaching is in vain. There are still reductions to be made. There are yet wastes to be eliminated. I expect

you to prosecute a campaign of relentless economy to that end, not only in expenditures for 1926 but in the preparation of estimates for 1927. I am convinced that this way lies the welfare of the people of this country. Fidelity to our oaths of office admits of no other course. Wastrels, careless administrators of the Government's substance, are out of place in the Federal system. They will not be tolerated.

If this policy means sacrifice, it is sacrifice for the benefit of 115,000,000 people. Their interests are paramount. Criticism by a few, who look askance at drastic paring down of spending, has little weight in the scale against the spontaneous commendation of the millions of people who have had brought to them with unmistakable clearness the result of such economy (pp. 4, 6).

[From message to Congress transmitting the Budget for the fiscal year ending June 30, 1927 (p. 7)]

Federal aid to States is annually requiring more than $109,000,000. The estimates for this purpose for 1927 amount to something in excess of $110,000,000. The principal item is for rural post roads, for which an appropriation is requested of $80,000,000. The law authorizing Federal aid to States for the construction of rural post roads does not extend beyond the fiscal year 1927. The amount of $80,000,000 does not discharge our entire obligation under existing law. In addition to this amount the authorization for which moneys have not yet been appropriated amount to $116,700,000. Without further legislative action we, therefore, face an obligation of $116,700,000 over and above the amount carried in this estimate.

The Federal Government has been generous in its participation in State road construction, having authorized appropriations amounting to $690,000,000. Federal contribution to State highway construction was probably necessary in the beginning. It has expedited and so coordinated construction that all expenditures would be reflected in a definite and approved connecting highway system. On the other hand, there is no question but that Federal contributions have materially added to State expenditures of State funds. I am speaking for what I consider the best interest of the people. While Federal taxes have been reduced, State and other governmental taxes have been steadily increasing. Federal aid to States has influenced this latter condition. We should keep in mind that the moneys which we have contributed to the States are taken from the people who in turn also pay the moneys required by the States to finance their own portion of the cost. The entire cost falls upon the people. It is true that the necessity and demand for good roads are constantly increasing, but they should not be constructed faster than the taxpayers can afford to pay for them. The amount that taxpayers can afford to pay can best be determined by the citizens of each State. * * * But the National Government is committed to the policy of assisting in the building of good roads. * * * It is necessary to continue them for the present.

I do, however, recommend for the consideration of Congress that future legislation restrict the Government's participation in State road construction to primary or interstate highways, leaving it to the States to finance their secondary or intercounty highways. This would operate to diminish the amount of Federal contributions.

[From annual message to Congress, December 8, 1925, CONGRESSIONAL RECORD, December 8, 1925, p. 120]

In our country the people are sovereign and independent, and must accept the resulting responsibilities. It is their duty to support themselves and support the Government. That is the business of the Nation, whatever the charity of the Nation may require. The functions which the Congress are to discharge are not those of local government but of National Government. The greatest solicitude should be exercised to prevent any encroachment upon the rights of the States or their various political subdivisions. Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the Nation. It ought not to be infringed by assault or undermined by purchase. It ought not to abdicate its power through weakness or resign its authority through favor. It does not at all follow that because abuses exist that it is the concern of the Federal Government to attempt their reform.

Society is in much more danger from encumbering the National Government beyond its wisdom to comprehend, or its ability to administer, than from leaving the local communities to bear their own burdens and remedy their own evils.

The wealth of our country is not public wealth, but private wealth. It does not belong to the Government, it belongs to the people. The Government has no justification in taking private property except for a public purpose. It is always necessary to keep these principles in mind in the laying of taxes and in the making of appropriations. No right exists to levy on a dollar, or to order the expenditure of a dollar, of the money of the people except for a necessary public purpose duly authorized by the Constitution. The power over the purse is the power over liberty.

EXTENSION OF REMARKS

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent of the House to extend my remarks in the RECORD by printing a letter signed by Commander Joseph T. Watson, commander of the Los Angeles Chapter of the Disabled Emergency Officers of the World War, to Mr. John E. Jenks, president and editor of the Army and Navy Register, in reply to a very critical article regarding myself printed under the title of "Legislation by threat."

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, the gentleman from California inserted in the RECORD some documents at considerable length that dealt with that question one other day this week, and if the gentleman has any desire to extend his own remarks in answer to the article I shall not object, but I shall object to this letter.

Mr. LINEBERGER. I ask the gentleman——

Mr. BLACK of Texas. I will have to object.

The SPEAKER. Objection is heard.

DEATH OF REPRESENTATIVE RAKER, OF CALIFORNIA

Mr. LEA of California. Mr. Speaker, it is with great sorrow I announce to the House the death of our colleague the Hon. JOHN E. RAKER, for 16 years a Representative of the State of California in this House. At a later time I shall ask that a day be set aside for services and addresses in commemoration of his life and public services. For the present, I offer a resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from California offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 101

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN E. RAKER, a Representative from the State of California.

Resolved, That a committee of 12 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 12 minutes p. m.) the House adjourned until Monday, January 25, 1926, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MAGEE of New York: Committee on Appropriations. H. R. 8264. A bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes; without amendment (Rept. No. 143). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 7409. A bill to correct the military record of Sylvester De Forest; with an amendment (Rept. No. 142). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MAGEE of New York: A bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927; committed to the Committee of the Whole House on the state of the Union.

By Mr. MANLOVE: A bill (H. R. 8265) providing for the extension and enlargement of the post office and court building at Joplin, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. PARKER: A bill (H. R. 8266) to regulate interstate commerce by motor vehicles operating as common carriers on the public highways; to the Committee on Interstate and Foreign Commerce.

By Mr. THAYER: A bill (H. R. 8267) to authorize the coinage of copper 1-cent pieces to aid the preservation of the birthplace of the world's best-loved poet, Henry Wadsworth Longfellow; to the Committee on Coinage, Weights, and Measures.

By Mr. COX: A bill (H. R. 8268) to provide for the erection of a public building at the city of Arlington, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8269) to provide for the erection of a public building at the city of Pelham, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8270) to provide for the erection of a public building at the city of Camilla, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8271) to provide for the erection of a public building at the city of Cairo, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8272) to provide for the erection of a public building at the city of Sylvester, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8273) to provide for the erection of a public building at the city of Colquitt, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8274) to provide for the erection of a public building at the city of Donalsonville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8275) to provide for the erection of a public building at the city of Blakely, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8276) to provide for the erection of a public building at the city of Edison, Ga.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. FOSS: A bill (H. R. 8277) granting a pension to Addie F. Holihan; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 8278) for the relief of A. B. Cameron; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 8279) for the relief of Jesse W. Boisseau; to the Committee on Claims.

Also, a bill (H. R. 8280) granting a pension to Dora Blanche Ervin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8281) granting an increase of pension to Roseannah Jackson; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 8282) for the relief of Francis J. Kelly; to the Committee on Naval Affairs.

By Mr. MENGES: A bill (H. R. 8283) granting an increase of pension to Annie Wagner; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 8284) granting a pension to Mary Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8285) granting a pension to Martha L. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8286) granting an increase of pension to Callie M. Edwards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8287) granting an increase of pension to Maria Chilcott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8288) granting an increase of pension to Nettie B. Shores; to the Committee on Pensions.

By Mr. MORROW: A bill (H. R. 8289) granting an increase of pension to Michael Keenan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8290) to remit the duty on three church bells to be imported for the Church of the Sacred Heart, Albuquerque, N. Mex.; to the Committee on Ways and Means.

By Mr. TYDINGS: A bill (H. R. 8291) for the relief of Andrew C. Kinhart; to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 8292) to correct the military record of John R. Butler; to the Committee on Military Affairs.

Also, a bill (H. R. 8293) to correct the military record of Milton Longsdorf; to the Committee on Military Affairs.

Also, a bill (H. R. 8294) granting a pension to Sarah Ellen Stephenson; to the Committee on Pensions.

Also, a bill (H. R. 8295) granting a pension to Margaret M. Hammond; to the Committee on Pensions.

Also, a bill (H. R. 8296) granting a pension to William Hargis; to the Committee on Pensions.

Also, a bill (H. R. 8297) granting an increase of pension to John W. Farmer, jr.; to the Committee on Pensions.

Also, a bill (H. R. 8298) granting an increase of pension to Ellen Lanham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8299) granting an increase of pension to Frances Kinney; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

441. By Mr. GARBER: Letter from Peter A. Burke, Spanish-American War veteran, West Los Angeles, Calif., urging support of House bill 98; to the Committee on Pensions.

442. Also, letter from the Boston Chamber of Commerce, protesting against the enactment of House bill 74 and House bill 75, providing for the establishment of regional interstate commerce commissions; to the Committee on Interstate and Foreign Commerce

443. By Mr. KING: Petition signed by G. R. Close and 184 other members of the Soldiers and Sailors' Home of Quincy, Ill., urging that Benjamin F. Brown, of the Fourteenth Illinois Infantry, be granted a pension; to the Committee on Pensions.

SENATE

MONDAY, *January 25, 1926*

(Legislative day of Saturday, January 16, 1926)

The Senate reassembled, in open executive session, at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of Senate Resolution No. 5.

THE WORLD COURT

The Senate, in open executive session, resumed the consideration of Senate Resolution 5, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations.

Mr. ROBINSON of Arkansas obtained the floor.

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

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

Mr. ROBINSON of Arkansas. I yield.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Fess	McKellar	Sackett
Bayard	Fletcher	McKinley	Schall
Bingham	Frazier	McLean	Sheppard
Blease	George	McMaster	Shipstead
Borah	Gerry	McNary	Shortridge
Bratton	Gillett	Mayfield	Simmons
Brookhart	Glass	Means	Smith
Broussard	Goff	Metcalf	Smoot
Bruce	Gooding	Moses	Stanfield
Butler	Greene	Neely	Stephens
Cameron	Hale	Norbeck	Swanson
Capper	Harreld	Norris	Trammell
Caraway	Harris	Nye	Tyson
Couzens	Harrison	Oddie	Underwood
Cummins	Heflin	Overman	Wadsworth
Curtis	Howell	Pepper	Walsh
Dale	Johnson	Phipps	Warren
Deneen	Jones, N. Mex.	Pine	Watson
Dill	Jones, Wash.	Pittman	Weller
Edge	Kendrick	Ransdell	Wheeler
Edwards	Keyes	Reed, Mo.	Williams
Ernst	King	Reed, Pa.	Willis
Fernald	La Follette	Robinson, Ark.	
Ferris	Lenroot	Robinson, Ind.	

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

[A message in writing from the President of the United States was communicated to the Senate by Mr. Hess, one of his secretaries.]

Mr. LENROOT. Mr. President——

Mr. ROBINSON of Arkansas. I yield further to the Senator from Wisconsin.

Mr. LENROOT. I ask unanimous consent to have printed in the RECORD a copy of resolutions adopted by the national executive committee of the American Legion at their meeting in Indianapolis, Ind., January 14 and 15, 1926, relative to the World Court; also resolutions of the Northern Baptist Convention, Biennial Council of the Congregational Churches, General Convention of the Protestant Episcopal Church, Universalist General Convention, and the executive committee of the Federal Council of the Churches of Christ in America.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wisconsin?

Mr. REED of Missouri. I object. This is no time to be printing a lot of matter in the RECORD.

The VICE PRESIDENT. Objection is made.

Mr. MOSES. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from New Hampshire.

Mr. MOSES. On Saturday I presented a reservation intended to be offered to Senate Resolution No. 5, and through inadvertence wholly my own it was not read. In view of the fact that in less than an hour we shall have to vote, under Rule XXII, on the question of cloture, I ask unanimous consent that all reservations which may be sent to the desk prior to the hour of 1 o'clock to-day may be considered as having been properly presented and read.

Mr. ROBINSON of Arkansas. I have no objection to the request of the Senator from New Hampshire, and I hope it may be granted.

The VICE PRESIDENT. If there is no objection, the request is granted.

The Chair lays before the Senate a message from the President of the United States, which will be read.

The message was read, as follows:

To the SENATE:

I transmit herewith the following documents received by the State Department relative to the protocol and statute of the Permanent Court of International Justice:

A notice from the secretariat general of the League of Nations inclosing a certified copy of the protocol of signature relating to the statute of the Permanent Court of International Justice;

A copy of the statute forwarded from the secretariat general of the League of Nations;

An original letter from the secretariat general of the League of Nations, dated November 14, 1924, transmitting, among other things, a certified copy of the protocol and the statute of the Permanent Court of International Justice.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 25, 1926.*

The VICE PRESIDENT. The message of the President will be printed and, with the accompanying papers, lie on the table. The Senator from Arkansas will proceed.

Mr. ROBINSON of Arkansas. Mr. President, in the Senate of the United States when questions which are closely contested are at issue there are but two ways to reach a final determination. Other deliberative assembles have in their rules what is known as the previous question, by which a majority of the membership or the assembly may terminate debate, but no such rule applies to Senate procedure. Our custom here is to reach an agreement whenever that course is possible. In most circumstances we have been able to do so. There have been some cases in which, after full debate, it has been found impossible to enter into a unanimous-consent agreement for the purpose of terminating debate and reaching a decision. The friends and supporters of the pending resolution all feel that they have been liberal and fair in every particular in their efforts to reach an agreement with those who oppose the resolution.

The Senate rules were modified in 1917 by practically a unanimous vote of this body so as to provide that in extreme cases, when agreements are impossible, 16 Senators may, by signing a statement to be filed in the Senate, force a vote upon the question of whether the debate shall be limited. The proponents of the pending resolution feel that they are entitled, after full consideration of the issues involved, to a decision of the question. We feel that the question has been long before the country and before the Senate and has been discussed fully, and that unless an agreement can be reached it is not only our privilege under the rules of this body but it is our duty to proceed to close the debate within the limitations provided by the rule. We feel that no Senator and no citizen has a right to object to that course if there are a sufficient number of votes to carry the motion.

It is not in the interest of bad government, it is neither unfair nor oppressive, for those who favor a proposition to insist upon a decision respecting it; and I assert that the record pertinent to the subject which is now being discussed discloses that the supporters of the World Court resolution have not only been generous but they have been exceedingly liberal in not insisting upon precipitate action. We realize that the subject is important. We realize that public interest in the question is very great.

Three and one-half years ago the Secretary of State suggested to the President of the United States the advisability and desirability of adhering to the protocol relating to the Permanent Court of International Justice. More than three years ago the President, in the exercise of his authority under the treaty-making power and under his authority to recommend to Congress, submitted a message to this body urging adherence to the protocol with certain reservations.

During all the time that has elapsed since that message was sent to the Senate the question has been before this body and before the country. It was the subject of prolonged consideration by the Senate Committee on Foreign Relations. Every aspect and feature of the question was studied and discussed by the members of that committee. No action was taken by the Senate of the United States. When through the death of President Harding, the then Vice President, Mr. Coolidge, became the Chief Executive of the Nation, he promptly repeated the message and recommendations of his predecessor, and since his coming into the Executive office the question has been continuously before the Senate and before the people of the country. It has been discussed in every newspaper and in almost every magazine published in the United States. It has been the subject matter of debate in this body.

When the last regular session of the Senate expired and the President convened this body in extraordinary session following the 4th of March, there was pending then a resolution which contemplated that the Senate should proceed to the consideration of the issue. There was nothing then in the way of its disposition. Then there were no tax bills and no great appropriation bills to be considered, and every Senator who listens to me knew then and knows now that if the friends of the measure had pressed consideration of the resolution at that time it would have been disposed of during the special session. But Senators opposed to the resolution were anxious to avoid considering it during the special session. Some of them had business engagements which required their absence from the Capitol. Others of them felt that if the question was before the country for several months the opposition which they themselves represented would be reflected through the expression of public opinion and that when the Congress again assembled in regular session public sentiment would support them in their opposition and the resolution would be defeated.

Upon another occasion I have recalled the historical fact that the Senator from Kansas [Mr. CURTIS] asked unanimous consent, after an agreement had been reached among most Senators, for the consideration of this resolution upon the reconvening of the Congress. An objection was made. A motion was then made by myself to fix the resolution as a special order, and every Senator against the resolution save three voted for the motion; and that motion, when adopted by a vote of 72 to 3, meant that the Senate had foreseen the time when this question was to be decided.

Many supporters of the World Court felt that the Senate had been derelict in its duty in failing to act upon the messages of the Chief Executives to whom I have referred; that we had been slow to respond to the Presidents' demands for consideration of the subject and censured this body for its dilatory practices in connection with this important question; but when the motion of the Senator from Virginia [Mr. SWANSON] fixing the World Court resolution as a special order for the 17th day of December was agreed to, not only the supporters of the resolution in this body, but those who supported it who do not belong to the Senate, felt and had the right to feel that the subject would be taken up, and within a reasonable time, after full consideration, would be disposed of.

I ask you now if any Senator who is opposed to this resolution, or anyone else who does not support it, can fairly say that the facts which I have stated do not force the conclusion that the Senate obligated itself to make some final disposition of this question? Years have gone by since it was first raised here. When the Senate convened, and when the order was reached on the 17th day of December, we proceeded to its consideration. The friends of the resolution discussed it and gave to the Senate and to the country their views respecting its purposes and effect. The opponents of the measure were, as everyone knows, slow in entering into the discussion. They waited their time; they hesitated; they asked for recesses and adjournments, and these were granted; and then they spoke at great length.

On one occasion, when the Senator from Idaho [Mr. BORAH] had concluded, I think, his third address, a Senator asked unanimous consent that a time be fixed to vote upon the question; and the Senator from Idaho said then that so far as he was concerned he felt assured that a vote could be reached by agreement on the 10th day of February. Subsequently the Senate was asked to enter into an agreement; and the agreement, proposed by myself, was more liberal than that suggested by the Senator from Idaho. The Senator from Idaho had suggested that the final vote on this resolution might be reached on the

10th of February. My proposal was that we should go on debating this question without restriction until the 10th of February, a period of more than two weeks, and when the 10th of February arrived that debate should be limited to 30 minutes on the part of any Senator upon the resolution itself and 30 minutes upon any reservation or amendment proposed.

The Senator from Idaho thought that proposal was fair, and the Senator from Missouri [Mr. REED], in response to an inquiry by the Senator from Virginia [Mr. SWANSON] a day or two ago, said he thought that proposal was fair; but it was objected to, and no agreement was entered into. Some suggestion was made that the limitation referred to be put into effect on the 25th of February and that a final vote be reached on the 1st of March, and that was objected to.

As intelligent persons, we must recognize the fact that the debate had been practically exhausted when the Senator from Idaho announced his readiness to enter into an agreement to vote on the 10th day of February. We were in session. No one was ready to speak. The Senator from Idaho was unwilling to resort to the practices which some other Senators seem to think are not only justified but possess peculiar virtues. He said "I am ready to vote now" by his conduct; but a continuance was granted.

I have been forced to the conclusion that the opponents of this resolution do not want more time for debate. Their real purpose is disclosed by the facts, which have been stated in detail. Their desire is to bring about such a parliamentary situation in the Senate of the United States that the question never can be disposed of, or must be indefinitely postponed. Their thought seems to be that the friends of the measure, who have the votes to pass it, should manifest such a lack of interest in the subject as to permit an indefinite postponement of the question. Their thought seems to be that if we proceed with the consideration of the tax bill that will necessarily take such a length of time that the Senate will be forced, after passing the tax bill, to take up the general appropriation bills; and once that condition arises you must realize, Senators, that all hope for the final disposition of the World Court resolution has gone glimmering. One Senator, without filibustering, could consume an immeasurable period of time in the apparently legitimate discussion of issues under any one of the great appropriation bills. Why, take the legislative, executive, and judicial appropriation bill, for instance; consider its thousands of items, the amendments that might be offered, the discussion that would be provoked; and the conclusion is inevitable that once you lay aside this resolution, the opponents of it have accomplished their purpose.

They whine piteously about wanting to speak; but when one of them concludes his address, he has the greatest difficulty in getting somebody to take his place until he can get his breath and go on with his argument. So I have reached the conclusion that, if the Senate really wants to pass this resolution, the only way to do it is to limit the debate under the rules of the Senate. No Senator has the right to challenge the action of those who invoke the Senate rules on this or any other question.

It has been said that some Senators who are for the resolution are against terminating the debate, are against voting for cloture, and that statement may be true. I want to say that if this vote should fail, in my judgment, the opponents of the resolution have accomplished their purpose, and my genial friend the Senator from Missouri, I think, will agree with me. They have, to all intents and purposes, defeated the World Court resolution; and let no Senator who, in good faith, is for the court hide himself behind the flimsy pretext that this is not the right time to force the issue.

I know what pressure is being exerted on Senators from both sides. My good friend the Senator from California [Mr. JOHNSON] almost had a brain storm when he was discussing the subject the other day in its relation to propaganda. You would think he believed it was a crime for an organization of women or a church organization to adopt a resolution urging the Senate to vote for this resolution; but he said nothing about the propaganda in progress from other sources. He said nothing about the Ku-Klux Klan, which in some localities has been stimulated and moved to adopt resolutions urging the Senate not to act upon this resolution. The truth of the matter is that both sides have brought all the pressure that they can to bear on the Senate, and, so far as I am concerned, I make no complaint. The right of petition is guaranteed in the Constitution of the United States, and my constituents have not only the privilege but the right of expressing to me their views touching this or any other question; and the Ku-Klux Klan has the same right that a church organization has, but it has no more.

Amazing spectacle—the Senator from Missouri [Mr. REED], the champion of unrestricted immigration, advancing with measured step and steady tread, with a king kleagle on one arm and a grand dragon on the other, sheeted and hooded!

Mr. REED of Missouri. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Missouri.

Mr. REED of Missouri. Does the Senator mean to intimate that I am a member of the Ku-Klux Klan or have ever supported that organization?

Mr. ROBINSON of Arkansas. Oh, no.

Mr. REED of Missouri. Then do not say that I bear their insignia, because that is just what the Senator has said.

Mr. ROBINSON of Arkansas. Mr. President, I do not intimate anything. I say what I mean.

Mr. REED of Missouri. Then say it.

Mr. ROBINSON of Arkansas. I am going to do it. The Senator need not be worried about that. That is just what I am proceeding to do.

Mr. REED of Missouri. I notice that the Senator is taking up the whole hour that is left for discussion.

Mr. ROBINSON of Arkansas. I yield to the Senator from Missouri.

Mr. REED of Missouri. When the Senator gets through I will take the floor.

Mr. ROBINSON of Arkansas. Oh, no; if the Senator wishes to interrupt me, I shall not hasten to get through.

Mr. REED of Missouri. No; but I suggest that there is just an hour left, and the Senator has taken up 35 minutes of the hour himself. We ought to have some cloture on the advocates of cloture.

Mr. ROBINSON of Arkansas. The Senator from Missouri has taken up approximately 48 hours since this question was before the Senate.

Mr. REED of Missouri. Yes; but I have not taken up the only hour that is left this morning for the discussion of the question whether or not the Senate is going to be permitted to discuss this question.

Mr. ROBINSON of Arkansas. The Senator from Missouri took all day Saturday on this very question.

Mr. LENROOT. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to remind the Senator that after this motion was presented and I asked for a recess the Senator from Missouri objected and said that if we were going to put on the gag rule he did not want any recess.

Mr. REED of Missouri. Oh, yes; day before yesterday I said that; but I did not suppose we were going to be gagged in this peculiar manner.

Mr. ROBINSON of Arkansas. The Senator from Missouri would like to exercise the right to speak whenever he desires to do so, to the exclusion of everyone else; but, fortunately, the Senate has not come to that condition yet.

Mr. REED of Missouri. No; but, Mr. President, ordinarily we all have the right to speak. This morning there is an hour left for the discussion of cloture. I merely ask the Senator, having taken up himself 35 minutes of the time, whether he is not going to give the rest of the 96 Senators an opportunity to say something.

Mr. ROBINSON of Arkansas. How much time does the Senator desire?

Mr. REED of Missouri. I shall not need more than a very few minutes myself.

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. REED of Missouri. I do not want the Senator to yield. I want the floor when I can get it.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Missouri complains that I put him in bad company.

Mr. REED of Missouri. No; I did not; I complained that the Senator's remarks were open to the construction that I was a member of the Ku-Klux Klan. The Senator said I was advancing with some insignia of this order—I can not quote the Senator's language, for I am not sufficiently familiar with it—on each shoulder. I asked him if he meant to insinuate that I was a member of the Ku-Klux Klan, and he said he did not; that he spoke by direction; which leaves me still in doubt whether the Senator regarded his statement as an insinuation or a direct statement, but that would be the construction put on it.

The Senator has no right to classify me with any body of men whatsoever, secular or religious or otherwise, if there be any "otherwise"; and, so far as that is concerned, the Senator knows that my attitude consistently through the years has been for absolute religious tolerance and religious freedom, without interference with any man on account of his religious views. So he has no right to make that insinuation, if it be an insinuation.

Mr. ROBINSON of Arkansas. Mr. President, I have no quarrel with my good friend, the Senator from Missouri. We differ about this question just as we differ on the subject of immigration. The Senator from Missouri is in favor of liberalizing the immigration law. He made a prolonged fight here for that purpose, and, unless I am misinformed, he has not changed his opinion on the subject. The Ku-Klux Klan is committed to the restriction of immigration, and insists, in communications that I have had from alleged representatives of the Klan, that the adoption of this resolution means the opening of the floodgates to immigrants from foreign countries. I say that we have the astonishing, amazing spectacle of the Senator from Missouri, who is the leader of those who favor unrestricted immigration, marching side by side with a king kleagle and a dragon.

Mr. REED of Missouri. Will the Senator suffer an interruption?

Mr. ROBINSON of Arkansas. Certainly.

Mr. REED of Missouri. The Senator has not correctly stated my position. I never was in favor of unrestricted immigration, as the RECORD will show, but I was in favor of receiving of selected populations those who wanted to come here, the people who were qualified and who came here from the white races, and who wanted to come here to live here, to become citizens, to swear allegiance to our flag, as our fathers all did at one time. That is my position. I do not know what the position of the Ku-Klux Klan is, and I do not care. But the position of the Senator is that he will not consent to the admission of these Europeans, who want to come here, live under our flag, and swear allegiance to and defend that flag, but he would submit the fate of the United States to a community of foreigners sitting in a foreign country, who do not want to come here, and who have not any use for our institutions. That is the difference between the Senator and me.

Mr. ROBINSON of Arkansas. Mr. President, that statement by the Senator from Missouri——

Mr. REED of Missouri. Is it not true?

Mr. ROBINSON of Arkansas. Is as misleading as a number of other statements he has made during the course of this debate. He has been speaking for two weeks, and, as far as I know, not a word of his speech has yet been printed in the CONGRESSIONAL RECORD.

Mr. REED of Missouri. My speech is not finished.

Mr. ROBINSON of Arkansas. He says that his speech is not finished. Of course, I can not prove now by the RECORD the many exaggerated statements the Senator from Missouri has made during the course of this debate.

Mr. REED of Missouri. I will be glad to furnish the Senator with the manuscript.

Mr. ROBINSON of Arkansas. But there is one statement he has made to which I call attention, and that is that he complains about propaganda, and when I tell him that he is being supported by propaganda from the Ku-Klux Klan he gets very restive and very resentful, although he knows it is true? Is he ashamed of his company?

Mr. REED of Missouri. O Mr. President, I have no company except my associates here. Let me say to the Senator that if we were to estimate ourselves by our company there would be some gentlemen, I think, hiding from their company. But what I said on that question was that there had been a paid propaganda out for months, that it had been supported heavily by financial institutions; I asked an investigation to find out who they were and what they were, and the Senator, among others, denied me the privilege of finding out.

Mr. ROBINSON of Arkansas. The Senate will recall that we passed a resolution for the appointment of a committee, of which the Senator from Missouri was a member, to investigate every subject relating to propaganda with respect to the League of Nations, and he brought down to Washington a very benevolent gentleman, a philanthropist, who was spending some of his own money in the publication of papers in the interest of the promotion of world peace. The Senator's committee also brought down to Washington some ladies interested in the same controversy; but he abandoned the investigation and waited until this resolution came along, and then he tried to revive his investigating committee.

Mr. REED of Missouri. Oh, no, Mr. President; the investigation was not abandoned. The investigation was in charge of the Senator from New Hampshire [Mr. MOSES], and it was carried along until Mr. Bok refused to testify. The Senate was in adjournment, and the committee were not called together during the summer. In the meantime the situation developed that apparently immense sums of money were being expended outside of and independent of Mr. Bok, and I asked for an investigation, which you refused.

Mr. ROBINSON of Arkansas. Mr. President, I do not doubt that upon this and upon every other big issue that comes before the Congress there is what the Senator from Missouri calls propaganda organized and directed against the Senate in an effort to influence its action. But the Senator from Missouri regards it as propaganda when influence is exerted for a proposition he is against, but he thinks it is a virtuous expression of public opinion when it is directed against a propositon he is against.

Mr. REED of Missouri. Mr. President——

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

Mr. ROBINSON of Arkansas. I yield.

Mr. REED of Missouri. The Senator has no right to make that statement. My resolution called for a full investigation of all matters. The Senator says that I think a certain way. He gets that out of his imagination, which is very vivid.

Mr. ROBINSON of Arkansas. I do not think Almighty God himself knows how the Senator from Missouri thinks I know——

Mr. REED of Missouri. The Senator will pardon me. If God Almighty can not perform that office, I have no doubt the Senator from Arkansas will.

Mr. ROBINSON of Arkansas. The Senator from Arkansas and other friends of the Senator will never endeavor to do it.

Mr. REED of Missouri. He has done it.

Mr. ROBINSON of Arkansas. In his denunciation of propaganda, the Senator from Missouri did an injustice to a great citizen of the United States. The New York Evening Post quoted him as having said:

> Scores of paid agents were hired to lecture for the World Court and a Justice of the Supreme Court was taken from the bench and sent on a barnstorming trip through the United States.
>
> I would like to know how much more he gets for misleading the people of the United States than he got for sitting on the Supreme Court.

Mr. President, the fact is, as I believe from the evidence submitted to me, that Mr. Justice Clarke never received one cent for any service he ever rendered, or for any lectures he ever delivered, in relation to the World Court or in relation to the League of Nations. The plain implication of the Senator from Missouri casts a stigma on the character and reputation of a man whose name is just as far above reproach as is that of my friend the Senator from Missouri. The time has not yet come when men who are guided and inspired by high ideals may not make personal sacrifices for the promotion of those ideals without being denounced as mercenary in their motives. There never was a time in the history of the United States when there was greater need for the exaltation of the ideals of the people of this Nation. God knows that we are in danger of becoming mercenary in our designs, in our purposes, and in our aspirations, and it is fortunate that in this period of time, when many are looking only to profit, when men are reaching out to grasp what others possess, that there are some who are willing to make sacrifices for the purpose of creating, erecting, and maintaining ideals worthy of the founders of this Republic and worthy of those who earnestly seek to preserve it.

What higher ambition can any man have than to promote the peace of the world? What sin is it for Mr. Bok or anyone else to spend his money in trying to promote publicity concerning proposals for the peace of the world? If paid propaganda were limited to issues in which the proponents have no mercenary object, if it were limited to the promotion of peace among the nations of the world, or to similar purposes, then, Senators, you would need have no fear that you would be corruptly influenced into doing something wrong.

It has been said that the reservations proposed by the proponents of this resolution emasculate the World Court. No such thing is true. I can show conclusively, I think, that the reservations have no such effect. They are five in number. The first merely declares that there is no legal relationship to the league arising because of the adherence of the United States to the protocol of the court, no obligation assumed under the Versailles treaty. Senators are, of course, at liberty to vote against that reservation. I do not think the reservation is necessary. From my standpoint, it merely states a fact that is plain; but I have no objection to it for that reason.

The next is that the United States shall participate on an equality with other states in the Council and Assembly of the League of Nations in the election of judges.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from California?

Mr. ROBINSON of Arkansas. I yield.

Mr. JOHNSON. I ask the Senator, in a spirit of generosity, if he will not give me six minutes by the clock—just yield to me six minutes before 1—for the purpose of responding?

Mr. ROBINSON of Arkansas. Yes.

Mr. JOHNSON. All right.

Mr. ROBINSON of Arkansas. I will give the Senator the rest of the time now if he and the Senator from Missouri can agree who shall have it.

Mr. REED of Missouri. The Senator from California may have it. I have had nothing to reply to yet.

Mr. ROBINSON of Arkansas. I am glad the Senator from Missouri agrees with me. If that is true, the Senator from California will find difficulty in replying. So far as I am concerned, I yield the balance of the time to the Senator from California, after stating that the third reservation merely provides that the United States shall pay a fair share of the expenses of the court; the fourth provides that we may withdraw at any time, which it is believed by many Senators we can do anyway; and that the statute of the court shall not be amended without the consent of the United States.

There is a material change with regard to advisory opinions. Under the reservation as now presented they must be rendered publicly after notice and hearing in cases where the United States has or claims an interest, and no advisory opinion can be rendered without the consent of the United States.

I yield the floor now.

Mr. JOHNSON. Mr. President, I want to speak for just a moment or two, in appeal to the fairness of this body. I do not respond to what has been said by the Senator from Arkansas about brainstorms. I recognize they are relative in character, and I leave to the determination of this body just what a brainstorm is, and just who has brainstorms.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. ROBINSON of Arkansas. I merely want to say that that was an attempted pleasantry, but it appears that I have to explain and apologize for my attempted pleasantries.

Mr. JOHNSON. I understand that it was a pleasantry, and I am indulging in another pleasantry at the expense of the Senator from Arkansas.

Mr. President, it is true I did cry out against the propaganda that has been going on in this country, the propaganda that I insisted had misled good men and good women all over this land in respect to this World Court, and, sir, if ever there was justification and demonstration of what I said about misleading propaganda it is found in Senate Resolution No. 5, presented last Saturday afternoon by the Senator from Virginia [Mr. SWANSON].

The propaganda that had gone all over this land, into every church, every woman's organization, practically every school, was in the sacred name of peace, enter the World Court. Enter it with the Harding-Hughes-Coolidge reservations. That was the propaganda that I said was indeed false in fact. Here is its demonstration, out of the mouths of the gentlemen on the other side who represent those who desire to go into the World Court. Until Saturday we had the Harding-Hughes-Coolidge reservations. Now we have something entirely different.

Now, sir, permit me just a word. You here may believe in cloture. Personally, it is a matter of indifference to me, because I seldom take this floor, and I speak very, very briefly when I do. But in its general aspects I am opposed to cloture. In this particular instance it is the most unfair thing that was ever foisted upon a deliberative body.

I recall to you, sir, that last Friday evening there was presented to the Senate a petition for cloture in these words:

> The undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, move that debate upon the pending measure, Senate Resolution No. 5, be brought to a close.

"The pending measure!" What was it? Was it this that is before us now? Not a bit of it! Not a bit of it! The pending measure was the resolution presented by the Senator from Virginia, with the Harding-Hughes-Coolidge reservations, that and that alone.

Then, sir, on the following day, Saturday afternoon, the resolution was presented in modified form, it is asserted, but in form entirely different, with entirely different propositions presented; with entirely different reservations, sir; presented Saturday afternoon. It comes to the desks of Senators at 12 o'clock on this day, only at 12 o'clock on this day; and without one single word of explanation from the Senator from Virginia, cloture is to be put upon this all-important new resolution which the Senator has presented——

Mr. SWANSON. Mr. President——

Mr. JOHNSON. Utterly different from the original World Court proposition.

Mr. REED of Missouri. The Senator is mistaken. The resolution did not come here at 12 o'clock. It arrived here less than five minutes ago.

Mr. SWANSON. If the Senator will permit me——

Mr. JOHNSON. For just a question. I have three minutes only. You have taken 55 upon your side of this matter, and you ought to permit us to have the two or three minutes that remain.

Mr. SWANSON. The reservations embodied in the substitute were forecast in my opening speech.

Mr. JOHNSON. Then why were they not presented?

Mr. SWANSON. Because I expected you gentlemen to agree.

Mr. JOHNSON. Why lie in wait until cloture is presented to the Senate and then present to us this new resolution without a word of explanation, without a word of debate, without a word concerning it at all, bringing it up when cloture is before us, and when you are about to put cloture upon us at 1 o'clock this day?

Mr. HARRISON. Mr. President——

Mr. JOHNSON. I yield.

Mr. HARRISON. Will the Senator permit me to present a unanimous-consent agreement? I resubmit the unanimous-consent agreement that was offered by the Senator from Arkansas [Mr. ROBINSON] the other day.

Mr. REED of Missouri. This is no time to bring that up.

The VICE PRESIDENT. Does the Senator from California yield?

Mr. JOHNSON. I yield, but I do not want to yield the floor for the minute that I have.

Mr. BLEASE. Mr. President, if I may explain——

Mr. BORAH. I suggest that the Senator from California proceed. It is utterly impossible to consider a unanimous-consent request with only two minutes of time left.

Mr. JOHNSON. This is the situation they have put us in. We can not consider a unanimous-consent request, though I care not one way or the other. I do care for this body, sitting here in the fashion that it does, debating a cloture resolution upon a matter of this extraordinary importance, when there has been neither explanation nor elucidation of the matter upon which cloture is to operate.

Do the gentlemen on the other side mean to say to me that they assent to a proposition that a bill may be brought in here at 12 o'clock on one day and cloture be put upon it at 1 o'clock the same day? What sort of fairness is that?

In the last seconds that are mine I appeal to this body to establish no such precedent. Suppose we went on with the debate. It is obvious to every man here that it would continue but a very brief period. It is an utter impossibility, with the situation presented, that the debate should continue for more than a day or two at most. For that reason, if for no other, the cloture motion should be defeated, and this body should not establish a precedent by which at 12 o'clock there may come before the body a new measure, and at 1 o'clock cloture may be put upon it without the slightest explanation or a single moment of debate.

Under the order previously made, the following proposed reservations were sent to the Secretary's desk:

RESERVATION

Mr. REED of Missouri offered the following as a reservation to the resolution of adhesion on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"That the adherence by the United States to the protocol of December 16, 1920, accepting the statute of the Permanent Court of International Justice, shall be on the condition that the United States shall not be bound by, nor shall its rights be determined or prejudiced by, any decision or opinion of the said court on any question which is referred to it by the League of Nations or any of its agencies, nor by any decision or opinion of the court based upon the provisions of the covenant of the League of Nations, or any of the other provisions of the treaty of Versailles."

Mr. REED of Missouri offered the following amendment to Senate Resolution 5, providing for the adhesion on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice, with reservations, as modified:

On page 3, line 2, strike out the words "and consent to," so that the paragraph shall read:

"*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise the adherence on the part of the United States to the said protocol," etc.

Mr. REED of Missouri offered the following amendment to Senate Resolution 5, providing for the adhesion on the part of the United

States to the protocol of signature of the statute for the Permanent Court of International Justice, with reservations, as modified:

Add the following paragraph:

"*Resolved further*, That the Monroe doctrine be declared as a principle of international law binding upon the court."

RESERVATION

Mr. FRAZIER offered the following, intended to be proposed as a reservation to the resolution of adhesion on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"Whereas there is such a wide difference of opinion as to the reservations that should be made, and although the reservations made by a former Secretary of State, incorporated in Senate Resolution 5, may be considered by the legal minds of the Senate to be technically correct in accepting an invitation from nearly all the leading nations of the world to join them in this enterprise; if given a plain English interpretation, they seem to be attempts to protect us against expected wrongs and that they must be rather insulting to those nations, if their purpose in inviting us to participate in the court is honorable:

"Therefore the following is intended to be offered as a reservation to the resolution of adhesion on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"That all in Senate Resolution 5 beginning with line 7 on page 2 down to and including line 7 on page 3 be stricken out and the following reservation be inserted in its stead:

"That such signature and adherence of the United States to the protocol of the Permanent Court of International Justice is given with the distinct understanding that the United States reserves the right to withdraw its signature and adhesion thereto at any time that the Congress of the United States may determine so to do, and that in event of such withdrawal it shall in no way be considered an unfriendly act."

RESERVATION

Mr. MOSES offered the following, intended as a reservation to the resolution of adherence on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"1. The adherence of the United States to the statute of the World Court is conditioned upon the understanding that no revision of the statute shall be accomplished except by a general international conference of the nations adhering to the protocol of signature, to be duly called for this purpose; and that all proposals for revision thus advanced shall be ratified by all of the signatory governments in the manner provided for each of them for the ratification of a treaty.

"2. That the adherence of the United States is further conditioned upon the understanding that the members of the court shall hereafter be elected by a majority vote of all the members of the national groups of the existing Permanent Court of Arbitration at The Hague.

"3. That the adherence of the United States is further conditioned upon the understanding that the salaries, pensions, and expenses of the court shall be met by allocations made by international bureau of the Permanent Court of Arbitration at The Hague, which shall certify the determined sums to the signatory governments, which will then make payment in accordance with their customary practice under conventions which require contributions for the maintenance of international bodies.

"4. That the adherence of the United States is further conditioned upon the understanding that the court shall render no advisory opinion except upon the request of all the parties concerned, such request, in the case of the United States, to be preferred by treaty duly negotiated for the purpose and ratified by the Senate of the United States."

RESERVATION

Mr. MOSES offered the following, intended as a reservation to the resolution of adherence on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"That the adherence of the United States to the statute of the World Court is conditioned upon the understanding and agreement that the judgments, decrees, and/or advisory opinions of the court shall not be enforced by war under any name or in any form whatever."

RESERVATION

Mr. SHIPSTEAD offered the following intended as a reservation to the resolution of adherence on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"That no question shall be submitted to the court which involves in any manner any loan made by the Government of the United States or by American citizens or corporations to any foreign country, or any financial transactions of any character between American citizens or corporations and any foreign government, without the consent of the United States through a joint resolution of Congress."

RESERVATION

Mr. SHIPSTEAD offered the following as a reservation to the resolution of adhesion on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"That in no case shall the Permanent Court of International Justice take under consideration any matter which, in the judgment of the United States, irrespective of the judgment of other countries, involves or affects the fundamental American foreign policy known as the Monroe doctrine."

RESERVATION

Mr. SHIPSTEAD offered the following as a reservation to the resolution of adhesion on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"That whereas the Permanent Court of International Justice in its advisory opinion No. 4, rendered to the League of Nations on February 7, 1923, held that the decrees regarding the nationality of persons resident in Tunis were not solely a matter of domestic jurisdiction, but because of certain circumstances had become a matter for international consideration, therefore the United States will not regard this decision as a precedent and reserves to itself an exclusive jurisdiction over all cases arising out of its own laws regarding nationality within the territory of the United States."

RESERVATION

Mr. SHIPSTEAD offered the following as a reservation to the resolution of adhesion on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"That the signature of the United States to the protocol of signature of the Permanent Court of International Justice shall not become effective until article 1 and paragraph 1 of article 36 of the statute of the Permanent Court of International Justice shall have been so amended as to provide that the Permanent Court of International Justice shall discharge no duty or function other than that of rendering judicial decisions in cases brought to it by the direct common consent of the parties thereto."

RESERVATION

Mr. SHIPSTEAD offered the following reservation to the resolution of adhesion on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"Nothing contained in this convention shall be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions, including the Monroe doctrine."

RESERVATION

Mr. SHIPSTEAD offered the following reservation to the resolution of adhesion on the part of the United States to the protocol of signatures of the statute for the Permanent Court of International Justice:

"That the Permanent Court of International Justice shall not have jurisdiction to render advisory opinions on any question which affects the admission of aliens into the United States, their examination for entrance, their deportation, or the admission of aliens to the educational institutions of the various States, or their condition under the laws of the various States; nor shall any judgment of the court, rendered pursuant to Part XIII of the treaty of Versailles, which confers compulsory jurisdiction upon the court in certain labor disputes, be applicable to the United States without the express consent of Congress. The court shall be bound by the principle that international law recognizes the authority of the law of the United States within its own jurisdiction as applied to aliens who may seek entrance or who are domiciled in the United States; and that such court shall assume no duties, under paragraph 1 of the statute, which provides that the jurisdiction of the court extends to all 'matters specially provided for in treaties and conventions in force,' other than to hear and determine suits between States."

RESERVATION

Mr. SHIPSTEAD offered the following reservation to the resolution of adhesion on the part of the United States to the protocol of signatures of the statute for the Permanent Court of International Justice:

"That no government which is a member of the League of Nations but which has not signed the protocol of signatures of the Permanent Court of International Justice and which has not ratified its signature shall take part in the Council or the Assembly of the League of Nations in any election of judges of the Permanent Court of International Justice; nor shall it take part in the paying of the expenses of the court."

RESERVATION

Mr. SHIPSTEAD offered the following reservation to the resolution of adhesion on the part of the United States to the protocol of signatures of the statute for the Permanent Court of International Justice:

"That a judge of the Permanent Court of International Justice may be impeached for corruption or malfeasance in office by any government which has signed the protocol of signatures of the court, and that such judge shall be tried and, if found guilty, expelled from his seat in the court by a joint session of the governments members of the Assembly of the League of Nations and the governments not members of the Assembly of the League of Nations but signatories to the protocol of signatures of the Permanent Court of International Justice."

RESERVATION

Mr. SHIPSTEAD offered the following reservation to the resolution of adhesion on the part of the United States to the protocol of signatures of the statute for the Permanent Court of International Justice:

"In case of difference of opinion between the United States and any other signatory concerning the interpretation or application of these reservations and understandings the United States Supreme Court shall have the sole power to decide the question."

RESERVATION

Mr. SHIPSTEAD offered the following reservation to the resolution of adhesion on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"Whenever the Permanent Court of International Justice shall undertake to render an opinion or decision of judgment interpreting or applying the terms of any treaty to which the United States is not a signatory, it is with the understanding that such decision or opinion or judgment is not to be construed as an indorsement of these treaties by the United States, and that the United States assumes no responsibility of any such judgment, opinion, or decision."

RESERVATION

Mr. SHIPSTEAD offered the following reservation to the resolution of adhesion on the part of the United States to the protocol of signature of the statute for the Permanent Court of International Justice:

"The adherence of the United States to the protocol of the World Court is conditioned upon the understanding and agreement that the judgments, decrees, or opinions of the court shall not be enforced by war under any name or in any form."

RESERVATION

Reservation intended to be proposed by Mr. WILLIAMS to Resolution No. 5, as modified.

"*Provided*, That when negotiations are had hereunder and a treaty is negotiated pursuant to this resolution then the treaty so negotiated and signed by all other signatories thereof, their duly authorized representatives, shall be submitted to the Senate for its advice and consent."

AMENDMENT

Mr. WILLIAMS offered the following amendment in the nature of a substitute to Senate Resolution No. 5 as modified.

"Strike out all after the word 'resolution' and insert the following:

"FOR ADHESION TO THE PERMANENT COURT OF INTERNATIONAL JUSTICE

"The Senate of the United States, having received from the President of the United States a proposal to give its advice and consent to the signature of the protocol of December 16, 1920, of the Permanent Court of International Justice, with certain conditions and understandings, finding itself uninformed regarding the conditions and understandings which would be acceptable to the signatories of the said protocol, and hesitating to commit the United States to the relation implied in the fact that this protocol is open to the United States only as a signatory of treaties which the United States has not ratified, requests the President to ascertain through the diplomatic representatives of the United States or otherwise, if a protocol of adhesion conceived substantially as follows would be acceptable to the signatories of the protocol of December 16, 1920":

PROTOCOL OF ADHESION TO THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

The signatories of the "protocol of signature relating to the Permanent Court of International Justice," of December 16, 1920, and the additional signatories of the present protocol mutually consent and agree:

"(1) That sovereign states which have neither ratified nor signed the treaty of Versailles, upon declaring that they accept the jurisdiction of the above-mentioned court in accordance with the terms and subject to the conditions of the statute of the court as construed below, are eligible to adherence to the statute, with rights, powers, privileges, and immunities equal to those of the original signatories.

"(2) That sovereign states thus adhering to the statute of the court shall have representation for the purposes of the court in the electoral bodies referred to in articles 4, 5, 8, 10, 12, 32, 33, and any other articles relating to the electoral bodies named in the statute, equal to that of the signatories of the protocol of December 16, 1920, of the same rank, without implying any relation or obligation, legal or otherwise, to or through these electoral bodies, except those prescribed in the statute as pertaining to the court.

(3) That no change shall be made in the statute of the court without the consent of the signatories of the present protocol.

"(4) That the charges of maintenance of the court shall be determined from time to time in fair proportions by the authorized appropriating bodies of the signatories, and the appropriations thus made shall be used exclusively for the expenses of the court.

"(5) That the decisions of the court bind only the actual litigants; that the opinions of the court when merely advisory bind no one; and that advisory opinions therefore will not be asked for with regard to questions relating to any adherent without its previous consent.

"(6) That the signatories of this protocol do not in principle oppose the convocation of future conferences at The Hague for the revision, clarification, and amelioration of international law, the enactments of which do not become binding upon any state until it has itself ratified them.

"In accordance with this consent and agreement on the part of the signatories of the protocol of December 16, 1920, duly signed and sealed by an authorized representative, the adhering states do hereby declare, through the undersigned, their duly accredited representatives, that they accept the jurisdiction of the Permanent Court of International Justice and the statute of the court, in accordance with the terms and subject to the conditions of the present protocol."

The VICE PRESIDENT at 1 o'clock p. m. rapped with his gavel.

Mr. HARRISON. Mr. President, I ask unanimous consent that I may be permitted to offer a unanimous-consent agreement.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. I object.

The VICE PRESIDENT. Objection is made. The hour of 1 o'clock having arrived, the Chair, in accordance with the provisions of Rule XXII, lays before the Senate the following motion, made by the Senator from Wisconsin [Mr. LENROOT]:

UNITED STATES SENATE,
Washington, D. C., January 22, 1926.

The undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, move that debate upon the pending measure, Senate Resolution No. 5, be brought to a close:

Signed by a sufficient number of names.

The Secretary will call the roll for the purpose of ascertaining that a quorum is present.

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

Ashurst	Fess	McKellar	Sackett
Bayard	Fletcher	McKinley	Schall
Bingham	Frazier	McLean	Sheppard
Blease	George	McMaster	Shipstead
Borah	Gerry	McNary	Shortridge
Bratton	Gillett	Mayfield	Simmons
Brookhart	Glass	Means	Smith
Broussard	Goff	Metcalf	Smoot
Bruce	Gooding	Moses	Stanfield
Butler	Greene	Neely	Stephens
Cameron	Hale	Norbeck	Swanson
Capper	Harreld	Norris	Trammell
Caraway	Harris	Nye	Tyson
Couzens	Harrison	Oddie	Underwood
Cummins	Heflin	Overman	Wadsworth
Curtis	Howell	Pepper	Walsh
Dale	Johnson	Phipps	Warren
Deneen	Jones, N. Mex.	Pine	Watson
Dill	Jones, Wash.	Pittman	Weller
Edge	Kendrick	Ransdell	Wheeler
Edwards	Keyes	Reed, Mo.	Williams
Ernst	King	Reed, Pa.	Willis
Fernald	La Follette	Robinson, Ark.	
Ferris	Lenroot	Robinson, Ind.	

The VICE PRESIDENT. Ninety-four Senators having answered to their names, a quorum is present. The question is, Is it the sense of the Senate that the debate shall be brought to a close? The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JONES of Washington (when Mr. DU PONT's name was called). I desire to announce the absence of the junior Senator from Delaware [Mr. DU PONT] on account of illness. I ask that this announcement may stand for the day. If he were present, he would vote "yea."

The roll call having been concluded, it resulted—yeas 68, nays 26, as follows:

YEAS—68

Ashurst	Butler	Curtis	Ferris
Bayard	Capper	Deneen	Fess
Bingham	Caraway	Edge	Fletcher
Bratton	Couzens	Edwards	George
Bruce	Cummins	Ernst	Gerry

Gillett	Keyes	Oddie	Simmons
Glass	King	Overman	Smoot
Goff	Lenroot	Pepper	Stanfield
Gooding	McKellar	Phipps	Swanson
Greene	McKinley	Pittman	Trammell
Hale	McLean	Ransdell	Tyson
Harris	McMaster	Reed, Pa.	Underwood
Harrison	McNary	Robinson, Ark.	Wadsworth
Heflin	Mayfield	Sackett	Walsh
Jones, N. Mex.	Metcalf	Schall	Warren
Jones, Wash.	Neely	Sheppard	Weller
Kendrick	Norbeck	Shortridge	Willis

NAYS—26

Blease	Fernald	Moses	Smith
Borah	Frazier	Norris	Stephens
Brookhart	Harreld	Nye	Watson
Broussard	Howell	Pine	Wheeler
Cameron	Johnson	Reed, Mo.	Williams
Dale	La Follette	Robinson, Ind.	
Dill	Means	Shipstead	

NOT VOTING—2

Copeland	du Pont

The VICE PRESIDENT. The yeas are 68 and the nays are 26. More than two-thirds of the Senators present having voted in the affirmative, the motion is agreed to. The Senate will proceed under Rule XXII.

Mr. LENROOT. Mr. President, under Rule XXII it is made the duty of the Presiding Officer to keep the time of Senators addressing the Senate. In the League of Nations controversy unanimous consent was given that the Secretary might keep that time. I ask unanimous consent that that course may be pursued in this case.

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

Mr. WALSH. Mr. President, there were two matters adverted to by the Senator from Missouri [Mr. REED] in his address on Saturday with respect to which I should like to say a few words. The first was the question raised as to whether the Senate might give its advice and consent to a treaty before the President signed it, or whether it was necessary for the President first to sign the treaty and then lay it before Congress. That question was considered by Judge Story, and his views are expressed in his celebrated work on the Constitution. I read from section 1523 as follows:

> Some doubts appear to have been entertained in the early stages of the Government as to the correct exposition of the Constitution in regard to the agency of the Senate in the formation of treaties. The question was whether the agency of the Senate was admissible previous to the negotiation, so as to advise on the instructions to be given to the ministers, or was limited to the exercise of the power of advice and consent after the treaty was formed; or whether the President possessed an option to adopt one mode or the other, as his judgment might direct. The practical exposition assumed on the first occasion which seems to have occurred in President Washington's administration was that the option belonged to the Executive to adopt either mode, and the Senate might advise before as well as after the formation of a treaty.

It was also suggested, Mr. President, that we have not the original document before us.

Mr. REED of Missouri. May I ask the Senator if the Senate "advised" or "advised and consented" in advance?

Mr. WALSH. I am sure the two words were used.

I find by consulting the Compilation of Treaties that whenever a multiparty treaty is executed it appears the usual practice to deposit the original in some one of the chancelleries and that certified copies of it are usually sent for consideration of the other signatories; but in the case of the protocol before us it expressly provides that—

> The said protocol shall remain open for signature by the members of the League of Nations and by the states mentioned in the annex to the covenant of the league.
>
> The statute of the court shall come into force as provided in the above-mentioned decision.
>
> Executed at Geneva, in a single copy, the French and English texts of which shall both be authentic.

There is no express provision authorizing the transmission of certified copies, but, as we have been informed by the President this morning, that formality even has been carried out. Of course, the President would be authorized to sign just such a treaty as he sends to the Senate. It is approving the draft sent to us.

Now, Mr. President, I want to say just a word in explanation of the amended resolution offered by the Senator from Virginia [Mr. SWANSON], because apparently some gross misrepresentations concerning it have been indulged in.

In the first place, the word "adhesion" as it appears in the original draft gives place to the word "adherence"—a mere change in the use of the word, the two being quite similar in significance, but "adhesion" having reference to physical adhesion rather than an abstract adhesion.

Some criticism was made that the first reservation proposed by Mr. Hughes is not sufficiently comprehensive, in that it refers only to the covenant of the League of Nations, while some obligations might arise under other provisions of the treaty of Versailles, so the restriction is taken out and it is made comprehensive "under the treaty of Versailles," the covenant of the League of Nations forming a part of that.

The fourth reservation is changed simply by giving the United States the right to withdraw at any time.

Mr. President, I pass now from those and the fifth reservation to the two subsequent reservations. It will be observed that under the heading "*Resolved further*," those are matters that appertain to ourselves alone and are of no concern whatever to foreign nations. They express our own views concerning our own purposes and our own practice. One of them is as follows:

> *Resolved further*, As a part of this act of ratification that the United States approve the protocol and statute hereinabove mentioned, with the understanding that recourse to the Permanent Court of International Justice for the settlement of differences between the United States and any other state or states can be had only by agreement thereto through general or special treaties concluded between the parties in dispute.

It has been repeatedly asserted on the floor of the Senate that no dispute can be submitted except by a treaty with the concurrence of the Senate; but, notwithstanding that, apprehensions have been excited through the country that the executive department would have the right to submit controversies without the concurrence of the Senate. This is merely to still such apprehensions.

Next:

> *Resolved further*, That adherence to the said protocol and statute hereby approved shall not be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

It will be recognized that that is identically the declaration which was attached to the second Hague convention and is simply a notice to the world that we do not intend to submit to the court such questions; in other words, that we do not intend to submit questions involving the Monroe doctrine. That is all there is to that.

So those two, I suppose, will not disturb anybody. But, Mr. President, for reservation 5 a substitute is offered as follows:

> That the court shall not render any advisory opinion except publicly after due notice to all states adhering to the court and to all interested states and after public hearing or opportunity for hearing given to any state concerned—

I apprehend that no one will object to that. That is simply a crystallization of the rule of the court as it now exists in relation to hearings upon requests for advisory opinions.

Then—

> nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

Under the covenant of the League of Nations, each of the great nations has a representative upon the council of the league; and any one of them, therefore, because the council proceeds by unanimity, can prevent the submission to the court of any request for an advisory opinion, which it does not want to have submitted. This gives to the United States exactly the same power by denying to the court the jurisdiction to entertain a request for an advisory opinion with respect to any question concerning which the United States claims an interest.

I can not conceive that any one of these changes will provoke any opposition whatever from the opponents of the measure.

Otherwise, Mr. President, the substitute resolution is identical with the original.

Mr. LENROOT. Mr. President, I desire to supplement what the Senator from Montana has said in just one respect.

The change in reservation No. 5 merely carries out and insures and make permanent, so far as the United States is concerned, the rule of the court laid down by its own decision in the Eastern Karelia case; so that hereafter, even though, as contended by the opponents of the court, new elections might change the complexion of the judges and a different rule might obtain, in no event, at any time, or under any circumstances,

can any advisory opinion be rendered, affecting the rights or interests of the United States, or claimed to affect our rights or interests, without the consent of the United States.

There is nothing in these reservations that is not entirely in harmony with the Harding-Hughes-Coolidge recommendations.

Mr. REED of Missouri. Mr. President, I move that the Senate adjourn.

Mr. McKELLAR. On that I call for the yeas and nays, Mr. President.

Mr. WALSH. 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	Ernst	King	Ransdell
Bayard	Ferris	La Follette	Reed, Mo.
Bingham	Fess	Lenroot	Reed, Pa.
Blease	Fletcher	McKellar	Robinson, Ark.
Borah	Frazier	McKinley	Robinson, Ind.
Bratton	George	McLean	Schall
Brookhart	Gerry	McMaster	Sheppard
Broussard	Gillett	McNary	Shipstead
Bruce	Glass	Mayfield	Shortridge
Cameron	Goff	Means	Simmons
Capper	Greene	Metcalf	Smoot
Caraway	Hale	Moses	Stanfield
Couzens	Harris	Neely	Swanson
Curtis	Harrison	Nye	Trammell
Dale	Heflin	Oddie	Tyson
Deneen	Howell	Overman	Warren
Dill	Jones, Wash.	Pepper	Weller
Edge	Kendrick	Phipps	Williams
Edwards	Keyes	Pine	Willis

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

Is there a second to the demand of the Senator from Tennessee for a yea-and-nay vote on the motion to adjourn?

Mr. LENROOT. Does the Senator from Missouri insist on his motion?

Mr. REED of Missouri. No, Mr. President; if the Senate is here I will not insist on it. When I made my motion there were about six Senators in the Chamber. The Senate had, in effect, already adjourned, and I thought we might as well do it formally.

The VICE PRESIDENT. Does the Senator withdraw his motion?

Mr. REED of Missouri. I withdraw the motion if the Senate wants to stay here and attend to its business.

Mr. President, I should like to inquire if the matter presumptively before the Senate—we have been talking about it—is to be read?

Mr. LENROOT. I ask that the Secretary proceed with the reading of the statute of the court.

Mr. REED of Missouri. I ask that the original documents be read, and that they all be read as far as they have been submitted to the Senate by the President. I am just speaking now to this matter of order, and not on the question. I call attention to the fact that there is not here a communication from any government or from any authoritative body that we have ever recognized.

The VICE PRESIDENT. The Secretary will read the communication.

The legislative clerk read as follows:

The secretary general of the League of Nations has the honor to forward herewith to the Government of the United States of America a certified copy of the protocol of signature relating to the statute of the Permanent Court of International Justice, provided for by article 14 of the covenant of the League of Nations, together with the signatures already affixed by the representatives of the members of the league, and the declarations relating to the optional clause concerning compulsory jurisdiction.

The secretary general of the League of Nations has the honor at the same time to draw the attention of the Government of the United States of America to the importance of ratifications being deposited as speedily as possible.

According to the terms of paragraph 3 of the resolution relating to the establishment of a permanent court of international justice, which was adopted by the assembly of the League of Nations at its meeting on December 13, 1920, the statute of the court will not come into force, and the court will not be called upon to sit, in conformity with the said statute, until this protocol has been ratified by the majority of the members of the league. The satisfactory fulfillment of this condition will alone enable the Assembly of the League of Nations at its next meeting (which is to take place in September, 1921) to proceed to elect the judges, and thus to enable the court to be formed and to enter upon its duties at the beginning of next year.

Further signatures to the protocol will be notified to the Government of the United States of America as and when they are appended.

Mr. REED of Missouri. Mr. President, 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	Fletcher	La Follette	Robinson, Ind.
Bayard	Frazier	Lenroot	Sackett
Bingham	George	McKellar	Schall
Blease	Gerry	McKinley	Sheppard
Bratton	Gillett	McLean	Shipstead
Brookhart	Glass	McMaster	Shortridge
Broussard	Goff	McNary	Simmons
Bruce	Gooding	Mayfield	Smith
Butler	Greene	Means	Stephens
Cameron	Hale	Metcalf	Swanson
Capper	Harreld	Moses	Trammell
Couzens	Harris	Norris	Underwood
Cummins	Harrison	Nye	Wadsworth
Curtis	Heflin	Oddie	Warren
Dale	Howell	Overman	Watson
Deneen	Johnson	Pepper	Weller
Dill	Jones, N. Mex.	Phipps	Williams
Edge	Jones, Wash.	Pine	Willis
Ernst	Kendrick	Ransdell	
Ferris	Keyes	Reed, Mo.	
Fess	King	Reed, Pa.	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present. The Secretary will proceed with the reading.

The legislative clerk read as follows:

The same procedure will be observed in the case of communications addressed to the secretariat by the various signatory powers with regard to their ratification of the protocol.

Certified copies of the various documents containing the ratifications will be communicated to the Government of the United States of America as and when they are deposited with the secretariat.

His Excellency,

THE PRESIDENCY OF THE UNITED STATES OF AMERICA.

Mr. REED of Missouri. That concludes the reading of the communication?

The VICE PRESIDENT. That concludes the reading of the communication.

Mr. REED of Missouri. In view of the fact that the Senate has again adjourned, I move that the Senate do now adjourn.

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

The yeas and nays were ordered; and, being taken, resulted—yeas 9, nays 72, as follows:

YEAS—9

Frazier	La Follette	Nye	Reed, Mo.
Harreld	Moses	Pine	Shipstead
Johnson			

NAYS—72

Ashurst	Ernst	Kendrick	Reed, Pa.
Bayard	Ferris	Keyes	Robinson, Ind.
Bingham	Fess	King	Sackett
Blease	Fletcher	Lenroot	Shortridge
Bratton	George	McKellar	Schall
Brookhart	Gerry	McKinley	Sheppard
Broussard	Gillett	McLean	Simmons
Bruce	Glass	McMaster	Smith
Butler	Goff	McNary	Smoot
Cameron	Gooding	Mayfield	Stanfield
Capper	Greene	Means	Stephens
Couzens	Hale	Metcalf	Underwood
Cummins	Harris	Norris	Wadsworth
Curtis	Harrison	Oddie	Warren
Dale	Heflin	Overman	Watson
Deneen	Howell	Pepper	Weller
Dill	Jones, N. Mex.	Phipps	Williams
Edge	Jones, Wash.	Ransdell	Willis

NOT VOTING—15

Borah	Edwards	Pittman	Tyson
Caraway	Fernald	Robinson, Ark.	Walsh
Copeland	Neely	Swanson	Wheeler
du Pont	Norbeck	Trammell	

So the Senate refused to adjourn.

The VICE PRESIDENT. The Secretary will read the protocol.

The Chief Clerk read as follows:

PROTOCOL OF SIGNATURE

The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the assembly of the league on the 13th December, 1920, at Geneva.

Consequently, they hereby declare that they accept the jurisdiction of the court in accordance with the terms and subject to the conditions of the above-mentioned statute.

The present protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each power shall send its ratification to the secretary general of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory powers. The ratification shall be deposited in the archives of the secretariat of the League of Nations.

The said protocol shall remain open for signature by the members of the League of Nations and by the states mentioned in the annex to the covenant of the league.

The statute of the court shall come into force as provided in the above-mentioned decision.

Executed at Geneva, in a single copy, the French and English texts of which shall both be authentic.

DECEMBER 16, 1920.

OPTIONAL CLAUSE

The undersigned, being duly authorized thereto, further declare, on behalf of their Government, that, from this date they accept as compulsory "ipso facto" and without special convention the jurisdiction of the court in conformity with article 36, paragraph 2, of the statute of the court, under the following conditions:

Statute for the Permanent Court of International Justice; provided for by article 14 of the covenant of the League of Nations.

Mr. REED of Missouri. I think we ought to have it read in its original language, the French. [Laughter.]

The reading was continued, as follows:

ARTICLE 1

A permanent court of international justice is hereby established, in accordance with article 14 of the covenant of the League of Nations. This court shall be in addition to the court of arbitration organized by the conventions of The Hague of 1899 and 1907, and to the special tribunals of arbitration to which states are always at liberty to submit their disputes for settlement.

CHAPTER I—ORGANIZATION OF THE COURT

ARTICLE 2

The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ARTICLE 3

The court shall consist of 15 members; 11 judges and 4 deputy judges. The number of judges and deputy judges may hereafter be increased by the Assembly, upon the proposal of the Council of the League of Nations, to a total of 15 judges and 6 deputy judges.

ARTICLE 4

The members of the court shall be elected by the assembly and by the council from a list of persons nominated by the national groups in the court of arbitration, in accordance with the following provisions:

In the case of members of the League of Nations not represented in the permanent court of arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the permanent court of arbitration by article 44 of the convention of The Hague of 1907 for the pacific settlement of international disputes.

ARTICLE 5

At least three months before the date of the election, the secretary general of the League of Nations shall address a written request to the members of the court of arbitration belonging to the states mentioned in the annex to the covenant or to the states which join the league subsequently, and to the persons appointed under paragraph 2 of article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

ARTICLE 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

ARTICLE 7

The secretary general of the League of Nations shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in article 12, paragraph 2, these shall be the only persons eligible for appointment.

The secretary general shall submit this list to the assembly and to the council.

ARTICLE 8

The assembly and the council shall proceed independently of one another to elect, firstly the judges, then the deputy judges.

ARTICLE 9

At every election the electors shall bear in mind that not only should all the persons appointed as members of the court possess the qualifications required but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

ARTICLE 10

Those candidates who obtain an absolute majority of votes in the assembly and in the council shall be considered as elected.

In the event of more than one national of the same member of the league being elected by the votes of both the assembly and the council the eldest of these only shall be considered as elected.

ARTICLE 11

If after the first meeting held for the purpose of the election one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

ARTICLE 12

If after the third meeting one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the assembly and three by the council, may be formed at any time at the request of either the assembly or the council for the purpose of choosing one name for each seat still vacant to submit to the assembly and the council for their respective acceptance.

If the conference is unanimously agreed upon any person who fulfills the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in articles 4 and 5.

If the joint conference is satisfied that it will not be successful in procuring an election, those members of the court who have already been appointed shall, within a period to be fixed by the council, proceed to fill the vacant seats by selection from amongst those candidates who have obtained votes either in the assembly or in the council.

In the event of an equality of votes amongst the judges the eldest judge shall have a casting vote.

ARTICLE 13

The members of the court shall be elected for nine years.

They may be reelected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

Mr. LENROOT. I make the point of order that no business has intervened since the last quorum call.

Mr. REED of Missouri. The clerk has been reading the most important document on earth, a communication from the League of Nations. It is business and highly important business.

Mr. LENROOT. What has the Senate done about it?

Mr. REED of Missouri. It has done nothing—not even listened. If it had only listened, I would not have made my point.

Mr. LENROOT. Listening is not the transaction of business.

Mr. REED of Missouri. Oh, yes; it is. It is the presentation of this document to the Senate.

The VICE PRESIDENT. The point of order is not debatable. The Chair holds that the point of order is well taken.

Mr. REED of Missouri. I move that the Senate do now adjourn.

Mr. LENROOT. I make the point of order, under Rule XXII, that the motion is dilatory.

The VICE PRESIDENT. The Chair holds the point of order to be well taken. Rule XXII provides that "No dilatory motion, or dilatory amendment, or amendments not germane, shall be in order."

Mr. REED of Missouri. I appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. LENROOT. I move that the appeal from the decision of the Chair be laid on the table.

Mr. REED of Missouri. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BRATTON. Mr. President, a parliamentary inquiry. What is the pending question?

The VICE PRESIDENT. The motion of the Senator from Wisconsin [Mr. LENROOT] to lay on the table the appeal by the Senator from Missouri [Mr. REED] from the decision of the Chair.

The roll was called and resulted—yeas 69, nays 13, as follows:

YEAS—69.

Ashurst	Bratton	Capper	Curtis
Bayard	Bruce	Couzens	Dale
Bingham	Butler	Cummins	Deneen

Dill	Harrison	Neely	Shortridge
Edwards	Heflin	Norbeck	Simmons
Ernst	Howell	Norris	Smith
Ferris	Jones, N. Mex.	Nye	Stephens
Fess	Jones, Wash.	Oddie	Swanson
Fletcher	Kendrick	Overman	Underwood
George	Keyes	Pepper	Wadsworth
Gerry	Lenroot	Phipps	Warren
Gillett	McKellar	Pittman	Watson
Glass	McKinley	Reed, Pa.	Weller
Goff	McLean	Robinson, Ark.	Wheeler
Gooding	McNary	Robinson, Ind.	Willis
Greene	Mayfield	Sackett	
Hale	Means	Schall	
Harris	Metcalf	Sheppard	

NAYS—13.

Blease	Frazier	La Follette	Shipstead
Borah	Harreld	Moses	
Brookhart	Johnson	Pine	
Fernald	King	Reed, Mo.	

NOT VOTING—14.

Broussard	du Pont	Smoot	Walsh
Cameron	Edge	Stanfield	Williams
Caraway	McMaster	Trammell	
Copeland	Ransdell	Tyson	

So the appeal of Mr. REED of Missouri from the decision of the Chair was laid on the table.

PERSONAL EXPLANATION

Mr. BLEASE. Mr. President, I rise to a question of personal privilege. While the two Senators from Alabama are on the floor, I desire to answer a criticism from the junior Senator from Alabama [Mr. HEFLIN] the other day in regard to some remarks which I then made with reference to the late Senator Henry Cabot Lodge.

I understand what southern hatred means. I understand what southern differences mean in thinking and speaking of people who belong to the Republican Party. Just after the Civil War, or the War of Secession, there came into the State of South Carolina some people from the Northern States and some from Eastern States who because of their actions were called carpetbaggers and scalawags. They combined with the negroes of the Southern States, and under deception and deceit those so-called Republicans, who were never entitled to the respect of the name or even to be called as such, because they were the cheapest class of thieves and camp followers of Sherman's army, stayed there for the purpose of robbery and thievery. Therefore, in the Southern States to-day, when a man wishes to stir up strife and feeling, it is very easy for him to do so by referring to another as a Republican.

The people of my State, or some of them, by education have not had the privilege of that enlightenment which possibly they should have had, and, by reason of their poverty, have not been enabled to travel over the country as they would have liked to travel. They have never had the opportunity of being thrown into contact with any, with the exception of very few men, who called himself a Republican. There are people in my State to-day, and in all the other Southern States, who delight in appealing to that class which is not better informed on account of their prejudice against Republicans, and trying to paint every Republican as a man the equal of Scott and Moses and Chamberlain and the other thieves who infested my State and the balance of the South and put the heel of the "nigger" upon the white man's neck.

I regret that that condition prevails, but it does prevail; there is no doubt about it. Therefore, as I stated a few moments ago, the people of my State, or some of them, and the people of all the Southern States do not know men like CURTIS and MOSES, of New Hampshire, and JOHNSON and COUZENS and FERNALD and BINGHAM and BORAH and hundreds of others whom I might mention, as to whom, if they were to go to the South and associate with our people and let our people know them, our people would feel as I do, and would have respect for them and admiration for them because of their standing by their principles. They do not even know the Vice President of the United States, whom I know they would admire if they had had the opportunity to see his smile when the South put the cloture on the Senate to-day.

Let us see, Mr. President.

Henry Cabot Lodge needs no defense at my hands. He can speak from the grave in what he has done in the past and wipe out almost any opponent that might see fit to slur his name. I used it for a purpose, to make somebody mad. "Whom the gods would destroy, they first make mad." I am not one of the gods, but I saw a cloture passed here to-day because some people were mad.

When the State of South Carolina was getting ready to present to the American Nation a statue to be placed in Statuary Hall, when her people had picked out the one man and the only man that they have yet agreed upon whose statue was to be placed yonder in Statuary Hall, when they had that statue all ready to be delivered to the American Nation, whom did the boss of South Carolina ask to accept that statue? I say "the boss" advisedly, because Ben Tillman was the boss of South Carolina at that time. He could elect to office any man he pleased. He could defeat any man he pleased. He could pass through the Legislature of South Carolina any action he wanted, or he could defeat any bill that he wanted to defeat in the State of South Carolina. Who did the boss of South Carolina say should accept, on the part of this country, the statue of John C. Calhoun, that greatest statesman? I know that some differ as to Clay and Webster, but the South claims Calhoun as her greatest; and, I say, whom did the boss of South Carolina ask to speak on John C. Calhoun on that occasion? Henry Cabot Lodge, the man who, it has been charged, tried to put the force bill on South Carolina.

Ah, Mr. President, we can not judge a man by one act. I want to give you northern people one instance, the instance of a man, a true man and a brave man. There ought to be a monument erected to him somewhere to show what bravery was.

Just after the Civil War, or the War of Secession, one of Sherman's men stopped in Barnwell, S. C., and made that his home. He married a good woman there. The barn of one of his neighbors was burned. He was indicted for arson. They brought him to trial in a South Carolina court, with a Democratic judge, a Democratic solicitor, a Democratic jury. The solicitor of that circuit was a very able man, but I think he took a great advantage on this occasion. He said to McGinnis—whom he knew was a Yankee, whom he knew had followed Sherman's army—"McGinnis, were you not one of Sherman's army, the army that went through this country and burned it?" McGinnis looked him straight in the face and said, "Yes; I was, and I am proud of it." The solicitor sat down. He knew that McGinnis was convicted whether he had any testimony or not. That is what I call a man; and I thank God that a few years afterwards that right hand right there signed the paper that made McGinnis a free man and sent him back to his wife and little children, where he is to-day, a good citizen and a happy man.

Judge a man by one act? What said Boss Tillman? Do not forget that I voted for him and supported him. I have never been ashamed of it, if I did fall out with him in his last days. I have never been ashamed of it, if he did delay my coming here for six years. There is no question about that. As I tell you, he was the big boss; but when he got out of the way, then we had several little so-called bosses.

Here is what Mr. Lodge said:

> In the years which preceded the Civil War, South Carolina and Massachusetts represented more strongly, more extremely, perhaps, than any other States the opposing principles which were then in conflict. Now, when that period has drifted back into the quiet waters of history it seems particularly appropriate that Massachusetts should share in the recognition which we give to-day to the memory of the great Senator from South Carolina. If I may be pardoned a personal word, it seems also fitting that I should have the privilege of speaking upon this occasion, for my own family were friends and followers in successive generations of Hamilton and Webster and Sumner.

I do not care what he said about Alabama. He was talking about South Carolina, and I am the man that praised him.

> I was brought up in the doctrines and beliefs of the great Federalist, the great Whig, and the great Republican. It seems to me, I repeat, not unfitting that one so brought up should have the opportunity to speak here when we commemorate the distinguished statesman who, during the last 25 years of his life, represented with unrivaled ability those theories of government to which Hamilton, Webster, and Sumner were all opposed.
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> From 1787 to 1865 the real history of the United States is to be found in the struggle between the forces of separatism and those of nationalism. Other issues and other questions during that period rose and fell, absorbed the attention of the country, and passed out of sight, but the conflict between the nationalist spirit and the separatist spirit never ceased. There might be a lull in the battle, public interest might turn, as it frequently did, to other questions, but the deep-rooted, underlying contest was always there, and finally took possession of every passion and every thought, until it culminated at last in the dread arbitrament of arms.
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> The colonial spirit resisted Washington's neutrality policy when the French Revolution broke out, and as the years passed was still strong enough to hamper all our movements and force us to drift helplessly upon the stormy seas of the Napoleonic wars. The result was that we were treated by France on one side and by England on the other in a

manner which fills an American's heart with indignation and with shame even to read of it a hundred years afterwards. And then in those days of humiliation there arose a group of young men, chiefly from the South and West, who made up their minds that this condition was unbearable; that they would assert the independence of the United States; that they would secure to her due recognition among the nations; and that rather than have the shameful conditions which then existed continue they would fight. They did not care much with whom they fought, but they intended to vindicate the right of the United States to live as a respected and self-respecting independent Nation. Animated by this spirit, they plunged the country into war with England.

Then, Mr. President:

Chief among the leaders of that group of young men who were responsible for the origin and conduct of the War of 1812 was John C. Calhoun.

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To have been, as Calhoun was, for 40 years a chief figure in that period of conflict and development—first a leader among the able men who asserted the reality of the national independence and established the place of the United States among the nations of the earth, and afterwards the undisputed chief of those who barred the path of the national movement—implies a man of extraordinary powers both of mind and character. He merits not only the high consideration which history accords; but it is also well that we should honor his memory here and, turning aside from affairs of the moment, should recall him and his work that we may understand what he was and what he meant. He was preeminently a strong man; and strong men, leaders of mankind, who shape public thought and decide public action are very apt to exhibit in a high degree the qualities of the race from which they spring.

Mr. President, here is his compliment to South Carolina:

Calhoun came of a vigorous race and displayed the attributes, both moral and intellectual, which mark that race with unusual vividness and force. On both sides he was of Scotch descent. His name is a variant of the distinguished Scotch name Colquhoun. It was a place name, assumed at the beginning of the thirteenth century, when they came into possession of certain lands, by the noble family which was destined to bear it for many generations.

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Judged by the history of the knights who in long succession held the estates and the title, the Colquhouns or Calhouns, who spread and multiplied until they became a clan, were a very strong, very able, very tenacious stock. They had great need of all these qualities in order to maintain themselves in power, property, and position during the 500 years which elapsed before the first Calhoun and the first Caldwell started on the migration which, after a brief pause in the north of Ireland, carried Patrick Calhoun and some of the Caldwells over the ocean to South Carolina.

Thus endowed by nature and equipped with as good an education as could then be obtained in the United States, Mr. Calhoun entered public life at the moment when the American people were smarting under the insults and humiliations heaped upon them by France and England and were groping about for some issue from their troubles and some vindication of the national honor and independence. Calhoun and his friends, men like Henry Clay, and like Lowndes and Cheves, from his own State, came in on the wave of popular revolt against the conditions to which the country had been brought. Wavering diplomacy, gunboats on wheels, and even embargoes, which chiefly punished our own commerce had ceased to appeal to them. They had the great advantage of knowing what they meant to do. They were determined to resist. If necessary they intended to fight.

Then, Mr. President:

He fought his fight with unbending courage, asking no quarter and giving none. He flinched from no conclusion; he faced every result without change or concession. He had no fear of the opponents who met him in debate. He felt assured in his own heart that he could hold his own against all comers.

Ah, Mr. President, listen to this! This would have made me think well of Henry Cabot Lodge even if he had put me in jail somewhere:

We do well to place here a statue of Calhoun. I would that he could stand with none but his peers about him, and not elbowed and crowded by the temporarily notorious and the illustrious obscure.

Do you hear that? I want to read that over. I want to rub it into South Carolina this summer:

We do well to place here a statue of Calhoun. I would that he could stand with none but his peers about him, and not elbowed and crowded by the temporarily notorious and the illustrious obscure.

Henry Cabot Lodge said that about my John C. Calhoun, not yours.

His statue is here of right. He was a really great man, one of the great figures of our history. In that history he stands out clear, distinct, commanding. There is no trace of the demagogue about him. He was a bold as well as a deep thinker, and he had to the full the courage of his convictions. The doctrines of socialism were as alien to him as the worship of commercialism. He "raised his mind to truths." He believed that statesmanship must move on a high plane, and he could not conceive that mere money-making and money-spending were the highest objects of ambition in the lives of men or nations.

Now, Mr. President:

He was the greatest man South Carolina has given to the Nation. That in itself is no slight praise—

Listen to Henry Cabot Lodge:

He was the greatest man South Carolina has given to the Nation. That in itself is no slight praise, for from the days of the Laurenses, the Pinckneys, the Rutledges, from the time of Moultrie and Sumter and Marion to the present day South Carolina has always been conspicuous in peace and war for the force, the ability, and the character of the men who have served her and given to her name its high distinction in our history.

Could a man say that about my State and I not like him?

But Calhoun was much more even than this. He was one of the most remarkable men, one of the greatest minds that American public life can show. It matters not that before the last tribunal the verdict went against him, that the extreme doctrines to which his imperious logic carried him have been banned and barred, the man remains greatly placed in our history.

Did Ben Tillman make a mistake when he asked Henry Cabot Lodge to make that speech? Has Ben Tillman ever been condemned in South Carolina for getting that brain to speak on that occasion?

Again, Mr. President, that same South Carolina boss, who sat in this body longer than any other man has ever sat in it from the State of South Carolina, who was elected time and time again without opposition, walked across one day in his enfeebled condition, so far as body was concerned—but the Senate will bear me out, whose mind was strong until the very last—walked over to the seat of the distinguished Senator from Massachusetts, and said what to him?

When I shall pass across the great divide I want you, the man from Massachusetts, the man from one of the two States whose Senators staged the greatest debate that has ever been staged upon the floor of the Senate—Webster and Calhoun—I, coming from the State of the latter, want you, Mr. Lodge, to deliver upon me such eulogy as you think is right.

The man who they say had tried to put the force bill on the South, the man who, they say, South Carolina should hate was asked by that distinguished Senator, who sat here longer than any other man from that State, to do that! Why, if Ben Tillman had hated him, or if the people of my State had hated him, would Tillman have asked Lodge to speak on Calhoun, coming from the State that he did? Would he have asked him to say something about him, Tillman himself? No, Mr. President; and Mr. Lodge made that speech. I shall read only a short extract from it:

Mr. President, Senator Tillman did not come to the Senate in 1895, as many do, a man unknown beyond the limits of his own State. His reputation preceded his coming. The country had heard about him. The general public knowledge of him was not, perhaps, extensive, but it was distinct and emphatic. To those who looked below the surface it was apparent that here was a man who had wrested control of a famous State—

Henry Cabot Lodge said that, speaking of South Carolina—

a famous State from a body of men who, from generation to generation, for 200 years had dominated its politics and its social and economic life. Both at home and in Washington they had brought forth distinguished leaders in public life, who had impressed themselves and their opinions deeply upon the history of the country and made South Carolina a power to be reckoned with throughout the eighteenth and nineteenth centuries. Whatever their mistakes may have been, however extreme their views, they had been remarkable for ability, courage, and force displayed not only by individuals but by families, whose names and achievements were familiar to all the people of the United States. They had retained their power after the Civil War as it had existed before the great conflict which they had done so much to lead and provoke. He came to the Senate also with bitter and deep-seated dislike—I will not say prejudice—against all Republicans and all northern men.

Tillman had not traveled much. He was a farmer. He was a very poor man. He left his plow and went to Marlborough

to make a speech. He broke down and cried because in his first effort he failed. But he came back, was governor of my State, and came to the Senate.

Nevertheless, among Republicans and northern men he found before many years had passed some of his warmest personal friends. In these last years he one day made a short speech in the Senate, in which he admitted that he had been mistaken in these earlier opinions, and that he had in these respects changed his mind.

So, Mr. President, would many southerners, if they were permitted to travel over this country and to associate with some men who call themselves Republicans. I could name some Democrats north of Mason and Dixon's line whom I know they would not associate with, nor invite to their homes, if they knew them as well as I know them. I continue the reading:

It seemed, I am sure, to those who heard or read what he said, an avowal at once manly and touching. But it was something more than this. It showed willingness and ability to learn, admirable and essential capacities throughout life, and especially to be cherished in old age. It also showed the courage to admit that he had been wrong, and this is a loftier and rarer attribute and a very fine quality, indeed.

Mr. President, I go one more short step. There sits in this Chamber a very distinguished southerner, who served in the House of Representatives for a great many years, came to this body and has served here with distinction, so much, sir, that a good many people in this country wanted to see him President of the United States. I did, myself. He was placed in nomination, received a very complimentary vote, and to-day stands very high in the love and admiration of the people of the Southern States. I refer to none other than the Hon. OSCAR W. UNDERWOOD, the senior Senator from Alabama. This is what Senator UNDERWOOD said of Henry Cabot Lodge:

Mr. President, through nearly three decades of service I have seen the men who directed the destiny of the Nation come and go as actors upon the stage. They played their parts, they lived their hours, and marched on into the fields of private life or into the long road of eternity. Most of these men have possessed character and attainments. In their hour they have served their country with the highest sense of patriotism directing their course. Many issues of public importance have been raised and many political battles have been fought with earnestness of purpose, and sometimes with rancor, to the final conclusion of victory or defeat. We meet and know these men more or less on the legislative battle field. They are our comrades in defending principles in which we believe or they are our opponents in barring the way to our success, but with it all they are "good fellows"—kindly, charming men, possessing more than the average brains and ability, coming from the best of the Nation. Thus we meet, battle, and strive among ourselves until we awake to find the flag on the Capitol at half-mast, and we know that one of the legislative soldiers has passed away from life's battle field. Then we lay aside the sword of political combat and truly see the outstanding character of the friend and comrade who has marched on.

I am sure that all of us felt this way about Senator Henry Cabot Lodge when the press dispatches told us that the end had come. All of us did not belong to his political party, but we regarded him as an able, learned, and forceful adversary, tenacious of his own political faith, grounded as few others were in the fundamentals of his party, and always loyal to the principles and policies of the great Republican Party, to which he dedicated the best years of his life. But when the end came our arms were grounded; the battle was over; time and history stood guard over what was left to us of a good friend and a worthy companion.

I shall not attempt to speak of his long and successful career as a legislator. Others more intimately allied with him in his legislative work can tell the story of his great and successful career better than can I. Nor will I attempt to review that portion of his life that in the end will bring to him fame and fix his place for all time on the pages of history. He died occupying a distinct place among the literary men of America. As a historian his works stand without challenge in the front ranks. As an essayist and a critic he has given to the country and to the world some of its very best thoughts and ideas and ideals that will endure into the centuries to come.

What I principally desire to say, Mr. President, is in regard to my service with Senator Lodge on the conference called at Washington looking to a reduction of armament and the settlement of some of the grave questions that confronted us in the Far East. At the conference table there was no partisanship or party politics. The four men who represented the United States of America as commissioners had but one desire, and that was so to serve their country that their work might lead toward the lasting peace of the world. At the Washington conference Senator Lodge's long training in diplomatic questions, his splendid education in the history of the world's affairs, his masterful knowledge of the dangerous issues that led to world embroilment, and his clear and analytical mind blazed the way toward the solving of many of the difficult problems that confronted the American delegation. When the clouds of political discord have rolled away, when time has cleared the skies and given us a juster vision of the outstanding questions of our day as they will stand among the mountain peaks of history, I feel sure that the work of the Washington conference will be regarded as having attained high ideals in insuring the peace of the Orient and blazing the way to a permanent disarmament of the nations of the world, and when that time comes Henry Cabot Lodge will stand in the front rank and among the great leaders who accomplished this successful result.

Mr. President, there is what Senator Tillman did; there is what South Carolina did when she asked him to make this address on Calhoun; there is what the distinguished Senator from Alabama has said, and I want to say now that I have no criticism of my young friend the junior Senator from Alabama [Mr. HEFLIN] for what he said in his criticism of me because I said some pleasant words about Mr. Lodge. We often differ about men. I have heard differences of opinion about him around here. [Laughter.] I have heard differences of opinion about myself around here. But, Mr. President, the State of South Carolina sent me here, and I have not received a single letter, not a single telegram, from my State, saying that I made any mistake in my reference to some people, or that I made any mistake in fighting this league court, or that I made any mistake in speaking pleasantly of Henry Cabot Lodge.

I simply make this explanation in order that the RECORD may be correct, and that in the days to come those who desire to read will see that I was not the only South Carolinian, nor was I the only southerner who spoke in praise of this very distinguished man, notwithstanding the fact that he attempted to pass the force bill, notwithstanding the fact that if he were living to-day, he would be very happy; I believe, Mr President, he would be almost as happy as you are. [Laughter.] I believe that if he could have stood on the floor of the Senate to-day and looked at the Vice President and heard him announce the vote indicating that the southern Democracy had voted for cloture, he would have said, "Well done. At last you gentlemen of the South have reached my opinion that cloture is justified." That is what he advocated, and when he should have said that, possibly he would have added, "Almighty God, I am now ready to meet Thee face to face, and answer in that day for every vain and idle thought and every word I say."

Mr. HEFLIN. Mr. President, I shall not consume any time this afternoon, but to-morrow I shall have something to say in regard to one or two statements the Senator from South Carolina has made. I ask that the reading of the statute be proceeded with.

THE COAL SITUATION IN WEST VIRGINIA—AS IN LEGISLATIVE SESSION

Mr. NEELY. Mr. President, I ask unanimous consent to be permitted to read some telegrams and a letter which I have in my hand relative to the present coal situation, which is being investigated by a committee at this hour. It will not take more than two or three minutes.

Mr. REED of Missouri. Are they in the nature of petitions?

Mr. NEELY. No; they are not.

Mr. CURTIS. I hope the Senator will just send them to the desk and have them printed in the RECORD, because, under the rule, no other business can be transacted.

The VICE PRESIDENT. No other business can be transacted without unanimous consent. The Senator is asking unanimous consent.

Mr. NEELY. Of course, it can be done by unanimous consent. If the Senator objects——

Mr. CURTIS. I do not object.

The VICE PRESIDENT. Is there objection? There being no objection, the Senator from West Virginia may proceed.

Mr. NEELY. The first telegram is dated Huntington, W. Va., January 23, and reads:

HUNTINGTON, W. VA., *January 23, 1926.*

Hon. M. M. NEELY,

Care United States Senate, Washington, D. C.:

Referring your telegram. We have absolutely accurate record of 5,800 tons high volatile egg and nut sizes domestic coal sold to North Atlantic and New England States, including Washington, Philadelphia, New York, and vicinity, in past two weeks from Williamson field, or what is better known as Thacker and Kenova districts, on Norfolk & Western, prices of which range from $1.75 to $3.50 per net ton f. o. b. mines. Average f. o. b. mine price on these shipments is $2.65. These sales represent practically entire movement from this field into that territory, and sales not included will not exceed highest price listed above or increase stated average price. Our freight to Washington is $3.09 per gross ton, to Philadelphia $4.19 gross ton, to New York $4.44 gross ton, to Boston (B. and A. delivery) $5.95 gross ton. These freight rates added to average weighted mine price shown above delivers these coals on track at

Washington for $5.40 per net ton; Philadelphia, $6.39 per net ton; New York, $6.61 per net ton; Boston, $7.96 net ton.

Any suggestion that West Virginia operators are profiteering or have had opportunity to profiteer because of anthracite strike are as much at variance with the facts as is statement credited to Senator WILLIS in Ohio State Journal of January 20 that West Virginia coal moves to Cleveland on lower freight rate than does coal from Ohio, as our rate to Cleveland is $2.39 per ton, compared with Ohio No. 8 rate of $1.74, which moves their coal into Cleveland 65 cents per ton lower than ours. We appreciate opportunity to answer these charges.

GEORGE BAUSEWINE,
Secretary Williamson Coal Operators' Association,
Williamson, W. Va.

The VICE PRESIDENT. Does the Senator understand that the time he is taking will have to be charged against him under Rule XXII as time consumed? I thought he should know that this time is charged against him.

Mr. NEELY. I am not speaking to the pending resolution at all. I asked and obtained unanimous consent to present the telegrams.

The VICE PRESIDENT. If the Senator speaks to the pending resolution, this time will have to be charged against him under the rule.

Mr. NEELY. That is not my construction of the rule; but I shall not consume an hour, which is the time fixed under the cloture rule.

I shall read one more and then content myself by asking to have the others printed in the RECORD. This is from Beckley, W. Va., in the heart of the West Virginia smokeless coal region:

BECKLEY, W. VA., *January 23, 1926.*

Hon. M. M. NEELY,
United States Senate, Washington, D. C.:

Answering your telegram, best information available, obtained from leading shippers our field, indicates for calendar year 1925 average selling price was less than $2 net ton mines. Average price December was about $2.25. We wish point out that while graded sizes our coal are now selling at from $4 to $5, the ungraded mine-run sizes, which represent large part our production, are selling at from $2 to $2.50 net ton mines, and perfectly good for domestic use, as evidenced by fact that approximately 87 per cent of all our coal sent to Chicago for domestic use is mine run, also other large cities—Cleveland, Detroit, and Washington, D. C.—as well as other sections are using our mine run in large quantities very successfully. Government fuel yards in Washington purchase about 250,000 tons our mine-run coal annually to heat Government buildings Washington. If through rail rates to Baltimore, Philadelphia, New York, and New England on mine run were available, people those sections would have access to large tonnage domestic fuel at prices much cheaper than prepared sizes. In smokeless districts southern West Virginia we are shipping highest grade low-volatile bituminous coal produced in this country, and in our district we are paying what is generally known as the 1917 or Washington wage scale, which is wage scale agreed upon by Government officials, operators, and labor leaders for period 1917 to 1920, and under said wage scale United States Fuel Administrator fixed price $2.70 net ton mines as fair selling price. Several mines our district now in hands of creditors; some in hands receivers. If there has been any profiteering, this district have no knowledge of it.

WINDING GULF OPERATORS' ASSOCIATION.

The remaining telegrams and messages I shall not read, but I ask to have them printed.

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

HUNTINGTON, W. VA., *January 25, 1926.*

Senator M. M. NEELY,
United States Senate, Washington, D. C.:

Referring your wire, report from operators producing 70 per cent of tonnage in Logan district show weighted average price egg and nut coal shipped to Washington or beyond to be $2.15 per ton delivered on railroad cars. This means coal laid down in Washington for $4.90; Philadelphia, $5.89; New York, $6.11; Boston, $7.46. Rates to points named being $2.75, $3.74, $3.96, and $5.31 per net ton, respectively. The Chesapeake & Ohio Railway Co. has 719 mines on its lines; 249 of these mines, or 35 per cent, are idle at the present time and have been shut down for the past year. Forty-two of these mines are in the Logan district and are closed down, due to inability of mines to secure prices covering cost of production. From 6 to 20 of the active mines fail to order railroad cars every day, due to the fact that there is no market for their product. The average spot price for all sizes during 1925 was $1.68. If profiteering prices were in effect, these mines would not be shut down, nor would the active mines fail to order cars each day. These facts can be verified by records in the operators and railroads' possession. Will gladly supply any additional information upon request.

J. W. COOLEY,
Logan Coal Operators' Association.

MOUNT HOPE, W. VA.,
January 23, 1926.

Hon. M. M. NEELY,
United States Senate, Washington, D. C.:

New River coal field, located in Fayette and Raleigh Counties, produces semibituminous low-volatile high-grade coal available in lump, egg, stove, nut, pea, slack, and run-of-mine sizes. Capacity per day, 3,500 tons lump, 5,500 tons egg, stove, and nut, 15,000 tons slack, 38,000 tons mine run. Carbon content approximately same as highest grade anthracite, 75 per cent, with ash content approximately 5 per cent and volatile matter approximately 20 per cent, with merely trace of sulphur, and freely used in cities of Washington, Cleveland, Indianapolis, Chicago, Detroit, and other points where rigid smoke ordinances are in effect, complying fully with law regarding emission of smoke and providing for sanitation of communities in which used. Freight rates are in effect on all these grades to Washington at $2.84 per gross ton. North of Washington run-of-mine coal and slack coal can only move combination rates, but prepared coal has through rates throughout territory Washington to New York, including New Jersey and practically every important city in New England. Freight rates on prepared coal to Baltimore, $3.60; Philadelphia, $3.94; New York, $4.19; Providence, $5.45; New Haven, $4.69; Hartford, $5.45; Springfield, $5.45; Boston, $5.58. Run-of-mine coal to Baltimore is $4.35; to Jersey City, $5.59; and Boston, $8.89; all rates quoted per gross ton. Relief for consumers domestic coal in territory between Washington and New York and New England lies in Interstate Commerce Commission granting rates on mine-run coal highly suitable for domestic use, which we are denied at present time. As it will be observed, for every 24,000 tons screened we obtain 9,000 tons prepared and 15,000 tons slack coal, which necessarily makes price of prepared coal higher than other grades. Our association does not collect; prices, however, from latest information we have, average price of the prepared grades of all rail coal is about $4.50 per net ton; however, mine prices on run-of-mine coal at tidewater, where a great bulk our tonnage moves, approximates $2 net ton; the average return from all sources approximately $2.25 ton for all coal produced. The mines in New River field pay the so-called 1917 scale of wages, or a wage scale which the Fuel Administration allowed—$2.70—as fair selling price. Certainly no profiteering here. For your information, mines loading prepared coal were not able to work much more than half time in December account lump coal could not be moved for cost of production.

S. C. HIGGINS,
Secretary New River Coal Operators' Association.

TUG RIVER COAL OPERATORS' ASSOCIATION,
Welch, W. Va., January 23, 1926.

Hon. M. M. NEELY,
United States Senate, Washington, D. C.

DEAR SENATOR:

* * * * * * *

There seems to be quite a hullabaloo at this time, which is nothing more than propaganda to assist the producers of Pennsylvania and northern Ohio districts preceding the hearing on the petition of those producers for a rehearing of the Pittsburgh-Lake Cargo Rate case (I. C. C. 15007), and with a further possibility of a reopening of the New England Rate case (I. C. C. 15006).

For your information would say that in April, 1925, there was submitted on the part of the Pitsburg, Ohio, No. 8, and Cambridge, Ohio, operators a complaint to the Interstate Commerce Commission that those districts were being seriously injured by the operators of West Virginia by the granting of rates by the railroads to Lake Erie ports from the West Virginia mines, unreasonable, prejudicial, and unlawful as compared with the rates existing from the three complaining districts. This case was known as the Pittsburgh-Lake Cargo Rate case (I. C. C. Docket No. 15007). The hearings were the most complete and exhaustive of any case heard before the commission, and after thorough examination and study, the commission, on July 16, 1925, decided that the rates "to Lake Erie ports for transshipment by vessel found not unreasonable, unduly prejudicial, or otherwise unlawful. Complaint dismissed." Complainants' principal witness frankly stated in direct examination that the case was "merely a question of confining their (West Virginia and Kentucky) growth as closely as we can." And upon cross-examination was asked if the case was not really a commercial fight by their districts against West Virginia and Kentucky and not a rate case, to which he replied: "Any rate case I ever heard of is a commercial fight, and this is just like the rest of them."

The object of this letter is to call your attention to the fact that the same complainants, assisted by the governors of their States, public service commissions, and others, have filed application for the rehearing of this case, and are endeavoring in every way possible, by propaganda in and out of the Senate and House and elsewhere, to create a feeling against West Virginia and Kentucky, the States that have stood by this country regardless of strikes and other labor difficulty in other sections.

I would suggest that you have the commission send you their decision in the 15007 case, as well as in granting rates from this district to New England points (I. C. C. 15006).

Jealousy should not be aroused because of our securing markets beyond the imaginary line just south of Potomac Yards, Washington, past which point we have heretofore never been able to ship, because in doing so it places our coal in direct competition with Pennsylvania coal. Nor should anyone be peeved because we are still permitted to ship our coal west in competition with theirs. The rate to Sandusky from Ohio No. 8 district is $1.63, and from Pittsburgh is $1.66, while from the smokeless fields of southern West Virginia the rate is $2.06. What complaint have they?

With kindest personal regards, and trusting to see you in the very near future, I am,

Yours very truly,

C. C. MORFIT, *Secretary.*

BRACKETT STATISTICAL SERVICE,
Fairmont, W. Va., January 23, 1926.

Hon. M. M. NEELY,
United States Senator,
United States Senate Office Building, Washington, D. C.

DEAR SIR: I have your message relayed from Mr. W. H. Cunningham, of Huntington, with reference to the investigation of the coal situation, and take pleasure in giving you the following information:

Fairmont high-volatile coal has been freely offered for sale f. o. b. cars at mines at the prices listed below for the several grades:

	Per net ton
1. Mine-run coal	$1.25 to $1.50
2. Nut and egg sizes	2.40 to 3.25
3. Lump, all over 2-inch	2.00 to 2.50
4. Lump, all over 4-inch	2.00 to 2.50
5. Slack coal	1.25 to 1.30

Size No. 2 seems to be the most popular size for domestic consumption in the anthracite consuming district.

I am just at this time engaged in collecting information on the wages paid throughout the field. The pick-mining rate paid the miner per net ton loaded on the mine car in his working place varies from 63 cents to 70 cents. Cutting and loading machine-mined coal is 10 cents to 12 cents per ton less, but the power costs and maintenance of electric wiring and cutting machines will absorb this difference. Day-labor rates range from $4 to $5.50, depending upon the class of labor and the skill required. It is my belief that the cost of production, including supervision, supplies, depreciation, and depletion, will exceed considerably $1.30 per net ton.

The freight rates from the mines in this field to several eastern cities are given you below.

Fairmont-Clarksburg region mines to—	Per gross ton
Washington	$3.09
Baltimore	3.09
Philadelphia	3.09
Newark, N. J	3.34
New Haven, Conn	3.84
Worcester, Mass	4.60
Boston	4.47

The information given you above represents the conditions as they have existed in this field for a considerable period of time, with very slight variation. The coal is here and is being freely offered for shipment at or near the above prices. It is needless for me to tell you, with your general information of the district, that these prices will average below the cost of production.

The highest prices for the most popular grade (nut and egg) f. o. b. Washington or Philadelphia will not exceed $6 per net ton, reducing the freight to a net-ton basis.

There is no degradation of this coal in handling as there is in the softer low-volatile coals, and, as I wrote you yesterday, it seems to be growing more popular than these soft coals.

I can understand, in the soft low-volatile coals, which yield a very small percentage of lump sizes—and this small percentage subject to considerable degradation by breakage—how the final "cream" which reaches the householder's coal bin must bear a great burden of the lower-priced "skim milk." This would be particularly true if it is purchased from mines in the low-volatile fields of southern West Virginia, with a freight rate generally $1.10 highter than from the soft-coal mines of Pennsylvania and Maryland.

This degradation does not amount to anything in the high-volatile coals—there is no loss for the dealer to bear—and when one considers that a large majority of the population are satisfactorily and contentedly burning high-volatile coal, we out here can not understand why this grade is not available to the consumer at a moderate price.

Yours very truly,

GEORGE S. BRACKETT.

THE WORLD COURT

The Senate, in open executive session, resumed the consideration of Senate Resolution 5, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations.

Mr. SMITH. Mr. President, I rise to propound a parliamentary inquiry. As I understand the operation of Rule XXII, a Senator may speak in all one hour, but may divide his time, as is convenient and as the time will permit, until his hour is consumed. Am I correct in that?

The VICE PRESIDENT That is my understanding.

Mr. HEFLIN. Mr. President, it is my understanding that a Senator can speak only once and not over an hour.

Mr. SMITH. My interpretation of the rule is that the Chair shall keep a record of the time consumed, and that a Senator may divide his time.

The VICE PRESIDENT. The Senator from South Carolina is correct. The agreement provides that—

> Thereafter no Senator shall be entitled to speak in all more than one hour on the pending measure.

Mr. SMITH. Mr. President, I want to take occasion to say now that I am in favor of the World Court with proper reservations. I do this particularly at this time, because there might be some misapprehension as to the vote I cast in reference to cloture. For good and sufficient reasons I am opposed to the cloture; therefore, I voted against it. But, as I said, and to repeat, I am in favor of a court where the questions that may arise amongst nations that may lead to war may have some place where the rule of action amongst nations has been studied and discussed, and where the lines along which they may find their proper solution may be determined without war.

At a later time, before the debate closes, I shall give more particular expression to my opinion on the matter. I have simply risen this afternoon in order that there may be no misapprehension, so far as I am individually concerned, as to my attitude toward this effort on the part of the nations of the earth to find some other place and some other means by which they can settle their differences rather than by an appeal to the court of the cannon. We have settled problems that were just as intricate.

It seems to me that our intellectual development is far ahead of our moral development. We are solving material problems that have vexed the human race in all time past. We have gone far toward solving the problems of transportation and communication, requiring the best brain of the world. These problems seem to me infinitely more complex than the social and political relations of the nations of the earth. We have made marvelous strides in the intellectual world in solving our material problems. Surely there must be amongst the nations of the earth those who can get together and solve the national relations and bring about a cessation of that insanity of the nations of the earth, known as war. It is too costly both to the victor and the vanquished, too brutal and inhuman for us not to join with the other nations of the earth to put an end to such destruction of lives, property, and morals.

Mr. FERNALD. Mr. President, I ask unanimous consent that the letter which I hold in my hand may be read at the desk in my time. It is from a very distinguished citizen of the country.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

BEVERLY FARMS, MASS., *January 16, 1926.*

Hon. BERT M. FERNALD,
United States Senator, Washington, D. C.

DEAR SENATOR FERNALD: Just a word of hearty congratulations upon your announced stand against the so-called World Court. You are quite right in concluding that no reservations whatever can separate it from the league, of which it is an essential part.

When the "Lodge reservations" were attached to the league covenant the New York World, in a powerful editorial, insisted that Wilson should accept them, on the ground that they did not amount to anything as a practical matter. And the World was right. If Wilson had done so, we would now be a full member of the league.

Moreover, entirely aside from the great national considerations which, of course, are the reasons that influence you and me against the court, I am not able to see where our party gets any advantage through this move. Even from that narrow and partisan point of view, we have everything to lose and nothing to gain. Jamming the court through the Senate will not win us a single vote and will lose us many—how many nobody knows.

The real question is whether we want to join the league, for the court is only an entrance to the league. When the court statute was cabled over, I asked the late Senator Knox what it meant. He said that it was much more dangerous than the league covenant, because

it was a more subtle method, capable of being misrepresented, to bind us to the league, and added: "Those fellows will pull us into the league yet by the coat tails through the back door if we don't watch out." Senator Knox said that to me several times thereafter, and, with his consent, I stated it publicly.

The alarm of Senator Knox impressed me because of his ability, learning, and extensive knowledge of law and of foreign affairs. I regarded him as the ablest man in or out of public life at that time, and I believe it is considered that he was the foremost lawyer in America.

The last letter ever written by the late Frank Munsey, which has been widely published, also confirmed my own judgment and feeling in this matter, for, as everybody knows, Mr. Munsey was a close personal friend and strong advocate of the late President Harding and had the same relations with President Coolidge. Indeed, I suppose there was not in the whole country a more effective supporter of the President than Mr. Munsey was. In his letter to Miss Mulholland, of December 12, that sagacious business man and great publisher said that the World Court was "loaded dice" and that, just as he had to oppose his good friend President Harding on that subject, so he would have to oppose his good friend President Coolidge in the same matter. It is to the credit of both President Harding and President Coolidge that this attitude of Frank A. Munsey did not in the least impair their relations with or their regard for him.

I sincerely hope that you gentlemen will win this fight, and I feel sure that the great body of the American people will sustain you if and when they know the effect, if not the purpose, of our adhesion to this arm of the league, this "auxiliary of the league," as Lord Robert Cecil said.

With every good wish, always

Faithfully,

ALBERT J. BEVERIDGE.

Mr. WALSH. The letter of former Senator Beverage refers to a communication addressed by Mr. Munsey to Miss Mulholland. I had a copy of a pamphlet issued by Miss Mulholland a few days ago, in which was included the letter from Mr. Munsey. I regret very much that it has been mislaid. I wish to inquire of the Senator from Maine if he has a copy of that pamphlet?

Mr. FERNALD. I do not think I have. I do not recall that I have.

Mr. WALSH. I regret that very much. I should like to have it put in the RECORD.

Mr. McKELLAR. Mr. President, in what I have to say about the World Court I shall be very brief. I am going simply to content myself with giving my reasons for supporting the protocol.

I am for the Permanent Court of International Justice:

Because I believe that international disputes should be settled by a court of justice rather than by a resort to war.

Because I believe that war should be outlawed, and I believe this will prove one of the most effective means of outlawing it.

Because our experience in the late war, costing this nation alone nearly $40,000,000,000, entailing a high rate of taxation, with a loss of boys approximating 100,000, constitutes a wholly sufficient reason for a sane nation like ours to attempt to find some other means than war, and some less disastrous means than war, to settle our disputes with other nations.

Because I believe the present operating Permanent Court of International Justice is the best possible tribunal that could be arranged for the settlement of international disputes.

Because I believe that the method adopted for the selection of the judges to compose that court is the fairest method ever adopted for the selection of judges for an international tribunal.

Because I believe, from a careful reading of the statute creating said court, and from its record it is a court that will do equal and exact justice in all the controversies submitted to it.

Because I believe that the reservations made a part of our acceptance of the court make it impossible for any purely national question like immigration, tariffs, state debts, or other similar questions, or for the Monroe doctrine or other purely American question to be subjected to the jurisdiction of the court.

Because, while I do not believe that the first reservation, namely, "That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the treaty of Versailles," is a true statement of fact, still I think it is harmless and without value.

Because the reservations eliminate advisory opinions without the consent of the United States.

Because the statute of the court can not be amended without the consent of the United States.

Because the United States can withdraw under the reservations at any time.

Because I believe that a great nation like the United States, desiring to do only that which is right, should be willing to submit to arbitration any difference she might have with a foreign nation.

Because under the reservations adopted the United States will not be required to submit any difference to the court unless she elects so to do.

Because said court has no jurisdiction to act on any question of sovereignty of the United States save by the consent of the United States.

Because the late war, at a cost of approximately 100,000 men and $40,000,000,000, demonstrated the fact that we can not isolate ourselves from European affairs.

Because that Great War was fought primarily for the purpose of making our country free from war in the future.

Because it was our announced purpose to secure from the nations at the end of the war an agreement to keep the peace, and we so promised our boys who fought in that war.

Because I would prefer that the munition manufacturers and the warship builders, all opponents of the court, as I am informed, should be engaged in more helpful and more civilized occupations.

Because I do not believe in the propaganda that is being sent out by its opponents.

Because having tried from time immemorial the war plan bringing such destruction and disaster to the human race and the nations, I believe it is time now, with advancing civilization, to try the peace plan.

Because I believe that the overwhelming majority of the American people want to submit their international disputes to a world court rather than to submit them to the arbitrament of war with its consequent destruction of life and property.

Because the two great parties in this country in their last platforms, both the Republican Party and the Democratic Party, declared unequivocally for the approval of the World Court.

Because I believe at the time it was under consideration by the Senate that the League of Nations ought to have been ratified by the Senate of the United States.

Because I believe the Permanent Court of International Justice is an adjunct to the League of Nations and performs one of its most important functions.

Because I believe our country should take its place with the other nations in an effort to uphold the peace of the world by the arbitrament of judicial decision rather than by the arbitrament of war.

Because the principal argument against the court is the doctrine of fear—fear that something nameless and something unknown may happen if we go in—and I do not believe in the doctrine of fear.

Because many of the arguments advanced against it have been largely technical or trivial.

Because I believe, whether in the court or out of it, that the United States is fully able to meet every situation that arises in international affairs.

Because we should cooperate in peace and harmony with all the nations of the world.

For all these reasons I shall cast my vote for the protocol.

The VICE PRESIDENT. The clerk will continue the reading of the statute.

The legislative clerk resumed the reading of the statute and read as follows:

ARTICLE 14

Vacancies which may occur shall be filled by the same method as that laid down for the first election. A member of the court elected to replace a member whose period of appointment had not expired will hold the appointment for the remainder of his predecessor's term.

ARTICLE 15

Deputy judges shall be called upon to sit in the order laid down in a list.

This list shall be prepared by the court and shall have regard firstly to priority of election and secondly to age.

ARTICLE 16

The ordinary members of the court may not exercise any political or administrative function. This provision does not apply to the deputy judges except when performing their duties on the court.

Any doubt on this point is settled by the decision of the court.

ARTICLE 17

No member of the court can act as agent, counsel, or advocate in any case of an international nature. This provision only applies to the deputy judges as regards cases in which they are called upon to exercise their functions on the court.

No member may participate in the decision of any case in which he has previously taken an active part as agent, counsel, or advocate for one of the contesting parties, or as a member of a national or international court, or of a commission of inquiry, or in any other capacity.

Any doubt on this point is settled by the decision of the court.

ARTICLE 18

A member of the court can not be dismissed unless in the unanimous opinion of the other members he has ceased to fulfill the required conditions.

Formal notification thereof shall be made to the secretary general of the League of Nations by the registrar.

This notification makes the place vacant.

ARTICLE 19

The members of the court, when engaged on the business of the court, shall enjoy diplomatic privileges and immunities.

ARTICLE 20

Every member of the court shall before taking up his duties make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

ARTICLE 21

The court shall elect its president and vice president for three years; they may be reelected.

It shall appoint its registrar.

The duties of registrar of the court shall not be deemed incompatible with those of secretary general of the Permanent Court of Arbitration.

ARTICLE 22

The seat of the court shall be established at The Hague.

The president and registrar shall reside at the seat of the court.

ARTICLE 23

A session of the court shall be held every year.

Unless otherwise provided by rules of the court, this session shall begin on the 15th of June, and shall continue for so long as may be deemed necessary to finish the cases on the list.

The president may summon an extraordinary session of the court whenever necessary.

ARTICLE 24

If for some special reason a member of the court considers that he should not take part in the decision of a particular case, he shall so inform the president.

If the president considers that for some special reason one of the members of the court should not sit on a particular case, he shall give him notice accordingly.

If in any such case the member of the court and the president disagree, the matter shall be settled by the decision of the court.

ARTICLE 25

The full court shall sit, except when it is expressly provided otherwise.

If 11 judges can not be present, the number shall be made up by calling on deputy judges to sit.

If, however, 11 judges are not available, a quorum of 9 judges shall suffice to constitute the court.

ARTICLE 26

Labor cases, particularly cases referred to in part 13 (labor) of the treaty of Versailles and the corresponding portions of the other treaties of peace, shall be heard and determined by the court under the following conditions:

The court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of article 9. In addition two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand the court will sit with the number of judges provided for in article 25. On all occasions the judges will be assisted by four technical assessors sitting with them, but without the right to vote and chosen with a view to insuring a just representation of the competing interests.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the president will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under article 30 from a list of "assessors for labor cases," composed of two persons nominated by each member of the League of Nations and an equivalent number nominated by the governing body of the labor office. The governing body will nominate, as to one-half, representatives of the workers and, as to one-half, representatives of employers from the list referred to in article 412 of the treaty of Versailles and the corresponding articles of the other treaties of peace.

In labor cases the International Labor Office shall be at liberty to furnish the court with all relevant information, and for this purpose the director of that office shall receive copies of all the written proceedings.

ARTICLE 27

Cases relating to transit and communications, particularly cases referred to in part 12 (ports, waterways, and railways) of the treaty of Versailles and the corresponding portions of the other treaties of peace, shall be heard and determined by the court under the following conditions:

The court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of article 9. In addition two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand the court will sit with the number of judges provided for in article 25. When desired by the parties or decided by the court, the judges will be assisted by four technical assessors sitting with them, but without the right to vote.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the president will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under article 30 from a list of "assessors for transit and communications cases" composed of two persons nominated by each member of the League of Nations.

Mr. REED of Missouri. Mr. President, I observe that by actual count there is far less than a quorum of the Senate present. I suggest the absence of a quorum, not for the purpose of delay, as has been intimated, but because I think some of the Senators ought at least to hear this contract read. I am sure most of them or many of them have not even heard it read yet.

The PRESIDING OFFICER (Mr. FESS in the chair). The Secretary will call the roll.

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

Bingham	George	Mayfield	Sheppard
Borah	Gillett	Metcalf	Simmons
Broussard	Glass	Neely	Smith
Bruce	Goff	Norris	Smoot
Butler	Hale	Nye	Stanfield
Capper	Harris	Overman	Swanson
Cummins	Heflin	Pepper	Tyson
Curtis	Johnson	Pine	Walsh
Dale	Jones, Wash.	Ransdell	Warren
Deneen	Kendrick	Reed, Mo.	Watson
Dill	Keyes	Reed, Pa.	Weller
Edwards	La Follette	Robinson, Ark.	Williams
Ernst	McKellar	Robinson, Ind.	Willis
Ferris	McKinley	Sackett	
Fess	McNary	Schall	

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The Secretary will continue the reading.

Mr. WATSON. Mr. President, in my own time may I ask the Senator from Montana a question or two about the construction of some of these reservations? I ask the questions not in a controversial spirit, but for my own information. I see that the Senator from Virginia [Mr. SWANSON] has come in, and I shall be glad to have either one of the Senators answer the questions.

I read from the second reservation:

That the United States shall be permitted to participate, through representatives designated for the purpose and upon an equality with the other states members, respectively—

What does that mean?

Mr. SWANSON. "Upon an equality with the other states"—that the United States shall have in the council 1 vote, and in the assembly 1 vote.

Mr. WATSON. Does that count the British Empire as one?

Mr. SWANSON. In the league, each country is counted as one—Canada 1, Great Britain 1, the Irish Free State 1, Australia 1, New Zealand 1, South Africa 1.

Mr. WATSON. That is to say, then, the British Empire, broken up into its component parts, has 7 votes if they can get into the council?

Mr. SWANSON. They claim to be independent and separate nations, and they are each entitled to a vote, like Haiti or Liberia.

Mr. BORAH. Mr. President, regardless of what is claimed, the construction which the Senator places on it is that Great Britain as an empire has 7 votes in the election of the judges?

Mr. SWANSON. I do not know that Great Britain has. I do not agree to that. Canada has its own minister, makes its own treaties and makes its own arrangements, and is as much independent as some countries that claim to be independent. These countries claim that they are independent nations.

Mr. REED of Missouri. Mr. President, the Governor General of Canada is appointed by the Crown.

Mr. SWANSON. The Governor General has nothing to do with this matter. Canada is controlled by her Parliament.

Mr. WATSON. After all, in reality, it is a fact, though, that the British Empire would have 7 votes to our 1.

Mr. SWANSON. It would be true under that.

Mr. WALSH. Mr. President——

Mr. WATSON. I want to ask another question.

Mr. WILLIS. Mr. President——

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

Mr. WATSON. I will yield to any Senator who wants to interrupt me.

Mr. WILLIS. I desire to ask a question of the Senator from Virginia, if the Senator from Indiana will yield to me for that purpose.

Mr. WATSON. All right. I yield to the Senator from Ohio to ask a question of the Senator from Virginia.

Mr. WILLIS. I wondered whether the Senator from Virginia had forgotten the fact that the argument had been repeatedly urged here that we should be afraid to enter the court because it was alleged that the members of the court represent different legal systems from that which obtains among English-speaking nations; and now it is urged that we should fear to enter it because there are English-speaking nations that are interested.

Mr. SWANSON. I will say further that if you had to get the consent of Canada not to have a vote, the consent of New Zealand not to have a vote, the consent of the Irish Free State not to have a vote, you would defeat going in at all, and it would be simply an indirect way of preventing adherence. I am unable to see why the Irish Free State is not as competent to elect judges, which is the purpose of voting, as is Haiti.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Missouri?

Mr. WATSON. I do.

Mr. WILLIAMS. May I suggest to the Senator from Indiana that the reason why the Irish Free State, New Zealand, and Canada may not be entitled to elect judges is because they are not states. Sovereignty does not reside in the people of those countries.

Mr. WALSH. Mr. President, I discussed this subject in an address which I delivered here one evening when the Senator from Indiana unfortunately was not here, and very few other Senators were here. I endeavored then to tell what the facts are.

Mr. WATSON. I will say to the Senator that I have been engaged in hearings before the Interstate Commerce Committee all of the time until to-day.

Mr. WALSH. I am sure that the Senator was otherwise engaged. I do not find fault with his absence. I simply give that as an excuse for what I am now going to say.

When the peace conference assembled in Paris at the conclusion of the war it was universally recognized that these units of the British Empire—Canada, Australia, New Zealand, South Africa—had made such contributions to that great struggle that their demand for representation in the conference was universally acceded to. Nobody objected to it at all. They advanced so far that the Irish Free State is now permitted to send a diplomatic representative to the Government of the United States, and he has been recognized here.

Canada claims the same privilege, and has been accorded it. So has every other unit of the British Empire. They have been accorded representation in the Assembly of the League of Nations, and go there every year by their representatives. They have, accordingly, been recognized by the entire family of nations except those who are not members of the League of Nations—the United States, Russia, Turkey, and a few others. They have been given the status of independent entities; and you never can assemble after this a world conference to do anything unless you give them representation in that world conference.

So let no man say, "I am for a world court, but I am for a world court in which the Irish Free State shall have no vote, in which Canada shall have no vote, in which Australia shall have no vote." You must take the situation as you have it. You can not correct it now. It may have been wrong in the first place; but if you ever want an international conference to deal with any question you will have to admit these units. So there is no man who can stand upon this floor and say, "I am for a world court, but I am for a world court in the election of the judges of which these units shall have no vote."

Do not try to evade the question. You are either for a world court or you are against a world court.

Mr. WATSON. Now let me ask the Senator another question. Is each one of the self-governing colonies of Great Britain entitled to a seat in the council?

Mr. WALSH. No; any one of them. Of course, we can conceive that the Assembly of the League of Nations, consisting of 57 different states, will give each one of these to the number of six a seat in the council.

Mr. BORAH. Mr. President, under the amendment of the covenant which has now taken place they would inevitably have, in rotating, to take their place on the council.

The PRESIDING OFFICER. The Chair will state that the time is running against the Senator from Indiana.

Mr. WATSON. Well, I am having a good time.

Mr. WALSH. There is no doubt that the other 56 nations might elect Canada to have a place on the council and Australia to have a place on the council and South Africa to have a place on the council, and the Irish Free State to have a place on the council. Of course, these things may happen.

Mr. WATSON. That is what I wanted to get the Senator's viewpoint about.

Mr. WALSH. But in the ordinary forecasting of the future the Senator from Indiana knows as well as I do that it never will happen.

Mr. WATSON. I do not know what will happen.

Mr. MOSES. Mr. President, if the Senator will permit me, as I pointed out the other day, it is no sufficient answer to prophesy that these things will not happen. It is sufficient for us to say that they may happen.

Mr. WALSH. I think it is. I can point out to you at least half a dozen provisions of the Constitution of the United States under which this institution of ours would blow up. It was pointed out when the Constitution was under consideration. I have it right before me here.

Mr. MOSES. We have a little more homogeneity than this court has.

Mr. WALSH. I read this morning a paragraph from Story's Constitution of the United States. The paragraph immediately preceding—I will put my hand on it directly—goes on to say that all manner of fears were excited at the time the Constitution was under consideration, which experience has shown had no foundation whatever.

Mr. MOSES. Because we are a homogeneous people.

The PRESIDING OFFICER. Does the Senator from Indiana still yield?

Mr. WATSON. Oh, certainly. I have nobody to yield to now, however.

Mr. ROBINSON of Indiana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to his colleague?

Mr. WATSON. In a moment. I want to ask the Senator from Montana or the Senator from Virginia some other questions first.

These reservations go on to say:

> That the United States may at any time withdraw its adherence to the said protocol.

Is that to be done by the action of the President and the Senate?

Mr. SWANSON. No. The President and the Senate only act on treaties requiring a two-thirds vote. I believe, without that language, that the United States at any time, by a joint resolution of Congress, could annul any treaty and it would no longer be effective. That has been decided by the Supreme Court repeatedly; but in order to relieve the apprehensions of some doubting souls we have made it clear that the United States can withdraw its adherence whenever it sees proper to do so. It can be done by joint resolution of Congress, with a majority vote.

Mr. WATSON. By joint resolution of Congress?

Mr. SWANSON. Yes.

Mr. WATSON. That is the way, the Senator says, in which we can withdraw?

Mr. SWANSON. That is the way in which the Russian treaty was nullified.

Mr. MOSES. The Russian treaty made special provision for its denunciation.

Mr. SWANSON. And this instrument makes special provision, to allay the apprehensions of minds like the Senator's.

Mr. MOSES. Under the terms of the Russian treaty the United States had a right to denounce it at any time.

Mr. SWANSON. At any time; and this says it can be denounced at any time.

Mr. MOSES. It may be done, then, by Executive action?

Mr. SWANSON. Not by Executive action.

Mr. WATSON. That is what I am trying to find out—whether it can be done by Executive action or whether it requires a joint resolution.

Mr. SWANSON. It requires a joint resolution of Congress.

Mr. WATSON. One other question.

Mr. BORAH. Mr. President, if the Senator will permit me just a word, what I had reference to when I said that by the system of rotation Great Britain might have a vote on the council, and Canada and Australia also, was this:

As I understand, the second assembly proposed an amendment to the covenant, which amendment provides for a system of rotation. Of course, there are five permanent members of the council. Under the system of rotation which is being provided, which lacks only 1 or 2 votes of ratification to make it complete, these other states which are not permanently on the council are entitled to rotate and take their position upon the council from time to time. Whether the 56 nations desire it or not, if this amendment is adopted Australia and Canada and all these nations under the system of rotation will take their position on the council along with 1 vote for Great Britain.

Mr. WATSON. Now, I want to ask the Senator a final question. This article provides:

Nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

Who is to determine what are purely American questions?

Mr. SWANSON. If the Senator will permit me, that is what was included in the resolution accompanying The Hague convention. That is a declaration of policy on the part of the United States.

Mr. WATSON. I understand; but is that to be done by act of Congress or through Executive action?

Mr. SWANSON. There is no Executive action contemplated. The United States simply says that adherence to this court shall not be construed as waiving the Monroe doctrine, which is a political doctrine.

Mr. WATSON. Is that what it means?

Mr. SWANSON. That is exactly what is meant. That has been in most of the treaties made under The Hague convention.

Mr. WATSON. How does it come, then, that it is in the plural, "toward purely American *questions*"? Is there some other question besides the Monroe doctrine?

Mr. SWANSON. I simply put in exactly what was in The Hague convention, so that there could be no difference between the two.

Mr. WATSON. The clause I have read, then, has reference only to the Monroe doctrine?

Mr. SWANSON. Whatever it provides. I do not remember the exact wording. When the Permanent Court of International Arbitration at The Hague was set up that language was inserted in our ratifying resolution. In my opening address on the World Court resolution I stated that the court should be put on an equality with The Hague Arbitration Court, and that language was inserted with that object in view. Consequently, so far as the Monroe doctrine is concerned, the same rights are preserved, if a case goes to the court, as were preserved under The Hague convention.

Mr. WATSON. As to whether a matter is a purely American question, it shall be determined, as I understand, by action of the Congress. Is that right?

Mr. SWANSON. Determined by the American Government. It is simply a declaration of policy.

Mr. WATSON. Who makes the declaration of policy?

Mr. SWANSON. We make it right here when we adopt this.

Mr. WATSON. The Senator says "we" make it. Whom does the Senator mean by "we"? Does that mean the Senate, the Congress, or whom?

Mr. SWANSON. The Senate.

Mr. WALSH. Mr. President——

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

Mr. WATSON. I yield.

Mr. WALSH. I have before me The Hague convention, and I read:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

Our diplomatic correspondence and discussions on this matter discloses what is meant by that. That is a declaration of policy upon the part of the United States. Under the other resolution, before any question can be submitted to this court, it must be arranged by treaty, special or general——

Mr. WATSON. I remember that.

Mr. WALSH. And that requires the consent of the Senate and the Executive. This is a declaration of policy, simply a notice to the world that we do not intend to submit any question which is violative of this declaration.

Mr. LENROOT. Mr. President, the Senator from Indiana has asked who determines what is an American question. As the Senator from Montana has said, it will be determined by a two-thirds vote of the Senate, in connection with the action of the President, because nothing can be submitted except as they may so agree.

Mr. WILLIS. Mr. President——

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

Mr. WATSON. I yield.

Mr. WILLIS. As I understood the Senator from Indiana, he indicated that in his judgment the Monroe doctrine only would be included in the declaration he read. I ask him whether he does not think that the question of immigration, for example, would also be included, and would, therefore, be entirely reserved to this Government, and that the court would be without jurisdiction in the premises?

Mr. WATSON. I understood that to be what we call a domestic problem.

Mr. WALSH. That is what I was going to say. Such questions are excluded; but not by virtue of this.

Mr. WILLIS. I did not want any doubt left upon that proposition.

Mr. WATSON. I did not think there was any doubt about that. I now yield the floor, and save the remainder of my time.

The PRESIDING OFFICER. The Secretary will continue the reading.

The reading was continued, as follows:

ARTICLE 28

The special chambers provided for in article 26 and 27 may, with the consent of the parties to the dispute, sit elsewhere than at The Hague.

ARTICLE 29

With a view to the speedy despatch of business, the court shall form annually a chamber composed of three judges who, at the request of the contesting parties, may hear and determine cases by summary procedure.

ARTICLE 30

The court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

ARTICLE 31

Judges of the nationality of each contesting party shall retain their right to sit in the case before the court.

If the court includes upon the bench a judge of the nationality of one of the parties only, the other party may select from among the deputy judges a judge of its nationality, if there be one. If there should not be one, the party may choose a judge, preferably from among those persons who have been nominated as candidates as provided in articles 4 and 5.

If the court includes upon the bench no judge of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the court.

Judges selected or chosen as laid down in paragraphs 2 and 3 of this article shall fulfill the conditions required by articles 2, 16, 17, 20, 24 of this statute. They shall take part in the decision on an equal footing with their colleagues.

ARTICLE 32

The judges shall receive an annual indemnity to be determined by the Assembly of the League of Nations upon the proposal of the council. This indemnity must not be decreased during the period of a judge's appointment.

The president shall receive a special grant for his period of office, to be fixed in the same way.

The vice president, judges, and deputy judges shall receive a grant for the actual performance of their duties, to be fixed in the same way.

Traveling expenses incurred in the performance of their duties shall be refunded to judges and deputy judges who do not reside at the seat of the court.

Grants due to judges selected or chosen as provided in article 31 shall be determined in the same way.

The salary of the registrar shall be decided by the council upon the proposal of the court.

The Assembly of the League of Nations shall lay down, on the proposal of the council, a special regulation fixing the conditions under which retiring pensions may be given to the personnel of the court.

ARTICLE 33

The expenses of the court shall be borne by the League of Nations in such a manner as shall be decided by the assembly upon the proposal of the council.

CHAPTER II. COMPETENCE OF THE COURT

ARTICLE 34

Only states or members of the League of Nations can be parties in cases before the court.

ARTICLE 35

The court shall be open to the members of the league and also to states mentioned in the annex to the covenant.

The conditions under which the court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the council, but in no case shall such provisions place the parties in a position of inequality before the court.

When a state which is not a member of the League of Nations is a party to a dispute, the court will fix the amount which that party is to contribute towards the expenses of the court.

ARTICLE 36

The jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

The members of the League of Nations and the states mentioned in the annex to the covenant may, either when signing or ratifying the protocol to which the present statute is adjoined or at a later moment, declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other member or state accepting the same obligation, the jurisdiction of the court in all or any of the classes of legal disputes concerning:

(a) The interpretation of a treaty;

(b) Any question of international law;

(c) The existence of any fact which, if established, would constitute a breach of an international obligation;

(d) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain members or states, or for a certain time.

In the event of a dispute as to whether the court has jurisdiction, the matter shall be settled by the decision of the court.

ARTICLE 37

When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the court will be such tribunal.

Mr. WILLIAMS. I would like to have that last article read again.

The Chief Clerk read as follows:

ARTICLE 37

When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the court will be such tribunal.

ARTICLE 38

The court shall apply:

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting states.

2. International custom, as evidence of a general practice accepted as law.

3. The general principles of law recognized by civilized nations.

4. Subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the court to decide a case ex æquo et bono, if the parties agree thereto.

CHAPTER III. PROCEDURE

ARTICLE 39

The official languages of the court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will be delivered in French. If the parties agree that the case shall be conducted in English, the judgment will be delivered in English.

In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the court will be given in French and English. In this case the court will at the same time determine which of the two texts shall be considered as authoritative.

The court may, at the request of the parties, authorize a language other than French or English to be used.

ARTICLE 40

Cases are brought before the court, as the case may be, either by the notification of the special agreement, or by a written application addressed to the registrar. In either case the subject of the dispute and the contesting parties must be indicated.

The registrar shall forthwith communicate the application to all concerned.

He shall also notify the members of the League of Nations through the secretary general.

ARTICLE 41

The court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the council.

ARTICLE 42

The parties shall be represented by agents.

They may have the assistance of counsel or advocates before the court.

ARTICLE 43

The procedure shall consist of two parts—written and oral.

The written proceedings shall consist of the communication to the judges and to the parties of cases, countercases, and, if necessary, replies; also all papers and documents in support.

These communications shall be made through the registrar, in the order and within the time fixed by the court.

A certified copy of every document produced by one party shall be communicated to the other party.

The oral proceedings shall consist of the hearing by the court of witnesses, experts, agents, counsel, and advocates.

Mr. WALSH. Mr. President, it would have been quite proper, when the pertinent questions were addressed to some of us by the Senator from Indiana, if reference had been made to the added resolution, to the effect that no question shall be submitted to the Permanent Court of International Justice except by virtue of either special or general treaties, which, of course, contemplates action by the Executive and concurrence by two-thirds of the Senate.

It is the view of those of us who are responsible for the incorporation of that declaration in the resolution that the situation is in nowise whatever changed by that reservation. That is put in there, as others are, simply to still some apprehensions that were felt lest the Executive would submit to the court questions or controversies or disputes without the consent of the Senate.

I might say, in this connection, that there is some diversity of view between some of the people connected with the Department of State and some of us in the United States Senate as to what the State Department can do of its own motion. I want to emphasize, however, the statement I made a moment ago, that the situation is in no wise modified by that reservation.

As has heretofore been indicated, the United States may to-day, if it sees fit to do so, submit to the court a controversy which it has with another nation. It has that right. I think everybody concedes that it has that right. But I do not believe that anyone would contend that the President of the United States could now, if he saw fit to do so, submit such a controversy without getting the consent of the Senate to do so.

Mr. REED of Missouri. If this passes, could he?

Mr. WALSH. That is the point I want to make. The situation is not changed in the slightest degree by reason of the fact that we sign the protocol. There is nothing in the protocol which says that the President of the United States can submit a controversy without the consent of the Senate. The situation is in no manner changed by our signing the protocol without that declaration in it, and it is put in there merely to carry assurance to some timid souls about the matter.

I might say that I can not agree with some people concerning the extent of the powers of the President of the United States in reference to these matters. By way of illustration, I am told that the President of the United States, through the State Department, has entered into some kind of arrange-

ment with Germany by which the United States, instead of maintaining against Germany a claim for a considerable sum of money due us from that nation, has, under the Dawes plan, agreed that the United States shall accept a less amount.

My own judgment is that the President of the United States has no power or authority to make any such agreement as that without the consent of the Senate; but, as I said, there seemed to be a difference of view as to just exactly what powers the President has in these matters, and this is for the purpose of indicating that it can not be done without the consent of the Senate.

As I said, the situation so far as that is concerned is not changed in the slightest degree by signing the protocol; it is left just as it was. If we sign the protocol the President would have no more power to submit a controversy than he has now, and the situation is not changed at all by the reservations we have put in giving explicit instructions and directions about the matter.

Mr. REED of Missouri. Mr. President——

Mr. WALSH. I yield to the Senator from Missouri.

Mr. REED of Missouri. I understand the Senator's position to be this—and I am simply trying to get his position and do not want to argue it—that if we adhere to the protocol *no question* can be submitted to the court without the consent of the Congress?

Mr. WALSH. Exactly; either general or special. We may agree to submit a certain class of controversies, and then, I understand, the President would have the right to submit those, or we may agree to submit a special controversy; but without either the one or the other there is no power to go before the court.

Mr. REED of Missouri. What is the Senator's view about the proposition that if the President should assume that he had the power and Congress should challenge his jurisdiction—that the court would then for itself determine whether it had jurisdiction?

Mr. WALSH. If the President should assume any such power, I think it would be a subject of impeachment.

Mr. REED of Missouri. Does the Senator think he would ever be impeached by this body?

Mr. WALSH. Of course I can not answer for that, as the Senator perfectly well knows. If the President of the United States should commit any kind of crime, I could not assure anybody that he would be impeached for it. A great many people thought Andrew Johnson was guilty of the gravest crime, and yet, although he was impeached, he was not convicted.

Mr. REED of Missouri. Does the Senator think the question would be clear enough so that it could be said that the President had clearly exceeded his authority in all cases? Of course we can imagine cases where he would, but can not the Senator imagine plenty of cases likely to arise where it would be claimed that under some treaty or some construction of a treaty the President had the right to submit it?

Mr. WALSH. Of course he is governed and controlled only by the force of public opinion and the power of impeachment. We can not do anything else about it.

Mr. SWANSON. Mr. President, this is the view of the President, because he has recently sent to the Senate and there is pending before the Foreign Relations Committee a convention in connection with the narcotic-trade understanding. In that communication he recognizes, if we ratify, that by that convention certain matters are sent to the Permanent Court of International Justice for determination in case of dispute. In his recommendation he specially states that recourse to the Permanent Court of International Justice can only be had by general or special treaty; that is, we may make a special treaty for a specific case or a general treaty with certain nations to refer all such disputes there. That matter is pending in the Foreign Relations Committee now, showing that the Executive considered that even treaties by which we are bound, where they refer to the Permanent Court of International Justice, must be special or general.

Mr. REED of Missouri. If the Senator will permit me to ask him a question while he is on his feet——

Mr. SWANSON. I am not consuming my own time.

Mr. REED of Missouri. I do not know whose time the Senator was consuming a moment ago. It was somebody's time but not mine.

Mr. WILLIAMS. Mr. President, I would like to ask the Senator from Montana a question in my own time.

Mr. WALSH. The Senator may do so, but not in my time.

Mr. WILLIAMS. No; I said in my own time. The Senator referred a moment ago to particular or general submissions. Those are submissions to the court by the United States?

Mr. WALSH. Yes.

Mr. WILLIAMS. Did the Senator have in mind the particular or general submissions as they are defined in the conditions under which the Permanent Court of International Justice is open to states not members of the league, as contained in a resolution adopted by the council of the league on May 17, 1922?

Mr. WALSH. No; I did not, because that has no reference to the United States. The United States was authorized to submit, because it is mentioned in the annex to the covenant.

Mr. WILLIAMS. That has reference to members of the league?

Mr. WALSH. Exactly; but not mentioned in the covenant.

Mr. WILLIAMS. Of course, there may be some discussion as to whether we are entitled to be mentioned in the covenant.

Mr. WALSH. There might be, but we are mentioned there.

Mr. WILLIAMS. The Senator's opinion is that this does not cover the point as he just made it?

Mr. WALSH. It has no reference to us, in my view.

Mr. BINGHAM. Mr. President, I desire to present a few remarks in reply to two arguments that have been used by the opponents of the World Court. First, it has been claimed that leaders of the Republican Party in times gone by have been opposed to action of this kind. Second, they are opposed because Washington in his Farewell Address and Jefferson in his inaugural address were opposed to alliances with foreign nations.

Yesterday in reading the life of the late Orville H. Platt, one of my most distinguished predecessors, whom four or five Members in this Chamber will remember as having sat here with him, I came across a very interesting reference to our foreign relations which seemed to me to bear directly on those two arguments which have been used.

In the first place, it will be recognized by those who knew him and those who remember him that Mr. Platt was one of the leaders of the Republican Party for a great many years. He sat in this Chamber for over 25 years. He died while still a Member of the Senate of the United States. At that time the Atlanta Constitution said of him:

> A great many people believe that Orville H. Platt was the ablest of all northern Senators. Other men have been more in the limelight of publicity; others have figured more often in Senate debate and in political harangue; others have been and are much better known throughout the country; but it is doubtful if any other Senator from the New England States or from any northern State has ranked as high as Senator Platt. * * * The product of New England, he stood as the representative of not only the ideas but the ideals of that section of the country. * * * In him was reflected the rugged conscience, the strict integrity, the blunt directness of the Puritan.

Of Senator Platt, my immediate predecessor, the late Senator Frank B. Brandegee, who was one of those most opposed to the League of Nations, said:

> He was a leader. He did not lead because he tried to lead, but because the people followed him. He did not lead because he pretended to be the special friend of the people, as demagogues are wont to do, but because he laid his course by his own compass, and that compass always pointed to the true pole. He was no theorist. He was not a doctrinaire. He had none of the traits of the visionary or the mystic. He dreamed no dreams, and he pursued no chimeras. He insisted upon the facts. He was virile and powerful mentally and physically.

Of this great Republican leader the late Senator Henry Cabot Lodge said:

> In the last 10 years of his life he saw sudden and vast changes in the relations of the United States to the rest of the world and in our national responsibilities. He did not hide from them or shut his eyes and try to repel them. He met the new conditions not only with the flexibility but with the keen interest of youth, while at the same time he brought to the solution of the new problems all the wisdom of a long experience.

I have quoted these three opinions in order to bring back to the memory of some of those whom I see before me, who remember Senator Platt, the type of man he was, the fact that he was a robust American who never had the slightest predilection in favor of any foreign country, who fought here for the rights of America, and who had the respect and admiration of such robust Americans as the late Senator Lodge and the late Senator Brandegee.

Particularly I want to call attention, Mr. President, to the fact that in the latter part of his life Senator Platt realized that in our relations to other nations the universal rule of nature applied. We can not remain stationary; we must

go forward or retreat. He held that to be a member of the family of nations conferred responsibilities and created duties, and that these duties corresponded with our ability and power. In a speech which he made in New Haven in January, 1903, he referred to the fact that people were objecting to our getting more and more involved with foreign nations, claiming that we should have no entangling alliances. Certain people seemed to him to have an obsession about the awful perils of foreign alliances, and to them this robust American replied:

Precisely how this notion of our supposed policy grew up it is perhaps difficult to explain.

And now, Mr. President, I come to the second part of the argument, to which I am replying, the part particularly referring to Washington's Farewell Address and Jefferson's first inaugural address. Senator Platt said in his speech at New Haven:

The sentences in Washington's Farewell Address and in Jefferson's inaugural message with reference to alliances with European nations have doubtless been relied on as establishing such a policy for this Government. Neither of these utterances proclaimed the indifference of the United States as to what might take place in the world, or can be justly cited as authority for the doctrine that we should in no way take part in such affairs. Washington cautioned us to avoid "permanent alliances." Jefferson advised us to "cultivate peace, commerce, and honest friendship with all nations—entangling alliances with none"; but this was very far from the assertion that we had no concern in what might be going on between the nations of the old world, nor was it so understood even in those early days. It was permanent and entangling alliances which were to be feared and shunned, and there could never have been a purpose on the part of Washington or Jefferson to say that our interests were to be neglected or that, as one of the nations of the world, we were to have no concern as to what other nations might do, either in derogation of those interests or affecting the advancement and happiness of mankind.

Finally he said:

A nation has no right to live to itself alone. To assert such a right is to contend for the doctrine that selfishness is right. Selfishness in a nation is as much worse than selfishness in the individual, as the nation is stronger and more influential than the individual.

I desire to subscribe to this expression of opinion by that magnificent, robust American, former Senator Platt, of Connecticut. He realized that although during a large part or nearly all of the nineteenth century we were an isolated Nation, looked down upon by the nations of the world as of no consequence. This was changed on that day in May of 1898 when Admiral Dewey sailed into the harbor of Manila and we became a world power. He realized that from the very day when we became a world power it was our duty to concern ourselves with foreign nations, to see what they were doing, and to take our place at the council table of nations as a member of the family of nations. Believing, as I do, that he was right, it will give me the greatest pleasure when the time comes to vote to enter the World Court with the reservations which have been proposed to protect American rights.

EXPLANATION AS TO TARIFF COMMISSIONER MARVIN

Mr. NORRIS. Mr. President, I desire to submit a request for unanimous consent. It will be quite obvious that it should not come out of any time I might want to use on the pending World Court matter.

The other day in the debate here I had a colloquy with the Senator from Missouri [Mr. REED] in regard to Mr. Marvin, who is chairman of the Tariff Commission, and some reference was made to him. I have here a letter from Mr. Marvin, in which he states that he is not the same Marvin we referred to. I ask unanimous consent, in fairness to Mr. Marvin, that his letter may be read by the clerk.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

UNITED STATES TARIFF COMMISSION,
Washington, January 25, 1926.

(Personal.)

Hon. GEORGE W. NORRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR NORRIS: In the course of your speech in the Senate on Saturday, January 23, Senator REED asked the following questions, to which you made the following replies:

"Mr. REED of Missouri. Mr. President, I do not wish to interrupt the Senator; but if he will answer a question, I should like to get at the facts. Is the Mr. Marvin to whom the Senator refers the same Mr. Marvin who once represented the woolen manufacturers at the time when the Payne-Aldrich bill was under consideration?

"Mr. NORRIS. Yes; he is the same Marvin.

"Mr. REED of Missouri. And the same man who wired almost daily that he was getting everything the woolen manufacturers wanted in the bill?

"Mr. NORRIS. I do not know as to that; but I know he was very active.

"Mr. REED of Missouri. And the man whom they dined afterwards and gave an honorarium of $5,000 for his services as confidential secretary to the committee? That is the same man, is he not?

"Mr. NORRIS. I believe he is."

Senator REED inquired for the facts. Your answers, of course, inadvertently, failed to supply them. Will you kindly let me state that—

(1) The Mr. Marvin to whom you refer did not represent the woolen manufacturers at the time that the Payne-Aldrich bill was under consideration.

(2) He is not "the same man who wired almost daily that he was getting everything that the woolen manufacturers wanted in the bill," and he was not "the man whom they dined afterwards and gave an honorarium of $5,000 for his services as confidential secretary to the committee."

I was not in Washington during the consideration of the Payne-Aldrich bill as a representative of the woolen manufacturers or any other group of manufacturers. I had no connection at that time with any group of manufacturers or with any organization interested in tariff matters. The association of my name with any of the incidents recited is absolutely incorrect and unwarranted. It is another man entirely whom you and Senator REED evidently had in mind, as reference to official files of the period will show.

In the course of a speech in the Senate on Friday, April 4, 1924, Senator ROBINSON of Arkansas said: "Mr. Marvin, as I remember it, was a very influential and, during the consideration and passage of one tariff bill at least, a very confidential associate with and representative of the woolen interests in tariff legislation." At that time I called to the attention of Senator ROBINSON, in a letter addressed to him, the facts of the matter, and Senator ROBINSON in a speech in the Senate on Friday, April 11, 1924, very courteously referred to my statement and in the course of his remarks read the substance of my letter, stating at the time: "It is just and fair that this shall be done," and asked for the printing of the letter in full as an appendix to his remarks.

I am calling these matters to your attention at this time because I believe that you would not intentionally misrepresent the attitude or activities of any man.

Sincerely yours,

THOMAS O. MARVIN.

Mr. WALSH. I think the Senator from Missouri will recall that the man he had in mind was not Mr. Marvin, but was S. N. D. North; but the same testimony disclosed that a Mr. Marvin—and I am not sure whether it was this man or his brother—was here representing the American Woolen Manufacturers' Association in connection with the Payne-Aldrich tariff measure. I call attention to the testimony taken before the Committee on the Judiciary or a subcommittee of that committee and to the fact that at the time Mr. Marvin's nomination was before us for consideration.

Mr. REED of Missouri. Mr. President, I ask unanimous consent that we may be permitted to dispose of this matter without counting it as a part of our time under Rule XXII. Has that been arranged?

Mr. LENROOT. It has been arranged. That may be done.

Mr. NORRIS. Mr. President, if the Senator will permit me, the letter, I think, is self-explanatory. I assume the things stated are true. I have no personal knowledge of them. It is quite immaterial, of course, so far as the subject matter of my discussion is concerned. I would not have said anything about it if it had not been brought up in the course of the colloquy, but it is of course nothing more than fair that the facts should be stated. I assume Mr. Marvin has them correctly, because he has knowledge of them, and I am only glad to take advantage of the opportunity to give the same publicity to the letter that the discussion had.

Mr. REED of Missouri. Mr. President, the matter came up in this way:

The Senator from Nebraska was speaking and spoke of Mr. Marvin. I remembered very distinctly a Mr. Marvin having been in some way mixed up in the woolen lobby investigation; and, not knowing, I asked in good faith for information, thinking that the Senator from Nebraska would know the fact. When he answered that he thought he was the same man I sought to identify him further by further references to that

testimony. The testimony was very clear in my mind. The matter of names was not.

I want to say that if Mr. Marvin was not the man—and he states that he was not—then, of course, an injustice has been done him, and I am glad to undo it so far as any statement of mine can go; but I asked the questions thinking I was asking them from a man who had studied the question and would know absolutely; and yet I do not want to leave the inference that the Senator was obliged to know, because, while he was discussing the general question, he was not discussing the question of individuals.

I do not know about the proposition advanced by the Senator from Montana a few moments ago; but, in view of this statement, I think the RECORD ought to show very clearly that Mr. Marvin has made this statement, and that it is accepted by myself, at least, as the truth of the matter.

Mr. NORRIS. Mr. President, I made some reference to Mr. Marvin on Saturday, January 16. I am trying to find it here now. This letter was delivered to me just a few minutes ago, and I have not had an opportunity to turn to that address; but in the address, where I was talking about the appointment of Mr. Lewis as a member of the commission—I am not able to put my hand on it right now—I gave some information as to who the Mr. Marvin is who is the present chairman of the commission. He is connected, as I remember, with the magazine known as the Protectionist. I may be mistaken as to the name, but it is in the RECORD, and I can find it. So that he was very active in the consideration of tariff matters; and when the Senator from Missouri asked me the questions he asked a leading question each time, and I supposed that the Senator from Missouri thought he was the same Mr. Marvin, although I did not know positively.

Mr. REED of Missouri. I was under that impression.

Mr. NORRIS. It is quite unimportant, Mr. President, as far as the question I was discussing is concerned; but it is important, of course, as far as Mr. Marvin is concerned. Nobody wants to make any misrepresentation in regard to him; and I am very glad indeed to have the opportunity to have his letter printed in the RECORD and have it read.

THE WORLD COURT

The Senate, in open executive session, resumed the consideration of Senate Resolution 5, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations.

The VICE PRESIDENT. The Secretary will continue the reading.

The Chief Clerk read as follows:

ARTICLE 44

For the service of all notices upon persons other than the agents, counsel, and advocates, the court shall apply direct to the government of the state upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

ARTICLE 45

The hearing shall be under the control of the president or, in his absence, of the vice president; if both are absent, the senior judge shall preside.

ARTICLE 46

The hearing in court shall be public, unless the court shall decide otherwise, or unless the parties demand that the public be not admitted.

ARTICLE 47

Minutes shall be made at each hearing, and signed by the registrar and the president.

These minutes shall be the only authentic record.

ARTICLE 48

The court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

ARTICLE 49

The court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

ARTICLE 50

The court may at any time intrust any individual, body, bureau, commission, or other organization that it may select with the task of carrying out an inquiry or giving an expert opinion.

ARTICLE 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the court in the rules of procedure referred to in article 30.

ARTICLE 52

After the court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

ARTICLE 53

Whenever one of the parties shall not appear before the court, or shall fail to defend his case, the other party may call upon the court to decide in favor of his claim.

The court must, before doing so, satisfy itself not only that it has jurisdiction in accordance with articles 36 and 37 but also that the claim is well founded in fact and law.

ARTICLE 54

When, subject to the control of the court, the agents, advocates, and counsel have completed their presentation of the case, the president shall declare the hearing closed.

The court shall withdraw to consider the judgment.

The deliberations of the court shall take place in private and remain secret.

ARTICLE 55

All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the president or his deputy shall have a casting vote.

ARTICLE 56

The judgment shall state the reasons on which it is based.

It shall contain the names of the judges who have taken part in the decision.

ARTICLE 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

ARTICLE 58

The judgment shall be signed by the president and by the registrar. It shall be read in open court, due notice having been given to the agents.

ARTICLE 59

The decision of the court has no binding force except between the parties and in respect of that particular case.

ARTICLE 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the court shall construe it upon the request of any party.

ARTICLE 61

An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

The court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

The application for revision must be made at latest within six months of the discovery of the new fact.

No application for revision may be made after the lapse of ten years from the date of the sentence.

ARTICLE 62

Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the court to be permitted to intervene as a third party.

It will be for the court to decide upon this request.

ARTICLE 63

Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the registrar shall notify all such states forthwith.

Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

ARTICLE 64

Unless otherwise decided by the court, each party shall bear its own costs.

The VICE PRESIDENT. This completes the reading of the statute.

Mr. LENROOT. Mr. President, if no one cares to speak, I ask that the resolution be reported to the Senate.

Mr. REED of Missouri. Mr. President, we are entitled to have it considered as in Committee of the Whole.

Mr. LENROOT. I said, if no one cared to speak.

Mr. REED of Missouri. I hardly supposed the Senator would want to take that up to-night.

Mr. LENROOT. I am simply following the same procedure that was used in the case of the Isle of Pines treaty.

Mr. REED of Missouri. I do not know what was done with the Isle of Pines treaty, except that the wrong thing was done; but, Mr. President, under the rule we are entitled to have this resolution considered as in Committee of the Whole.

Mr. LENROOT. It has been so considered. It is now before the Senate as in Committee of the Whole.

The VICE PRESIDENT. It is now before the Senate as in Committee of the Whole.

Mr. REED of Missouri. Very well. If the Senator wants to drive on to-night, there are certain reservations that are now legitimate subjects for consideration by the Senate.

Mr. LENROOT. I have no desire to press the consideration of the reservations to-night.

Mr. REED of Missouri. I want them considered as in Committee of the Whole. I am not trying for delay, but I am trying for whatever time we legitimately are entitled to, for such consideration as can be given.

Mr. LENROOT. There is no desire to cut that off.

Mr. REED of Missouri. Then I suggest to the Senator——

Mr. WALSH. Mr. President, let me inquire of the Senator from Wisconsin whether it is his view that the reservations should be acted on as in Committee of the Whole?

Mr. LENROOT. No. I am taking the procedure that was suggested by the Senator from Idaho [Mr. BORAH] himself in the Isle of Pines case—that the reservations are properly considered as amendments to the resolution of ratification. However, we may come to an understanding about that.

Mr. CURTIS. Mr. President, I suggest that we go into executive session with closed doors in order to dispose of some executive business. When we get through we can take a recess, and in the meantime we can take up the matter. Will the Senator from Missouri yield for that purpose?

Mr. REED of Missouri. Yes; I yield.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 10 minutes spent in secret executive session the doors were reopened.

FOREIGN DEBTS (S. DOC. NO. 44)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury in response to Senate Resolution 105, of January 4, 1926 (submitted by Mr. HOWELL), transmitting a statement showing the funded indebtedness of each foreign government to the United States, the total to be received from each government under the funding agreements, and the present worth of such total receipts on the basis of interest rates of 3 per cent, 4¼ per cent, and 5 per cent, payable semiannually, which was ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS

Mr. FLETCHER presented the following memorial of the Legislature of the State of Florida, which was referred to the Committee on Military Affairs:

House Memorial No. 2

A memorial directed to the President and Congress of the United States requesting the establishment of military schools or camps for the purpose of training aviators upon the present Government fields of Dorr and Carlstrom, located near Arcadia, in De Soto County, Fla.

Whereas the people of the State of Florida are intensely interested in the public welfare and common defense of the Nation; and

Whereas the training of aviators is essential to insuring the public welfare and maintaining the common defense of the Nation; and

Whereas the people of the United States now own in the State of Florida two flying fields, to wit: Dorr and Carlstrom, located near Arcadia, in De Soto County, Fla.; and

Whereas said fields are not being used now as aviation training camps; and

Whereas the facilities of said fields for flying are unsurpassed by any in the world, due to the region about the camps and the atmospheric conditions most conducive to the safety for flying; and

Whereas the Florida climate is equable and mild and the location of the camps naturally healthful; and

Whereas the said flying fields of Dorr and Carlstrom form an ideal location for the training of aviators: Be it

Resolved by the Legislature of the State of Florida, That the President of the United States and Congress be, and they are hereby, earnestly solicited to take such steps as may be necessary, either by the legislative or executive branches of the Federal Government, to establish at the fields of Dorr and Carlstrom, located near Arcadia, in De Soto County, Fla., Government schools or training camps for the purpose of training and equipping aviators for the use of aerial service in the United States Army, or for other public service: Be it further

Resolved, That copies of this memorial be furnished by the secretary of State to the President of the United States, the Vice President, the Speaker of the House of Representatives of the United States, and to each Senator and Representative in the Congress of the United States.

Approved April 22, 1925.

STATE OF FLORIDA,

Office Secretary of State, ss:

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of House Memorial No. 2, as passed by the Legislature of the State of Florida (regular session, 1925), as shown by the enrolled memorial on file in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 31st day of December, A. D. 1925.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

Mr. WILLIS presented a paper in the nature of a petition from the Cincinnati (Ohio) section, National Council of Jewish Women, numbering about 1,400 members, in favor of the participation of the United States in the Permanent Court of International Justice, which was ordered to lie on the table.

He also presented resolutions adopted by charter No. 11, Hotel Greeters of Ohio, favoring the continuance of appropriations for the support of good roads, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry faculty members of Capital University Seminary, at Columbus, Ohio, praying the amendment of section 15 of the existing copyright law by inserting the words "or mimeographic process" after the words "or photo-engraving process" in lines 9, 15, 34, and 41, of said section 15, which was referred to the Committee on Patents.

He also presented a paper in the nature of a memorial from the board of directors of the Columbus (Ohio) Chamber of Commerce, protesting against the passage of the so-called Gooding long-and-short haul bill (S. 575) to amend section 4 of the interstate commerce act, which was referred to the Committee on Interstate Commerce.

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade praying for the passage of House bill 6110, to amend the Federal Trade Commission act, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 519) for the relief of Perley Morse & Co., reported it with an amendment and submitted a report (No. 91) thereon.

Mr. BINGHAM, from the Committee on Commerce, to which was referred the bill (S. 2281) to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota, reported it with an amendment, and submitted a report (No. 92) thereon.

He also, from the same committee, to which was referred the bill (S. 2448) to authorize the Norfolk & Western Railway Co. to construct a bridge across the Tug Fork of Big Sandy River at or near a point about 2½ miles east of Williamson, Mingo County, W. Va., and near the mouth of Lick Branch, reported it without amendment, and submitted a report (No. 93) 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. GOFF:

A bill (S. 2735) to provide for a public building at Clarksburg, W. Va.; and

A bill (S. 2736) for the acquisition of a site and the erection thereon of a public building at Kenova, W. Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 2737) to waive sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916; and

A bill (S. 2738) for the relief of Ruth Gore; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 2739) granting a pension to Eva S. Coe; to the Committee on Pensions.

A bill (S. 2740) to authorize the Secretary of the Interior, in his discretion, to issue patents for lands held under color of title; to the Committee on Public Lands and Surveys.

By Mr. FESS:

A bill (S. 2741) for the relief of the State of Ohio; to the Committee on Claims.

By Mr. BUTLER:

A bill (S. 2742) for the relief of the Atlantic Works, of Boston, Mass.; to the Committee on Claims.

A bill (S. 2743) to amend further an act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912; to the Committee on Agriculture and Forestry.

A bill (S. 2744) granting a pension to Patrick M. Buckley (with accompanying papers); and

A bill (S. 2745) granting an increase of pension to Samuel McSheehy (with accompanying papers); to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 2746) to correct the naval record of Charles David Gutheridge; to the Committee on Naval Affairs.

By Mr. McKINLEY:

A bill (S. 2747) providing for the purchase of additional ground for enlargement of present site, or for the purchase of a new site and enlargement of present building, or the erection of a new building at the city of Rockford, in the State of Illinois, for the use and accommodation of the post office, Federal court, and other Government offices in said city;

A bill (S. 2748) to provide for the erection of a public building at the city of Lockport, Ill., for the use and accommodation of the post office and other Government offices in said city;

A bill (S. 2749) providing for the purchase of a site and the erection thereon of a public building at Morris, in the State of Illinois;

A bill (S. 2750) providing for the erection of a public building at Mendota, Ill., on a site heretofore provided for the same; and

A bill (S. 2751) providing for the purchase of a site and the erection thereon of a public building at Peru, in the State of Illinois; to the Committee on Public Buildings and Grounds.

By Mr. GREENE:

A bill (S. 2752) for the purchase of land as an artillery range at Fort Ethan Allen, Vt.; to the Committee on Military Affairs.

By Mr. GLASS:

A bill (S. 2753) authorizing the appointment of Clarence E. Barnes as naval officer, United States Navy; to the Committee on Naval Affairs.

A bill (S. 2754) authorizing the appointment of Luther W. Dear as Infantry officer, United States Army; and

A bill (S. 2755) authorizing the appointment of Herbert L. Lee as Artillery officer, United States Army; to the Committee on Military Affairs.

A bill (S. 2756) for the relief of Willis-Smith-Crall Co.;

A bill (S. 2757) for the relief of George W. Boyer;

A bill (S. 2758) for the relief of Hudson Bros., Norfolk, Va.; and

A bill (S. 2759) for the relief of J. B. Jones, postmaster, Smithfield, Va.; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 2760) for the relief of Andrew T. Bailey; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 2761) to amend sections 9 and 11 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service"; to the Committee on Military Affairs.

By Mr. GEORGE:

A bill (S. 2762) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia; to the Committee on the Judiciary.

By Mr. PEPPER:

A bill (S. 2763) to amend section 103 of the Judicial Code, as amended; to the Committee on the Judiciary.

A bill (S. 2764) to establish a boxing commission for the District of Columbia and to repeal section 876 of the Code of the District of Columbia and sections 320 and 321 of the Criminal Code of the United States; to the Committee on the District of Columbia.

A bill (S. 2765) granting an increase of pension to Mary B. Welsh; and

A bill (S. 2766) granting a pension to Jonathan A. Seidel; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 2767) granting an increase of pension to Anna Warthen; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 2768) to provide for the advancement on the retired list of the Army of M. M. Cloud; to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 2769) to extend the provisions of the national bank act to the Virgin Islands of the United States; to the Committee on Banking and Currency.

A bill (S. 2770) to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto; to the Committee on Immigration.

By Mr. NORBECK:

A bill (S. 2771) for the relief of John DeMarrias (with an accompanying paper); to the Committee on Indian Affairs.

A bill (S. 2772) granting an increase of pension to John Burri (with accompanying papers);

A bill (S. 2773) granting an increase of pension to Tilghman Stone;

A bill (S. 2774) granting an increase of pension to Elida Jane Dean (with accompanying papers);

A bill (S. 2775) granting an increase of pension to Donald H. Fox (with accompanying papers);

A bill (S. 2776) granting a pension to Otto W. Shade; and

A bill (S. 2777) granting an increase of pension to Earl H. Klock; to the Committee on Pensions.

By Mr. BRUCE:

A bill (S. 2778) for the relief of the Sanford & Brooks Co. (Inc.) (with accompanying papers); to the Committee on Claims.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 44) authorizing the Federal Reserve Bank of New York to invest its funds in the purchase of a site and the building now standing thereon for its branch office at Buffalo, N. Y.; to the Committee on Banking and Currency.

FUNERAL OF THE LATE REPRESENTATIVE JOHN E. RAKER

Mr. JOHNSON submitted the following resolution (S. Res. 128), which was considered by unanimous consent and agreed to:

Resolved, That a committee of five Senators be appointed by the Vice President to join the committee appointed by the Speaker of the House of Representatives to attend the funeral of Hon. JOHN E. RAKER, late a Representative from the State of California.

FOX RIVER BRIDGE, ILL.

Mr. BINGHAM. I ask unanimous consent for the present consideration of House bill 6089, granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Fox River in the county of McHenry, State of Illinois, in section 26, township 45 north, range 8 east of the third principal meridian.

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

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Fox River at a point suitable to the interests of navigation, in the county of McHenry, State of Illinois, in section 26, township 45 north, range 8 east of the third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906.

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

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

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate, as in open executive session, took a recess until to-morrow, Tuesday, January 26, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 25 (legislative day of January 16), 1926

COLLECTOR OF CUSTOMS

Alexander L. McCaskill, of Fayetteville, N. C., to be collector of customs for customs collection district No. 15, with headquarters at Wilmington, N. C. Reappointment.

EXAMINER IN CHIEF, UNITED STATES PATENT OFFICE

George Russell Ide to be examiner in chief in the United States Patent Office, vice Samuel E. Fouts, resigned.

COAST AND GEODETIC SURVEY

To be junior hydrographic and geodetic engineer with relative rank of lieutenant (junior grade) in the Navy

John Mahlon Neal, of Indiana, vice G. W. Tatchell, resigned.

Philip Chester Doran, of Connecticut, vice J. F. Downey, jr., resigned.

To be aid with relative rank of ensign in the Navy

Ector, Brooks Latham, jr., of the District of Columbia, vice L. S. Hubbard, promoted.

George Riley Shelton, of Alabama, vice J. C. Bose, promoted.

John Bowie, jr., of Maryland, vice N. M. Buckingham, promoted.

Charles Roland Bush, jr., of New Jersey, vice R. C. Rowse, promoted.

Harry King Hilton, of Colorado, vice L. G. Simmons, promoted.

Bennett Green Jones, of Virginia, vice W. H. Bainbridge, promoted.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

COAST ARTILLERY CORPS

Maj. John Blackwell Maynard, Chemical Warfare Service, with rank from July 1, 1920.

INFANTRY

Second Lieut. George Bateman Peploe, Air Service, with rank from June 12, 1925.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. Granville Sevier, Coast Artillery Corps, from January 19, 1926.

TO BE LIEUTENANT COLONEL

Maj. Odiorne Hawks Sampson, Quartermaster Corps, from January 19, 1926.

TO BE MAJORS

Capt. Stephen Roscoe Beard, Finance Department, from January 15, 1926.

Capt. George Nicoll Watson, Finance Department, from January 19, 1926.

TO BE CAPTAINS

First Lieut. Maylon Edward Scott, Field Artillery, from January 15, 1926.

First Lieut. Lewis Burnham Rock, Infantry, from January 19, 1926.

First Lieut. Charles Moorman Hurt, Cavalry, from January 19, 1926.

TO BE FIRST LIEUTENANTS

Second Lieut. John Taylor Ward, Cavalry, from January 15, 1926.

Second Lieut. John Elmer Reierson, Coast Artillery Corps, from January 15, 1926.

Second Lieut. Henry Jackson Hunt, jr., Infantry, from January 16, 1926.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. Brice Pursell Disque to be brigadier general, Reserve, from February 17, 1926.

POSTMASTERS

ARIZONA

Harry B. Riggs to be postmaster at Patagonia, Ariz., in place of H. B. Riggs. Incumbent's commission expired October 11, 1925.

CALIFORNIA

Jennie C. Gallant to be postmaster at San Martin, Calif., in place of J. P. Miner, deceased.

Webster W. Bernhardt to be postmaster at Ventura, Calif., in place of L. P. Hathaway, deceased.

COLORADO

Mary J. Anderson to be postmaster at Rocky Ford, Colo., in place of M. J. Anderson. Incumbent's commission expired January 18, 1926.

Juan R. Valdez to be postmaster at San Luis, Colo., in place of J. R. Valdez. Incumbent's commission expired November 23, 1925.

CONNECTICUT

William E. Gates to be postmaster at Glastonbury, Conn., in place of W. E. Gates. Incumbent's commission expired January 24, 1926.

John E. Casey to be postmaster at Kent, Conn., in place of J. E. Casey. Incumbent's commission expired January 24, 1926.

John H. Delaney to be postmaster at Middlebury, Conn., in place of J. H. Delaney. Incumbent's commission expired January 24, 1926.

Frank M. Smith to be postmaster at Willimantic, Conn., in place of W. R. King, resigned.

FLORIDA

Henry G. Nelson to be postmaster at Williston, Fla., in place of H. G. Nelson. Incumbent's commission expires January 27, 1926.

Jerry M. Sullivan to be postmaster at Winter Garden, Fla., in place of J. M. Sullivan. Incumbent's commission expires January 27, 1926.

HAWAII

J. Frank Woolley to be postmaster at Honolulu, Hawaii, in place of D. H. MacAdam. Incumbent's commission expires February 14, 1926.

ILLINOIS

Howard B. Mayhew to be postmaster at Bradford, Ill., in place of H. B. Mayhew. Incumbent's commission expired January 21, 1926.

Lewis D. Leach to be postmaster at Bridgeport, Ill., in place of L. D. Leach. Incumbent's commission expires January 25, 1926.

Henry M. Fritscher to be postmaster at Dieterich, Ill., in place of H. M. Fritscher. Incumbent's commission expires January 25, 1926.

Bessie McTamaney to be postmaster at Fort Sheridan, Ill., in place of Bessie McTamaney. Incumbent's commission expired January 23, 1926.

Herbert L. Rawlins to be postmaster at Thomson, Ill., in place of H. L. Rawlins. Incumbent's commission expires January 25, 1926.

INDIANA

Charles J. Sparks to be postmaster at Kewanna, Ind., in place of C. J. Sparks. Incumbent's commission expired January 24, 1926.

Carl C. Davis to be postmaster at Ramsey, Ind. Office became presidential January 1, 1926.

IOWA

Arthur F. Pitman to be postmaster at Lamont, Iowa, in place of A. F. Pitman. Incumbent's commission expired December 20, 1925.

KANSAS

Maud Aten to be postmaster at Goodland, Kans., in place of Maud Aten. Incumbent's commission expires January 25, 1926.

Leo L. George to be postmaster at Irving, Kans., in place of R. M. Kautz. Incumbent's commission expired November 17, 1925.

Walter Holman to be postmaster at Sharon, Kans., in place of Walter Holman. Incumbent's commission expires January 25, 1926.

Maud E. Oliver to be postmaster at Culver, Kans., in place of M. B. Perry, resigned.

KENTUCKY

Arch Mooney to be postmaster at Dixon, Ky., in place of Arch Mooney. Incumbent's commission expired January 23, 1926.

Mary F. Gilmour to be postmaster at Owensboro, Ky., in place of M. F. Gilmour. Incumbent's commission expired January 23, 1926.

Lillie M. Pulliam to be postmaster at Patesville, Ky., in place of L. M. Pulliam. Incumbent's commission expired January 23, 1926.

William C. Barnwell to be postmaster at Smithland, Ky., in place of W. C. Barnwell. Incumbent's commission expired January 23, 1926.

LOUISIANA

Marie A. Bourgeois to be postmaster at Erath, La., in place of M. A. Bourgeois. Incumbent's commission expired August 17, 1925.

MARYLAND

Fred R. Tucker to be postmaster at Forest Hill, Md., in place of F. R. Tucker. Incumbent's commission expired January 24, 1926.

MASSACHUSETTS

Roger W. Cahoon, jr., to be postmaster at West Harwich, Mass., in place of H. T. Cobb, resigned.

MICHIGAN

Perry F. Powers to be postmaster at Cadillac, Mich., in place of P. F. Powers. Incumbent's commission expires January 25, 1926.

Robert H. Benjamin to be postmaster at Mackinac Island, Mich., in place of R. H. Benjamin. Incumbent's commission expires January 25, 1926.

Helen J. Seals to be postmaster at Boyne Falls, Mich., in place of E. M. Fanning, deceased.

Karl A. Boettger to be postmaster at Dexter, Mich., in place of W. F. Stoffer, deceased.

MISSISSIPPI

John N. Truitt to be postmaster at Minter City, Miss., in place of J. N. Truitt. Incumbent's commission expired December 20, 1925.

MISSOURI

Patrick S. Woods to be postmaster at Columbia, Mo., in place of P. S. Woods. Incumbent's commission expired October 17, 1925.

MONTANA

Kirby G. Hoon to be postmaster at Helena, Mont., in place of K. G. Hoon. Incumbent's commission expired January 24, 1926.

NEBRASKA

Chancey J. Sittler to be postmaster at Anselmo, Nebr., in place of C. J. Sittler. Incumbent's commission expired January 23, 1926.

Harry N. Wallace to be postmaster at Coleridge, Nebr., in place of H. N. Wallace. Incumbent's commission expired January 23, 1926.

Fred A. Scofield to be postmaster at Columbus, Nebr., in place of F. A. Scofield. Incumbent's commission expired January 23, 1926.

Orley D. Clements to be postmaster at Elmwood, Nebr., in place of O. D. Clements. Incumbent's commission expired January 23, 1926.

Alonzo A. Jackman to be postmaster at Louisville, Nebr., in place of A. A. Jackman. Incumbent's commission expired January 23, 1926.

Edward H. Hering to be postmaster at Orchard, Nebr., in place of E. H. Hering. Incumbent's commission expired January 23, 1926.

Nellie L. Miller to be postmaster at Rulo, Nebr., in place of N. L. Miller. Incumbent's commission expired January 23, 1926.

August Dormann to be postmaster at Scottsbluff, Nebr., in place of August Dormann. Incumbent's commission expired January 23, 1926.

NEVADA

Dora E. Kappler to be postmaster at Carlin, Nev., in place of D. E. Kappler. Incumbent's commission expires January 27, 1926.

NEW HAMPSHIRE

James E. Collins to be postmaster at Lisbon, N. H., in place of J. E. Collins. Incumbent's commission expires January 25, 1926.

NEW JERSEY

Chester A. Burt to be postmaster at Helmetta, N. J., in place of C. A. Burt. Incumbent's commission expired January 21, 1926.

NEW YORK

Arthur K. Lansing to be postmaster at Cambridge, N. Y., in place of A. K. Lansing. Incumbent's commission expired January 21, 1926.

Rennie T. Dayton to be postmaster at Center Moriches, N. Y., in place of R. T. Dayton. Incumbent's commission expired November 2, 1925.

Louis H. Buck to be postmaster at Dannemora, N. Y., in place of L. H. Buck. Incumbent's commission expired January 5, 1926.

Eva C. Sager to be postmaster at Frewsburg, N. Y., in place of E. C. Sager. Incumbent's commission expired January 5, 1926.

George A. Hardy to be postmaster at Philadelphia, N. Y., in place of G. A. Hardy. Incumbent's commission expired January 5, 1926.

Daniel P. Townsend to be postmaster at Port Chester, N. Y., in place of D. P. Townsend. Incumbent's commission expired January 24, 1926.

Alexander A. Courter to be postmaster at Washingtonville, N. Y., in place of C. H. Strong, removed.

NORTH CAROLINA

Clyde H. Jarrett to be postmaster at Andrews, N. C., in place of C. H. Jarrett. Incumbent's commission expired January 23, 1926.

John W. Shook to be postmaster at Clyde, N. C., in place of J. W. Shook. Incumbent's commission expired January 18, 1926.

Mary W. Turner to be postmaster at Gatesville, N. C., in place of M. W. Turner. Incumbent's commission expired January 24, 1926.

Heber R. Munford to be postmaster at Greenville, N. C., in place of H. R. Munford. Incumbent's commission expires January 27, 1926.

Pearle R. Luttrell to be postmaster at Shulls Mills, N. C., in place of P. R. Luttrell. Incumbent's commission expires January 25, 1926.

Samuel B. Edwards to be postmaster at Tryon, N. C., in place of S. B. Edwards. Incumbent's commission expired January 23, 1926.

Otto S. Woody to be postmaster at Whitakers, N. C., in place of O. S. Woody. Incumbent's commission expired January 24, 1926.

Marvin E. Johnson to be postmaster at Candor, N. C., in place of J. E. Kellis, removed.

Iredell V. Lee to be postmaster at Four Oaks, N. C., in place of H. E. Upchurch, resigned.

Charles R. Hester to be postmaster at St. Pauls, N. C., in place of S. L. Parker, removed.

OHIO

Richard Hagel to be postmaster at Gypsum, Ohio, in place of Richard Hagel. Incumbent's commission expired January 23, 1926.

OREGON

Stephen A. Easterday to be postmaster at Clatskanie, Oreg., in place of S. A. Easterday. Incumbent's commission expires January 25, 1926.

Ronald E. Eason to be postmaster at Sandy, Oreg., in place of R. E. Eason. Incumbent's commission expires January 25, 1925.

Frank B. Hamlin to be postmaster at Springfield, Oreg., in place of F. B. Hamlin. Incumbent's commission expires January 25, 1926.

PENNSYLVANIA

Harvey E. Brinley to be postmaster at Birdsboro, Pa., in place of H. E. Brinley. Incumbent's commission expired January 5, 1926.

Marion Rosbach to be postmaster at Forksville, Pa., in place of Marion Rosbach. Incumbent's commission expired January 5, 1926.

Charles E. Pass to be postmaster at Harrisburg, Pa., in place of C. E. Pass. Incumbent's commission expired January 20, 1926.

RHODE ISLAND

Annie J. Annis to be postmaster at Barrington, R. I., in place of A. J. Annis. Incumbent's commission expired January 24, 1926.

Luke J. Ward to be postmaster at Wickford, R. I., in place of L. J. Ward. Incumbent's commission expired January 24, 1926.

SOUTH CAROLINA

John B. Bagnal to be postmaster at Ellenton, S. C., in place of J. B. Bagnal. Incumbent's commission expired January 23, 1926.

Rosa B. Grainger to be postmaster at Lake View, S. C., in place of R. B. Grainger. Incumbent's commission expires January 27, 1926.

Edward W. Shull to be postmaster at New Brookland, S. C., in place of E. W. Shull. Incumbent's commission expires January 25, 1926.

David S. Pitman to be postmaster at Nichols, S. C., in place of D. S. Pitman. Incumbent's commission expired January 23, 1926.

Elizabeth D. Kirksey to be postmaster at Pickens, S. C., in place of E. D. Kirksey. Incumbent's commission expired December 21, 1925.

Pearle H. Padget to be postmaster at Saluda, S. C., in place of P. H. Padget. Incumbent's commission expires January 27, 1926.

SOUTH DAKOTA

Glen H. Auld to be postmaster at Plankinton, S. Dak., in place of G. H. Auld. Incumbent's commission expired January 23, 1926.

TENNESSEE

John Herd to be postmaster at Harrogate, Tenn., in place of John Herd. Incumbent's commission expired December 20, 1925.

TEXAS

Clarence V. Rattan to be postmaster at Cooper, Tex., in place of C. B. Rattan. Incumbent's commission expires January 25, 1926.

Jerra L. Hickson to be postmaster at Gainesville, Tex., in place of J. L. Hickson. Incumbent's commission expires January 25, 1926.

Alonzo Phillips to be postmaster at Loraine, Tex., in place of Alonzo Phillips. Incumbent's commission expires January 25, 1926.

Lillie Brown to be postmaster at Ralls, Tex., in place of Lillie Brown. Incumbent's commission expired January 23, 1926.

Wade Arnold to be postmaster at Wellington, Tex., in place of Wade Arnold. Incumbent's commission expires January 25, 1926.

UTAH

Joseph F. MacKnight to be postmaster at Price, Utah, in place of J. F. MacKnight. Incumbent's commission expires January 25, 1926.

VERMONT

Carrie E. Sturtevant to be postmaster at East Fairfield, Vt., in place of C. E. Sturtevant. Incumbent's commission expired January 23, 1926.

VIRGINIA

Albert H. Zollinger to be postmaster at Chase City, Va., in place of R. L. Hervey, resigned.

WASHINGTON

Orris E. Marine to be postmaster at Colton, Wash., in place of O. E. Marine. Incumbent's commission expired August 24, 1925.

WEST VIRGINIA

Fernando D. Williams to be postmaster at Matoaka, W. Va., in place of F. D. Williams. Incumbent's commission expired August 24, 1925.

WISCONSIN

John P. Fitzgerald to be postmaster at Mellen, Wis., in place of P. A. Brown. Incumbent's commission expired January 21, 1926.

George Oakes to be postmaster at New Richmond, Wis., in place of George Oakes. Incumbent's commission expired January 21, 1926.

Frank S. Brazeau to be postmaster at Port Edwards, Wis., in place of F. S. Brazeau. Incumbent's commission expired January 21, 1926.

Albert L. Fontaine to be postmaster at Wisconsin Rapids, Wis., in place of A. L. Fontaine. Incumbent's commission expires January 27, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 25 (legislative day of January 16), 1926

UNITED STATES ATTORNEYS

Clint W. Hager to be United States attorney, northern district of Georgia.

Henry Zweifel to be United States attorney, northern district of Texas.

PROMOTIONS IN THE NAVY

To be captain

Frank C. Martin.

To be commanders

Andrew D. Denney.
Jabez S. Lowell.
Dallas C. Laizure.
Charles M. Yates.
John F. Shafroth, jr.

To be lieutenant commanders

James M. Shoemaker.
Samuel G. Moore.
George Marvell.
Philip R. Weaver.
Edward E. Hazlett, jr.
George P. Lamont.

To be lieutenants

Solomon S. Isquith.
Walter F. Hinckley.
Ralph H. Smith.
Norman S. Ives.
Bailey Connelly.
John A. McDonnell.
Benjamin N. Ward.

To be lieutenants (junior grade)

Wilber G. Jones.
Alan R. Nash.
Chauncey Moore.
Anthony R. Brady.

To be surgeons

Theo E. Cox.
Franklin F. Lane.
Orville R. Goss.
William T. Lineberry.
Charles H. Savage.
James R. Thomas.
Walter J. Pennell.
Victor S. Armstrong.
John C. Adams.
Earl Richison.
Ernest A. Daus.
Louis E. Mueller.
Carl A. Broaddus.
Charles L. Oliphant.
John E. Porter.
Herbert L. Shinn.
Fenimore S. Johnson.
David Ferguson, jr.

To be chaplains

Ernest L. Ackiss.
Maurice M. Witherspoon.

To be naval constructor

Ross P. Schlabach.

To be civil engineers

Raymond V. Miller.
Willard A. Pollard, jr.
John J. Manning.
William M. Angas.
Vernon R. Dunlap.
Lewis B. Combs.
Valentine J. McManus.
Hugo C. Fischer.

To be chief gunner

Robert C. Williams.

To be chief machinists

John M. Fitzsimmons.
Charles R. Owen.
George T. McBride.

To be chief pharmacist

Clarence J. Owen.

To be chief pay clerk

Joseph A. Paldi.

To be chief electricians

Michael Garland.
Arthur S. Rollins.
Russell K. Young.
Charles A. Kohls.
George H. Kellogg.
Alfred R. Eubanks.
Thomas Flynn.
Michael Burke.
Max P. Schaffer.
William Pollock.
Fred J. Pope.
Edwin Brown.
Charles W. Pearles.
John Bjorling.
Levi Herr.
Carl H. Snovel.
Elmer E. Callen.
Leslie W. Beattie.
Charles R. Brown.
Edward H. Belknap.
Holly C. Boots.
Oscar E. Dannegger.
Louis G. LaFerte.
Daniel H. Love.
Roscoe C. Reese.
Wallace C. Schlaefer.
Edward F. Wilson.
Ralph S. Lunney.
Charles V. Hart.
John H. Hart.
Frank C. Szehner.
William P. Montz.
Jesse E. Jocoy.
William R. Dillow.
Nat B. Frey.
Charles W. Piper.
Milton Bergman.
Linwood C. Gray.
Christian Ohlschlager.
Biven M. Prewett.
Wilber J. Meade.
Isaac L. Glenn.
William H. Moore.
Cowain V. Smith.
Harry C. Woodward.
Wilky D. Walters.
Frederick Sherman.
Joseph M. Anderson.
John E. Malmberg.

To be chief radio electricians

Roger J. Swint.
Howard A. Booth.
James A. Featherston.
Jesse J. Alexander.
Collins R. Buchner.
Glen R. Ogg.
Casper H. Husted.
Allen J. Gahagan.
Bruce M. Parmenter.
Benjamin F. Schmidt.
Bea L. Jarvis.
Roy Childs.
Walter F. H. Nolte.
Matthew Kenny.
Theodore Lachman.
John E. Fredricks.
Samuel Taylor.
James R. Fallon.
Raymond Cole.
Joseph A. Perry.

William H. Recksiek.
Carlton A. McKelvey.
Charles H. Ripley.
Henry L. Bixbee.
Frank B. Finney.
Warren S. MacKay.
William J. Murphy.
Frederick C. Nantz.
William J. Volkman.
John P. Richardson.
Harold Osborne.
Joseph S. Weigand.
Thomas A. Marshall.
Mars W. Palmer.
Richard J. Ostrander.
Hugh M. Norton.
Donald H. Bradley.
Neil Avery.
Edward J. Kreuger.
Robert A. Littmann.
Carroll L. Morgan.
Obed E. Williams.

PROMOTIONS IN THE ARMY

Joseph Dugald Leitch to be brigadier general, Infantry.

Andrew Hero, jr., to be chief of Coast Artillery, Coast Artillery Corps.

James Madison Kennedy to be assistant to the Surgeon General, Medical Department.

Melvin Thistle Means to be first lieutenant, Medical Corps.

Louis Stewart Chappelear to be colonel, Adjutant General's Department.

Charles Leslie Mitchell to be lieutenant colonel, Infantry.

Robert John West to be lieutenant colonel, Infantry.

James MacKay to be major, Finance Department.

Thomas Scott Pugh to be major, Finance Department.

Harvey Shelton to be captain, Infantry.

Hugh Bryan Hester to be captain, Field Artillery.

James Mahan Roamer to be captain, Infantry.

Wray Bertrand Avera to be first lieutenant, Field Artillery.

Charles Fox Ivins to be first lieutenant, Infantry.

Walter Daniel Buie to be first lieutenant, Infantry.

POSTMASTERS

FLORIDA

Simeon C. Dell, Alachua.
Eva R. Vaughn, Century.
Anna W. Lewis, Everglades.
Joseph B. Bower, Rockledge.
Elmer J. Yonally, Winter Haven.

IOWA

Orien J. Perdue, Altoona.
Walter S. Campbell, Batavia.
James H. Post, Carroll.
Fred A. Robinson, Estherville.
Olger H. Raleigh, Graettinger.
Emmet M. Henery, Grand Junction.
Francis D. Winter, Hinton.
Frank Jaqua, Humboldt.
James W. Fowler, Jefferson.
Martin J. Severson, Jewell.
Walter J. Overmyer, Lacona.
Carl G. Austin, Lineville.
Martha Slatter, Manson.
Benjamin H. Morrison, Mapleton.
Paul H. Harlan, Richland.
Arthur E. Norton, Rowley.
Clarence W. Rowe, Vinton.
Roy H. Bedford, What Cheer.

MICHIGAN

Clarence J. Williams, Carleton.
Curtis G. Reynolds, Dundee.
James D. Housman, Petersburg.

MONTANA

Inez J. Johnson, Paradise.

NEW YORK

Charles R. Diehl, Brewster.
John H. Roberts, Canastota.
William M. Stuart, Canisteo.
William B. Donahue, Catskill.
Le Roy M. Tripp, Clinton Corners.
Erastus C. Davis, Fonda.
Fred H. Bacon, Franklinville.
Selleck S. Cronk, Grand Gorge.
John Newton, Holcomb.
Marian L. Woodford, Marcellus.
R. D. Rider, Medford Station.
Fletcher B. Brooks, Monroe.
L. Belden Crane, Mount Kisco.
Esther L. Smith, North Lawrence.
Deane Mitchell, Odessa.
Lionél J. Desjardins, Piercefield.
Ethel Kelly, Pyrites.
Stanley D. Francis, Tannersville.
Fred D. Seaman, Unadilla.
William B. Stewart, Walden.
Edwin F. Still, Warwick.
Mabel E. Stanton, Wellsburg.
Warren A. Bush, Wilson.
Edward W. Elmore, Yorkville.

OHIO

Homer E. Graham, Holloway.
Gailord A. Case, Loudonville.

UTAH

Henry C. Ward, Myton.

PENNSYLVANIA

Joseph E. Lohr, Central City.
Glenn W. Irwin, Conneaut Lake Park.
Dan W. Weller, Somerset.

TENNESSEE

Henry F. Marion, Blountville.
Blanche Godsey, Bluff City.
Robert C. Laws, Butler.
Augustus F. Shults, Caryville.
Charles L. Bitner, Chuckey.
William N. Craft, Mosheim.
Benjamin H. Livesay, New Tazewell.
John L. Marcum, Norma.
Daniel C. Ripley, Rogersville.
Albert C. Samsel, Tate.

TEXAS

Henry J. Whitworth, Avinger.
William Reese, Floresville.
Robert E. Slocum, Pharr.
Bessie B. Hackett, Raymondville.

HOUSE OF REPRESENTATIVES

MONDAY, *January 25, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God of wisdom, God of love, we thank Thee that we are still the creatures of Thy providential care. Thy blessings are so manifold and wonderful that they overflow and transcend all our needs. May they inspire us to do our duty. May we know that Thou art with us this day by the elevation of our thoughts and the true estimates and high standards of our service. Hush anxieties, subdue fear, and still the tumult of any troubled heart. May all our citizens be bound together with a common faith and united in a common zeal for the success of all institutions that make our country Christian. Amen.

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

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, as we all know, the adjournment on Saturday on account of the death of our colleague, Mr. RAKER, threw our program a little bit out of adjustment. In order to serve the convenience of a number of Members it is very desirable that we should finish the cooperative marketing bill to-day, or so nearly finish it that it may be voted on to-morrow soon after the reading of the Journal. I therefore ask unanimous consent that District business in order to-day shall have the same status to-morrow. If this is granted, I give notice that for a brief period to-morrow District business will be considered.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that District business in order to-day may be in order to-morrow. Is there objection?

Mr. BLANTON. Reserving the right to object—and I shall not object—may I ask the gentleman if he does not think——

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1884. An act to authorize the department of public works, division of highways, of the Commonwealth of Massachusetts, to construct a bridge across Palmer River.

The message also announced that the Senate had passed the following resolution: