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SENATE.

} REPORT
No. 93.

LOOKING TO THE ENLISTMENT OF CERTAIN ALIEN RESIDENTS IN THE ARMY OF THE UNITED STATES.

JULY 30, 1917.—Ordered to be printed.

MR. McCUMBER, from the Committee on Foreign Relations, submitted the following.

REPORT.

[To accompany S. Res. 108.]

The Committee on Foreign Relations, to whom was referred the Senate joint resolution (S. J. Res. 83) looking to the enlistment of certain alien residents in the Army of the United States, having had the same under consideration, report the following resolution, with the recommendation that it do pass:

Whereas there are in the United States a vast number of subjects and citizens of the several European nations now waging war against the allied central powers of Europe; and

Whereas nearly all of said subjects and citizens have emigrated to this country either for the purpose of becoming citizens thereof, or for the purpose of securing the benefits of the greater wages and better opportunities afforded in this country, which opportunities have been created, defended, and maintained by the energies and sacrifices of the American people; and

Whereas it is the moral and patriotic duty of said subjects and citizens to support the several Governments to which they owe allegiance in the desperate warfare in which such Governments are engaged; and

Whereas the United States is also engaged in war against the said central powers, for the protection of the rights of the several nations so waging war against the said central powers, as well as its own sacred rights; and

Whereas it is most unjust to ask or require the American people to sacrifice their sons, their brothers, and their treasure in battling for the mutual rights and welfare of all the other nations prosecuting this war against the said central powers while their own subjects and citizens in vast numbers enjoying in this country the special and wonderful industrial opportunities which this war affords them are wholly relieved from service or sacrifice: Now, therefore, be it

Resolved, That the President of the United States be, and he is hereby, requested to propose to all European nations engaged in war against the said central powers and, if possible, secure from them an agreement authorizing and empowering the United States to apply the provisions of the act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen, to all such subjects and citizens domiciled in this country in the same manner and to the same effect as such provisions are applied to the citizens of the United States in selecting and raising an army or navy for service in the present war.

The preamble of the resolution describes the persons whom it is intended to have enlisted into the military forces of the United States, and gives the reasons why these persons should bear their proportionate share of the burdens of this war.

It is well established under international law that aliens domiciled in any country are not subject to enforced military service. In addition to this well-established fact, we have a number of treaties with different countries, some of which are now at war with the central powers, which expressly provide against such compulsory military service. We have treaties with other countries containing the "favored-nations" clause which in effect prohibit such compulsory service.

In the opinion of your committee the only proper course is by securing through regular diplomatic procedure such release from these treaties, and the general principles of international law as will enable this country to utilize in the common cause the great army of aliens, subjects, and citizens of allied powers, now domiciled in this country. The subject, therefore, in its initiation at least, is one for Executive diplomacy rather than legislative action. Any action by the Congress, before the President has attempted to secure agreements with the countries referred to, authorizing us to bring their subjects into the fighting forces of the United States, would seem to be not only premature but also an invasion of the field of Executive authority.

It is proper here to note another most important suggestion against the advisability of proceeding by legislative enactment which shall be dependent upon obtaining in the future the sanction of the Governments affected.

This Government must make separate agreements with each independent power. It is hardly probable that such agreements would be alike in all their details. Each nation might call for the insertion in such agreements of conditions which might be peculiar to its own situation. No legislation, it seems to the committee, could anticipate the divers conditions that might be imposed in the several new agreements. As the legislative enactment must conform to the diplomatic arrangements made with the several powers, it would seem to be the much wiser course that it should follow rather than precede such arrangement as the President might conclude with each country.

In view of the fact that the treaty-making powers are vested in the Executive and the Senate, the committee is of the opinion that the Senate resolution is more appropriate to secure the desired end, hence the recommendation that the joint resolution be changed to a Senate resolution.

For the information of the Senate we attach a table showing the total registration, the number of aliens, of alien enemies, and percentage of aliens to total population in each of the States.

	Total registration.	Aliens.	Alien enemies.	Percentage of aliens to total population.
Alabama.....	179,828	1,173	89	0.7
Arizona.....	36,932	14,652	193	39.6
Arkansas.....	147,522	566	98	.4
California.....	297,532	67,464	3,948	22.7
Colorado.....	83,038	9,027	372	10.9
Connecticut.....	159,761	58,519	1,126	36.6
Delaware.....	21,864	2,883	92	13.2
Florida.....	84,683	5,682	208	6.7
Georgia.....	231,418	1,224	120	.5
Idaho.....	41,150	3,883	181	9.4
Illinois.....	672,498	95,145	6,051	14.2
Indiana.....	255,145	13,651	1,149	5.4
Iowa.....	216,594	11,788	1,862	5.4
Kansas.....	150,029	6,358	911	4.2
Kentucky ¹	187,573			
Louisiana.....	157,827	2,966	216	1.9
Maine.....	60,176	10,043	120	16.7
Maryland.....	120,458	7,387	912	6.1
Massachusetts.....	359,323	106,014	1,508	29.5
Michigan.....	372,872	69,282	3,021	18.6
Minnesota.....	221,715	24,599	1,971	11.1
Mississippi.....	139,525	567	45	.4
Missouri.....	299,625	10,992	1,008	3.7
Montana.....	88,273	11,790	687	13.4
Nebraska.....	118,123	5,044	1,156	4.3
Nevada.....	11,821	3,670	87	31.0
New Hampshire.....	37,642	9,507	79	25.3
New Jersey.....	302,742	77,372	4,956	25.6
New Mexico.....	32,202	4,324	108	13.4
New York.....	1,054,302	233,906	30,807	22.2
North Carolina.....	200,032	560	73	.3
North Dakota.....	65,007	7,205	615	11.1
Ohio.....	565,384	82,408	6,189	14.6
Oklahoma.....	169,211	2,947	219	1.7
Oregon.....	62,618	6,131	577	10.0
Pennsylvania.....	830,507	174,898	12,674	21.1
Rhode Island.....	53,415	15,043	126	28.2
South Carolina.....	128,039	447	58	.4
South Dakota.....	58,014	2,606	484	4.5
Tennessee.....	187,611	1,030	85	.6
Texas.....	408,702	26,029	1,834	6.4
Utah.....	41,952	7,145	344	17.0
Vermont.....	27,658	3,487	72	12.6
Virginia.....	181,826	2,575	179	1.4
Washington.....	108,330	16,001	791	14.8
West Virginia.....	127,409	10,678	1,003	8.4
Wisconsin.....	240,170	5,588	23,121	2.3
Wyoming.....	22,848	3,353	329	14.7
District of Columbia.....	32,327	1,570	79	4.9
National parks.....	85	4	2	4.7
Indians.....	6,001			
United States.....	9,659,382	1,239,179	111,933	12.7

¹ Kentucky complete figures not yet received.

We also attach, under the headings of "D," "E," "F," "G," "H," a statement of our treaties and the general principles of international law governing the case, which was reported and printed by Mr. Rogers in the Congressional Record of July 13.

APPENDIX D.

PROVISIONS IN TREATIES ENTERED INTO BY THE UNITED STATES WITH OTHER COUNTRIES RELATING TO RIGHT OF EITHER COUNTRY TO EXACT COMPULSORY MILITARY SERVICE OF CITIZENS OF THE OTHER COUNTRY RESIDING THEREIN.

Article 10 of the treaty between the United States and the Argentine Confederation (1853) provides in part as follows: "The citizens of the United States residing in the Argentine Confederation and the citizens of the Argentine Confederation residing in the United States shall be exempted from all compulsory military service whatsoever, whether by sea or by land."

The treaty between the United States and the Independent State of the Congo (1891), article 3: "The citizens and inhabitants of each of the high contracting parties shall be exempt in the territories of the other from all personal service in the Army, Navy, or militia, and from all pecuniary contributions in lieu of such."

The treaty between the United States and the Republic of Costa Rica (1851), article 9, provides: "The citizens of the United States residing in the Republic of Costa Rica and the citizens of the Republic of Costa Rica residing in the United States shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions."

The treaty between the United States and the Dominican Republic (1871), terminated January 13, 1898, on notice from the Dominican Government, article 2, provides: "The citizens of each of the high contracting parties residing or established in the territory of the other shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions."

The treaty between the United States and France (1788), abrogated by act of Congress of July 7, 1798, article 14, provides: "The subjects of the Most Christian King and the citizens of the United States who shall prove by legal evidence that they are of the said nations, respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlement."

The treaty between the United States and the Republic of Haiti (1864), denounced by Haiti to take effect May 7, 1905, article 5, provides: "The citizens of each of the high contracting parties residing or established in the territory of the other shall be exempt from all compulsory military duty by sea or by land and from all forced loans or military exactions or requisitions."

The treaty between the United States and the Republic of Honduras (1864), article 9, provides: "The citizens of the United States residing in the Republic of Honduras and the citizens of the Republic of Honduras residing in the United States shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions."

The treaty between the United States and His Majesty the King of Italy (1871), article 3, provides in part: "The citizens of each of the high contracting parties shall * * * be exempt in their respective territories from compulsory military service, either on land or sea, in the Regular forces, or in the National Guard, or in the militia."

The treaty between the United States of America and the Emperor of Japan (1894), superseded by the treaty of 1911, *infra*—article 1, provides: "The citizens or subjects of either of the contracting parties residing in the territories of the other shall be exempt from all compulsory military service whatsoever, whether in the Army, Navy, National Guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions."

The treaty between the United States and the Emperor of Japan (1911), article 1, provides: "The citizens or subjects of each of the high contracting parties shall * * * be exempt in the territories of the other from compulsory military service, either on land or sea, in the regular forces, or in the national guard, or in the militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions."

The treaty between the United States and the United Mexican States (1831)—terminated in 1881 by virtue of notice given by Mexico—article 9, provides: "The citizens of both countries, respectively, shall be exempt from compulsory service in the Army or Navy."

The treaty between the United States and Paraguay (1859), article 11, provides: "The citizens of the United States of America residing in the territories of the Republic of Paraguay, and the citizens of the Republic of Paraguay residing in the United States of America, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans or military exactions or requisitions."

The treaty between the United States and Serbia (1881), article 4, provides: "Citizens of the United States in Serbia and Serbian subjects in the United States shall be reciprocally exempted from all personal service, whether in the Army, by land or by sea; whether in the national guard or militia; from billeting; from all contributions, whether pecuniary or in kind, destined as a compensation for personal service; from all forced loans, and from all military exactions or requisitions."

The treaty between the United States and Spain (1902), article 5, provides: "The citizens or subjects of each of the high contracting parties shall be exempt in the territories of the other from all compulsory military service, by land or sea, and from all pecuniary contributions in lieu of such, as well as from all obligatory official functions whatsoever."

The treaty between the United States and Tonga (1886), article 9, provides: "All citizens of the United States residing in the Tonga Islands, and Tongan subjects

residing in the United States, shall be exempted from all compulsory military service, whether by sea or land, and from all forced loans, military requisitions, and quartering of troops."

The treaty between the United States and the two Sicilies—rendered obsolete by the consolidation of the two Sicilies with the Kingdom of Italy in 1861—article 5, provides: "The citizens or subjects of one of the high contracting parties, traveling or residing in the territories of the other, shall be free from all military service, whether by land or sea, from all billeting of soldiers in their houses, from every extraordinary contribution, not general and by law established, and from all forced loans."

The treaty between the United States and Venezuela (1860)—terminated in 1870 pursuant to notice from Venezuela—article 2, provides: "The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions."

It will thus be seen that in at least 17 treaties entered into between the United States and foreign Governments the policy of mutual exemption from compulsory military service of the citizens or subjects of one of the contracting parties, residing in the territories of the other, has been established. At least 10 of these treaties are still in full force and effect.

The following treaties between the United States and other countries contain a "most-favored-nation" clause which would probably be deemed to include a similar exemption from compulsory military service even if not otherwise existing by treaty or by international law:

- Algiers, 1816, article 12.
- China, 1858, article 30.
- Korea, 1882, article 14.
- Hanseatic Republic, 1827, article 9.
- Japan, 1854, article 9.
- Morocco, 1880, article 17.
- Persia, 1856, article 3.
- Samoa Islands, 1878, article 6.
- Spain, 1902, article 2.
- Tonga, 1886, article 3.
- Japan, 1911, article 4.

NOTE.—Several of the above treaties have been abrogated or been rendered obsolete; and several of the "most-favored-nation" clauses are, in this particular connection, rendered unnecessary by inclusion in the same treaty of a specific exemption against the imposition of compulsory military service by either country upon the citizens or subjects of the other.

APPENDIX E.

MAY THE UNITED STATES, EVEN WHEN TREATY STIPULATIONS DO NOT PREVENT, EXACT COMPULSORY MILITARY SERVICE OF ALIENS?

Under this head, for the purposes of this phase of the discussion, I define "alien" to mean a citizen of some country other than the United States who has not in the United States declared his intention to become a citizen thereof. I shall later consider the availability for compulsory military service of an alien who has so declared his intention to become a citizen of the United States.

The precedents of this and other countries show some confusion as to the right of a nation to exact military service of the citizen of another who is domiciled or temporarily residing within its territories.

I shall first set forth some of the precedents which deny the right; then those which assert, at least qualifiedly, the right; and finally attempt to indicate what seems to be the true rule.

In 1804 Mr. Madison, then Secretary of State, wrote to Mr. Monroe, then our minister to England: "Citizens or subjects of one country residing in another, though bound by their temporary allegiance to many common duties, can never be rightfully forced into military service * * *."

Naturally many cases involving the question arose during the Civil War. Secretary Seward had occasion to express himself a number of times. In 1862 he said: "I can hardly suppose that there exists anywhere in the world the erroneous belief that aliens are liable here to military duty." Later the same year he wrote to the governor of Indiana: "There is no principle more distinctly and clearly settled in the law of nations than the rule that resident aliens not naturalized are not liable to perform military service. We have uniformly claimed and insisted upon it in our intercourse with foreign nations." In 1864 he wrote to Mr. Stanton, Secretary of War: "In a

case of alleged fraudulent enlistment of an alien his Government has an undoubted right and duty to ask for a prompt investigation and satisfactory answer; and if it appears that he was improperly enlisted and he has fallen in battle, his family ought to have some compensation." In Halleck's *International Law* it is stated: "In 1861, during the American Civil War, the British Government declared that if enforced enlistments of British subjects for the war were persisted in, the Government would be obliged to concert with other neutral powers for the protection of their respective subjects, but neither in the Northern or Southern States was the discharge of any British subject enlisted against his will refused on proper representation." (Vol. 2, p. 6.)

In 1874 Secretary Fish wrote: "We did not claim the right to impress aliens into our forces during the late Civil War, but it is understood that in one instance at least, in the case of a siege, we sought to justify such an impressment."

The United States has been very positive indeed in its action when Mexico has sought to impose military service upon citizens of the United States. The most notable cases, however, occurred in 1880, at the time when the treaty of 1831, forbidding compulsory military service, was still in force. The American authorities, however, appear to have put their protest upon grounds of international law as well as upon treaty obligations. The American minister to Mexico was instructed that there was "scarcely any act of which a nation should be less tolerant than that of a neighboring power forcibly impressing its citizens into their military service, perhaps to be obliged, at some future time, to fight against their own flag." Mr. Evarts later in the same year wrote that whenever protest was made by Mexico during our Civil War, it was the practice of the State Department to bring the subject at once to the attention of the Secretary of War, and that "no single instance is met with in which the Mexican citizen's claim to exemption from military service in the armies of the United States was not promptly recognized and respected by this Government." The following year Mr. Blaine, then Secretary of State, wrote: "It is notorious that the impressment of American seamen into the naval service of a foreign power was at one time a serious grievance, not to be acquiesced in, and raised a question upon which all parties in this country were unanimous in regarding as one of international character. Public sentiment here in regard to that subject was borne in mind during the late Civil War. The number of persons of foreign birth, especially in the large cities, led to the accidental or involuntary enrollment of unnaturalized aliens in the military or naval service. These, however, as is shown by the large space in the records of the department at the time, were at once discharged upon complaint made and in the absence of proof of their naturalization. It is hoped, therefore, that in considering this subject the Mexican Government will not only have due regard to the unlawfulness of the impressment, but to the universal and strong sentiment upon the subject which pervades this country."

In 1888 Mr. Bayard summed up the situation thus: "It is well settled by international law that foreigners temporarily resident in a country can not be compelled to enter into its permanent military service. It is true that in times of social disturbance or of invasion their services in police or home guards may be exacted, and that they may be required to take up arms to help in the defense of their place of residence against the invasion of savages, pirates, etc., as a means of warding off some great public calamity by which all would suffer indiscriminately. The test in each case, as to whether a foreigner can properly be enrolled against his will, is that of necessity. Unless social order and immunity from attack by uncivilized tribes can not be secured except through the enrollment of such a force, a nation has no right to call upon foreigners for assistance against their will."

So much for the cases in which the propriety of exacting military service has been negatived. Let me now cite a few cases where the right, at least, whatever the considerations of comity and reciprocity, was maintained, Secretary Seward, in 1868, wrote: "This Government is not disposed to draw in question the right of a nation in a case of extreme necessity to enroll in the military forces all persons within its territories, whether citizens or domiciled foreigners."

The following year Secretary Fish wrote: "This Government, though waiving the exercise of the right to require military service from all residents, has never surrendered that right, and can not object if other governments insist upon it." And again in 1871 Secretary Fish wrote: "I must decline to enter into the question to what extent and under what circumstances do our citizens, native or naturalized (in the absence of treaty stipulations), owe military service to a foreign government in whose dominions they are domiciled for commercial or other purposes. They certainly do not stand on the same footing as mere travelers or temporary sojourners."

Assistant Secretary Davis in 1873 wrote: "There is no treaty stipulation between the United States and Great Britain which exempts the citizens or subjects of either

party from military duty in the forces of the other, either in peace or war. Consequently we can not claim such exemption as a matter of right. As a matter of comity and reciprocity, however, we certainly can claim them."

Although it will be observed that there is some conflict of opinion indicated in the above extracts (oftentimes doubtless to be partially or wholly explained by the nature of the correspondence or the addressee of the letter), the general rule would seem to be that in the absence of treaty stipulations a country has the right to impress for military service those within its territory, even though citizens of another power. But this right is on grounds of comity and reciprocity to be exercised sparingly, because almost certain to be followed by urgent representations by the government of the citizen concerned. Only in case of urgent necessity and for service coterminous in time and nature with the necessity will enforced military service willingly be tolerated without protest by the other government. The right, then, exists, but its exercise is so fraught with difficulty that without the express and explicit consent of the other government concerned it is doubtful if this exercise would often be wise.

APPENDIX F.

MAY THE UNITED STATES, EVEN WHEN TREATY STIPULATIONS DO NOT PREVENT, EXACT COMPULSORY MILITARY SERVICE OF ALIENS WHO HAVE DECLARED THEIR INTENTION TO BECOME CITIZENS OF THE UNITED STATES?

Revised Statutes of the United States, section 2165, provides in part as follows: "An alien * * * shall declare on oath * * * two years at least prior to his admission that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, * * *."

It will be observed from the language of the above statute that a declarant for citizenship neither takes a present oath of allegiance to the United States nor disclaims allegiance to the country of his origin. It would seem natural to expect, therefore, that the authorities would regard his citizenship status as absolutely unaffected and would settle the question of his liability to compulsory service exactly as if he had never taken even the first step toward becoming a citizen of the United States.

Mr. Seward wrote to the governor of Indiana in 1862: "The law of Great Britain holds that a native British subject owes allegiance to the British Government until he has completely effected his naturalization in the United States under the laws of Congress. * * * From the foundation of the Government the Department (of State) had refused to grant transports as citizens to aliens who had merely filed the preliminary declaration of intention and who had not effected their naturalization under the United States laws, and had informally recognized the passports granted to them by the proper authorities of the governments of which they had been born subjects."

In 1863 Mr. Seward stated the rule as follows: "No alien-born person is liable to render military service unless either he has been naturalized on his own application or has made a voluntary declaration, on oath of his intention to become a citizen by naturalization according to law, or has claimed and actually exercised the political right of voting as a citizen of the United States."

While this language does not expressly state that a declarant is liable to render compulsory military service, it evidently squints in this direction. Doubtless Mr. Seward, in writing it, had in mind the language of the act of Congress of March 3, 1863—the conscription act—which expressly declared that the levy should include "all persons of foreign birth who shall have declared on oath their intentions to become citizens."

In 1863 certain able-bodied male persons of foreign birth, who had declared, on oath, their intention to become American citizens, were called upon for military duty by the United States. The British Government suggested that British subjects who had merely declared their intention to become American citizens but had not exercised any political franchise in consequence of such declaration ought to be allowed a reasonable period after the passing of the act to exercise the option of leaving the United States or of continuing residing therein with the annexed conditions. The United States Government thereupon allowed 65 days to such persons to exercise their option, and the British Government refused to interfere on behalf of any intended citizens who had not availed themselves of the opportunity. (Parliamentary Papers, 1863, No. 337.)

By the act of March 3, 1863, aliens who had made a declaration of intention and who were under specified conditions liable to military duty were permitted to obtain passports, but this privilege was repealed in 1866. Switzerland objected to President Lincoln's proclamation concerning the liability of Swiss in the United States to perform military service. Mr. Seward suggested that a just interpretation of the war

measures of Congress constituted a new and additional law of Federal naturalization. "But," he adds, "it was foreseen that some emigrants who had declared their intention might complain of surprise if they were immediately subjected to conscription. To guard against this surprise the proclamation was issued, giving them ample notice of the change of the law, with the alternative of removal from the country if they should prefer removal to remaining here on the footing on which Congress had brought them. Surely no foreigner has a right to be naturalized and remain here in a time of public danger and enjoy the protection of the Government without submitting to general requirements needful for his own security."

In Moore's Digest of International Law, volume 3, pages 336 to 353, will be found the precedents conclusively establishing that the declaration of intention to become a citizen neither confers citizenship in the United States nor divests citizenship in the country of origin.

It will be seen from this review of the authorities that the status of a declarant for citizenship is legally in no way different from that of an alien who has not made declaration. But it is natural that the country of origin should feel somewhat less interested and concerned in behalf of the former than of the latter. He has shown his wish to throw off his old allegiance, and there is no very evident reason why the mother country should go out of her way to protect him. As we have seen, there is a right, aside from treaty stipulations, to impress any alien into the military service of the country where he has gone to reside. This right is controlled by considerations of comity. But in the case of a declarant the considerations of comity are, for the reasons just indicated, much weaker. Therefore it follows naturally that military service is more likely to be successfully exacted of an alien who has declared his intention to become a citizen than of an alien who has not so declared. Great Britain in the precedent cited above doubtless did her full duty in securing for her citizens, declarants for American citizenship, a period of 65 days within which to leave the United States on pain of being subjected to military service if they remained. It is doubtful if any country would do more to-day; many might do less.

The recently enacted selective-draft law (an "act of Congress to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, sec. 2) follows the selective-draft law of the Civil War by including in the liability to military service "male persons not alien enemies who have declared their intention to become citizens." No good reason is perceived why at least a contingent liability—conditioned, perhaps, upon their preferring to remain in this country after opportunity to leave has been afforded them—should not be exacted of these declarants.

Of course, it should be understood that this suggestion is predicated upon the absence of any treaty stipulation, effective and unwaived, standing in the way.

APPENDIX G.

Joint resolution (H. J. Res. 115) requesting the Secretary of State to open diplomatic negotiations with certain Governments with a view to obtaining their approval and sanction for action by the United States permitting the inclusion in the armed forces of the United States of such citizens of the countries of such Governments as are within the United States.

Whereas by section 2 of the act of Congress approved May 18, 1917, and entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," it is provided that the draft "shall be based upon liability to military service of all male citizens, or male persons not alien enemies, who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive"; and

Whereas the effect of this provision will be to exempt from military service all aliens except those who, not being alien enemies, have declared their intention to become citizens of the United States; and

Whereas under the principles of international law, the treaties of the United States, and the rules and precedents established for many years by the Department of State of the United States the right of the United States to require military service of the nationals of other nations, whether or not declarants for United States citizenship, may be questioned by those nations; and

Whereas it is reported that the President, in order to avoid the raising of any question by other nations, will, notwithstanding the provisions of said act of May 18, 1917, cause to be exempted from military service under said act those aliens also who have declared their intention to become citizens; and

Whereas in a report to the Senate of the United States, dated June 22, 1917, the Secretary of War has stated that the registration prescribed by said act of May 18, 1917, discloses that 1,239,179 persons who have not declared their intention to become citizens of the United States, and who are not citizens of a country with which the United States is at war, so registered on June 5, 1917, which number is over one-eighth of all who registered; and

Whereas a large number of persons who, not being citizens of the United States, have declared their intention to become citizens, also registered on June 5, 1917; and

Whereas under the law and under the reported decision of the President no person of the 1,239,179 and no one of the large number of declarants for citizenship will be held to military service, although all of them have in many cases for many years enjoyed the privileges and protection of citizens of the United States; and

Whereas a large number of these persons are citizens of countries at war with a country with which the United States is at war; and

Whereas because of their present residence such persons are enabled to avoid military service against the enemy of the United States for which they would otherwise be liable or available; and

Whereas it is repugnant to justice and equity that such persons should be wholly exempted from military service while citizens of the United States are held to military service: Therefore be it

Resolved, etc., That the Secretary of State be, and he is hereby, requested to open diplomatic negotiations with the Governments of the several countries at war with a country with which the United States is at war with a view to obtaining their approval and sanction for action by the United States looking to the imposition upon such citizens of those countries as are within the United States of the liability to and performance of military service in the armed forces of the United States during the continuance of the present war between the United States and Germany, and to report to the Congress of the United States as soon as practicable the result of such negotiations.

APPENDIX H.

I append resolutions dated July 10, 1917, signed by Mr. E. W. Dunbar, chairman of the committee on public safety of Hudson, Mass., which read as follows:

"The committee on public safety for the town of Hudson have adopted the following resolutions, which are meant to convey to you the general feeling of the citizens of this town:

"Whereas a certain class of aliens have forced our citizens to believe that they are planning to profit at the expense of our young men when the latter have been drawn away from their positions to military duty; and

"Whereas all aliens who have received in the past the benefits of this free Government of ours ought now to expect to do their part in the maintenance and preservation of those democratic principles upon which our Government is founded and for which the present world war is being waged; and

"Whereas under existing laws or conditions these same aliens are not required to make the sacrifices demanded of the young men of the United States: Be it therefore

Resolved, That we, the undersigned citizens of the town of Hudson, respectfully ask you, our Representative in Congress, to urge the passage of such laws as may in your judgment be necessary to remedy the injustice described above."

Also, a letter recently published from Mayor Hurley, of Lawrence, which deals with the general question which I have been considering:

"DEAR SIR: The citizens of Lawrence are quite generally convinced that the expressed intention to make population the basis for the proposed draft of young men for military service will be a great injustice to Lawrence. The exclusion of aliens from the draft will inevitably cause Lawrence to furnish a larger quota in proportion to population than almost any city or town in the country. As you know, the proportion of aliens in this city is very high, and it is especially true of young men between the ages of 21 and 31, because between these ages a man is most likely to emigrate.

"It seems to me that the young men of Lawrence, although as patriotic as any, and willing to bear their share of the burdens, should not be called on to bear more than their just share. I sincerely hope you will enter a protest to the President and his advisers and try to have some method which will be more equitable for cities having a large foreign population.

"I might suggest that if the basis used was citizenship or citizens and declarants, it would be a fairer system for Lawrence. If it is possible to accomplish anything in this matter, I am sure the people of Lawrence will gratefully appreciate it.

"Very sincerely, yours,

"JOHN J. HURLEY."

And finally an extract from a letter which I have within a day or two received from a constituent:

"I am taking the liberty of writing, as I thought you might be interested to know the views of some of your constituents in regard to the present situation. I hear many favorable comments on the bill which you introduced to allow the conscription of the citizens of our allies who are living here and are not eligible for the United States draft.

"Many of the young men who are subject to draft have expressed the opinion that it was unfair to them to allow all these other men to enjoy the advantages of this country without being eligible for service either in this or their own country, and I feel sure that it will create a much better feeling among the men eligible for draft if some such bill is passed. It has been a frequent occurrence in this section for so-called foreigners to comfort the young men about to be drafted, or are at present serving in the militia or other military service, with remarks like that passed by a foreigner to a young militiaman I know, and this is typical of many such cases. He greeted him as follows: 'Hello, John. You go fight? That's good. By'n by I get your good job, go to your house, do anything I want.'"

There is hereby submitted the following letter from Hon. Frank L. Polk, Solicitor of the State Department, which is made a part of the report:

DEPARTMENT OF STATE,
Washington, July 28, 1917.

MY DEAR SENATOR STONE: Referring to your letter of July 20, in regard to S. J. Res. 83, introduced in the Senate by Mr. McCumber, and to the department's telephone communication to your secretary on July 25, to the effect that this resolution, together with other bills on the same subject, had been laid before the President for his consideration, I beg now to advise you that the President informs me that, of the bills before the Congress relating to the enlistment or drafting of alien residents in the United States, S. J. Res. 83 (or H. J. Res. 115, which appears to be identical) seems to him most appropriate in the circumstances, as, in his opinion, the matter is properly a subject for negotiation with the countries concerned.

Very sincerely, yours,

FRANK L. POLK.

HON. WILLIAM J. STONE,
United States Senate.

