2849. Also, petition of Boston Central Labor Union, Boston, Mass., protesting against the awarding of a contract by the United States Government for 500,000 yards of khaki cloth to be manufactured by a firm in England while there are thousands of textile workers out of work or on short time in the United States; to the Committee on Military Affairs.

2850. By Mr. LEAVITT: Petitions of county officials of Fergus County, Mont.; city officials of Lewistown, Mont.; Fergus County (Mont.) Republican central committee; Fergus County (Mont.) Democratic central committee; Wright Land & Investment Co., Lewistown, Mont.; Power Mercantile Co., Lewistown, Mont.; Fergus Loan & Investment Co., Lewistown, Mont.; Carl Peterson, Fergus County agricultural agent; and Lewistown Democrat-News, Lewistown, Mont., urging passage of the McNary-Haugen bill; to the Committee on Agriculture.

2851. By Mr. RAKER: Letter from A. W. McKenzie, Bieber, Calif., protesting against increase of parcel-post rates; to the Committee on the Post Office and Post Roads.

2852. Also, petitions of C. G. Brainerd, Loomis, Calif.; Angelina M. Redstreake, Johnsville, Calif.; Huron B. Brown, Denair, Calif.; and F. E. Moore, Copperopolis, Calif., indorsing House bill 9035, increasing salaries of fourth-class postmasters; to the Committee on the Post Office and Post Roads.

2853. Also, petitions of J. S. Hussey, Cromberg, Calif.; Belle Stevens, Igo, Calif.; F. B. Jones, Los Molinos, Calif., indorsing House bill 9035, increasing salaries of fourth-class postmasters; to the Committee on the Post Office and Post Roads.

2854. Also, petitions of Parker & Waterman Manufacturing Co., Los Angeles, Calif., and H. R. Williar, San Francisco, Calif., protesting against passage of House bill 4123 and Senate bill 1898, providing for increase in salary for postal employees; to the Committee on the Post Office and Post Roads.

2855. Also, petition of A. A. Berke, jr., counsel for the Pueblo Indians, 33 West Forty-second Street, New York City, urging passage of Senate bill 2932, in re lands of Pueblo Indians; to the Committee on Indian Affairs.

2856. Also, petition of Mr. Clarence B. Yates, secretary Gold Hill Grange, No. 326, Lincoln, Calif., resolution opposing creation of a department of education; to the Committee on Education.

2857. Also, petition of Joseph T. Watson, 824 LaJolla Avenue, Los Angeles, Calif., urging support of House bill 6484, providing for retirement of disabled emergency Army officers of the World War; to the Committee on Military Affairs.

2858. Also, petition of Miss Myrtle C. Robertson, Kirkland, Wash., protesting against change in the name of Mount Rainier; to the Committee on the Public Lands.

SENATE

FRIDAY, *May 23, 1924*

(Legislative day of Tuesday, May 20, 1924)

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

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

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

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

Ball	Fess	Lenroot	Sheppard
Bayard	Fletcher	Lodge	Shipstead
Borah	Frazier	McKinley	Simmons
Brandegee	George	McNary	Smith
Broussard	Gerry	Mayfield	Smoot
Bruce	Glass	Moses	Spencer
Bursum	Hale	Neely	Stanley
Cameron	Harreld	Norbeck	Stephens
Capper	Harris	Norris	Sterling
Caraway	Harrison	Oddie	Swanson
Copeland	Heflin	Overman	Trammell
Couzens	Howell	Owen	Wadsworth
Cummins	Johnson, Calif.	Pepper	Walsh, Mass.
Curtis	Johnson, Minn.	Phipps	Walsh, Mont.
Dale	Jones, N. Mex.	Pittman	Warren
Dial	Jones, Wash.	Ralston	Weller
Dill	Kendrick	Ransdell	Willis
Edge	King	Reed, Pa.	
Ferris	Ladd	Robinson	

Mr. CURTIS. I was requested to announce that the Senator from Iowa [Mr. BROOKHART], the Senator from Arizona [Mr. ASHURST], and the Senator from Montana [Mr. WHEELER] are attending a meeting of a special investigating committee of the Senate.

The PRESIDENT pro tempore. Seventy-four Senators have answered to the roll call. There is a quorum present.

ADJUSTED COMPENSATION VETO—PERSONAL EXPLANATION

Mr. OWEN. Mr. President, I wish to have it appear in the RECORD that my failure to be present and vote on the soldiers' bonus bill on Monday last was due to a misapprehension on my part. As I believed that I was paired with the Senator from Vermont [Mr. GREENE] at that time, I was not present when the vote was taken. I merely wanted this statement to appear in the RECORD. Had I been present I would have voted to override the President's veto of the bill.

TAX REDUCTION—CONFERENCE REPORT

Mr. SMOOT. Mr. President, I submit a conference report on the bill (H. R. 6715) to reduce and equalize taxation, to provide revenue, and for other purposes. At this time I shall ask that it be printed in the RECORD without reading and I give notice that I shall call it up to-morrow morning.

Mr. SMITH. May I ask the Senator if the report is unanimous?

Mr. SMOOT. The report is unanimous. I have also had copies of the report printed and I shall have a copy placed on the desk of each Senator this afternoon, together with a copy of the bill containing the exact amendments that have been made to the House text, and also the amendments as they have been agreed to in conference. To-morrow morning I desire, if it is the will of the Senate, to make a statement as to just what the principal amendments agreed to in conference are, and also showing the revenue under the present law and the estimated revenue which the Mellon plan and the bill as agreed upon in conference would provide.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6715) to reduce and equalize taxation, to provide revenue, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 13, 14, 15, 18, 19, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 48, 53, 69, 71, 72, 76, 77, 80, 81, 82, 83, 89, 90, 92, 93, 95, 123, 127, 128, 129, 132, 136, 137, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 153, 157, 158, 159, 161, 162, 163, 164, 166, 167, 168, 169, 171, 172, 174, 176, 181, 183, 184, 188, 189, 190, 191, 192, 195, 196, 197, 198, 199, 203, 205, 206, 207, 208, 209, 210, 211, 215, 222, 223, 224, 225, 229, 253, 254, and 260.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17, 20, 24, 29, 37, 38, 40, 42, 43, 45, 46, 49, 50, 52, 54, 55, 57, 58, 59, 60, 64, 65, 66, 67, 68, 70, 73, 74, 75, 78, 84, 85, 86, 87, 94, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 108, 109, 112, 113, 115, 116, 118, 119, 120, 121, 124, 125, 126, 130, 131, 133, 134, 135, 138, 139, 142, 151, 156, 160, 165, 170, 173, 175, 177, 178, 180, 182, 185, 193, 200, 201, 202, 204, 213, 214, 217, 218, 219, 220, 221, 226, 227, 231, 232, 233, 234, 235, 236, 237, 238, 239, 241, 242, 243, 244, 245, 246, 247, 248, 249, 251, 252, 255, 256, 257, 258, and 259, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by the Senate amendment and on page 16 of the House bill strike out all after "shall" in line 9 down to and including the comma in line 10; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) In the case of an individual the tax shall, in addition to the credits provided in section 222, be credited with 25 per cent of the amount of tax which would be payable if his earned net income constituted his entire net income; but in no case shall the credit allowed under this subdivision exceed 25 per cent of his tax under section 210" and a period.

And the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: On page 5 of the Senate engrossed amendments, line 18, strike out "Two"

and insert "2"; and on page 5 of the Senate engrossed amendments, line 19, strike out "attributed" and insert "attributable"; and on page 6 of the Senate engrossed amendments, line 1, strike out "Four" and insert "4"; and on page 6 of the Senate engrossed amendments, line 6, strike out "Six" and insert "6"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(A) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such public utility, prior to any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia, and if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then a tax upon the net income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia, (under rules and regulations to be prescribed by the commissioner with the approval of the Secretary) an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this title) would have accrued directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the net income from the operation of such public utility for such taxable year.

"(B) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespective of the tax imposed by this title, accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then the tax upon the net income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title."

And on page 40 of the House bill, line 1, strike out the comma at the end of the line and insert a dash.

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: On page 12 of the Senate engrossed amendments strike out line 11 and down to and including "continued" in line 12; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: On page 13 of the Senate engrossed amendments, line 3, strike out "or community chest" and the comma following such words; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: On page 15 of the Senate engrossed amendments, line 10, strike out all after "to" down to and including the comma in line 12, and insert "$2,500"; and on page 15 of the Senate engrossed amendments, line 13, strike out "had such status" and insert "was a married person living with husband or wife or was the head of a family"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert a comma and the following: "or for the prevention of cruelty to children or animals or for the establishment, acquisition, maintenance, or operation of a public cemetery not operated for profit"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: On page 16 of the Senate engrossed amendments, line 11, after "person," insert "not a beneficiary of the trust"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: On page 16 of the Senate engrossed amendments, line 19, after "person," insert "not a beneficiary of the trust"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: On page 76 of the House bill, line 7, strike out "Farmers'" and insert "Benevolent life insurance associations of a purely local character, farmers'"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "taxes imposed by sections 230 and 700"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "taxes imposed by sections 230 and 700"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and restore the matter proposed to be stricken out by the Senate amendment with the following changes: On page 103 of the House bill, line 16, after "Treasury," insert "for"; and on page 103 of the House bill, line 17, after "furnish," insert a comma; and on page 104 of the House bill, line 24, strike out all after "the," down to and including "district," in line 2, on page 105, and insert "name and the post-office address of each person making an income-tax return in such district, together with the amount of the income tax paid by such person"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and restore the matter proposed to be stricken out by the Senate amendment, and on page 113 of the House bill, line 16, strike out all after the period, down to and including the period in line 21, and insert "No part of the amount determined as a deficiency by the commissioner but disallowed as such by the board shall be assessed, but a proceeding in court may be begun, without assessment, for the collection of any part of the amount so disallowed. The court shall include in its judgment interest upon the amount thereof at the rate of 6 per centum per annum from the date prescribed for the payment of the tax to the date of the judgment" and a period; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and restore the matter proposed to be stricken out by the Senate amendment and on page 122 of the House bill, line 20, strike out "5 per centum" and insert "6 per centum"; and on page 123 of the House bill, line 5, strike out "5 per centum" and insert "6 per centum"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: On page 33 of the Senate engrossed amendments, line 21, after "claim" insert "or, if no claim was filed, then during the four years immediately preceding the allowance of the credit or refund"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and restore the matter proposed to be stricken out by the Senate amendment with the following changes: On page 128

of the House bill strike out line 13 and insert the following heading in capitals: "Title III" and a period; and on page 128 of the House bill, after line 13, insert the following heading in small capitals: "Part I.—Estate Tax" and a period; and on page 128 of the House bill, line 14, after "in" insert "Part I of"; and on page 128 of the House bill, line 17, strike out "trator" and insert "trator appointed, qualified, and acting within the United States, then"; and on page 131 of the House bill, line 24, before "this" insert "Part I of"; and on page 132 of the House bill, line 10, strike out all after "held" down to and including "son" in line 12 and insert "as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse"; and on page 133 of the House bill strike out lines 2, 3, and 4 and line 5 through "thereof" and insert "by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants"; and on page 133 of the House bill, line 20, strike out "right" and insert "rights"; and on page 134 of the House bill strike out lines 21 to 25, inclusive, and lines 1 to 11, inclusive, on page 135, and insert: "(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from such donor by gift or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this or any prior act of Congress was paid by or on behalf of the donor or the estate of such prior decedent as the case may be, and only in the amount of the value placed by the commissioner on such property in determining the value of the gift or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate and not deducted under paragraph (1) or (3) of this subdivision" and a semicolon; and on page 135 of the House bill, line 24, strike out all after "trustee or" down to and including "and" in line 2 on page 136, and insert "trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by section 301, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes; and"; and on page 136 of the House bill strike out lines 14 to 25, inclusive, and lines 1 to 6, inclusive, on page 137, and insert: "(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from such donor by gift or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this or any prior act of Congress was paid by or on behalf of the donor or the estate of such prior decedent as the case may be, and only in the amount of the value placed by the commissioner on such property in determining the value of the gift or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the United States and not deducted under paragraph (1) or (3) of this subdivision; and"; and on page 137 of the House bill strike out line 20 and line 21 through "States" and insert "trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by section 301, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction, under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes"; and on page 138 of the House bill, line 3, after "of" insert "Part I of"; and on page 138 of the House bill, line 17, after "of" insert "Part I of"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "308"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: On page 59 of the Senate engrossed amendments, line 23, strike out "315" and insert "310"; and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PART II.—GIFT TAX

"SEC. 319. For the calendar year 1924 and each calendar year thereafter, a tax equal to the sum of the following is hereby imposed upon the transfer by a resident by gift during such calendar year of any property wherever situated, whether made directly or indirectly, and upon the transfer by a nonresident by gift during such calendar year of any property situated within the United States, whether made directly or indirectly:

"One per cent of the amount of the taxable gifts not in excess of $50,000;

"Two per cent of the amount by which the taxable gifts exceed $50,000 and do not exceed $100,000;

"Three per cent of the amount by which the taxable gifts exceed $100,000 and do not exceed $150,000;

"Four per cent of the amount by which the taxable gifts exceed $150,000 and do not exceed $250,000;

"Six per cent of the amount by which the taxable gifts exceed $250,000 and do not exceed $450,000;

"Nine per cent of the amount by which the taxable gifts exceed $450,000 and do not exceed $750,000;

"Twelve per cent of the amount by which the taxable gifts exceed $750,000 and do not exceed $1,000,000;

"Fifteen per cent of the amount by which the taxable gifts exceed $1,000,000 and do not exceed $1,500,000;

"Eighteen per cent of the amount by which the taxable gifts exceed $1,500,000 and do not exceed $2,000,000;

"Twenty-one per cent of the amount by which the taxable gifts exceed $2,000,000 and do not exceed $3,000,000;

"Twenty-four per cent of the amount by which the taxable gifts exceed $3,000,000 and do not exceed $4,000,000;

"Twenty-seven per cent of the amount by which the taxable gifts exceed $4,000,000 and do not exceed $5,000,000;

"Thirty per cent of the amount by which the taxable gifts exceed $5,000,000 and do not exceed $8,000,000;

"Thirty-five per cent of the amount by which the taxable gifts exceed $8,000,000 and do not exceed $10,000,000;

"Forty per cent of the amount by which the taxable gifts exceed $10,000,000.

"SEC. 320. If the gift is made in property, the fair market value thereof at the date of the gift shall be considered the amount of the gift. Where property is sold or exchanged for less than a fair consideration in money or money's worth, then the amount by which the fair market value of the property

exceeded the consideration received shall, for the purpose of the tax imposed by section 319, be deemed a gift, and shall be included in computing the amount of gifts made during the calendar year.

"SEC. 321. In computing the amount of the gifts subject to the tax imposed by section 319, there shall be allowed as deductions:

"(a) In the case of a resident—

"(1) An exemption of $50,000;

"(2) The amount of all gifts or contributions made within the calendar year to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or fraternal society, order, or association operating under the lodge system, but only if such gifts or contributions are to be used by such trustee or trustees or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year by such corporations, trustee, or fraternal society, order, or association for a religious, charitable, scientific, literary, or educational purpose, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year to the special fund for vocational rehabilitation authorized by section 7 of the vocational rehabilitation act;

"(3) Gifts the aggregate amount of which to any one person does not exceed $500;

"(4) An amount equal to the value of any property transferred by gift within the calendar year, which can be identified (A) as having been received by the donor within five years prior to the time of his making such gift, either from another person by gift or from a decedent by gift, bequest, devise, or inheritance, or (B) as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this or any prior act of Congress was paid by or on behalf of the donor or the estate of such decedent, as the case may be, and only in the amount of the value placed by the commissioner on such property in determining the value of the gift or the gross estate of such decedent, and only to the extent that the value of such property is included in the total amount of gifts made within the calendar year and not deducted under paragraph (2) or (3) of this subdivision.

"(b) In the case of a nonresident—

"(1) The amount of all gifts or contributions made within the calendar year to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or fraternal society, order, or association, operating under the lodge system, but only if such gifts or contributions are to be used within the United States by such trustee or trustees or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year by such corporation, trustee, or fraternal society, order, or association for a religious, charitable, scientific, literary, or educational purpose, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year to the special fund for vocational rehabilitation authorized by section 7 of the vocational rehabilitation act;

"(2) Gifts the aggregate amount of which to any one person does not exceed $500;

"(3) An amount equal to the value of any property situated in the United States transferred by gift within the calendar year, which can be identified (A) as having been received by the donor within five years prior to the time of his making such gift, either from another person by gift or from a decedent by gift, bequest, devise, or inheritance, or (B) as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this or any prior act of Congress was paid by or on behalf of the donor or the estate of such decedent, as the case may be, and only in the amount of the value placed by the commissioner on such property in determining the value of the gift or the gross estate of such decedent, and only to the extent that the value of such property is included within the total amount of gifts made within the calendar year of property situated in the United States and not deducted under paragraph (1) or (2) of this subdivision.

"SEC. 322. In case a tax has been imposed under section 319 upon any gift, and thereafter upon the death of the donor, the amount thereof is required by any provision of Part I of this title to be included in the gross estate of the decedent, then there shall be credited against and applied in reduction of the estate tax, which would otherwise be chargeable against the estate of the decedent under the provisions of section 301, an amount equal to the tax paid with respect to such gift; and in the event the donor has in any year paid the tax imposed by section 319 with respect to a gift or gifts which upon the death of the donor must be included in his gross estate and a gift or gifts not required to be so included, then the amount of the tax which shall be deemed to have been paid with respect to the gift or gifts required to be so included shall be that proportion of the entire tax paid on account of all such gifts which the amount of the gift or gifts required to be so included bears to the total amount of gifts in that year.

"SEC. 323. Any person who within the year 1924 or any calendar year thereafter makes any gift or gifts in excess of the deductions allowed by section 321 shall on or before the 15th day of March file with the collector a return, under oath, in duplicate, listing and setting forth therein all gifts and contributions made by him during such calendar year (other than the gifts specified in paragraph (3) of subdivision (a) and in paragraph (2) of subdivision (b) of section 321) and the fair market value thereof when made, and also all sales and exchanges of property owned by him made within such year for less than a fair consideration in money or money's worth, stating therein the fair market value of the property so sold or exchanged and that of the consideration received by him, both as of the date of such sale or exchange.

"SEC. 324. The tax imposed by section 319 shall be paid by the donor on or before the 15th day of March and shall be assessed, collected, and paid in the same manner and subject in so far as applicable to the same provisions of law as the tax imposed by section 301" and a period.

And the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: On page 68 of the Senate engrossed amendments strike out lines 18 to 22, inclusive, and insert in lieu thereof a subdivision as follows: "(3) Tires, inner tubes, parts, or accessories for any of the articles enumerated in subdivision (1) or (2), sold to any person other than a manufacturer or producer of any of the articles enumerated in subdivision (1) or (2), 2½ per cent. This subdivision shall not apply to chassis or bodies for automobile trucks, automobile wagons, or other automobiles" and a semicolon; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: On page 69 of the Senate engrossed amendments, line 1, strike out "10" and insert "5," and on page 69 of the Senate engrossed amendments, line 4, strike out "10" and insert "5"; and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "$30"; and the Senate agree to the same.

Amendment numbered 212: That the House recede from its disagreement to the amendment of the Senate numbered 212 and agree to the same with an amendment as follows: On page 72 of the Senate engrossed amendments, line 19, after "Board" insert "appointed for a term beginning after the expiration of two years after the enactment of this act"; and on page 73 of the Senate engrossed amendments, line 2, strike out "313, and 317" and insert "279, 308, and 312"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216,

and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(h) Notice and an opportunity to be heard shall be given to the taxpayer and the commissioner and a decision shall be made as quickly as practicable. Hearings before the board and its divisions shall be open to the public. The proceedings of the board and its divisions shall be conducted in accordance with such rules of evidence and procedure as the board may prescribe. It shall be the duty of the board and of each division to make a report in writing of its findings of fact and decision in each case, and a copy of its report shall be entered of record and a copy furnished the taxpayer. If the amount of tax in controversy is more than $10,000 the oral testimony taken at the hearing shall be reduced to writing and the report shall contain an opinion in writing in addition to the findings of fact and decision. All reports of the board and its divisions and all evidence received by the board and its divisions (including, in cases where the oral testimony is reduced to writing, the transcript thereof) shall be public records open to the inspection of the public. The board shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the board therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents. The principal office of the board shall be in the District of Columbia, but the board or any of its divisions may sit at any place within the United States. The times and places of the meetings of the board, and of its divisions, shall be prescribed by the chairman with a view to securing reasonable opportunity to taxpayers to appear before the board or any of its divisions, with as little inconvenience and expense to taxpayers as is practicable" and a period; and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(b) No tax shall be levied, assessed, or collected under the provisions of Title VI of this act on any article sold or leased by the manufacturer, producer, or importer, if at the time of the sale or lease there was an existing ruling, regulation, or Treasury decision holding that the sale or lease of such article was not taxable, and the manufacturer, producer, or importer parted with possession or ownership of such article, relying upon the ruling, regulation, or Treasury decision" and a period; and the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at"; and the Senate agree to the same.

Amendment numbered 240: That the House recede from its disagreement to the amendment of the Senate numbered 240, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(b) The exemption provided in paragraph (10) of subdivision (a) of section 11 of the revenue act of 1916, and in subdivision (10) of section 231 of the revenue act of 1918, and in subdivision (10) of section 231 of the revenue act of 1921, shall be granted to farmers' or other mutual hail, cyclone, or fire insurance companies (if otherwise exempt under such paragraphs), whether or not such organizations were of a purely local character. Any taxes assessed against such organizations shall, subject to the statutory period of limitations properly applicable thereto, be abated, credited, or refunded" and a period; and the Senate agree to the same.

Amendment numbered 250: That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: On page 85 of the Senate engrossed amendments, after line 5, insert the following heading in small capitals: "Special deposits" and a period; and on page 85 of the Senate engrossed amendments, line 21, strike out all after "taxes" down to and including "law" in line 22, and insert "and revenues received under the provisions of this act, and collections of whatever nature received or collected by authority of any internal-revenue law"; and on page 86 of the Senate engrossed amendments, line 9, strike out "offered" and insert "offered"; and the Senate agree to the same.

W. R. GREEN,
W. C. HAWLEY,
ALLEN T. TREADWAY,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

REED SMOOT,
GEO. P. MCLEAN,
CHARLES CURTIS,
F. M. SIMMONS,
A. A. JONES,
Managers on the part of the Senate.

Mr. WILLIS. Mr. President, I desire to make an inquiry of the Senator from Utah. I was not sure that I got the full import of his statement. Is it his purpose to press to a vote to-morrow the conference report which he has just submitted?

Mr. SMOOT. That is my purpose, I will say to the Senator.

Mr. WILLIS. Some of us will be unable to be here to-morrow and we would be very much pleased if the vote could be had on Monday or Tuesday next. Would not the Senator be willing to postpone it?

Mr. SMOOT. I would not like to have the report lie over so long.

Mr. ROBINSON. May I ask the Senator from Ohio a question?

Mr. WILLIS. Certainly.

Mr. ROBINSON. Does the Senator anticipate that there will be serious opposition to the conference report?

Mr. WILLIS. I do not think there will be serious opposition to it, but some of us who can not be here to-morrow would like to have an opportunity to vote upon it.

Mr. ROBINSON. May I suggest to the Senator that there are others who could not be here on Monday.

Mr. WILLIS. I quite understand that.

Mr. ROBINSON. Scarcely a day comes when every Senator is able to be in attendance.

Mr. WILLIS. I simply wanted to be certain about the position of the Senator from Utah in regard to the time when the report is to be considered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the following bills of the House:

H. R. 4445. An act to amend section 115 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary";

H. R. 5855. An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia; and

H. R. 6355. An act to authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

The message also announced that the House had passed a bill (H. R. 9124) authorizing the sale of real property no longer required for military purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had signed enrolled bills of the following titles, and they were thereupon signed by the President pro tempore:

H. R. 6207. An act authorizing and directing the Secretary of War to transfer to the jurisdiction of the Department of Justice all that portion of the Fort Leavenworth Military Reservation which lies in the State of Missouri, and for other purposes;

H. R. 6357. An act for the reorganization and improvement of the foreign service of the United States, and for other purposes; and

H. R. 8262. An act to fix the compensation of officers and employees of the legislative branch of the Government.

PETITIONS AND MEMORIALS

Mr. SMITH presented a petition of sundry members of the Rotary Club of Union and the Izaak Walton League, all of Union, S. C., praying for the passage of the bill (H. R. 4088) to establish the upper Mississippi River wild life and fish refuge, which was referred to the Committee on Commerce.

Mr. HALE presented the memorial of the Penobscot County Woman's Christian Temperance Union, of Bangor, Me., remonstrating against the passage of legislation modifying the Vol-

stead Prohibition Act so as to legalize the manufacture and sale of beers and wines, which was referred to the Committee on the Judiciary.

Mr. LADD presented 144 petitions of sundry citizens in the State of North Dakota, praying for the passage of legislation providing an equipment maintenance allowance to rural mail carriers, which were referred to the Committee on Post Offices and Post Roads.

Mr. WILLIS presented a resolution adopted by the executive committee of the Pike County Farm Bureau, at Waverly, Ohio, favoring the passage of the bill (H. R. 8373) to amend the Federal highway act, so as to provide that after November 9, 1926, the term "State funds" as used in the Federal highway act, approved November 9, 1921, and all acts amendatory thereof and supplementary thereto, shall be construed to mean funds derived from revenues of the State, and not from any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of the Exchange Club of Bryan, Ohio, protesting against amendment of the transportation act of 1920, which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the Natural Gas Association of America in annual convention assembled in the city of Cleveland, Ohio, remonstrating against the taxation of undistributed earnings of corporations, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Pensions, to which was referred the bill (S. 1535) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War, reported it with an amendment and submitted a report (No. 592) thereon.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (H. R. 4432) for the relief of Orville Paul, reported it without amendment and submitted a report (No. 593) thereon.

He also from the same committee to which was referred the bill (S. 3252) referring the claim of the State of Rhode Island for expenses during the war with Spain to the Court of Claims for adjudication, reported it without amendment and submitted a report (No. 605) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2223) for the relief of the estate of Robert M. Bryson, deceased (Rept. No. 595);

A bill (S. 2833) for the relief of Rinald Bros., of Philadelphia, Pa. (Rept. No. 596);

A bill (S. 3235) for the relief of Christina Conniff (Rept. No. 597);

A bill (H. R. 905) for the relief of Gerard E. Bess (Rept. No. 598);

A bill (H. R. 1860) for the relief of Fannie M. Higgins (Rept. No. 599);

A bill (H. R. 3009) for the relief of Robert J. Kirk (Rept. No. 600); and

A bill (H. R. 3537) for the relief of L. A. Scott (Rept. No. 601).

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

A bill (S. 1202) for the relief of the estate of Benjamin Braznell (Rept. No. 602);

A bill (S. 3066) for the relief of Albert E. Magoffin (Rept. No. 603); and

A bill (H. R. 3348) authorizing the Secretary of the Treasury to pay a certain claim as the result of damages sustained to the marine railway of the Greenport Basin & Construction Co. (Rept. No. 604).

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 5967) for the relief of Grace Buxton, reported it without amendment and submitted a report (No. 606) thereon.

ENROLLED BILL PRESENTED

Mr. BALL, from the Committee on Enrolled Bills, reported that on May 22, 1924, that committee presented to the President of the United States the enrolled bill (S. 2922) to authorize the President to reconsider the case of Frederic K. Long and to reappoint him a captain in the Regular Army.

AMENDMENT OF WORLD WAR ADJUSTED COMPENSATION ACT

Mr. WALSH of Massachusetts. I introduce a bill to amend the World War adjusted compensation act, which I ask be referred to the Committee on Finance. It is accompanied by a brief statement which I ask may be printed in the RECORD.

The bill (S. 3367) to amend the World War adjusted compensation act, was read twice by its title and referred to the Committee on Finance.

The accompanying statement was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WALSH OF MASSACHUSETTS IN REFERENCE TO THE BILL INTRODUCED BY HIM TO AMEND THE WORLD WAR ADJUSTED COMPENSATION ACT

The adjusted compensation law recently enacted by Congress has settled the question of paying additional compensation to the military forces for their services during the war. It fixes the amount of the adjusted compensation to be paid at $1 per day for military services at home in excess of 60 days, and $1.25 per day for military service abroad in excess of 60 days.

During the debate on this measure only incidental consideration was given to the method of making payments to the veterans. The contest was centered chiefly upon the recognition of the principle of adjusting compensation for military services. In my opinion, before Congress adjourns it ought to consider seriously and without partisanship two other aspects of this question, namely, which plan of payment is preferred by the veterans and which is economically best for the country.

I believe that both from the standpoint of the soldiers' preference as well as that of sound financing, the cash-option plan is infinitely better. Therefore, I am presenting to Congress a bill amending the law to ths end.

The cash-opton plan will give each veteran a choice between receiving cash or accepting a 20-year service certificate, which represents the money due him with accrued interest. Under the law as it now stands there is no preference. A veteran who has $51 due him must wait 20 years to collect it. He must accept the 20-year certificate, unless the amount due is less than $50.

The cash-option plan proposed by me will save the National Government for the next 20 years more than $1,000,000,000 and possibly as much as $2,000,000,000. How can such a saving be ignored? The plan, now the law, would not be thought of for an instant were it not for the desire to please certain financial interests by refraining from issuing Government bonds at this time, which a cash plan would necessitate. Under the law enacted only about $142,000,000 will have to be raised next year by taxation or bond issue, but a like sum must be raised annually during all of the 20 years. Under the cash-option plan which I propose it will be necessary next year to raise about $600,000,000 by a bond issue, but thereafter the annual appropriations will be comparatively small, resulting at the end of 20 years in a total cost to the Government of nearly $2,000,000,000 less than the 20-year certificate plan. Because some financiers in this country do not desire the National Government to issue securities to the amount of half a billion dollars next year, lest it slightly affect their securities, the American people must pay this vast extra sum of money within the next 20 years and deny the veterans the privilege of choosing cash or a certificate. The veterans and financiers without political prejudice will not be deceived by the attempt to make a temporarily good financial showing at the expense of the general public interest. Now that the policy of paying the war veterans' compensation has been settled, let us do it at the least possible expense to the American people and not wantonly add $2,000,000,000 to the national debt.

BILLS INTRODUCED

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

By Mr. LODGE:

A bill (S. 3368) to cancel the additional taxes together with all penalties and other charges assessed against the estate of Charles L. Freer, deceased, and to remit any further taxes, penalties, or charges, which may hereafter be found due from the said estate; to the Committee on Appropriations.

By Mr. WILLIS:

A bill (S. 3369) granting an increase of pension to Elizabeth P. Aiken (with accompanying papers); to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3370) for the relief of Mary T. Metcalfe; to the Committee on Public Lands and Surveys.

By Mr. FLETCHER:

A bill (S. 3371) to amend section 303 of the act of Congress approved March 4, 1923, known as the "Agricultural credits act of 1923"; to the Committee on Banking and Currency.

By Mr. GOODING:

A bill (S. 3372) to provide safeguards for future Federal irrigation development, and an equitable adjustment of existing accounts on Federal irrigation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

Mr. JOHNSON of California. I introduce a bill by request. I say "by request" because the opportunity has not as yet been presented to me or to the committee to examine its provisions, and therefore I make this particular reservation. I ask that the bill may be referred to the Committee on Territories and Insular Possessions.

By Mr. JOHNSON of California (by request):

A bill (S. 3373) to enable the people of the Philippine Islands to adopt a constitution and form a government for the Philippine Islands and to provide for the future political status of the same; to the Committee on Territories and Insular Possessions.

By Mr. LADD:

A bill (S. 3374) to authorize the more complete endowment of agricultural experiment stations, and for other purposes; to the Committee on Agriculture and Forestry.

AMENDMENTS TO GENERAL DEFICIENCY APPROPRIATION BILL

Mr. McNARY submitted an amendment proposing to appropriate $250,000 for continued investigations and for first payment toward purchase of an interest in the Warm Springs Reservoir, Warm Springs (Vale) irrigation project, Oregon, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,250,000 for continued investigations, commencement of construction, and incidental operations of the Owyhee irrigation project, Oregon, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $1,500,000 for continued investigations, continuation of construction, and incidental operations of the Strawberry Valley project, Utah, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 23, 1924, the President approved and signed the following acts:

S. 129. An act for the relief of the William D. Mullen Co.;

S. 130. An act for the relief of George T. Tobin & Son;

S. 210. An act for the relief of Peter C. Keegan and others;

S. 1572. An act for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.; and

S. 1698. An act granting permission to Commander Dorr F. Tozier, United States Coast Guard, retired, to accept a gift from the King of Great Britain.

STATUS OF SWAINS ISLAND (S. DOC. NO. 117)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, ordered to be printed and referred to the Committee on Foreign Relations:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State regarding the status of Swains Island, in the vicinity of American Samoa, in the Pacific Ocean.

I recommend that Congress take the necessary action to regularize the status of the island in accordance with the recommendations of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 23, 1924.*

OPERATIONS OF FEDERAL LAND BANKS

Mr. FLETCHER. Mr. President, I rose to make some reference to the farm loan act and its administration, but I will not interfere now with the progress of the appropriation bill. I will merely mention that some reference was made in executive session yesterday, which I am not at liberty to go into even if I so desired, to the circumstances under which Title III of the intermediate credit act was adopted and put into the law. I think it has been the basis of practically all the trouble that we have encountered. Without that sort of legislation, and what took place in pursuance of it, we would probably not have had the difficulty which has been experienced with reference to the confirmation of the members of the Farm Loan Board.

Upon that subject last September I had occasion to submit an article to the New York Times, which was printed in the issue of Sunday, September 9, 1923. I ask to have that article inserted in the RECORD.

The PRESIDING OFFICER. Without objection, the request will be granted.

The article referred to is as follows:

[From the New York Times, Sunday, September 9, 1923]

CONGRESS BLAMED FOR TROUBLES OF THE FEDERAL LAND BANKS—SENATOR FLETCHER SEES TRAIL OF POLITICS AND LACK OF EXPERT KNOWLEDGE IN THEIR OPERATION—REAL OWNERS DEPRIVED OF CONTROL AND POWER VESTED IN GOVERNMENT

By DUNCAN U. FLETCHER, United States Senator from Florida

Despite the existence of a farm bloc of considerable influence, and despite the activities of several other combinations of varying degrees of advanced views, the last Congress did not have and certainly in the main did not deserve the reputation of being extremely radical. Yet that Congress actually in effect and to a degree confiscated a large block of private property.

This statement, plain and unadorned, is sufficient to disturb the peace of mind of those in control of certain great corporations and large combinations, who, even with little actual cause for alarm, habitually shiver and shimmy at the mere mention of Government ownership or operation. But a complete exposition of this consummated act of confiscation and the manner of its accomplishment discloses legislative tendencies and forecasts possibilities truly amazing and really alarming.

This consummated act of quasi confiscation is amazing because, despite the supposed alertness and boasted astuteness of the farm bloc, it was farmers' property which was confiscated. It is alarming because the value of the property thus confiscated represented a large amount and involved the control of a rapidly growing business, the volume of which already was approximately three-quarters of a billion dollars and gave promise of expansion to several billions within the next decade, thus indicating the possibility that Congress (a fair-sized precedent having been established) may go in for confiscation on a large scale.

It is both amazing and alarming because the property so confiscated was bank stock—not the stock of a single bank, but that of a whole line of banks, an entire system of finance; not the stock of a single individual, nor yet of a small group, but the stock holdings of 260,000 law-abiding citizens. Passing from the general to the particular, this act of quasi confiscation and the manner of its accomplishment may be described as follows:

In the closing hours of the session the last Congress amended the Federal farm loan act so as to deprive the stockholders of the 12 Federal land banks of majority representation on the boards of directors, and provided that the Government of the United States should name a majority of the directors of each of those institutions. This means, of course, that absolute control of these banks now rests with the Government; that the actual owners of the stock have no effective voice in the management; that in case of a dispute as to policy the stockholders are without the power to enforce their judgment.

One of the rights inherent in the ownership of property is the right to control that property, the right to determine its use. It has been held that the right to vote the stock of a corporation or stock company is a property right. For the Government to deprive the owners of property of its control, to curtail the voting right of stock to the point where the vote becomes ineffectual, constitutes in a measure confiscation. And it further has been held that any law which takes the property of a citizen without due process of law and just compensation is unconstitutional. This radical change in the law respecting the management of the Federal land banks raises the further constitutional question as to the violation of contracts within the meaning of the Dartmouth College case. Thus it is seen that by amending the Federal farm loan act the last Congress confiscated the voting power of a large amount of bank stock and violated the constitutional rights of 260,000 stockholders in the Federal land banks.

CONGRESSMEN NOT INFORMED

Nothing is more certain than that Congress never intended to do this enormous thing. In its final form the bill was not available to Congressmen in printed form and was not read in either House. And as most of the Members of that body do not know even yet that in voting for this amendment they in any way violated or even infringed upon the rights of the owners of these banks, it becomes important to inquire how such a thing came to pass.

The Sixty-seventh Congress not only boasted a farm bloc but it acknowledged its obligation to "do something for the farmer"; and on every possible occasion individual Members and groups and fac-

tions and even the entire administration sought to capitalize their friendly attitude toward the farmer. Indeed, the bill containing this amendment was passed by use of the slogan, "We must do something for the farmer."

How, then, did Congress fall into this amazing blunder? Any sufficient answer must involve at least a brief recital of the history of the Federal farm-loan system.

The Federal farm loan act was passed in July, 1916. The amendment under discussion was adopted in March, 1923, seven years later. In a word, there had been three elections between the enactment of the original law and the adoption of this amendment. It is not surprising, therefore, that the personnel of Congress in 1923 included only a few individuals who were thoroughly familiar with the financial machinery of the farm-loan system.

Many Members of both Houses had but hazy ideas of the relation of the Government to the system. A large number, probably a majority, honestly believed that the Federal land banks were owned by the Government and that therefore Congress was under no obligation to consult either the wishes or the judgment of the farmers who were making use of this newly created system of finance.

The fact that in the beginning the Government had made a temporary subscription to the initial capital of these banks, amounting to $8,892,130, was especially confusing to those Members who had only a superficial knowledge of the situation. The farmers have repaid all but less than $2,500,000. Some Members seemed rather perverse in their failure to understand that this stock subscription by the Government was merely temporary and clung with amazing tenacity to the assumption that these were Government-owned institutions, even after reading that section of the law which provided for the repayment of this Government loan, and even after reading the published reports of the Farm Loan Board that about two-thirds of this loan already had been repaid.

Furthermore, the 12 Federal land banks, being organized on the cooperative principle, were looked upon by other legislators as constituting a large and important experiment. True, cooperative land banks had been in successful operation in the older countries of Europe for a century and a half; but notwithstanding this long, honorable, and successful record in foreign countries, cooperation was at that time a new and untried principle in the United States. Naturally, in its anxiety for the success of this new feature of the system, Congress provided that the Government should exercise a fostering care over and should have detailed supervision of the cooperative banks.

Thus a temporary ownership of part of the capital stock and a detailed supervision by a bureau of the United States Treasury, a degree of supervision amounting almost to management, caused many Senators and Representatives to think of the Federal land banks as Government institutions.

Congress had been very proud of this bit of legislation. Literally scores of Congressmen and other statesmen and publicists have proudly proclaimed themselves as fathers of the Federal farm loan act. Many profound students of land credits contributed constructive thought to and criticism of the more important provisions of the law. It has been referred to times without number as the most complete piece of legislation enacted by Congress within half a century, and as originally passed it was a remarkably comprehensive law. It was pointed to by Democrats as one of the greatest of the achievements of the Wilson administration. On the other hand, Republicans proudly asserted that the groundwork for the law was laid under the Taft administration. The roll call shows an almost unanimous vote for the passage of the bill, regardless of party lines.

EVERYBODY FARMER'S FRIEND

The evident political advantage to be derived from identification with the drafting and passage of the Federal farm loan act and from the fostering of the farm loan system which this act created, together with the readiness with which Congressmen's relations to and connections with such wholesale benefits to farmers would lend themselves to political advertising in rural districts, made a strong appeal to many individual Members. Possibly it was because of this strong political advantage that a keen sense of fatherhood on the part of Congress has been so fully developed.

And in many instances this attitude on the part of individual Members was fully warranted. Congress has done a really big and constructive work. The general public, the farmers in particular, will not deny any Member full credit for any service he may have rendered, either in creating or fostering the Federal farm loan system.

It was the cooperative banks (Federal land banks) of which Congress was especially proud. The joint-stock land banks, organized by private capital under the same law, were thought to be capable of making their own way without any special aid from the Government. But the cooperative banks, being operated on a principle new in this country, were deemed to be objects of special care and attention on the part of Congress.

The Congress of 1916, which created the system, was morally certain that the cooperative principle as applied to land banks would prove eminently practical in the United States. This was the judgment also of the commission sent to Europe to study this subject. The findings of that commission were made the basis upon which rests this legislation. The cooperative plan had been in successful operation in the older countries of Europe since 1769. It had long ago passed the experimental stages. Therefore if carefully fostered and safeguarded this plan, so Congress thought, should succeed admirably in the United States. This kind of bank, and the cooperative principle as applied to land banking, had become, through 150 years, a stable, accepted, and highly important part of the financial machinery of all the larger nations of the world. Many South American countries had borrowed this system from Europe a number of years ago (Chile in 1855, Argentina in 1886). Such a system was introduced in Japan in 1897, and in the Philippine Islands in 1908. The Congress of the United States, therefore, was warranted in predicating the success of a cooperative system in this country upon the experience throughout the civilized world.

Now, land-bank bonds issued by cooperative institutions had become, through 150 years, among the most stable of all securities in the money markets of the world. Apparently investors in every part of the globe understood these securities and appreciated their great safety, excepting alone the investors in the United States.

ANALYSIS OF BONDS

When it came to marketing in this country and selling to the American investor the bonds of a cooperative institution, some doubt was expressed by representatives of some leading bond houses. Evidently ignorant of the high standing of the bonds of European cooperative land banks, these representatives of bond houses expressed the fear that "it would be difficult to sell the bonds of a bank where the control of the bank rests with the borrowers." They shook their heads wisely and doubtless were entirely sincere in their expression of grave fears for the success of this system. As fear is contagious, it is not surprising that the Federal Farm Loan Board, a bureau of the United States Treasury charged with the administration of this law and the supervision of these banks, should recommend in its first report to Congress that the temporary control of these institutions, which at the outset was lodged in the Government until permanent organization could be effected, should be continued for "a lengthened period." In a word, the Farm Loan Board in its first report, and in other reports since, has expressed grave doubts as to whether the securities of cooperative institutions could be successfully sold.

Evidently the board also did not know how successful similar institutions in Europe had been, else it would not have expressed the fears and doubts it so often repeated in its various reports to Congress. Perhaps the board did not understand the principles of cooperation. Perhaps it thought that a cooperative bank was a mutual bank. Color is given to this last suggestion by the fact that in its last annual report the board refers to the Federal land banks as "mutual" instead of cooperative.

Whatever reasoning the board may have followed, the fact remains that the board caused to be prepared and introduced in the last session of Congress a bill depriving the stockholders of majority representation on the directorate of each of the cooperative banks and giving to the Government the right to appoint a majority of such directors.

Now, as to the real effect of all this. Evidently, if this amendment to the law is allowed to stand, then there is an end of the cooperative principle in connection with the farm-loan system. The stockholders may subscribe to the capital stock, but, having no effective voice, they can not say to what extent, or when, the land bank shall function. They can not say even that it shall function to any extent whatsoever. They can not say what expenses shall be incurred in operation. They can not order a distribution of profits. And they can no longer obtain money at the actual cost of hiring it in the money markets. Thus they are deprived of the chief cooperative benefits intended under the law.

Thus we see that every important advantage which farmer borrowers could derive from ownership of stock in the Federal land banks, and from the operation of these institutions on the cooperative principle, was lost to the farmers the moment they were deprived of majority control in the banks.

It was the purpose of Congress in creating the cooperative Federal land banks to guarantee to the farmer that he could surely and at all times obtain a loan if he could furnish acceptable security. It was intended to provide financial machinery which could respond unfailingly to the farmer's need. By the farmer subscribing to the capital stock of the bank in an amount equal to 5 per cent of the loan asked for the bank always would be able to grant the loan. That is, the bank never could say to an applicant: "Sorry, but we are loaned up"; or, "We would like to accommodate you, but we can not get the money." As a Federal land bank, under the law, is permitted to issue bonds up to twenty times its capital, the bank would be able to issue bonds for the amount of the loan asked for, provided its capital stock had been increased by an amount equal to 5 per cent

of the loan. Thus, the first step in obtaining a loan from a cooperative Federal land bank is that of subscribing to the stock of the bank. Once the stock is subscribed and paid for, the next step is for the bank to issue and sell bonds and turn the proceeds over to the applicant for the loan.

TECHNICAL SIDE OF CASE

To be sure, all this involves careful appraisal of the land, determination of the title, and obtaining of abstract and recording the mortgage. But these things are matters of routine incident to all loans on farm mortgages. The new thing, the big thing, the vital principle, was the assurance to the borrowing farmers that the bank never would deny them loans, no matter how hard the times or how tight money might be, provided the borrower could furnish satisfactory security and meet the legal requirements.

This advantage alone was sufficient to warrant the farmer's purchase of stock in the land bank. But this was not the only advantage. The law provided not only that the borrowers should own the bank but that they should control the bank, elect a majority of directors and through the directors choose the officers, select the management, and determine the policies of the institution. Such control would enable the stockholders to say to what extent the bank should function, when it should issue bonds, whether it should issue few or many bonds or no bonds whatsoever, and what rate of interest the bonds should bear, with the approval of the Farm Loan Board. Under such circumstances the farmer stockholder could control the expenses, and in so doing he could govern the earnings of the bank and require distribution of the surplus, thereby automatically reducing the cost of his loan.

In a word, when the farmer purchased stock in the Federal land bank system, he did so on the representation that he would be freed from the clutches of the mortgage shark, that he could obtain any amount (up to the bank's legal limit) that his security would warrant without unreasonable delay, that the interest charge would be reasonable, that there would be no commission paid to anyone, and that he would share in whatever profits the bank made.

It is pertinent to inquire if there is anything in the experience of these cooperative banks to indicate that the loss of control over these institutions would deprive the stockholders of any of the advantages named.

There was such an occasion in the year 1921. It was a sad experience, because not only were farmers deprived of the opportunity to borrow at these banks at a time when they were in great need and when all agriculture was prostrated, but the circumstances were such as to disclose how completely the frailty of human nature, how prejudice, how inexperience, how lack of understanding may defeat the purposes of the wisest legislation.

Well along in the year of 1921 the Federal land banks refused to receive applications for loans, assigning as the reason for this refusal the fact that they had no funds. What had happened was this: The Government, represented by the Federal Farm Loan Board, a bureau of the United States Treasury, was still in complete control of all the Federal land banks. Under the terms of the law as originally passed the permanent organization of each of these institutions should have been installed with a board of nine directors to choose the officers and select the management. But the Farm Loan Board had misgivings. In its first annual report it expressed the fear that the bonds of banks controlled by stockholders, who also were borrowers at these institutions, could not be sold in the investment market. Accordingly, the board took steps to extend the period of complete Government control. It caused to be introduced and passed through Congress an amendment to the Federal farm loan act to the effect that the temporary organizations (which were not elected but were appointed by the Federal Farm Loan Board) should be continued for a time. The exact provision was that the United States Treasury should buy $200,000,000 of Federal land bank bonds and the temporary organizations should be continued so long as the Treasury held any of these bonds.

Thus it happened that in 1921 the farmers had been deprived of the control of the institutions which they owned. It was unfortunate for the borrowing farmer that the then farm loan commissioner took the position that the Federal land banks should not issue bonds in excess of $150,000,000 a year, and maintained his position by the arbitrary statement that the market would not absorb more than that amount. It was unfortunate for the commissioner that at the very time he made this public announcement Federal land bank bonds were selling in the market at a premium.

Here, then, was the situation: Investors were clamoring for the bonds of the Federal land banks and offering a premium for them; the farmers were clamoring for money; the Federal land banks were turning down the farmers' applications because they had no money; the Federal Farm Loan Board, in a position of supreme control, refused to let the Federal land banks assemble funds by the issue of bonds.

Thus, though agriculture was prostrated by the deflation following the war and sorely in need of capital, though it owned a system of land banks designed to function in times of need, this magnificent financial machinery was stopped because the men who owned it and sought to use it could not control it and had to yield to the mistaken judgment of an inexperienced, ill-informed political board at Washington.

Now that the law has been amended so that the owners of these banks never can control them, such a situation easily may arise at any time, whenever the human frailties of the personnel of the Federal Farm Loan Board at Washington are again in evidence.

The owners of these banks are wholly without any means of preventing such a condition from becoming chronic. Responsibility for depriving the owners of these banks of the right to control them rests squarely upon the recommendations of the Federal Farm Loan Board.

It is difficult to account for the attitude of the Farm Loan Board. Evidently its fear of the cooperative principle was genuine. However, granting the genuineness of this alarm, it should have been dispelled by knowledge of what had been done by the cooperative banks of Europe through 150 years of successful operation. At one time some of the members of the Farm Loan Board, the former Farm Loan Commission in particular, held that it was not to be expected that the Federal farm loan system would do a large business, but that in doing a small volume of business it would act merely as a governor on interest rates and commissions charged by old-time mortgage concerns.

It was charged by some of the excited friends of cooperation that the board had taken its stand against full and free operation of the Federal land banks merely as a means of favoring the joint-stock land banks, which were organized by private capital and operated by private initiative. This charge, of course, was ridiculous, for, indeed, the board had placed more obstructions in way of joint-stock land banks than it had in the path of Federal land banks. Individual members of the board frequently have expressed their partiality for the Federal land banks by slightingly referring to joint-stock land banks as "stepchildren" of the system. In several of its annual reports to Congress the board recommended the elimination of joint-stock land banks from the system. In this, too, I think the board's position was ill considered.

Some have charged that the Farm Loan Board was endeavoring to limit the operations of both Federal land banks and joint-stock land banks in an effort to favor the old commission-charging mortgage brokers. This charge also is unconvincing, for evidence is not wanting that, despite appearances, the members of the Farm Loan Board, individually and collectively, were very jealous of the future of the farm-loan system.

Lack of knowledge, lack of comprehension, lack of vision—and, withal, lack of experience—seem to have been the major faults through which the Farm Loan Board worked itself into its unfortunate and untenable position.

Surely Congress at its next session will repeal this obnoxious amendment to the Federal farm loan act, which, if permitted to stand, would forever deprive the owners of the Federal land banks of control.

Such a system with such a record of success should not be despoiled by a careless and ill-informed Congress.

COMPENSATION TO INJURED EMPLOYEES

Mr. SPENCER. Mr. President, the Senate yesterday passed the bill (H. R. 7041) to amend an 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. The Senate adopted an amendment to the bill. I move that the Senate insist upon its amendment, ask for a conference with the House, and that the President pro tempore appoint the conferees on behalf of the Senate.

The motion was agreed to and the President pro tempore appointed as conferees on the part of the Senate Mr. SHORTRIDGE, Mr. SPENCER, and Mr. CARAWAY.

CLAIMS OF THE CHOCTAW AND CHICKASAW INDIANS

Mr. HARRELD. Mr. President, on yesterday a conference report was submitted on the bill (H. R. 5325) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Chocktaw and Chickasaw Indians may have against the United States, and for other purposes. There has been some mistake made inadvertently in the report and it will be necessary to refer the matter to the conference committee. I ask unanimous consent, therefore, to withdraw the report of the conference committee.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report is withdrawn.

COTTON PRICES

Mr. CARAWAY. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Agriculture and Forestry a letter from a constituent of mine dealing with some legislation now pending.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the request is granted.

The letter is as follows:

MAGNOLIA, ARK., *May 16, 1924.*

Hon. T. H. CARAWAY,
United States Senator, Washington, D. C.

DEAR SENATOR: I notice that a resolution was passed by the Senate a few days ago calling upon the United States Tariff Commission to determine the cause of unemployment and depression in the New England cotton mills. Also noticed in the papers a short time ago that the cotton factories, in a meeting at Boston, passed a resolution whereby they demanded a tariff on imported cotton goods upon the alleged ground that the foreign mills, because of cheap labor, can undersell cotton goods in America.

From my investigation and knowledge of the matter the trouble in part is, and has been, with the textile mills—their concerted attempt to depress the price of raw cotton. Last year the spinners of this country, and especially those of New England, concertedly fought the price of cotton to such an extent that they overstayed themselves. While they were fighting down the price in this country the European spinner was buying. He continued to buy cotton. The receipts of American cotton at Liverpool and their daily sales, which I noted, show conclusively that they were taking care of themselves. They bought cotton from 20 cents to 28 cents last year, while our spinners were enjoying themselves in a boycott against the price. They fought and lost.

The European spinners continued to buy cotton, while the American spinners, under the leadership of one of the greatest speculators this country has ever known, fought and depressed the price from 37½ cents to 26 cents. They sold their cotton, instead of buying it, for the purpose of depressing the price. They killed the goose that laid the golden eggs. They educated the public, by propaganda through that part of the press which is controlled by big business, that dry goods could not be sold; that the public refused to pay the price; and consequently the retail merchants of the country refused to buy upon a declining market in the face of such propaganda. They killed the trade, and, of course, the public can not be blamed, and much less can the merchants be blamed for their failure to buy, when they were drilled continuously that these factories were filled to overflowing with goods that could not be sold. The scarcity of the raw material, the depletion of stocks, conclusively convince, and did convince, anyone with any pretense to a knowledge of the facts that their propaganda was fictitious and false. It is now amusing to see them howl because of the disastrous results of their vicious propaganda.

The textile mills of this country, and especially those in New England, should learn, and the sooner the better, that a reasonable price for the raw material will be a boon to their business. They can prosper, and will prosper, if the cotton-producing world is paid a fair, reasonable price for the product. The cotton producer of this country, as all know, has never received the value of his cotton. He and his wife and children have toiled from early morn until late at night in order to produce the staple necessary to clothe the world.

It is impossible under present conditions for a man and a mule to make more, on an average, than three bales of cotton. This amount of cotton at an average of 30 cents per pound, including the seed, will bring him about $500. His farm has cost him at least $2,000. The interest on this at 8 per cent will be $160. His taxes are $30. The cost of his mule is $180, and the interest on that is $14.40. The depreciation in the value of the mule will be $20 per year. His plow gear, plows, and tools will cost him $60, and the interest on this will be $4.80. The depreciation of such gear and tools and implements will be $15. The seed for planting will cost him $20. His fertilizer will cost him $152. The depreciation in his fences and cotton houses will amount to $15 per year. At the present time he will need, in order to produce that three bales of cotton, arsenate of the value of $20. The taxes on his mule and implements will be $6. He will be compelled for ginning that cotton to pay $15. The feed for the mule will cost him $150. There will be other costs and incidental expenses, but without counting other costs we have here a total expense, reasonably calculated, of $622.50. This does not take into consideration the cost or interest thereon or depreciation of a wagon with which to haul his seed, his fertilizer, and his cotton. It does not take into consideration the clothing and food necessary to support the producers of the cotton. Anyone can see that in this present day of civilization that civilized men are going to rebel against any such slavery. The time has come for the textile mills of this country to cease fighting the cotton farmers of the United States.

I observed considerable propaganda in that same press to the fact that the whole country will be hurt unless the South raises more cotton; that other countries will proceed to raise the necessary cotton for the world. The mills are howling for fear that such a calamity will happen. In such a case these same mills will be paying to the foreigner the prices which Liverpool has been paying for American cotton, which runs on an average of about $30 per bale more than the American spinner pays for it. The only way in the world to remedy the condition will be for the American cotton farmer to receive a fair price for his cotton. The spinners of this country are enforcing an unnatural condition upon the producers of cotton. They are destroying themselves. They are not constructive, but are destructive. They have no sympathy for the cotton farmer. They grudge him every penny he receives from the sweat of his brow and that of his children. So long as this condition exists a tariff wall will not remedy the evil. Vicious propaganda will not cure the condition.

The textile mills last fall elected to fight the price of cotton; they refused to buy; they permitted the foreign spinners of the world, they permitted foreign countries, bankrupt so far as finances are concerned, to buy the choicest American cotton while they carried on their boycott. They have permitted the choicest American cotton to leave this country, and now they should be estopped from clamoring for a tariff wall. They should be estopped from howling about their present condition, due, as stated, to their concerted attempt to depress the price of cotton and to their claim of an enormous supply of cotton goods on hand which could not be sold. They have been caught, hoist by their own petard, and should stand up like a man and suffer the consequences until they reform and change their policy.

While on this matter, allow me to suggest that, among other evils, is that of the cotton exchanges. As now constituted, they serve no useful purpose to the farmer, but are detrimental to him. They serve no useful, legitimate purpose to the spinner or other user of raw cotton. The reason for this is that no spinner can buy on the exchange the cotton he wants, and therefore he does not buy. But the exchanges say they are useful for hedging cotton. Let us grant it, but the contract should specify the cotton hedged. Let the seller or buyer hedge his own cotton and not the other fellow's.

If the spinner or actual user of cotton buys on the exchange, he can not get the grade, quality, or staple he needs. The seller can deliver to him the lowest grade, quality, and staple he pleases, or any other kind within numerous classes, only one of which the user of cotton can use.

A spinner needs a certain grade, quality, and staple. Can he buy it on either of the exchanges? He can not. Of course, he may do as the exchanges say he may do, and that is as follows: If he desires 100 bales of a certain grade, quality, and staple, then let him buy 1,000 bales and pick out what he wants. If he can not get the 100 bales he needs out of the 1,000, let him buy 5,000 bales and from that pick out what he needs, if he can, or buy more, and then resell the balance which he can not use. This is the argument of the exchanges. Let him buy and buy until by chance he gets what he needs by selection.

The exchanges further try to justify such unilateral and uncertain contracts by saying that when the spinner buys in the country he buys different grades, staples, and colors from the low to the high. But the difference is that the cotton is first classed, and the buyer knows what he buys. The fact is, he generally buys uniform bales and what he has a place for.

The spinner does not say anything, because selling cotton on the exchanges helps him. He knows that there is no legitimate buying on the exchange. In other words, the spinner and actual users of cotton do not buy cotton on the exchange and then spin it. He can not afford to buy, because he does not know what he buys. A purchaser of 100 bales of cotton on the exchange can not guess in 10 miles as to what kind, grade, quality, or staple he will get. He may get strict low middling of 1 1/16-inch staple, or he may get good middling of ⅞-inch staple, or he may get 100 bales as different from each other as the colors of Joseph's coat and with as many different grades. It may be stained, gin cut, or of varying colors and of many different lengths. When sales like that fix the price, what is the result?

If a spinner or legitimate user of cotton could buy on the exchanges what he wants, then these institutions would serve a useful purpose. Gambling would be eliminated. But now it is worse than buying a "pig in a poke." What a fine thing it would be if the actual users of cotton could get what they want on the exchanges?

The Federal Trade Commission is investigating the advisability of permitting deliveries in southern warehouses of cotton sold on the exchanges. This will be disastrous unless the contract of sale permits the buyer to know what he is buying and where delivery is to be made. If the law will force the seller to designate the kind, grade, quality, and staple he sells, or reasonably so, or if the buyer can know what he is buying and where delivery is to be made, then it matters not where the warehouses are, whether in China, Texas, South Africa, or Magnolia, Ark.

Yours very truly,

WADE KITCHENS.

NAVY CONTRACT FOR COTTON KHAKI CLOTH

Mr. WALSH of Massachusetts. Mr. President, for some time there has been some criticism in the New England press in reference to a cotton khaki cloth contract made some time ago by the Secretary of the Navy for uniforms for marines. I have asked an official explanation from the Secretary of the Navy as to this matter and the future policy of the Navy, and I think the country ought to have this information, and I request it be

printed in the RECORD. I ask permission that with this letter there be printed in the RECORD resolutions which have been sent to me upon the subject, and that they be referred to the Committee on Naval Affairs.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The letter and resolutions are as follows:

THE SECRETARY OF THE NAVY,
Washington, May 19, 1924.

MY DEAR SENATOR: Replying to your letter of the 16th instant, I have to advise you that no contract has been made recently with a foreign concern for cotton khaki cloth; furthermore, there is none in contemplation. An order was placed about a year ago for some 500,000 yards of cotton khaki cloth for the Marine Corps with a concern in Manchester, England. The contract for this material, which was approved by the department, was made in July, 1923.

In brief, the history of the situation is as follows: At the time this purchase was under contemplation American mills were fully occupied on the production of staple goods. The department endeavored, by sending out specifications and invitations to bid to 55 manufacturers and dealers, by special letters to all concerns known to have fiber-dyeing apparatus, and by articles in trade papers, to obtain bids for this cloth. Bids were opened on April 9, 1923, and only one American manufacturer submitted a bid. This bid was submitted by the Amoskeag Manufacturing Co. at $0.642 per yard. This was approximately 100 per cent higher than the Marine Corps had previously paid for this khaki even during war time and was considered excessive. Upon the failure to obtain satisfactory bids under the opening of April 9, and in view of the fact that the stock of khaki on hand was very low and required replacement, it became necessary to make an immediate purchase in order to continue the manufacture of clothing for the marines. A quotation received from an English firm offered khaki suiting, delivered in New York, at $0.27 per yard. Adding duty to this would bring the cost to only $0.37 per yard. The Amoskeag Manufacturing Co.'s bid, therefore, was approximately 80 per cent higher, and the Government stood to lose about $0.27 per yard if the bid of that company was accepted, or, figuring it another way, the cost if purchased from the Amoskeag Manufacturing Co. would have been $321,000, whereas the cost purchased abroad, with duty, would amount to only about $185,000. However, no duty was paid, and the cost to the Marine Corps was therefore only $135,000.

The department naturally desires at all times to deal with American firms, and even at that time, with the wide differential in price, Secretary Denby did not authorize the award to the foreign firm until he had consulted with Government experts and had been advised that no hardship would result therefrom to American manufacturers and workingmen, because of the fact, as I have said before, that the American textile mills were fully occupied on the production of staple goods.

Sincerely yours,

CURTIS D. WILBUR.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

OFFICE OF BOSTON CENTRAL LABOR UNION,
Boston, Mass., May 21, 1924.

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SIR: The following resolutions were adopted at the meeting of the Boston Central Labor Union Sunday, May 18, 1924, and I have been instructed to send copies of the same to you.

Respectfully yours,

P. H. JENNINGS,
Secretary-Business Representative.

Whereas the press of the country has announced the giving of a contract by the United States Government for 500,000 yards of khaki cloth to be manufactured by a firm in England, while there are thousands of textile workers out of work or on short time in this country; and

Whereas we have always been of the opinion that the United States Government was a government of the people, by the people, and for the people; and we have also been under the impression that the chief functions of our Government are the protection of our country, its institutions, and its people; and

Whereas the sending out of the country of a big contract while thousands of textile workers are in needy and destitute circumstances gives the workers a shock which tends to the conclusion that the lives and welfare of our people are of a secondary consideration, while the making or the saving of the dollar is of paramount importance; and

Whereas the present depression of business which is bringing misery and unrest to thousands of workers is, in the minds of many, a combined attack by the captains of industry to so manipulate trade and are trying to starve the workers into subjection so that when the time is ripe to reopen the mills and factories they will be forced to accept work and attend to more looms than heretofore at greatly reduced wages; and

Whereas the action of the Government seems to be in direct line in this policy by the letting of contracts to foreign competitors, thereby increasing the amount of unemployment: Therefore be it

Resolved, That we, the delegates of the Boston Central Labor Union in meeting assembled, enter our most emphatic protest against the action of the United States Government in sending business out of the country while thousands of American citizens and their dependents are in sore need of the necessaries of life; and be it further

Resolved, That we call upon all New England Senators and Congressmen to make an effort to protect one of the basic productions of New England from being crushed out of existence; and be it further

Resolved, That a copy of these resolutions be sent to the President of the United States, to each New England Senator and Congressman, and to the chamber of commerce.

SENATOR BURTON K. WHEELER

Mr. SWANSON. Mr. President, I am not going to detain the Senate very long; but as a member of the committee which was directed to investigate the conduct of the junior Senator from Montana [Mr. WHEELER], I think I should make a short statement regarding my conclusions and the course pursued by the committee of which the distinguished Senator from Idaho [Mr. BORAH] is the chairman.

Mr. President, Senators will recall that some time ago the morning newspapers published the statement that there had been an indictment found against the junior Senator from Montana alleging that he had perverted his influence as a Senator in connection with the prosecution of certain land matters pending before the Interior Department, for which he had agreed to receive and had received compensation. On the morning following that publication the junior Senator from Montana appeared in the Senate and denounced it as containing statements which were not true and stated that the attack on him was unjustified; that it was for blackmailing purposes, to prevent him from conducting the investigation of the Department of Justice in which he was then engaged. After having made his statement to the Senate, which was frank, candid, manly, and full, as any high-minded man would have done, he demanded that his colleagues in the Senate should order and conduct an investigation in order to determine whether or not he was worthy to continue as a Member of the Senate. Had he done otherwise he would have been subject to severe criticism. He did the only thing which a high-minded, conscientious, innocent man could do in order to meet his accusers and the charges against him before Members of the Senate, through a committee of the Senate, so as to determine whether or not he should continue to exercise the rights of a Senator from Montana. I wish to commend the high spirit, the manly and courageous conduct, which was then pursued by the junior Senator from Montana.

In some instances when indictments have been found or charges have been made against Senators they have delayed a demand for an investigation, but an innocent man wants to meet his accusers at once. Consequently, the junior Senator from Montana demanded an investigation, in order to determine whether or not he should continue to exercise his functions as a Senator and whether or not he was worthy to remain a Member of this honorable body. I think that demand on the part of the junior Senator from Montana was proper, was high-spirited, and was courageous. In pursuance of his demand, his colleagues concurring in the demand, an investigation was ordered.

What was the purpose of that investigation? It was not, as the Senator from South Dakota [Mr. STERLING] seems to imagine, in order to determine whether or not the grand jury of Montana had probable cause to prefer the indictment. I am at a loss to understand why the Senator from South Dakota should arrive at such a conclusion in connection with the purposes of the investigation. Has the Senate a right to pass judgment on the action of grand juries? Under our system of government we have three coordinate branches of the Government—the judicial, the executive, and the legislative. Neither branch of Government has a right to infringe on the others. Under our Constitution the Senate is the judge of the elections, returns, and qualifications of its own Members. So the Senate alone can determine whether or not the junior Senator from Montana was worthy to continue a Member of this body. I repeat that when this indictment was found the junior Senator from Montana promptly asked the Senate to pass upon that question. I wish again to commend the

courage, the manhood, and the high sense of honor which induced him to make that demand. His action has been vastly different from the action of others in reference to accusations which have been made against them within the last few years, both in the other House and in the Senate.

The committee was appointed to investigate the facts in the case, but not the conduct of the grand jury of Montana which returned an indictment against the junior Senator from Montana. I would not serve on a committee which intended to infringe on the rights of either a grand jury or a petit jury. I would serve only on a committee whose purpose was to determine whether or not the junior Senator from Montana by any misconduct had rendered himself unworthy of membership in this body. He asked for the investigation; his colleagues demanded it; and the Senate unanimously passed the resolution, at his suggestion, providing for the investigation.

The Senator from South Dakota was present and heard the resolution read and heard the speeches which were delivered; and unless he was willing to serve on the committee to ascertain the facts in accordance with the idea and purpose of the resolution, he should at that time have declined to serve or should have let the Senate know what, in his opinion, should be the object and scope of such an investigation. I am astonished that such an excellent lawyer as the Senator from South Dakota should have had a perverted idea as to the purpose of the investigation.

Mr. President, the committee was presided over by the senior Senator from Idaho [Mr. BORAH], and the committee was named by the President pro tempore of the Senate. There has been no criticism of the conduct of the committee; there has been no suggestion that there was any failure to examine any witnesses; but there has been sought to be created an impression that the chairman of the committee and the members of the committee who united with him in his report were disposed to deal leniently with the Senator from Montana. As a Senator, I spurn that suggestion as false.

I wish to say, furthermore, that there is no Senator in this body who in character, in capacity, and in courage can surpass the senior Senator from Idaho. He has served in this body for many years and his colleagues realize that for capacity, for courage, for character, and for honor none can excel him. That is the impression not only in this body but also in the country. I wish to say, as a member of that committee, that the investigation was for the most part conducted by its chairman.

Now, let us see whether the Senator from Idaho is disposed to deal leniently with Senators who are accused of wrongdoing in this body. If I recall, but a few years ago there was a case pending in the Senate against Mr. Newberry, a member of the party to which the Senator from Idaho belongs, a man of great influence in the Republican Party and of great wealth. All the efforts that could be made in this body and elsewhere were made to retain him in his seat. The Senator from Idaho, with that courage, with that character, with that high sense of justice and honor which have always characterized him, concurred with many Senators that, on account of fraud and corruption in his election, Newberry should not be permitted to continue as a Member of this body. Was there a disposition evidenced by the senior Senator from Idaho at that time to deal leniently with wrongdoing by any Member of this body?

Mr. President, years back there was a case pending known as the Lorimer case, in which fraud and corruption in connection with his election by the Legislature of Illinois were charged. Lorimer was an attractive personality, a man who by his own efforts and ability had pushed his way to the front from the humblest walks of life. He was a power in the Republican Party; the absolute political master almost of Illinois and certainly the political boss of Chicago. If the Senator from Idaho could have been swayed by personal considerations, if he could have been induced to do otherwise than what he thought was honest and in accordance with the highest traditions of this body, it would have been in that case, for it was a case in which the man involved was one of the most potential members of his own party. Yet with courage and with character the Senator from Idaho stood for the expulsion of Lorimer.

I wish to repeat that the chairman of the select committee in character, in capacity, and in courage is unexcelled by any Member of this body, and I wish to resent any imputation on him as chairman of the committee which conducted the investigation as being desirous to whitewash or deal leniently with anyone.

What witnesses who knew any facts in connection with this case were not summoned? I should like the senior Senator from South Dakota to name a witness that he asked to have summoned or that anybody suggested knew anything about this transaction that was not compelled to come and testify before the committee. When Mr. Coan appeared before the committee and suggested that there were documents in the Department of Justice which might shed light on this case, I made the motion at once to have those documents produced, and all the other members of the committee concurred in it, without knowing the contents of those documents, and they were brought before the committee.

All the evidence that anyone could secure, all the evidence that Mr. Coan, who was sent by the Republican National Committee to run down certain stories in Montana was brought out, and all the witnesses that anyone knew of were summoned and cross-examined. They were cross-examined by the senior Senator from South Dakota. Therefore the Senate has all the evidence possible in this case to enable it to render a judgment.

I was astonished that the Senator from South Dakota should attack the report presented by the chairman of the committee on the ground that it might be used and distributed in Montana for the purpose of creating an impression favorable to Senator WHEELER and to that extent obstruct the administration of justice. That is the gravamen of his complaint against the committee and the reason why he refuses to exercise the functions and perform the duties imposed upon him by the Senate. I should like to ask him what does he think of his minority report being circulated under frank as a public document and distributed in Montana to prejudice the people of Montana against Senator WHEELER? In other words, according to the Senator from South Dakota, the proper course to pursue was to simply determine whether the grand jury had probable cause to consider the evidence before the grand jury, with nothing contradictory to it, with no witnesses for Senator WHEELER, and let that be used as a basis for the circulation of documents prejudicial to him in Montana. Is that the way justice is to be administered? Is that the way public opinion is to be controlled? It seems to me that if the facts stated in the majority report are true the people of Montana and the people of the United States are entitled to have them. Shall truth be suppressed to help the Government in a prosecution against the citizen? Is truth to be suppressed and ex parte affidavits circulated in order to administer justice? Tell the truth, state the facts, and let the chips fall where they may. That is the honest way for the Senate and the honest way for people to do in the conduct of affairs.

The Senator from South Dakota [Mr. STERLING], on page 2 of his report, dismisses all the evidence of the witnesses introduced by Mr. WHEELER with a wave of the hand—

> None of the witnesses thus called at the instance of Senator WHEELER had appeared before the grand jury, and obviously their testimony can serve no useful purpose in determining the question of probable cause.

In other words, by his own statement he wanted this committee to make a report on the probable cause of the grand jury, include no consideration of the evidence introduced by Senator WHEELER, take a minority report filed by him that consists simply of ex parte evidence and affidavits, and let that be circulated in order to obtain justice in Montana.

I must say that that is wrong. The right way to do things is to tell the truth, regardless of who is hurt or who is helped. He has a misconceived idea of his Government who thinks that the Department of Justice can administer justice better by having the Senate suppress the facts and suppress the truth.

Mr. PITTMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Nevada?

Mr. SWANSON. I yield to the Senator.

Mr. PITTMAN. If I heard the Senator from South Dakota correctly upon yesterday, he contended that the evidence that was submitted to the grand jury would warrant the grand jury, under the practices of grand juries, in bringing in the indictment; but when asked by the Senator from Alabama [Mr. UNDERWOOD] whether all of the evidence submitted to the committee would in his opinion cause him to vote for the guilt of the Senator from Montana [Mr. WHEELER], the Senator from South Dakota said "No." So it seems to me that while he contends that he has proven his case, that the grand jury, from the evidence they had, could find the indictment, he admits the case of WHEELER, on the other hand, that the rest of the evidence proves his innocence.

Mr. STERLING. Mr. President——

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

Mr. SWANSON. I do.

Mr. STERLING. I think the Senator from Nevada misinterprets what I said, and draws a wrong conclusion. I said that I would not, perhaps, be willing to vote that Mr. WHEELER was guilty of the charges preferred by the grand jury, but that on the evidence submitted to the grand jury the question is one of probable cause. The other question is one of belief—a reasonable doubt. That is just the distinction between the two.

Mr. SWANSON. Here is the position the Senator took.

Mr. PITTMAN. Let me answer the Senator.

Mr. SWANSON. I yield to the Senator.

Mr. PITTMAN. I shall have to read from the RECORD what was said a little later, when I find the place, because the Senator from Alabama [Mr. UNDERWOOD] did not ask with regard to the evidence before the grand jury. I will read it from the RECORD. He asked if all the evidence taken before the committee led the Senator to believe that Mr. WHEELER was guilty or not guilty, and the Senator said that the evidence did not convince him that he was guilty. I will read that.

Mr. STERLING. It may be true that I said that in response to a question from the Senator from Alabama [Mr. UNDERWOOD].

Mr. PITTMAN. That is what I say.

Mr. STERLING. Yes; but I still say that I think the evidence before the committee showed probable cause. It was sufficient to warrant the grand jury in finding the indictment. That is what I based my conclusion on—that the grand jury had sufficient evidence before it to warrant the returning of the indictment.

Mr. SWANSON. I will state the position of the Senator. The Senator states that if you will exclude every witness in this case that knew anything about the facts, exclude the testimony of Senator WHEELER introduced in his own behalf, and simply consider the ex parte affidavits and the ex parte evidence that was submitted to the grand jury, possibly they had probable cause; but if you will weigh all the evidence introduced before the committee, in the Senator's conscience he could not vote WHEELER guilty. That is his position, if I understand it.

Mr. STERLING. I might still be able to say that under the evidence submitted before the committee, and in the way in which the evidence was submitted before the committee, and all that——

Mr. SWANSON. What witness failed to appear that the Senator wanted, or failed to answer any question that the Senator wanted answered?

Mr. STERLING. I do not quite understand the Senator.

Mr. SWANSON. I say, what witness did the Senator desire to appear before the committee that the committee refused to send for?

Mr. STERLING. I have not charged that I desired any witness to appear before the committee that the committee refused to send for. I never have charged it for a moment.

Mr. SWANSON. Then what does the Senator mean by implying that there was a suppression of evidence?

Mr. STERLING. I have not implied that there was a suppression of evidence before the committee.

Mr. SWANSON. The Senator said "under the evidence submitted before the committee," and it carried the imputation that all the evidence was not before the committee. What evidence does the Senator know of that was not before the committee?

Mr. STERLING. Oh, Mr. President, the Senator need not be so fine-spun in his statements in regard to that. I have not intimated that there was a suppression of any evidence. Even if I thought there was, I have not so said in the Senate, nor have I so said to the committee, that there was any suppression of evidence.

Mr. SWANSON. The Senator made the statement that on the evidence before the committee he could not say that Senator WHEELER was guilty.

Mr. STERLING. Yes.

Mr. SWANSON. What evidence does the Senator know of that ought to have been before the committee that was not before it?

Mr. STERLING. Mr. President, I do not think I should be asked to go into that question at the present time. I know what evidence was before the committee, and what evidence was before the committee that was also before the grand jury; and my statement was that if the evidence before the committee was the same as that before the grand jury it was sufficient to warrant the grand jury in returning the indictment. As to the guilt or innocence of the defendant, that will depend upon the evidence produced at the trial.

Mr. SWANSON. The Senator thinks the right to occupy a seat in the Senate ought to be taken from the Senate, which is given by the Constitution the determination of that question, and decided by a petit jury?

Mr. STERLING. I do, most decidedly.

Mr. SWANSON. That is the Senator's position?

Mr. STERLING. And that has been my position from the very outset.

Mr. SWANSON. The Senator's position is, then, that anybody could frame a case against a Senator, and have a corrupt jury return an indictment for any purpose, and then the Senate is not the judge of the election and qualification and expulsion of its Members. That is the way the Senator wants to defend the Constitution, is it? That is the position of this great champion defending constitutional rights, is it?

Mr. STERLING. I am defending the Constitution.

Mr. SWANSON. How?

Mr. STERLING. I am recognizing the three departments of the Government—the legislative, the executive, and the judicial—and the judicial department has cognizance of this case now. It is before the district court for the State of Montana.

Mr. SWANSON. Let me get the Senator's position clearly. As a citizen, the State courts have jurisdiction. As a Senator, they have no jurisdiction. The Senate is investigating WHEELER's conduct, not as a citizen, but as a Senator, and the Senate is called on to report on his conduct as a Senator under the Constitution.

Mr. STERLING. Certainly.

Mr. SWANSON. Now the Senator, as a great defender of the Constitution, wants to leave to the grand jury and petit jury the qualification and expulsion of a Senator.

Mr. STERLING. It is not the province of the Senate, I say, to determine the guilt or innocence of a party who has been charged in a Federal court with an offense against a Federal statute.

Mr. SWANSON. But the Senator said a few minutes ago that it is the province of a grand jury and the province of a petit jury to pass on the qualification and expulsion of a Member of the Senate, and that the Senate must abide by that determination.

Mr. STERLING. I think the Senator understands my position.

Mr. SWANSON. I do, but I am astonished at any such position. I am astonished that the defender of the Constitution, the defender of the three coordinate branches of the Government, should come here and advocate on the floor of the Senate the doctrine that the election, qualification, and expulsion of Members of the Senate, given under the Constitution to the Senate alone, should be determined elsewhere. I agree that as a private citizen the grand jury and the petit jury have charge of the matter, and as a private citizen that verdict must stand or fall according to the courts; but the Senator comes in here and says that Senator WHEELER's qualification as a Senator must be determined by grand juries and petit juries. I say the Constitution does not give that right, and I am astonished that a Senator who has made a report and has spoken here so often in defense of the Constitution should surrender this right of the Senate anywhere when it is a coordinate branch of the Government.

If that were true, what would be the result? A Senator is indicted. It is a frame-up. There is no evidence to support the indictment. It is continued and delayed for years and years, as this case is being continued and delayed; and what must a Senator do? What must the Senate do? Must it allow a corrupt Member to vote here? Must it allow an improper Member to vote here? What is going to happen to the Senate? There is no chance then to get rid of a corrupt Member of the Senate, if the courts indict him, until the process of law has operated. That is the Senator's view of it. Corrupt men could stay here, with a delay of their cases and continuances, and serve their terms.

Mr. STERLING. Let me say——

Mr. SWANSON. Let me get through first with the other phase of this matter.

Mr. STERLING. A perfectly innocent man——

Mr. SWANSON. I do not yield now. I will yield later.

Now, let us take the other view of the matter. Here is the Department of Justice being investigated. Here is the Senate, which has selected—and the Senate made the selection—a man to conduct this investigation, and this investigation is very disagreeable to the Department of Justice.

The Department of Justice, unlike Senator WHEELER, does not want to be investigated. The minute charges were filed against Senator WHEELER he invited an investigation. As

soon as they started the investigation of the Deparment of Justice it tried to avoid an investigation. It had to be forced and compelled to submit to an investigation, and did not invite it. It was forced on the Department of Justice, with much opposition on the other side of the Chamber. Now the Department of Justice desires to suppress this investigation. It is in accord with the Republican National Committee. The Republican National Committee has been denouncing this investigation, and standing by Mr. Daugherty, and abusing Senators, and abusing Republican Senators for not standing up and defending Daugherty.

Now what is done? They send Mr. Coan out there; and I will say that Mr. Coan was frank, was candid, and, as far as I can see, told the truth. He candidly admitted that he was employed to go to Montana to see if he could not find something against WHEELER, and, he implied, against the other Senator from Montana also, who were conducting investigations against this administration. He said they wanted to investigate some rumors that they had heard, and they wanted to know who this man WHEELER was.

Mr. STERLING. Stories.

Mr. SWANSON. Stories or rumors; I do not know which they were. I reckon they were stories, and they were afterwards disclosed to be absolutely false stories. I thank the Senator for making the correction. They did not even attain the dignity of rumors. Mr. Coan was employed, paid a salary, and he seems to have served his employers very well. He goes there and gets affidavits, and what does he say? He says practically that he did that because Republican Senators would not stand up and fight for Daugherty.

Now, Mr. President, look at this situation. Here is the committee of a great party—and I say "a great party" intentionally, a party with a great tradition and history—here is the organization of a great party in this country that competes for high honors and influence and power in this country, and yet it has been so perverted in its executive officers and control that that great party allows itself to be used as a means of employing a man to go and get some evidence against Senator WHEELER, who was conducting an investigation against the Department of Justice.

If the Attorney General had been a high-spirited man with a high sense of honor and refinement; if he had obtained any evidence against WHEELER he would have kept it to himself and not have preferred an indictment while this investigation was pending.

I do not believe there is a sensible and honorable Senator on the other side who, if he had been Attorney General and was being investigated, would have made himself party to a scheme to employ someone to go to the State of the Senator who was conducting the investigation to get evidence to indict him, and thus hold him up to blackmail.

Why did he do it? Senator WHEELER stated he heard rumors long before that he was to be framed up, and he did not believe it. Yet while this investigation was at its height this indictment was found. I would like to ask the Senator from South Dakota if he approves the conduct of that Republican National Committee.

Mr. STERLING. I stated yesterday—I stated to the Senator from Virginia—my position in that regard. I said by way of illustration that if the Democratic Party were the party in power, and the administration were Democratic, and stories had been circulated against a Republican candidate, the Democratic Party or its national committee would have been justified——

Mr. ROBINSON. Then the Senator does approve the action in going——

Mr. STERLING. I do not yield until I make my statement and finish it. The Democratic Party, or the national committee of that party, would have been justified in sending someone to investigate the stories against this Republican candidate for Senator.

Mr. SWANSON. If he were a candidate; but Senator WHEELER was not a candidate. He was simply conducting an investigation.

Mr. STERLING. Very well——

Mr. SWANSON. It was five or six years before he could be up for election. I might see, if a man was offering for office, and his merit was to be passed upon at the polls, why a committee should go and get some evidence as to whether people should vote for him or not; but Senator WHEELER was not a candidate. Senator WHEELER was investigating the administration of the Department of Justice.

Mr. STERLING. A candidate, or even a Senator——

Mr. SWANSON. He was not a candidate.

Mr. STERLING. Just a moment.

Mr. ROBINSON. Will the Senator from Virginia yield to me to ask a question?

Mr. STERLING. Or perhaps even a Senator elect; Senator WHEELER had not yet taken his seat; no investigation of the Department of Justice had been begun at the instance of Senator WHEELER at that time. Nobody that I know of had ever anticipated for a moment that he would be active in the investigation of the Department of Justice.

Mr. SWANSON. I understand that the Senator takes this position: That when a man is not a candidate for the Senate, but is a Senator discharging his duties under his oath, and representing a great State, not being a candidate for office, a national committee is justified in employing somebody to go and get evidence to indict him, and then turn it over to the Department of Justice, and have an indictment against him, provided he is conducting an investigation against the Department of Justice; and that is justified in morals? That is what occurred in this case.

Mr. STERLING. The witness, Glosser, had stated that he heard these stories, or that these stories had been heard in regard to Senator WHEELER, and that Senator WHEELER had been attacking the administration, had been attacking everybody, as he put it, in public life, and that it was thought worth while to investigate these stories which had been circulated in regard to Senator WHEELER, and therefore he went out at the instance of the National Republican Committee——

Mr. ROBINSON. Mr. President, will the Senator from Virginia yield to me to ask a question of the Senator from South Dakota?

Mr. SWANSON. I yield.

Mr. ROBINSON. Does the Senator from South Dakota approve of the action of Mr Coan, prompted and inspired, as he said, by the Republican National Committee, when he sought to smear Mr. WHEELER and to stop him from the prosecution of the investigation of the Department of Justice?

Mr. STERLING. Well, he says that Senator——

Mr. ROBINSON. Mr. President, I have asked the Senator from South Dakota a question which ordinary procedure would prompt him to answer "yes" or "no." The evidence before the committee of which the Senator from Iowa [Mr. BROOKHART] is chairman and before the committee of which the Senator from Idaho [Mr. BORAH] is chairman discloses that Mr. Coan, at the instance of the Republican National Committee, went to a former assistant attorney general of the State of Montana and expressed a deliberate purpose to secure false testimony for the purpose of smearing Mr. WHEELER and for the purpose of stopping him in the prosecution of the investigation against the Department of Justice. I ask the Senator from South Dakota whether he approves of the action of Mr. Coan, so inspired by the Republican National Committee?

Mr. STERLING. I would not approve action of that kind——

Mr. ROBINSON. I do not ask the Senator from South Dakota what he would do; I ask him what he does.

Mr. STERLING. I am going to answer, Mr. President, in my own way, and the Senator from Arkansas can not put the words into my mouth.

Mr. ROBINSON. Mr. President, if the Senator will pardon me, when he fails to answer it "Yes" or "No"——

Mr. STERLING. If I have not yet answered the Senator, when I am through the Senate will know whether I have answered him.

Mr. ROBINSON. The Senate knows now that the Senator from South Dakota is declining to answer the question frankly.

Mr. STERLING. Mr. President, there was no such evidence before the Senate investigating committee.

Mr. ROBINSON. Oh, Mr. President, will the Senator yield?

Mr. STERLING. Wait until I get through——

Mr. ROBINSON. The statement of the Senator from South Dakota is so at variance with the record that I can not comprehend why he makes such a statement. The junior Senator from Arkansas [Mr. CARAWAY] yesterday read into the record the testimony to which I have referred, and called it to the attention of the Senator from South Dakota.

Mr. SWANSON. I will read it to the Senator from South Dakota.

Mr. STERLING. I want to read from the testimony taken before our investigating committee——

Mr. ROBINSON. What difference does it make which committee it was before?

Mr. STERLING. It is not the same, according to the statement made by the junior Senator from Arkansas yesterday. He quoted testimony of another party taken before the Brookhart committee. I am referring to the testimony taken before our investigating committee.

Mr. SWANSON. Mr. President, having gotten definitely what the views of the Senator from South Dakota are in reference to national committees——

Mr. STERLING. Oh, yes——

Mr. SWANSON. Investigating Senators when they are up for election, now I would like to ask him, if the Senator were Attorney General of the United States——

Mr. STERLING. Let me answer the other question first, that relating to Mr. Coan.

Mr. SWANSON. I will. I will read what Mr. Coan said.

Mr. STERLING. Attention was called——

Mr. SWANSON. I read:

I was sent out to Montana to investigate some of these stories about Senator WHEELER.

I asked the question which brought forth that answer. He said the national committee employed him, paid him to go there and investigate some of the stories about Senator WHEELER.

WHEELER had been attacking the administration and everybody in public life here, and nobody seemed to be willing to get up and answer him—

Why did not the Senator answer him then, and possibly we would not have had any investigation?

and they thought it was up to somebody to find out who this fellow was and what he had been doing.

He went there for that purpose because WHEELER dared to attack the administration. WHEELER was not a candidate for election. The election was five or six years off. He was discharging his duty as a Senator; no election was involved; and this national committee sent Coan out there to make an investigation, the result of which he reported to the Department of Justice, and the Department of Justice promptly finds an indictment against him.

Mr. STERLING. Will the Senator let me now refer to the testimony here?

Mr. SWANSON. I will.

Mr. STERLING. Mr. President, here is what Mr. Coan said in full in answer to a question by the Senator from Virginia:

Senator SWANSON. Did he tell you the purpose for which he employed you?

Mr. ROBINSON. Will not the Senator speak a little louder? We can not hear a word he is reading.

Mr. STERLING. The answer of Mr. Coan is:

Yes; I was sent out to Montana to investigate some of these stories about Senator WHEELER. WHEELER had been attacking the administration and everybody in public life here, and nobody seemed to be willing to get up and answer him, and they thought it was up to somebody to find out who this fellow was and what he had been doing.

Senator SWANSON. Who thought so?

Mr. COAN. The Republican National Committee.

Senator SWANSON. And they sent you there for that purpose?

Mr. COAN. Yes; I went out there, and, of course, I did not want any stories of dead men or train robbers, and I took affidavits where I got the stories.

And he did, and the Senator from Virginia knows to what affidavits he referred. He referred to two affidavits, the affidavits of Rhea and Glosser.

Mr. SWANSON. I will allude to those later.

Mr. STERLING. The Senator knows, further, that Rhea and Glosser were both before the investigating committee, and nothing in their oral testimony, though they were under examination and cross-examination for a long time, tended to contradict the story made in their affidavits.

Mr. SWANSON. I want to read——

Mr. STERLING. Allow me a little further. Reference was made by the junior Senator from Arkansas [Mr. CARAWAY], and I think by the Senator from Virginia this morning, to what occurred in regard to Mr. Coan before another committee of the Senate.

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

Mr. STERLING. If the Senator will just permit me a moment.

Mr. SWANSON. I can not yield for the Senator to make a speech.

Mr. STERLING. I suppose the Senator from Virginia has the floor.

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Virginia yield further?

Mr. SWANSON. I can not yield any further. I heard the Senator on that phase of it, and his report was to the same effect. As I understand, the Senator approves of what occurred before our committee, but what was related before another investigating committee he did not approve. Does the Senator approve the national committee sending Coan to get something on WHEELER, because WHEELER was attacking the administration when there was no election pending?

Mr. STERLING. Will the Senator be kind enough to inform me when the testimony was taken before the Brookhart committee——

Mr. SWANSON. He says, himself, because he was attacking the administration. Does the Senator approve that or not approve it? From the very language that is before our committee, it is very easy to see.

Mr. STERLING. I see nothing, as I said yesterday, in terms very reprehensible or objectionable, if stories have been started against a candidate or a Senator elect, I do not care whether he is a Republican or a Democrat——

Mr. SWANSON. I understand, then, that the Senator approves it?

Mr. STERLING. The national committee taking that matter in hand and investigating those stories.

Mr. SWANSON. I understand the Senator approves it?

Mr. STERLING. I do not object to it.

Mr. SWANSON. If one does not object to it, he must approve it. Now, let us see the position the Senator occupies, what he thinks is an honest, fair, splendid, high, noble administration of a government; that whenever a Senator in opposition dares to attack an administration and they hear any kind of stories about them it is the duty of the Republican or Democratic committee to at once start an investigation of that Senator——

Mr. STERLING. Now, Mr. President——

Mr. SWANSON. I am not going to yield any further.

Mr. STERLING. I did not say it was a duty; I said I saw nothing particularly objectionable about it——

Mr. SWANSON. The Senator approves it?

Mr. STERLING. Or reprehensible in it.

Mr. SWANSON. The Senator approves it, practically. They will start an investigation of that Senator on any rumor and then ascertain by affidavits all they can, give it out to the papers, imply that they have more, coerce him, blackmail him, silence him, and the Senate will be subject to the coercive power of the Department of Justice or its committees.

Mr. STERLING. Now, the Senator——

Mr. SWANSON. I can not yield any more to the Senator.

Mr. STERLING. The Senator should not be a catechist if he does not want me to interrupt him.

The PRESIDING OFFICER. The Senator from Virginia declines to yield.

Mr. SWANSON. I am sorry to see the Senator wants to apologize for this conduct. He does not seem to indorse it, but is trying to apologize for it. I think of all the reprehensible things I have ever seen is, when a Senator dares to do his duty, dares to say that the administration is not honest, the departments are not honest, dares to attack them, that he should be so treated as has Senator WHEELER. The party of opposition is for investigation to keep the party in power on the right pathway. If the Democrats are in power, it is the duty of the Republicans to keep the party on the pathway of honesty and justice. When the Republicans are in power it is the duty of everybody, both Republican and Democrat, to see that the party in power is fair and honest. What do we witness here? The administration is attacked. They hear little rumors in connection with Senator WHEELER, and they employ and pay a man to go to Montana and investigate him and get affidavits, for what purpose? Either for the purpose of besmearing him so an investigation which he is conducting will be discredited, or for the purpose of blackmailing him, which is equally discreditable.

Mr. STERLING. Mr. President, will the Senator permit an interruption?

Mr. SWANSON. No; I can not yield any further now. I say that would destroy the influence of the Senate. Is the investigation against Senator WHEELER as an individual? No. The investigation has been directed against him as a Senator and not as a citizen. If he had been guilty as a citizen of any wrong, his position as Senator should not shield him, but this effort was made to besmirch him as a Senator so as to control his senatorial conduct. I do not believe there is a high-minded, honorable Republican in the United States who wants

to see party warfare conducted on high lines, who will approve of any such disreputable performance as that. That is in accord with the scheme of employing the detectives who went to the office of Senator LA FOLLETTE. Why? LA FOLLETTE dared to be courageous and honest and fearless in both Democratic and Republican administrations. Since the Republican administration has been in office he has dared to attack it. The same spirit that sent Coan to Montana sent this detective to go through the office of LA FOLLETTE to see if they could get some evidence there to besmirch him and destroy his influence or else to blackmail him. I say that is discreditable, and I regret that those in control of the national committee of a great party permitted such conduct to be done.

Now, let us see about these rumors upon which this conduct was based. What is the evidence of Glosser? All hearsay except one transaction. Glosser's evidence is that he heard Campbell had employed him about permits. In his ex parte affidavit Campbell denies it. Then he testified about a conversation that occurred when Rhea was present at a hotel in Montana, and Glosser and Rhea conferred in accord with this matter. This is all the evidence there is in the case. The Senator may search it to the fullest extent and here is all the evidence, that Glosser and Rhea testified that they had a conference and WHEELER was present in connection with a suit that was pending in the State court, and Campbell was trying to get Rhea to employ WHEELER in connection with a permit or a case that he had and told him he could be of service. WHEELER said nothing. Not a word did WHEELER say. It was the MacGowan contract that was owned by Rhea and not by Campbell, and Rhea was trying to get Campbell to employ him. Rhea himself, the chief witness, says he did not employ him, made no contract with him, and never paid him a cent, never agreed to pay him a cent, and that another lawyer represented him. Consequently by their own witness Rhea they are read out of court, and they can not contradict that. That is all the evidence in the case upon which they could base a rumor, even a suspicion, even a suggestion; and their own witness said he did not employ him and did not agree to employ him. WHEELER said nothing, and did nothing in connection with that permit.

The only other matter was a telegram of March 8, which WHEELER sent, telling him to send information in regard to the permits in connection with the Standard Oil property, so if he wanted to do so so he could present the matter intelligently to the Interior Department. Let us examine that. That is what I think the Senator from South Dakota has read a dozen times. That seems to be his rock of strength and pillar of support for the indictment. Without this, the whole fabric falls. What are the facts in that case as disclosed? The Standard Oil Co. had gotten a permit—mark me, now—from Campbell. They got a permit from Campbell and the Standard Oil Co. was interested in it, and not Campbell. WHEELER said they took him in office and talked with him about the permit the Standard Oil Co. had gotten, and the Standard Oil Co. were interested in it, and not Campbell. That is not denied. The Standard Oil Co. was interested in that permit, and they talked to WHEELER about it. The Standard Oil Co. never paid WHEELER a cent, and never promised to pay him a cent. They never agreed to pay him a cent. If he had appeared before the department he would have appeared as representing a constituent, a company that never paid him a cent, and never agreed to pay a cent, and under no circumstances could there be any violation of the statute. If we take the worst view of it, as advocated by the Senator from South Dakota, that is *the situation*. He knows the Standard Oil Co. never agreed to pay WHEELER a cent. He knows the Standard Oil Co. never paid him a cent.

Mr. STERLING. Has there been any contention, may I ask the Senator, that the Standard Oil Co. ever paid him a cent?

Mr. SWANSON. The Standard Oil Co. alone was interested in that permit, and if he appeared before the Interior Department when he sent the telegram it was for a company that had not paid him a cent, had not agreed to pay him a cent, and he was simply representing a constituent in doing the work, like hundreds of constituents are represented without pay or without compensation. That is all the evidence there is in the case. That is all the evidence offered, even in the form of a suggestion, taking the worst view of it.

Let us see what we have. To contradict that, the Senator from South Dakota waves it aside and says it must not be considered. I want to read his position again. In order to make any case whatever that could be used as a document to circulate in Montana to the prejudice of Senator WHEELER it was necessary to ignore all the evidence in the case and to simply get down to a little, simple proposition: Did the grand jury have probable cause? That is the only way they could get one little drop of mud to stick to WHEELER. That was the only pathway they could pursue. Where was that line of defense first suggested? Not by the Senator from South Dakota, but by Coan himself. Coan suggested that when he was before the committee. He came in after all the evidence had been disclosed and they seemed to abandon everything except was there a probable cause for the grand jury to find the indictment? Coan appeared before the committee, and the chairman of the committee asked him:

> Mr. Coan, do you know of your own knowledge from having talked with Mr. Campbell in the presence of Mr. WHEELER, or talked with Mr. WHEELER, or in any other way, of first knowledge, with reference to the employment of Mr. WHEELER as attorney for Mr. Campbell?
>
> Mr. COAN. I could not be expected to know that, Senator, because I was not there at the time.
>
> Senator STERLING. Just answer the question, Mr. Witness.
>
> The CHAIRMAN. That is true; but I thought, in view of the things being said around, that you had some knowledge that I did not know how you got.
>
> Mr. COAN. No; mine is all through affidavits.
>
> The CHAIRMAN. You have no knowledge, then, except what came to you through statements of other parties?
>
> Mr. COAN. You mean in regard to his employment?
>
> The CHAIRMAN. Yes.
>
> Mr. COAN. No. I was not subpœnaed here to testify about his employment. Will you read me, does not the subpœna say "the circumstances surrounding the finding of an indictment against Senator WHEELER?" That is what my subpœna said.
>
> The CHAIRMAN. I do not know what the subpœna said. I know what we are inquiring about.

That is the first time that anyone suggested before the committee that the inquiry was with reference to the circumstances surrounding the indictment and whether they had probable cause to return it.

The senior Senator from South Dakota had not suggested it up to that time. The first man that suggested it, the first man that had the acumen and the sense to change in this way, was Coan, a smart newspaper fellow who had been employed to besmear WHEELER, and he conceived the idea, "We will now change this investigation to the question of probable cause of the grand jury and put the grand jury on trial."

My friends, has the time come that the Senate is going to investigate grand juries? Senator WHEELER is entitled to no protection, no defense, no accusation so far as a grand jury or petit jury of the country is concerned. When a man comes before the grand juries and petit juries, he is neither Senator, governor, nor mechanic. All stand alike before the courts. We have no right to investigate whether the grand jury's finding was probable or improbable, just or unjust, or as to whether the verdict of a petit jury is just or unjust. The Constitution has given the power to the Senate to purge itself, to keep itself clean, to keep itself composed of honorable, worthy, and noble men, and when the Senate is deprived of that privilege it ceases to be one of the coordinate branches of the Government. A Member has rights in the Senate, and when he is assailed either by newspapers, indictment, or other source of attack, to rise to a question of personal privilege and have his honor either vindicated or destroyed by a committee report and vote of the Senate. All Senator WHEELER said was that his honor had been attacked, his integrity had been attacked, he had been assailed, and he came before the Senate as an honorable man, as a high-spirited and sensitive man, and said, "I do not wish to associate with Members of the Senate, I do not wish to be in this honorable body if I am guilty of this offense. I demand an immediate investigation, and that the members of the committee be named by the presiding officer of this Senate belonging to an opposite political party." I want to commend the honor, the feeling of pride that a Senator like that has.

What does the Senator from South Dakota want? Does he want the Senate to say, "We will not vindicate you. We will not have anything to do with this attack on you. You can be assaulted from all sources. You can sit here representing the great State of Montana and have your influence destroyed, your power destroyed, your reputation destroyed by whispers and rumors and by an indictment and the case continued until your term is up, and we will give you no protection." I am proud that Senators in these days feel a pride in their honor, their integrity, and their reputation. I am proud that Montana has a Senator who feels that way and who, the minute his

honor, his integrity, and character are challenged, says "I meet my accusers."

Now, let us see what the evidence in this case is. The evidence against Senator WHEELER was of the flimsiest character; that is the kind of evidence that was before the grand jury; that is all that could be scraped with a fine-tooth comb against the junior Senator from Montana.

It has been stated that Mr. WHEELER made a contract to represent Gordon Campbell before the Department of the Interior in order to get permits for him in violation of the statute; in other words, he is accused of selling his influence as a Senator for money. That is the substance of the accusation. He challenged that statement. We are called on to decide, Did he sell his influence as a Senator for money?

The Senator from South Dakota has stated that the evidence does not justify the contention that he did sell his influence for money, and that if he were called on to vote on the question he would vote not guilty; but he thinks that the case ought to be continued; he finds that the grand jury had a probable cause for returning the indictment, and he is willing to have that finding circulated all through Montana and to that extent prejudice the petit jury when they come to try the case, but he thinks that no report should be made here vindicating the Senator from Montana, if he is entitled to vindication, because it might be circulated in Montana, and, if true, it would put the Government at a disadvantage.

The Government at a disadvantage with truth being circulated! The Government at a disadvantage when a citizen is on trial and the facts are officially known! That government ought to be cursed, that government ought to be driven from power, which needs protection by a suppression of the truth and facts. Such action might embarrass the enemies of WHEELER; it might embarrass the district attorney of Montana, who has venom against him; it might embarrass the Department of Justice, which started out either to blackmail him or destroy his character, to have the truth and facts known; but God knows no temple of justice was ever yet desecrated by considering the facts and the truth. This is the first time I have ever known the position to be taken that justice could be perverted by a publication of the truth. Slander is always hurt by a propagation of truth; rumors are always destroyed by the circulation of truth. It is only those who wish to thrive and succeed with slander and by false accusations and by rumors who desire to suppress the truth.

The committee felt that the junior Senator from Montana was entitled either to acquittal or conviction. We determined to get all the facts and all the truth, and I wish to say that the Senator from Montana comported himself before the committee with that same sense of honor, that same sense of integrity and delicacy which have characterized him throughout this entire case. He felt a delicacy in approaching the members of the committee in reference to any facts and matters, and, as to the witnesses, he showed that he had that sensitive pride of honor and sensitive pride of propriety which I am glad to see illuminate public life in these days. I repeat that only flimsy excuses have been presented in opposition to the majority report.

Now, let us see what the evidence is. There are facts in this case that are not dependent upon testimony sufficient absolutely to acquit the junior Senator from Montana. What are the facts? The junior Senator from Montana appeared in case after case in the Montana courts, cases involving millions of dollars; he fought vigorously, actively, energetically, in the State courts. Then his enemies tried to create the impression that the fee was so high it must have included an obligation to appear before the Department of the Interior. In view of the amount involved, the briefs filed, and the efforts made, and successfully made in the conduct of the litigation, there is no lawyer with any reputation and standing who can say that the fee was an exorbitant one. It was a small fee in comparison with fees that are frequently paid.

There is no dispute that Mr. WHEELER appeared in the State courts of Montana; there is no dispute that he filed briefs there; there is no dispute that there were 19 or 20 cases pending in the State courts which justified his employment. Those facts can not be disputed.

Now, let us go further. Let us see what the contract was. Mr. WHEELER did not know Gordon Campbell. Mr. WHEELER is a vigorous, active, fighting man. That is the reason the Department of Justice has sought either to destroy or to blackmail him. He is a valiant knight, a fighter, and consequently he must either be destroyed or suppressed. Mr. Campbell said he employed him because he had lawyers who would not fight; that he had lawyers who every time they came into court would compromise the cases involving his property, resulting in giving away something instead of winning his suit. Campbell said: "I consulted about an attorney." Stout was the editor of a newspaper, and had served for four years in Congress. Mr. Campbell testified, "We talked about Mr. WHEELER, and Stout recommended that I should employ WHEELER." Campbell said, "I do not know WHEELER, but I know he is a fighting man. I want him and should like to have him." Stout himself went to see WHEELER and told him that Gordon Campbell wanted to employ him. What did he tell Stout? Stout has no interest in this case; he ran against WHEELER for the Senate, if I mistake not. Stout said that WHEELER asked him the character and nature of the litigation. Then he testified—and it can not be controverted, that WHEELER told him he would agree to represent Campbell in this litigation but would not—now, I desire Senators to listen to this—would not represent him in any matters before the Interior Department. That was the beginning of the employment of Mr. WHEELER by Mr. Campbell. That fact is testified to by a man who served four years in Congress, a man whom Members of the Senate know as a man of high character and standing, and who has no interest in this matter at all.

Campbell testified that WHEELER distinctly told him he would confine his activities to litigation in the State courts of Montana. The only witnesses who knew directly about the contract testified exactly to the same effect.

Then Mr. WHEELER's partner, Mr. Baldwin, was called to the stand. Mr. Baldwin impressed me as an able, splendid, fine lawyer. He could look you in the eye without a quiver. He is one of those men of whom, by looking in his face, it may be said he is a man of integrity and character and worthiness. He testified—and his testimony is not controverted—that the agreement was just as Campbell stated, and that nothing was done before the Interior Department by Mr. WHEELER.

Mr. Campbell had an attorney of his own to attend to all his land matters and permits, a lawyer by the name of Beaulieu. Mr. Beaulieu testified that the agreement was as has been indicated, and that Baldwin and WHEELER had nothing whatever to do with the permits or any matters before the Interior Department.

That, it would seem, ought to be conclusive evidence on that point, but there is evidence more conclusive than that. The contract, when made, affected property which was in the hands of trustees, and the contract could not be valid until it was ratified by those trustees. The contract, as the Senators know, was for a retainer of $10,000 a year, and there were three trustees who had to approve the contract before it could be valid and WHEELER could get the money. Mr. Harvey, one of the trustees, testified that at a meeting of the trustees the question of WHEELER's employment came up and they agreed to pay $10,000, but it was distinctly understood that the employment of WHEELER did not extend beyond the carrying on of litigation in the State courts. So Mr. Campbell, the active manager, one of the trustees, in fact, all of the men who knew anything about the contract, have testified explicitly as to the terms of the contract. What more evidence could be desired than that?

But suppose the contract did include more than has been proven and required Mr. WHEELER to appear before the Interior Department. Governor Spry, Commissioner of the General Land Office, in the Interior Department, testified that Mr. WHEELER did not appear before that office in the case of any permit; he did not try to secure any permit for Campbell, and that nothing whatever was done by Mr. WHEELER before the Interior Department contrary to the statute in the effort in any way to secure a permit for Campbell or his companies. I should like for some one with ingenuity to tell me how a case could be more completely and more thoroughly proven than this case has been. Where is there anything left on which rumor and suspicion may hang?

Mr. President, with this state of facts, is or is not the junior Senator from Montana entitled to vindication? He has asked the Senate to pass judgment on him. The minute that his integrity and honor as a Senator were challenged, he accepted the challenge and asked the Senate to pass on the question. The suggestion is now made that the Senate should not pass on it. Why was not the objection raised when the resolution was submitted, considered, and adopted? Senator WHEELER was attacked in the newspapers, and it was said, "A court will try him; he will not be tried by a committee of the Senate." However, he met the challenge, and he said, "I want the Senate to try me, and if I am not worthy to be a Member of the Senate, I

want my colleagues to say so. Let everyone come and testify against me as to anything that may be wrong; hear them; and then pass a verdict on me." I think that was the manly course to follow; that was the honest way to proceed; that was a high-spirited way for a Senator to act. When he confronts the Senate in this way there is but one thing for the Senate to do, and that is to face the issue squarely and fairly and not to dodge it and leave him subject to rumor and suspicion. All the junior Senator from Montana asks in this case is that the Senate pass upon the question whether he is guilty of the charges set forth in the indictment.

As I have already said, the investigation in this case was conducted almost entirely by the Senator from Idaho, and the Senator from South Dakota was there with all his acumen and activity. I wish to say that I have never known a man who tried to hold the scales of justice more fairly than did the Senator from Idaho. If anyone can find a single decision he made that was not just, both to the Senate and to the junior Senator from Montana, I should like to have it pointed out, and I will ask the Senator from South Dakota, who was present nearly all the time, to point it out. If there ever was a man who was impartial, who was fair and just and tried to ascertain the facts, it was the Senator from Idaho. He wrote the majority report. I felt a delicacy in obtruding myself too much into the matter, because it might be said that as a Democratic Senator I was trying to be easy with another Democratic Senator. But everybody who knows the Senator from Idaho knows his character, his courage, and his disposition to keep the Senate clean and pure whatever the result may be and without favoritism to anyone.

As for myself, after hearing the evidence and carefully examining it, I am satisfied that the junior Senator from Montana is entitled to a vote of confidence and to the adoption of the majority report.

POSTMASTERS AND POSTAL EMPLOYEES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1898) to readjust the compensation of postmasters and reclassify and readjust the salaries and compensation of employees in the Postal Service.

Mr. EDGE. Mr. President, if I may have my daily five minutes on the unfinished business, I should like to suggest a unanimous-consent agreement which I am hopeful will meet the approval of the Senate for a definite hour at which to vote upon the unfinished business, so that we can go on with other business.

I send the proposed agreement to the desk and ask to have it read.

The PRESIDING OFFICER. The Secretary will state the proposed unanimous-consent agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the calendar day of Monday, May 26, 1924, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 1898) to readjust the compensation of postmasters, etc.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. Mr. President, I was interrupted and did not hear the day. What day is suggested?

Mr. EDGE. Monday at 5 p. m.

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

The PRESIDING OFFICER. The Chair has just been reminded that a quorum must be called. The Secretary will call the roll.

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

Ball	Fess	Ladd	Reed, Pa.
Bayard	Fletcher	Lodge	Robinson
Borah	Frazier	McKinley	Sheppard
Brandegee	George	McNary	Shipstead
Broussard	Gerry	Mayfield	Simmons
Bruce	Glass	Moses	Smith
Bursum	Hale	Neely	Spencer
Cameron	Harris	Norbeck	Stephens
Capper	Harrison	Norris	Sterling
Copeland	Heflin	Oddie	Swanson
Curtis	Howell	Overman	Trammell
Dale	Johnson, Calif.	Owen	Wadsworth
Dial	Johnson, Minn.	Pepper	Walsh, Mass.
Dill	Jones, N. Mex.	Phipps	Walsh, Mont.
Edge	Kendrick	Ralston	Warren
Ferris	King	Ransdell	Willis

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum is present. The Secretary will read the proposed unanimous-consent agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the calendar day of Monday, May 26, 1924, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 1898) to readjust the compensation of postmasters, etc.

Mr. BORAH. Mr. President, will not the Senator in charge of the bill be willing to move up the time an hour, and give us 10 minutes on amendments, or something like that?

Mr. ROBINSON. Mr. President, for the convenience of some Senators who can not be here Monday, who favor the bill and desire to vote for it, I want to suggest that the vote be fixed for an early hour on Tuesday, say 12.30 Tuesday; and I have no objection to a modification of the agreement so as to provide for a limitation on debate after a certain hour.

Mr. EDGE. I will try to meet the request of both Senators; and, if it meets the desire of the Senate, I will change the hour to 1 o'clock on Tuesday, adding the paragraph, if the clerk will do it, permitting debate on amendments from 11 to 1, if that is satisfactory to Senators.

Mr. BORAH. Say 10 minutes, without fixing a specific hour. I do not know that I shall want to occupy a single minute with regard to the matter; but the measure is an important one, and I do not want to vote on amendments without some opportunity of hearing them explained.

Mr. ROBINSON. May I suggest then, that after the hour of 5 o'clock on Monday all debate be so limited that no Senator shall speak oftener than once or longer than 10 minutes upon the bill or any amendment that may be pending or that may be offered, and that at the hour of 1 o'clock p. m. on Tuesday the Senate shall proceed to vote upon the bill and all pending amendments.

Mr. EDGE. That is satisfactory to me.

The PRESIDING OFFICER. The Secretary will state the modified proposal.

The reading clerk read as follows:

It is agreed by unanimous consent that at not later than 1 o'clock p. m. on the calendar day of Tuesday, May 27, 1924, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 1898) to adjust compensation, etc., through the regular parliamentary stages to its final disposition; and that after the hour of 5 o'clock p. m. on Monday, May 26, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 10 minutes upon any amendment offered thereto.

The PRESIDING OFFICER. Is there objection?

Mr. BORAH. Mr. President, I suggest making the hour 4 o'clock on Monday, so that the rule will not take effect just as we are adjourning.

Mr. ROBINSON. Very well; I have no objection.

The PRESIDING OFFICER. Is there objection to changing the hour to 4 o'clock?

Mr. EDGE. I have no objection.

The PRESIDING OFFICER. The Chair hears none. Is there objection to the request as modified? The Chair hears none, and the agreement is entered into.

The agreement, as entered into, is as follows:

Ordered, by unanimous consent, that not later than 1 o'clock p. m. on the calendar day of Tuesday, May 27, 1924, the Senate will proceed to vote without further debate on any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 1898) to readjust the compensation of postmasters and reclassify and readjust the salaries and compensation of employees in the Postal Service, through the regular parliamentary stages to its final disposition, and that after the hour of 4 o'clock p. m. on the calendar day of Monday next no Senator shall speak more than once or longer than 10 minutes upon the bill or upon any amendment offered thereto.

THE NAVY

Mr. HALE. Mr. President, I ask that Senators will please not interrupt me during the course of my remarks. When I have concluded I shall be glad to answer any questions that any Senator may see fit to ask.

The PRESIDING OFFICER. The Senator has control of his own time.

Mr. HALE. Mr. President, during the debate on the naval appropriation bill the junior Senator from Tennessee [Mr. McKELLAR] asked me to place in the RECORD tables showing the relative strength of the navies of the United States, Great Britain, and Japan. I have had tables prepared by the Navy Department showing the principal combatant ships of the first line of the three navies built, building, and projected. The statistics in regard to the British Navy and our own Navy are, I believe, accurate. The information in regard to the Japanese Navy is not as reliable. I ask that the tables be printed in the RECORD.

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

The tables are as follows:

Statement showing combatant ships in the navies of the United States, British Empire, and Japan

CAPITAL SHIPS

United States					British Empire					Japan				
Name	Date of completion	Displacement	Speed	Main battery	Name	Date of completion	Displacement	Speed	Main battery	Name	Date of completion	Displacement	Speed	Main battery
			Knots					Knots					Knots	
1. West Virginia	1923	32,600	21	8 16-inch 45-caliber guns.	1. Royal Sovereign	1916	25,750	23	8 15-inch 42-caliber guns.	1. Mutsu	1921	33,800	23	8 16-inch 45-caliber guns.
2. Colorado	1923	32,600	21	do	2. Royal Oak	1916	25,750	23	do	2. Nagato	1920	33,800	23	Do.
3. Maryland	1921	32,600	21.76	do	3. Revenge	1916	25,750	23	do	3. Huiga	1918	31,260	23	12 14-inch 45-caliber guns.
4. California	1921	32,300	21.46	12 14-inch 50-caliber guns.	4. Resolution	1916	25,750	23	do	4. Ise	1917	31,260	23	Do.
5. Tennessee	1920	32,300	21.01	do	5. Ramillies	1917	25,750	23	do	5. Yamashiro	1917	30,600	22.5	Do.
6. Idaho	1919	32,000	21.29	do	6. Malaya	1916	27,500	25	do	6. Fu-So	1915	30,600	22.5	Do.
7. New Mexico	1918	32,000	21.08	do	7. Valiant	1916	27,500	25	do	7. Kirishima [1]	1915	27,500	27.5	8 14-inch 45-caliber guns.
8. Mississippi	1917	32,000	21.09	do	8. Barham	1915	27,500	25	do	8. Haruna [1]	1915	27,500	27.5	Do.
9. Arizona	1916	31,400	21.00	12 14-inch 45-caliber guns.	9. Queen Elizabeth.	1915	27,500	25	do	9. Hiyei [1]	1914	27,500	27.5	Do.
10. Pennsylvania	1916	31,400	21.05	do	10. Warspite	1915	27,500	25	do	10. Kongo [1]	1913	27,500	27.5	Do.
11. Oklahoma	1916	27,500	20.58	10 14-inch 45-caliber guns.	11. Benbow	1914	25,000	21	10 13.5-inch 45-caliber guns.					
12. Nevada	1916	27,500	20.53	do	12. Emperor of India.	1914	25,000	21	do					
13. New York	1914	27,000	21.47	do	13. Iron Duke	1914	25,000	21	do					
14. Texas	1914	27,000	21.05	do	14. Marlborough	1914	25,000	21	do					
15. Arkansas	1912	26,000	21.09	12 12-inch 50-caliber guns.	15. Hood [1]	1920	41,200	31	8 15-inch 42-caliber guns.					
16. Wyoming	1912	26,000	21.22	do	16. Renown [1]	1916	26,500	31.5	6 15-inch 42-caliber guns.					
17. Florida	1911	21,825	22.08	10 12-inch 45-caliber guns.	17. Repulse [1]	1916	26,500	31.5	do					
18. Utah	1911	21,825	21.04	do	18. Tiger [1]	1914	28,500	30	8 13.5-inch 45-caliber guns.					
					19. Thunderer	1912	22,500	21	10 13.5-inch 45-caliber guns.					
					20. King George V.	1912	23,000	21	do					
					21. Ajax	1913	23,000	21	do					
					22. Centurion	1913	23,000	21	do					
		525,850					580,450					301,320		

NOTES.—The United States has no battle cruisers.

On the completion in 1925 or 1926 of the two new ships, namely, *Rodney* and *Nelson*, of 35,000 tons each, the *Thunderer*, *King George V*, *Ajax*, and *Centurion* will be scrapped as provided by the agreement reached at the Conference on the Limitation of Armament. The total tonnage to be retained by the British Empire will be 558,950 tons.

LIGHT CRUISERS COMPLETED SINCE 1912

[8,000–10,000 tons. Speed of 29 knots plus]

					1. Hawkins	1919	9,750	30	7–7.5-inch guns					
					2. Vindictive	1918	9,750	30	6–7.5-inch guns					
							19,500							

[7,000–8,000 tons. Speed of 29 knots plus]

1. Omaha	1923	7,500	33.7	12 6-inch guns.										
2. Milwaukee	1923	7,500	33.7	do										
3. Richmond	1923	7,500	33.7	do										
4. Detroit	1923	7,500	33.7	do										
5. Concord	1923	7,500	33.7	do										
6. Cincinnati	1923	7,500	33.7	do										
7. Raleigh	1924	7,500	33.7	do										
8 Trenton	1924	7,500	33.7	do										
		60,000												

[3,000–5,600 tons. Speed of 29 knots plus]

					1. Dispatch	1922	4,765	29	6 6-inch	1. Yubari	1923	3,100	33	6 5.5-inch.
					2. Diomede	1922	4,765	29	do	2. Isudzu	1923	5,570	34	7 5.5-inch.
					3. Delhi	1919	4,650	29	6 6.5-inch	3. Nagara	1922	5,570	34	Do.
					4. Dunedin	1919	4,650	29	do	4. Natori	1922	5,570	34	Do.
					5. Durban	1921	4,650	29	do	5. Yura	1923	5,570	34	Do.
					6. Danae	1918	4,650	29	do	6. Kinu	1923	5,570	34	Do.
					7. Dauntless	1918	4,650	29	do	7. Kuma	1920	5,500	[2] 33	Do.
					8. Dragon	1918	4,650	29	do	8. Tama	1921	5,500	[2] 33	Do.
					9. Cairo	1919	4,190	29	5 6-inch	9. Oi	1921	5,500	[2] 33	Do.
					10. Calcutta	1919	4,190	29	do	10. Kitakami	1921	5,500	[2] 33	Do.
					11. Carlisle	1918	4,190	29	do	11. Kiso	1921	5,500	[2] 33	Do.
					12. Capetown	1922	4,190	29	do	12. Tatsuta	1919	3,500	31	4–5.5 inch
					13. Colombo	1919	4,190	29	do	13. Tenryu	1919	3,500	31	Do.
					14. Cardiff	1917	4,190	29	do					
					15. Ceres	1917	4,190	29	do					
					16. Coventry	1918	4,190	29	do					
					17. Curacoa	1918	4,190	29	do					
					18. Curlew	1917	4,190	29	do					
					19. Caledon	1917	4,120	29	do					

[1] Battle cruisers.

[2] Reported to have made 36 to 36.5 on trials.

Statement showing combatant ships in the navies of the United States, British Empire, and Japan—Continued

LIGHT CRUISERS COMPLETED SINCE 1912—Continued

[3,000–5,600 tons. Speed of 29 knots plus]

United States					British Empire					Japan				
Name	Date of completion	Displacement	Speed	Main battery	Name	Date of completion	Displacement	Speed	Main battery	Name	Date of completion	Displacement	Speed	Main battery
			Knots					*Knots*					*Knots*	
					20. Calypso	1917	4,120	29	do					
					21. Caradoc	1917	4,120	29	do					
					22. Centaur	1916	3,750	29	do					
					23. Concord	1916	3,750	29	do					
					24. Cambrian	1916	3,750	29	4 6-inch					
					25. Canterbury	1916	3,750	29	do					
					26. Castor	1915	3,750	29	do					
					27. Constance	1916	3,750	29	do					
					28. Calliope	1915	3,750	29	do					
					29. Champion	1915	3,750	29	do					
					30. Carysfort	1915	3,750	29	do					
					31. Cleopatra	1915	3,750	29	do					
					32. Comus	1915	3,750	29	do					
					33. Conquest	1915	3,750	29	do					
					34. Aurora	1914	3,800	29	2 6-inch					
							140,190					65,450		

[3,000–5,600 tons. Speed of 25–29 knots]

					1. Birmingham	1914	5,440	25.5	9 6-inch guns	1. Hirado	1912	4,950	26	8 6-inch guns.
					2. Lowestoft	1914	5,440	25.5	do	2. Yahagi	1912	4,950	26	Do.
					3. South Hampton.	1912	5,400	25.5	8 6-inch guns	3. Chikuma	1912	4,950	26	Do.
					4. Dublin	1913	5,400	25.5	do					
					5. Yarmouth	1912	5,250	25	do					
					6. Adelaide	1922	5,550	25	9 6-inch guns					
					7. Melbourne	1913	5,400	25.5	8 6-inch guns					
					8. Sydney	1913	5,400	25.3	do					
					9. Brisbane	1916	5,400	25.5	do					
					10. Chatham	1912	5,400	25.5	do					
							54,090					14,850		

There are two other light cruisers on the effective list of the British Empire which are not included in the above table, the Dartmouth and Weymouth, completed in 1911, of 5,250 tons, 8 6-inch guns, speed 25 knots.

None of the above-mentioned vessels have a speed exceeding 26 knots.

There is one light cruiser, the Tone, of 4,100 tons, completed in 1910, still on Japanese effective list not included above.

LIGHT CRUISERS BUILDING

[8,000–10,000 tons. Speed of 29 knots plus]

					1. Effingham		9,750	30.5	7 7.5-inch					
					2. Frobisher		9,750	30.5	do					
							19,500							

[7,000–8,000 tons. Speed of 29 knots plus]

1. Marblehead [3]		7,500	33.7	12 6-inch	1. Emerald		7,550	33	7 6-inch	1. Furutaka		7,100	(5)	6 8-inch.
2. Memphis [4]		7,500	33.7	do	2. Enterprise		7,550	33	do	2. Kinugasa		7,100	(5)	Do.
										3. Aoba		7,100	(5)	Do.
										4. Kako		7,100	(5)	Do.
		15,000					15,100					28,400		

[5,600–7,000 tons. Speed of 29 knots plus—None]

[3,000–5,600 tons. Speed of 29 knots plus]

										1. Abukuma		5,570	34	7 5.5-inch.
										2. Jintsu-U		5,570	34	Do.
										3. Sendai		5,570	34	Do.
										4. Naka [6]		5,570	34	Do.
												22,280		

LIGHT CRUISERS PROJECTED

[8,000–10,000 tons. Speed of 29 knots plus]

					1. Kent		10,000		8-inch guns	1. Nachi		10,000	[7] 32	6 8-inch guns. [7]
					2. Suffolk		10,000		do	2. Myoko		10,000	[7] 32	Do. [7]
					3. Cornwall		10,000		do	3. Not named		10,000	[7] 32	Do. [7]
					4. Cumberland		10,000		do	4. Not named		10,000	[7] 32	Do. [7]
					5. Berwick		10,000							
							50,000					40,000		

[3] Probable date of completion, Aug. 30, 1924.
[4] Probable date of completion, December, 1924.
[5] Unknown.
[6] Damaged by earthquake while on the stocks.
[7] Estimated.

Funds provided in British Navy estimates for fiscal year 1924–25. Shipbuilders now preparing bids.
It is understood that two of these Japanese ships will be laid down in October, 1924.

Statement showing combatant ships in the navies of the United States, British Empire, and Japan—Continued

DESTROYERS, 800 TONS PLUS, BUILT AND BUILDING OR PROJECTED

FLOTILLA LEADERS BUILT

[1,500 tons plus]

United States					British Empire					Japan				
Name	Date of completion	Displacement	Speed	Main battery	Name	Date of completion	Displacement	Speed	Main battery	Name	Date of completion	Displacement	Speed	Main battery
			Knots					*Knots*					*Knots*	
					1. Bruce	1918	1,800	36.5	5 4.7-inch guns, 6 torpedo tubes.					
					2. Campbell	1918	1,800	36.5	do					
					3. Douglass	1918	1,800	36.5	do					
					4. Mackay	1919	1,800	36.5	do					
					5. Malcolm	1919	1,800	36.5	do					
					6. Montrose	1918	1,800	36.5	do					
					7. Stewart	1918	1,800	36.5	do					
					8. Shakespeare	1917	1,750	36	do					
					9. Spenser	1917	1,750	36	do					
					10. Wallace	1919	1,750	36	do					
					11. Grenville	1916	1,670	34	4 4-inch guns, 4 torpedo tubes.					
					12. Saumarez	1916	1,670	34	do					
					13. Seymour [8]	1916	1,670	34	do					
					14. Anzac	1917	1,670	34	do					
					15. Abdiel [9]	1916	1,670	34	3 4-inch guns, 4 torpedo tubes.					
					16. Nimrod	1915	1,610	34	4 4-inch guns, 4 torpedo tubes.					
							27,810							

FLOTILLA LEADERS BUILDING

					1. Keppel		1,750	36	5 4.7-inch guns, 6 torpedo tubes.					
					2. Broke		1,750	36	do					
							3,500							

DESTROYERS 800 TONS PLUS (BUILT)

[800 to 1,500 tons]

United States						British Empire						Japan					
Number in class	Class	Displacement [10] (designed)	Speed (designed) knots	Guns	Torpedo tubes	Number in class	Class	Displacement	Speed	Guns	Torpedo tubes	Number in class	Class	Displacement	Speed	Guns	Torpedo tubes
8	Cassin, No. 43–50	1,010	29+	4 4-inch	8	14	V	1,325	34	4 4.7-inch	6	1	Urakaze	955	28.00	{1 4.7-inch 4 3-inch}	4
						5	V	1,325	34	4 4-inch	6	10	Momo	835	31.5	3 4.7-inch	6
						35	V	1,300	34	do	6	21	Momi	850	33.00	do	4
6	O'Brien, No. 51–56.	1,050	29+	do	8	4	V	1,300	34	do	5	6	Even numbered.	900	[7] 31.5	do	4
						2	Thornycroft V	1,350	35	4 4.7-inch	6	2	Umikaze	1,130	33.00	{2 4.7 inch 5 3-inch}	4
5	Tucker, No. 57–62	1,090	29.5	do	8	4	do	1,325	35	4 4-inch	6	4	Amatsukaze	1,227	34.00	4 4.7-inch	6
						54	Admiralty V–S	1,075	36	3 4-inch	4	2	Tanikaze	1,300	34.00	3 4.7-inch	6
6	Sampson, No. 63–68.	1,110	29.5	do	12	3	Thornycroft S	1,075	36	do	4	15	Namikaze	1,345	34.00	4 4.7-inch	6
												4	Odd numbered	1,400	34.00	do	6
6	Caldwell, No. 69–74.	1,125	30	do	12	6	Yarrow S	930	36	do	4						
						8	Admiralty MR	1,085	36	do	4						
[11] 109	Wickes No. 75–185.	{1,185–1,215}	35	do	12	34	Admiralty R	1,065	36	do	4						
						6	Thornycroft R	{1,035–1,065}	35	do	4						
148	Clemson, No. 186–347.	1,215	35	do	12												
						6	do	900	36	do	4						
						2	Thornycroft M	1,000	35	do	4						
288		[12] 342,086				183		209,315				65		68,228			

[7] Estimated.
[8] Seymour can be equipped as a mine layer.
[9] Abdiel is a mine layer.
[10] Displacements shown is that of name ship of class. Displacements of individual vessels in a class vary slightly.
[11] Includes 14 light mine layers of destroyer type.

NOTES.—Dates of completion of the 288 ships for the United States is as follows: 4, 1913; 4, 1914; 7, 1915; 8, 1916; 5, 1917; 50, 1918; 106, 1919; 73, 1920; 28, 1921; 3, 1922.
Dates of completion of the 183 destroyers for the British Empire are as follows: 21, 1916; 52, 1917; 62, 1918; 39, 1919; 3, 1920; 2, 1922; 1, 1923; 3, 1924.
Dates of completion of the 65 destroyers for Japan are as follows: 2, 1911; 1, 1915; 1, 1916; 7, 1917; 7, 1918; 4, 1919; 12, 1920; 13, 1921; 9, 1922; 10, 1923; 1, 1924.

Statement showing combatant ships in the navies of the United States, British Empire, and Japan—Continued

DESTROYERS, 800 TONS PLUS, BUILDING AND PROJECTED

United States						British Empire						Japan					
Number in class	Class	Displacement (designed)	Speed (designed) knots	Guns	Torpedo tubes	Number in class	Class	Displacement	Speed	Guns	Torpedo tubes	Number in class	Class	Displacement	Speed	Guns	Torpedo tubes
						Two provided for in Navy estimates. Characteristics unknown. Displacement estimated at 1,350 tons each.						25 2	Odd numbered Even numbered.	1,400 900	34 31.5	4 4.7-inch 3 4.7-inch	6 4

SUBMARINES BUILT (485 TONS OR OVER)

[Fleet submarines, 2,000 tons plus]

United States							British Empire							Japan						
Number in class	Type	Date completed	Surface displacement	Surface speed	Guns	Torpedo tubes	Number in class	Type	Date completed	Surface displacement	Surface speed	Guns	Torpedo tubes	Number in class	Type	Date completed	Surface displacement	Surface speed	Guns	Torpedo tubes
							1 1	K-26 X-1	1923 1924	2,140 2,780	23 [7] 20	3 4-inch 4 5.2-inch [7]	4 [7] 6							
							2			[8] 4,920										

[Fleet submarines, 1,000 tons plus]

3	T	1920–21	1,106	21			5	K	1917	1,886	24	(See note)	8	2	No. 44	1924	1,200	22	Either 1 4.7-in. or 1 5.2 in.	6
3			3,318				5			9,400				2			2,400			

NOTE.—K–2, K–6, and K–22 have 2 4-inch; K–12 has 2 4-inch and 1 3-inch; K–14 has 1 4-inch and 1 3-inch. One of the 44 class, namely, No. 51, may not have been completed.

MONITOR SUBMARINES (BUILT)

							3	M	1918–20	1,600	15.5	1 12-inch, 1 3-inch	4							
							3			4,800										

SUBMARINES (BUILT)

[800 to 1,000 tons]

1	S–2	1920	800	14	1 4-inch	4	8	L–1, L–8		890	17.5	1 4-inch	4	6	No. 25 to No. 30.	1920–22	900	18	1 3-pdr.	6
27	S–1, S–14 to S–41.	1920–24	854	14.5	do	4	5	L–9, 15, 19, 20, 33.		890	17.5	do	4	4	Nos. 46, 47, 57, 59.	1922–23	900	18	1 3-pdr., 1 3-in.	6
4	S–48, S–51.	1922–23	993	14.5	do	5	6	L–11, 12, 16, 18, 21, 22.		890	17.5	do	6	12	Nos. 22, 23, 24, 34, 35, 36, 37, 38, 39, 40, 41, 42.	1920–22	940	17	do	6
6	S–3, S–4, S–6, S–7, S–8, S–9.	1919–21	876	14.5	do	4	3	L–14, 17, 25.		890	17.5	do	[12] 4							
4	S–10, S–13.	1922–23	876	14.5	do	5	3	L–52		960	17.5	2 4-inch	6	5	Nos. 45, 58, 62, 68, 69.	1921–23	960	17	1 3-in. 25-cal. AA. 1 3-in. 40-cal.	
42			36,590				25			22,350				27			25,080			

NOTE.—L–14, L–17, and L–25 are mine-laying submarines.

[600 to 800 tons]

														2	No. 18 and No. 21.	1920	689	18	1 3-pdr.	5
														2	No. 19 and No. 20.	1919	720	17	do 1 3-in. 25-cal. AA.	6
														3	Nos. 31, 32, and 33.	1921	750	18	1 3-pdr. 1 3-in. 25-cal. AA.	6
														7			5,068			

[485 to 600 tons]

6	Lake O	1918	485	14	1 3-in. 23-cal.	4														
10	Holland O	1918	520	14	do	4														
7	R	1919	495	14	1 3-in. 50-cal.	4														
20	R	1918–19	569	13.5	do	4														
43			22,961																	

[7] Estimated.

[12] And 14 mines.

Statement showing combatant ships in the navies of the United States, British Empire, and Japan—Continued

SUBMARINES (485 TONS OR OVER) BUILDING OR PROJECTED

[Fleet submarines (2,000 tons plus) building or projected (classed as fleet submarines on account of size)]

United States							British Empire							Japan						
Number in class	Type	Date completed	Surface displacement	Surface speed	Guns	Torpedo tubes	Number in class	Type	Date completed	Surface displacement	Surface speed	Guns	Torpedo tubes	Number in class	Type	Date completed	Surface displacement	Surface speed	Guns	Torpedo tubes
3	V		2,125																	
3			6,375																	

[Fleet submarines (1,000 tons plus) (classed as fleet submarines on account of size)]

							1	O		1,480	[7] 20										Twenty-three of 29,365 tons. This is an estimate based on Admiral Kato's statement in announcing post-treaty building program, to the effect that Japan would build 22 submarines of a total tonnage of 28,165 tons, the other one included is No. 52 reported to be of 1,200 tons displacement. The average displacement of the 22 submarines in the post-treaty program is 1,280 tons.

SUBMARINES (800-1,000 TONS) BUILDING OR PROJECTED

2	S-14		876		1 4-inch, 50-caliber.	4	3	L-23		890	17½	1 4-inch	4								Total number 10. Nos. 48, 49, 50, 60, 61, 63, 64, 65, 66, 67 estimated to be of 960 tons each, of a total tonnage of 9,600. Reported that work is suspended on some of these.
6	S-42 to 47		906		do	4	2	L-52		960	17½	2 4-inch	6								
8			7,144				5			4,590											

SUBMARINES (600-800 TONS) BUILDING OR PROJECTED—NONE

SUBMARINES (485-600 TONS) BUILDING OR PROJECTED

																					Four, Nos. 53, 54, 55, and 56, of 550 tons each. Exact status of these boats indefinite. Work on them is reported to be suspended.

NOTE.—Data concerning Japanese submarines is difficult to obtain. The data shown above has been obtained from various sources, and its accuracy can not be vouched for, but it is the most reliable data available.

AIRCRAFT CARRIERS BUILT

1	Langley	1922	12,700	13	4 5-inch		1	Argus	1918	14,450	20	24-inch; 44-inch A. A.		1	Hosho	1922	9,500	25	4 5.5-inch; 2 3-inch A. A.	
							1	Hermes	1924	10,950	25	6 5.5-in.; 4 4-inch A. A.								
							1	Eagle[13]	1924	22,790	24	9 6-inch; 5 4-inch A. A.								
1			12,700				3			48,190				1			9,500			

AIRCRAFT CARRIERS BUILDING

1	Lexington [14]		33,000				[15] 1	Furious		19,100	31	10 5.5-in.; 6 4-inch A. A.		1	Amagi [17]		27,000			
1	Saratoga[14]		33,000				[15] 2	Courageous and Glorious		18,600 (each)	31	([16])		1	Kaga [18]		26,900			
2			66,000				3			56,300				2			53,900			

The tonnage of aircraft carriers allowed by treaty is:

United States	135,000
British Empire	135,000
Japan	81,000

RECAPITULATION

LIGHT CRUISERS BUILT AND BUILDING OR PROJECTED, LESS THAN 12 YEARS OLD

	United States								British Empire								Japan							
	Built		Building		Projected		Total		Built		Building		Projected		Total		Built		Building		Projected		Total	
	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons
8,000–10,000 tons 29 knots plus									2	19,500	2	19,500	[20] 5	50,000	9	89,000					4	40,000	4	40,000
7,000–8,000 tons 29 knots plus	8	60,000	2	15,000			10	75,000			2	15,100			2	15,100			4	28,400			4	28,400
5,000–5,600 tons 29 knots plus									34	140,190					34	140,190	13	65,450	4	22,280			17	87,730
Total light cruisers 29 knots speed or greater	8	60,000	2	15,000			10	75,000	36	159,690	4	34,600	5	50,000	45	244,290	13	65,450	8	50,680	4	40,000	25	156,130
3,000–5,600 tons 25–29 knots									10	54,090					10	54,090	3	14,850					3	14,850
Total light cruisers less than 12 years old	8	60,000	2	15,000			10	75,000	46	213,780	4	34,600	[19] 5	50,000	55	298,380	16	80,300	8	50,680	4	40,000	28	170,980

[7] Estimated.
[13] Ex-battleship Almirante Cochrane.
[14] Ex-battle cruisers converting to aircraft carriers as allowed by treaty
[15] Ex-cruisers to be reconstructed as aircraft carriers.
[16] Present battery 4 15-inch, 18 4-inch, 2 3-inch A. A., 16 tubes. Battery when reconstructed unknown.
[17] Ex-battle cruiser to be completed as an aircraft carrier.
[18] Ex-battleship to be completed as an aircraft carrier.
[19] Provided for in Navy estimates for fiscal year 1924–25.

NOTE.—There are two other light cruisers on the effective list of the British Empire which are not included in above, the Dartmouth and Weymouth, completed in 1911, of 5,250 tons, 8 6-inch guns, speed 25 knots. There is one light cruiser, the Tone, of 4,100 tons, completed in 1910, still on Japanese effective list not included above. Above figures include the Naka, of 5,570 tons, which was damaged by the earthquake while on the stocks and which it is understood will be rebuilt.

Statement showing combatant ships in the navies of the United States, British Empire, and Japan—Continued

RECAPITULATION—Continued

DESTROYERS BUILT AND BUILDING OR PROJECTED

[Including all vessels of destroyer type]

	United States								British Empire								Japan							
	Built		Building		Projected		Total		Built		Building		Projected		Total		Built		Building		Projected		Total	
	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons
Flotilla leaders, 1,500 tons plus									16	27,810	2	3,500			18	31,310								
Destroyers first line, 800–1,500 tons	288	342,086					288	342,086	183	209,315			2	[1]2,700	185	212,015	65	68,228	27	36,800	(2)		92	105,028
Total first line	288	342,086					288	342,086	199	237,125	2	3,500	2	[1]2,700	203	243,325	65	68,228	[3]27	36,800			92	105,028
Destroyers second line, 500–800 tons	21	15,582					21	15,582	6	4,200					6	4,200							12	7,850
Total destroyers	309	357,668					309	357,668	205	241,325	2	3,500	2	2,700	209	247,525	65	68,228	[3]27	36,800			104	112,878

SUBMARINES BUILT, BUILDING, AND PROJECTED (485 TONS OR OVER, SMALLER SUBMARINES EXCLUDED)

Fleet submarines, 2,000 tons plus			3	6,375			3	6,375	[3]2	4,920					2	4,920								
Fleet submarines, 1,000 tons plus	3	3,318					3	3,318	[4]5	9,400	1	1,480			6	10,880	2	2,400	23	29,365			25	31,765
Monitor submarines, 1,600 tons, 12-inch gun									3	4,800					3	4,800								
Submarines, 800–1,600 tons	42	36,590	8	7,144			50	43,734	[5]25	22,350	5	4,590			30	27,120	27	25,080	10	9,600			37	34,680
Total of submarines over 800 tons	45	39,908	11	13,519			56	53,427	35	41,850	6	6,070			41	47,720	29	27,480	33	38,965			62	66,445
Submarines, 600–800 tons																	7	5,068					7	5,068
Submarines, 485–600 tons	43	22,961					43	22,961											4	2,200			4	[6]2,200
Total first-line submarines	88	62,869	11	13,519			99	76,388	35	41,850	6	6,070			41	47,720	[6]36	32,548	[5]37	41,165			[6]73	73,713

[1] Estimated displacement.

[2] Includes those projected. Exact data as to number actually laid down not available.

[3] K–26, of 2,140 tons, and X–1, of 2,780 tons. K–26 has a speed of about 23 knots, and the X–1 is reported to have a speed of below 20 knots. K–26, on account of speed, was classed as fleet submarine, first line, in Oct. 1 tables.

[4] Includes K–2, K–6, K–12, K–14, K–22, of 1,880 tons each and speed of 24 knots. Does not include the J–7, of 1,200 tons displacement, 19½ knots speed.

[5] Includes 3 mine-laying submarines, L–14, L–17, and L–25, of 890 tons each, 17½ knots speed.

[6] The Admiralty official return showing fleets of the British Empire, United States, Japan, etc., as of Feb. 1, 1924, shows 37 submarines over 485 tons, of 29,210 tons total tonnage, completed, and 33, tonnage not shown, building and projected—a total of 70. Since then No. 43 (of 740 tons, British figure, 940 tons United States figure) has been lost. The 37 completed submarines shown in the return are divided according to tonnage as follows: 3 of 750 tons each, 15 of 740 tons each, 10 of 900 tons each, 3 of 720 tons each, 5 of 700 tons each, and 1 of 1,500 tons submerged displacement, whose surface displacement is about 1,200 tons. Part of those shown as building have not been laid down. Exact data as to the number laid down is not available.

Of smaller submarines, United States retains 27 of 10,645 tons, British Empire 26 of 11,248 tons, Japan 7 of 2,160 tons.

AIRCRAFT CARRIERS, BUILT AND BUILDING

	United States								British Empire								Japan							
	Built		Building		Projected		Total		Built		Building		Projected		Total		Built		Building		Projected		Total	
	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons	No.	Tons
9,500–15,000 tons	1	12,700					1	12,700	2	25,400					2	25,400	1	9,500					1	9,500
15,000 plus			2	66,000			2	66,000	1	22,790	3	56,300			4	79,090			2	53,900			2	53,900
Total	1	12,700	2	66,000			3	78,700	3	48,190	3	56,300			6	104,490	1	9,500	2	53,900			3	63,400

Mr. HALE. Mr. President, during the last few weeks statements have appeared in the newspapers of the country, some of them editorially and some in the form of signed articles conveying the impression that our Navy is in a deplorable condition and that the ratio of 5–5–3 established at the Conference on the Limitation of Armament is not being lived up to by this country. Recently Admiral Coontz's report on the naval maneuvers at Culebra was published in part in the newspapers. This report has been used to lend color and to give support to the statements that had previously appeared.

As a matter of fact, Admiral Coontz's report was the report of the annual fleet maneuvers made by the admiral commanding the fleet to the Chief of Naval Operations. The object of the maneuvers is to try out the fleet under conditions approximating what would exist in time of war, with a view to finding out and correcting any weaknesses that may exist. A report that found no weaknesses in the 200 or more ships taking part in the maneuvers would indicate either a state of perfection which could hardly be hoped for or an attempt on the part of the officer making the report to win praise for the fleet under his command. No such report has ever been made at the close of any maneuvers that our fleet has ever held and no such report is ever expected.

Except for certain structural changes in existing ships and the building of certain new types of ship, both of which will require additional appropriations from the Congress, most of the weaknesses developed by the report may, and undoubtedly will be, remedied by the department itself under the appropriation for the current year and that for the coming year.

The Conference on the Limitation of Armament established, in so far as capital ships and aircraft carriers are concerned and capital ships and aircraft carriers alone, the ratio of 5–5–3 with Great Britain and Japan. The basis of tonnage of the capital ships was arranged along these lines, Great Britain to start with a slightly larger tonnage than ourselves. No country was to be allowed to replace any capital ships with ships of over 35,000 tons and the total tonnage was not to be increased by any replacements. At the time that the conference was held we had a number of ships partially completed, including 2 battleships already launched, 7 battleships and 6 battle cruisers on the ways and building. The 2 battleships that were already launched have been recently added to our Navy to take the place of 2 of the older ships which have since been scrapped. Two of the battle cruisers are being converted into aircraft carriers and are to be added to the fleet. The remaining ships under the terms of the treaty have been or are being scrapped.

Of the 18 capital ships which under the treaty we retain in our Navy, 6 are coal-burning vessels and 12 are oil burning vessels. The speed of all of our capital ships is approximately 21 knots per hour. When in good repair all capital ships of our fleet can maintain this speed.

The officials of the Navy Department have been hoping that Congress would appropriate a sufficient sum of money to change over the coal-burning vessels to oil-burning, so that the fleet would be uniform. Having in mind this change, the boilers of the six coal-burning vessels have not received the repairs that in the ordinary course of events they would receive, for the reason that such repairs would be wasted should Congress take the action that the department desires and has recommended. Recently during the maneuvers it was found that these old boilers would not stand the steam pressure requisite to maintain the full speed of the fleet, and an order was issued to keep the steam pressure on the four oldest vessels below 160 pounds instead of 220 pounds, which is the normal high pressure of these ships; later this limit was extended to 180 pounds. With the lower pressure these vessels can not reach a speed of over 14 knots per hour. The newer of the six coal-burning vessels, the *New York* and *Texas*, are still able to keep up the full steam pressure and can therefore keep up with the rest of the fleet. Their boilers, however, will soon have to be repaired or renewed. To repair temporarily the boilers of the four older

vessels will require an expenditure of $110,000. This work is now in progress on all the ships except the *Florida*. This will take care of them temporarily but eventually their boilers will have to be renewed. To replace the old coal-burning boilers with new coal-burning boilers would entail an expense of about $325,000 per ship. To convert these ships into oil burners would cost the Government about $850,000 per ship. In addition, the department wishes to put blisters on these ships for submarine protection and to put on additional deck armor protection against aircraft. The total cost of these changes for the four oldest battleships would be something less than $12,000,000, and to make the same changes on the *New York* and *Texas* and to install new fire control would cost $6,800,000 more. The House Committee on Naval Affairs has reported favorably to the House a bill embodying these changes, but the House has as yet taken no action on the bill.

Some question has arisen as to whether under the terms of the treaty we would have the right to change over our coal-burning vessels to oil burning. As far as I am personally concerned, I can see no reason why such a change would be in violation of the treaty, especially in view of the fact that all of our coal-burning vessels use oil to a certain extent for fuel and carry supplies of oil on board for that purpose, and I believe that the changes recommended should be made.

With the exception of the four oldest capital ships of the Navy, the reasons for the delay in the repair of which I have already explained, the capital ships of the Navy are substantially in as good condition now as they were at the time of the signing of the treaty.

Compared with the capital ships of England and Japan, we have 18 battleships of a tonnage of 525,850 to England's 18 battleships of a tonnage of 457,750 and 4 battle cruisers of a tonnage of 122,700, and to Japan's 6 battleships of a tonnage of 191,320 and 4 battle cruisers of a tonnage of 110,000. This country has no battle cruisers, and it is generally understood that the British plan is to give up battle cruisers as replacements go on and supplant them with battleships.

Under the terms of the treaty, Great Britain has two battleships now building which are expected to go into commission some time during the year 1926. They are to replace four of the older British battleships and are both vessels of 35,000 tons. They will undoubtedly be equal to if not superior to any battleships that we have in our Navy. When these ships are added to the British Navy, Great Britain will have 16 battleships and 4 battle cruisers.

Ship for ship, with the exception of our two oldest ships, our battleships are of greater tonnage, carry more or heavier guns, and are more heavily armored than the present British ships. Their speed, however, is somewhat less than that of the British ships, and the same is true to a lesser extent in comparison with the battleships of Japan. The battle cruisers of both England and Japan carry heavy guns and are much faster than our battleships; but, as they are not heavily armored, in actual battle with guns of an equal range this class of ship could not stand up against a battleship.

I ask leave to insert in the RECORD at this point tables showing the present elevation and range of guns of the American and British capital ships.

The tables are as follows:

Capital ships of the United States (size, elevation, and range of guns)

Ship	Turret guns		Maximum angle of elevation	Range in yards at elevation of—		
	Diameter of bore	Length in caliber		15°	20°	30°
	Inches		*Degrees*			
West Virginia	16	45	30	22,900	27,400	34,500
Colorado	16	45	30	22,900	27,400	34,500
Maryland	16	45	30	22,900	27,400	34,500
California	14	50	30	24,000	28,400	35,500
Tennessee	14	50	30	24,000	28,400	35,700
Idaho	14	50	15	24,000	28,400	35,500
New Mexico	14	50	15	24,000	28,400	35,500
Mississippi	14	50	15	24,000	28,400	35,500
Arizona	14	45	15	21,000	25,100	32,400
Pennsylvania	14	45	15	21,000	25,100	32,400
Oklahoma	14	45	15	21,000	25,100	32,400
Nevada	14	45	15	21,000	25,100	32,400
New York	14	45	15	21,000	25,100	32,400
Texas	14	45	15	21,000	25,100	32,400
Arkansas	12	50	15	24,350	29,400	35,500
Wyoming	12	50	15	23,500	29,400	35,500
Florida	12	45	15	22,000	26,000	32,000
Utah	12	45	15	21,600	26,000	32,000

Capital ships of the British Empire (size, elevation, and range of guns)

Ship	Turret guns		Maximum angle of elevation	Range in yards at elevation of—		
	Diameter of bore	Length in caliber		15°[1]	20°[1]	30°[1]
	Inches		*Degrees*			
Royal Sovereign	15	42	20	19,700	24,300	30,300
Royal Oak	15	42	20	19,700	24,300	30,300
Revenge	15	42	20	19,700	24,300	30,300
Resolution	15	42	20	19,700	24,300	30,300
Ramilles	15	42	20	19,700	24,300	30,300
Malaya	15	42	20	19,700	24,300	30,300
Valiant	15	42	20	19,700	24,300	30,300
Barham	15	42	20	19,700	24,300	30,300
Queen Elizabeth	15	42	20	19,700	24,300	30,300
Warspite	15	42	20	19,700	24,300	30,300
Benbow	13.5	45	20	19,600	23,800	30,000
Emperor of India	13.5	45	20	19,600	23,800	30,000
Iron Duke	13.5	45	20	19,600	23,800	30,000
Marlborough	13.5	45	20	19,600	23,800	30,000
Hood[2]	15	42	30	19,700	24,300	30,300
Renown[2]	15	42	20	19,700	24,300	30,300
Repulse[2]	15	42	20	19,700	24,300	30,300
Tiger[2]	13.5	45	20	19,600	23,800	30,000
Thunderer	13.5	45	20	19,600	23,800	30,000
King George V	13.5	45	20	19,600	23,800	30,000
Ajax	13.5	45	20	19,600	23,800	30,000
Centurion	13.5	45	20	19,600	23,800	30,000

[1] Approximately only.
[2] Battle cruisers.

The main armament of our battleships is as follows:

We have two ships carrying ten 12-inch guns, two carrying twelve 12-inch guns, four carrying ten 14-inch guns, seven carrying twelve 14-inch guns, and three carrying eight 16-inch guns.

Against this the British have: Eight carrying ten 13½-inch guns, and ten carrying eight 15-inch guns. The battleships *Rodney* and *Nelson* are expected to carry nine 16-inch guns in three superimposed turrets, located on the forward part of the ship.

Japan has four, carrying twelve 14-inch guns; two, carrying eight 16-inch guns.

Of the British battle cruisers one carries eight 13½-inch guns, two carry six 15-inch guns, and one carries eight 15-inch guns.

The Japanese battle cruisers each carry eight 14-inch guns.

The elevation of the guns of 13 of our ships is 15 degrees and of the remaining five, 30 degrees.

The elevation of the guns of all of the British battleships is 20 degrees, and likewise of all her battle cruisers except one, which is 30 degrees.

Six of our battleships, with an elevation of 15 degrees, have a range of 21,000 yards, and seven have a range of 21,600 to 24,000 yards. The remaining five, with an elevation of 30 degrees, have a range of from 34,500 yards to 35,700 yards.

With an elevation of 20 degrees, 8 of the British battleships have a range of 23,800 yards and 10 have a range of 24,300 yards. Two of their cruisers have a range of 24,300 yards and one has a range of 23,800 yards. The *Hood* has a range of 30,300 yards with a gun elevation of 30 degrees.

With the elevation of the guns left as it now is we therefore have five ships that will far outrange anything that the British have either in battleships or battle cruisers, and five others have about the same range as the British ships. The remaining eight battleships are, to the extent of several thousand yards, outranged by the British battleships and battle cruisers.

It has been impossible to get accurate figures on the elevation and range of the guns of the Japanese ships, but 30 degrees being the limit of elevation that may practically be used, there is no reason to suppose that Japan can outrange our five most modern ships with any ship that she may have, and as she has but two battleships carrying 16-inch guns and her most powerful 14-inch guns have not the length of the 14-inch guns on the *California* and *Tennessee*, the latter two vessels having 14-inch guns with an elevation of 30 degrees, we manifestly are able to outrange the rest of her fleet with our five best ships. Compared with our remaining 13 battleships she may or may not outrange us.

Last year Congress authorized an appropriation of $6,500,000 to change the elevation of the guns of the battleships of the fleet and raise them all to 30 degrees. Whether this change could be made under the provisions of the treaty on the limitation of armament has not yet been made clear. The question of the interpretation of the treaty rests with the State Department.

If, under the terms of the treaty, the change may properly be made, I am firmly of the opinion that it should be made. The American plan of building slower ships with heavier armament and heavier armor is based on the theory that has always prevailed in the American Navy that battleships are to fight and not to run away, and that powerful armament and heavy armor should not be sacrificed to obtain greater speed. But heavier guns and heavier armor will not suffice for a fighting ship if her guns have not the range of her opponent's guns. To compensate for her slower speed she must have a range at the very least equal to that of her opponents. Otherwise the faster vessel with a longer range may keep just out of gunshot and attack without any danger of reprisal. At the Battle of Jutland only 3 or 4 per cent of hits were made at a range of 18,000 yards. Improvements in fire control since made would probably increase this percentage somewhat. Necessarily at a greater range the percentage of hits would decrease. Nevertheless the possibility should be guarded against. Also unless the range is equal, the lightly armored battle cruisers of an enemy with a greater range of guns and faster speed can oppose the outranged battleships without any danger of reprisal. As both Great Britain and Japan have four battle cruisers each, this is a very important item to consider.

In carriers, the United States has at the present time the *Langley*, a vessel of 12,700 tons, and two carriers building of 33,000 tons each, namely, the *Lexington* and the *Saratoga*. These two ships were laid down as battle cruisers and are now being converted into aircraft carriers.

Great Britain nas three carriers, one of 10,950 tons, one of 14,450 tons, and one of 22,790 tons; the latter is an ex-battleship converted into an aircraft carrier. She has building two of 18,600 tons each and one of 19,100 tons. These three vessels are cruisers that are being converted into carriers.

Japan has one carrier of 9,500 tons and two building, one of 26,900 tons and one of 27,000 tons displacement. One is an ex-battle cruiser which is being converted into a carrier and the other is an ex-battleship which is also being converted into a carrier.

Therefore, at the present time we are considerably weaker in aircraft carriers than Great Britain, and a little better off than Japan. With our building program completed we shall have two aircraft carriers that will be superior to anything that either country has, although our aggregate tonnage will be somewhat less than that of Great Britain and slightly more than that of Japan. The speed of our two new carriers, however, will be greater than that of the British ships and greater than anything that Japan may have, with the possible exception of the battle cruiser which is being converted.

The data as to the cruising range of our battleships and those of other countries, for military reasons, are kept secret. Suffice it to say that, from information that the department has, five of our battleships have a greater cruising radius than any of the British ships, and the average of the others with the exception of the coal-burning ships will compare favorably with the British ships.

We have no figures on the cruising radius of the Japanese ships. There is no reason to suppose that it is greater than ours. The policy of the Navy is to increase the cruising radius of our ships in every way possible by the installation of emergency storage and fuel economy improvements. The average date of completion of our battleships is much more recent than that of either Great Britain or Japan.

Under the terms of the treaty on the limitation of armament no limitation was put on any vessels other than capital ships, and aircraft carriers, except that no new ships of a tonnage of more than 10,000 tons could be constructed, and on these vessels no guns of a caliber larger than 8 inches could be mounted.

At the time of the signing of the treaty this country had no modern cruisers of any kind. Great Britain had built 51 cruisers of an aggregate tonnage of 236,250 tons with a speed of 25 knots per hour or more. Since then seven light cruisers have been removed from the effective list and two others are not included as they are over 12 years old.

Japan had built 11 light cruisers of an aggregate tonnage of 54,850 tons.

Since the signing of the treaty the United States has completed and put in commission eight new light cruisers of 7,500 tons each and a maximum speed of 33.7 knots. By the end of the year two additional cruisers of this class are expected to be put in commission, so that by January 1, 1925, we will have 10 of the most modern and up-to-date cruisers of this class of an aggregate tonnage of 75,000 tons.

Great Britain has not laid down any light cruisers, but has completed four additional light cruisers since the signing of the treaty and the only light cruisers of more than 5,550 tons that she has are two of 9,750 tons. She is, however, building at the present time two more of these cruisers of 9,750 tons and two of 7,550 tons. She has a further building plan authorized for five new cruisers of 10,000 tons each. The rest of the British light cruisers are vessels ranging from 3,500 tons to 5,550 tons.

Of this class of fast light cruisers we have none in our Navy, neither are these vessels to be compared in any way as to armament, cruising range, or fighting capacity with our new light cruisers.

Japan has five light cruisers of more than 25-knot speed, of a tonnage of 5,500 tons each, and five of a tonnage of 5,570 tons each. She has added five light cruisers to her force since the signing of the treaty, and is now building four cruisers of 7,100 tons each and four of 5,570 tons each. Her remaining light cruiser tonnage is made up of vessels of from 3,100 to 4,950 tons each. She has projected four cruisers of 10,000 tons each and it is understood that the keels of two of them will be laid down in the latter part of this year.

From these figures it would appear that in the larger type of light cruisers we can hold our own with Great Britain and more than hold our own with Japan, as far as ships that are already in commission or building are concerned. Both of these countries, however, have projected 10,000-ton ships and if the United States is to keep up with their navies in this respect it will be necessary for us to lay down some ships of this type.

As far as the smaller type of fast cruiser is concerned, we are very deficient in such vessels. Modern naval opinion, however, tends toward the eliminating of this class of light cruisers and the building of larger and more powerful ships.

We have a number of old cruisers of varying sizes in the second line of the Navy, including certain armored cruisers of large size and carrying guns of large caliber.

These cruisers all have a listed speed of more than 20 knots per hour. They are still of use to the Navy and would be of some, though probably not great use in time of war. However, as they are not carried in the first line, they have not been included in the tables. In slower ships of this class we are stronger than either Great Britain or Japan.

In destroyers, as the tables show, we are better equipped than either of the other two powers. Our aggregate tonnage in these vessels is greater than the tonnage of both Great Britain and Japan combined.

We are lacking in destroyer leaders and at some future time it may be found advisable to add vessels of this kind to the fleet. These vessels are in the nature of superdestroyers, and, while their armament in guns and torpedoes is little more powerful than that of destroyers, they can make better headway in rough weather than can the latter. They also give an opportunity to the flotilla commanders to carry an adequate staff, which can not be housed on the smaller destroyers.

The condition of our destroyers is very good and they are outclassed by no other destroyers in the world. There is nothing in any building program of England or Japan either under way or projected that threatens our supremacy in respect to these vessels.

In submarines our aggregate tonnage of vessels in commission is greater than that of Great Britain or Japan.

In coast-defense submarines, which includes the S boats, the R boats and the O and N boats, we are fairly well equipped. Some fault has been found with the engines and general construction of vessels of these types, but these faults, in so far as they have not been corrected, have developed principally when the submarines were used for purposes other than those for which they were constructed; that is to say, for fleet and cruising submarines.

We have at the present time in commission and in serviceable condition 85 coast-defense submarines of 485 tons or over. Great Britain has 28, including 3 of monitor type, and Japan has 34. Except in speed, our submarines of this type are in no way inferior to the same class of submarines of Great Britain and Japan. This is the class of boat that the Germans used during the World War and that proved so effective in destroying shipping. We have 8 more of this class of boats building. The Germans toward the end of the war further developed a much larger type of submarine, which they used for cruising purposes. These vessels had a wide cruising range and mounted guns running as high as 6 inches in caliber.

We have attempted to produce a faster type of submarine to accompany the fleet and several years ago brought out the three submarines of the T type, which proved on account of structure and lightness of their engines to be impracticable. These boats had a speed of somewhere around 20 knots per hour.

We have building at the present time three submarines of the V type, one of which is expected to be put in commission late in the present year. These three submarines are constructed to develop a speed of between 20 and 21 knots per hour, and it is expected that they will be used to accompany the fleet.

Great Britain has six fleet submarines of the K type, which are still in commission. These submarines are steam driven, whereas all of our submarines have Diesel oil engines.

Great Britain has further brought out a fleet submarine of the X type from which much was expected. In a recent trial of this ship, however, I am told that she has developed a speed of less than 20 knots per hour. The six K submarines and the one X submarine are the only fleet submarines which Great Britain has in commission. Up to date these vessels have not proved very successful.

Japan has two submarines of the fleet type in commission. They are, however, smaller submarines, being very little larger than our S boats, and no information is available as to their speed or their general characteristics. As a matter of fact, at the present time no country has successfully solved the problem of building fleet submarines.

We have no mine-laying submarines. Congress has just authorized the building of a mine-laying submarine of 2,700 tons.

Great Britain has three small mine-laying submarines with a speed of 17½ knots.

No information is available showing that Japan has any.

Great Britain has building six submarines, one a fleet submarine of 1,480 tons, and five coast defense submarines of under 1,000 tons.

Japan is reported to have building 23 fleet submarines of a tonnage of about 1,300 tons each, and 10 coast defense submarines of 960 tons each, and also four much smaller submarines.

To sum up the submarine situation, we are stronger than either Great Britain or Japan in coast defense submarines which are of the type to defend our own shores and that of our outlying possessions.

We have no mine-laying submarines, while Great Britain has three small ones and Japan, so far as is known, has none.

Our fleet submarines have up to date proved to be unsuccessful. The same may practically be said about the English and the Japanese fleet submarines. The Japanese building program, however, if successful, will give her a superiority in fleet submarines over both the British Navy and our own. We shall indoubtedly need to lay down more submarines in the future, especially mine-laying and fleet submarines.

In aviation it is difficult to make comparisons either with Great Britain or Japan. We have no accurate data as to the Japanese development of this branch of the service.

On account of her geographical situation, close to the Continent of Europe, for military purposes Great Britain is obliged to keep up a large aviation force. She has one air force covering both the army and the navy. The number of officers and men in the Royal Air Force having strictly to do with the navy is 319 officers and 1,907 men.

In this country, in naval aviation, we have 567 officers and 3,621 men. Three hundred and twenty-one of our officers are pilots. From these figures it would appear that in naval aviation we have a larger air force than Great Britain, although some of the work at shore stations done by our officers and men is done in Great Britain by officers and men of the Royal Air Force not strictly connected with the navy.

At the time of the armistice very little development had been made by either Great Britain, Japan, or this country in naval aviation as connected with the fleet. At that time we had no aircraft carrier in our Navy. Great Britain had several small carriers which had seen service during the war, and Japan like ourselves had no carrier. With the development of the aircraft carrier, however, the navies of the world are giving more attention to this branch of the service. At the present time we have 138 airplanes connected with the fleet. This includes planes attached to aircraft carriers, to battleships, cruisers, and tenders. For these airplanes we have a reserve of 50 per cent carried at the air stations on shore. The bulk of the planes attached to the fleet are modern, up-to-date planes and include fighting, scouting, observation, torpedo, and bombing planes. By the end of the next fiscal year we expect to have 183 planes with the fleet.

Great Britain has 84 planes allocated to the fleet. She keeps in reserve on shore 1 plane for every plane with the fleet, giving her in all 168 planes allocated to the fleet to our 207. Her program is to have 121 planes with the fleet by the end of next year.

From the best figures that can be obtained, Japan has 50 planes allocated to her fleet. The number of planes that she keeps in reserve is not known.

From these figures it will appear that the United States has more planes attached to the fleet than either Great Britain or Japan, and there is nothing to indicate that in efficiency or military characteristics her planes are in any way inferior to the planes of the other two countries.

In no class of combatant ships mentioned in the above tables, with the exception of the coal-burning battleships, has our Navy fallen off since the date of the signing of the treaty. On the contrary, we have replaced two old 20,000-ton battleships with two modern 32,600-ton battleships of the latest design. Upon the completion of the repairs recommended for the coal-burning ships, our battleship quota will be greatly stronger than it was at the time of the signing of the treaty.

In fast light cruisers, by the addition of the ten 7,500-ton ships, all of which are now in commission or about to be put in commission, we have increased greatly in strength.

In destroyers no changes have been made.

In submarines, beyond the ordinary wear and tear of the ships then in commission, we have kept up to the strength that we then had and in addition have added a number of submarines of the S type, and will shortly add the V boats and eight more S boats now under construction to our submarine force.

In carriers we have added the *Langley* and have the *Lexington* and *Saratoga* under construction.

In aviation we have more than double the number of planes attached to the fleet than we had at the time of the signing of the treaty.

Excepting as to battleships and aircraft carriers the 5–5–3 ratio with Great Britain and Japan was never in existence. In light cruisers we were far behind this ratio at the time of the treaty, and still are behind it though to a much less extent.

In destroyers we were ahead of the ratio at the time of the treaty and still are ahead of it.

In submarines, at least numerically, we are still ahead of the ratio. Whether we are actually ahead of the ratio can not be determined until the merits of the fleet and mine-laying submarines of Great Britain and Japan are more definitely determined.

In carriers we were not up to the ratio as far as Great Britain was concerned at the time of the signing of the treaty. We shall be nearly up to it when the *Lexington* and *Saratoga* go into commission, and we shall be well up to it as far as Japan is concerned.

In naval aviation in general, exclusive of the carriers, we are well above the ratio.

In general, with respect to the Navy, we are nearer the 5–5–3 ratio at the present time than we were at the time of the signing of the treaty. That we shall eventually reach that ratio throughout the Navy I believe should be our future policy.

SENATOR BURTON K. WHEELER

Mr. HEFLIN. Mr. President, I ask for the yeas and nays on the report in the Wheeler case.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The present occupant of the chair is advised that that matter is not now before the Senate.

Mr. HEFLIN. I think it is. I thought we were to have a vote on it. That was my understanding.

The PRESIDING OFFICER. It is not before the Senate.

Mr. STERLING. I did not know the motion had been made to take up the report. Has it been formally made?

Mr. BORAH. It has not yet been formally made. Does the Senator from South Dakota desire to speak further on the subject?

Mr. STERLING. Not any further, except I wish to offer a substitute for the motion when it is presented.

Mr. BORAH. Mr. President, I offer the following resolution (S. Res. 235):

Resolved, That the report submitted by the chairman of the special committee appointed to investigate the charges against Senator BURTON K. WHEELER be adopted and approved and the special committee be discharged.

Mr. HEFLIN. On that I ask for the yeas and nays.

Mr. STERLING. I offer the following substitute for the resolution just submitted by the Senator from Idaho.

The PRESIDING OFFICER. The substitute submitted by the Senator from South Dakota will be read.

The READING CLERK. In lieu of the resolution proposed by the Senator from Idaho, the Senator from South Dakota proposes the following:

Resolved, That it is the sense of the Senate that no action be taken upon the majority and minority reports presented to the Senate in the matter of the investigation of the charges made in the indictment returned against Senator BURTON K. WHEELER in the United States District Court for the State of Montana, and that pending the trial on such charges no question shall be made or raised as to the qualifications of Senator WHEELER or as to his right to a seat in the Senate on account of such charges.

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

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

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

Ashurst	Ferris	Ladd	Smith
Ball	Fess	Lodge	Smoot
Bayard	Fletcher	McKinley	Spencer
Borah	Frazier	McNary	Stanfield
Brandegee	George	Mayfield	Stanley
Brookhart	Gerry	Moses	Stephens
Broussard	Glass	Neely	Sterling
Bruce	Gooding	Norris	Swanson
Cameron	Hale	Oddie	Trammell
Capper	Harris	Overman	Wadsworth
Caraway	Harrison	Pepper	Walsh, Mass.
Copeland	Heflin	Phipps	Walsh, Mont.
Cummins	Howell	Pittman	Warren
Curtis	Johnson, Calif.	Ralston	Wheeler
Dale	Johnson, Minn.	Reed, Pa.	Willis
Dial	Jones, N. Mex.	Robinson	
Dill	Kendrick	Sheppard	
Edge	King	Simmons	

The PRESIDING OFFICER (Mr. FESS in the chair). Sixty-nine Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, I have no intention of discussing these resolutions, but in view of the fact that a quorum has just been called, I think it well to call the attention of the Senate to the resolution and to the substitute offered by the Senator from South Dakota [Mr. STERLING]. The first resolution reads:

Resolved, That the report submitted by the chairman of the special committee appointed to investigate the charges against Senator BURTON K. WHEELER be adopted and approved and the special committee be discharged.

To that the Senator from South Dakota has offered as a substitute the following:

Resolved, That it is the sense of the Senate that no action be taken upon the majority and minority reports presented to the Senate in the matter of the investigation of the charges made in the indictment returned against Senator BURTON K. WHEELER in the United States district court for the State of Montana, and that pending the trial on such charges no question shall be made or raised as to the qualifications of Senator WHEELER or as to his right to a seat in the Senate on account of such charges.

I think, Mr. President, the reading of the substitute resolution itself is, perhaps, a sufficient explanation and a sufficient comment on it. The resolution, aside from the question of refusing to deal with the work of the committee, either one way or the other, if adopted, would establish a precedent which, upon reflection, the Senate, in my opinion, would not for a moment consider establishing.

Here is a charge made against a Senator; a committee is appointed to make an investigation; the report is filed; and action upon that report is asked for. The substitute resolution is to the effect that the Senate of the United States waive, as it were, its right to pass upon the question of the fitness of a Senator until another department of the Government shall have passed upon the question, apparently, of his fitness to sit. The precedent itself would be to the effect that we are waiving the constitutional duty and the constitutional obligation of determining for ourselves who is qualified to sit in this body. As I have stated, I think that of itself is sufficient comment upon the substitute resolution.

Mr. STERLING. Mr. President, just a word in regard to the matter, and that is all. The substitute resolution offered by myself carries out the theory that I have entertained in this case ever since the matter came before the committee in executive session. I have expressed myself again and again during the course of the debate on the floor to the same effect, and I have expressed the same idea in regard to Senator WHEELER's retention of his seat in the Senate pending trial that is expressed in the substitute resolution.

Mr. HEFLIN. Mr. President. I ask for the yeas and nays.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SPENCER. Mr. President, I assume that there can be no doubt about the full right of the Senate, as the Senator from Montana [Mr. WALSH] has so clearly outlined, to consider and act upon the matter which has been presented to the Senate by this resolution, but I find myself in the position of being unable to agree either with the majority report or with the minority report, and for this reason: What is the function of the Senate of the United States when a charge of any kind from any source is brought against one of its Members? We have but one function, and that is, under the constitutional provision, to determine whether we either ought to expel that Member, as we have the right to do, or whether there is any question in regard to his qualifications as a Member, into which we have the right to inquire if we so desire. Those are the only two constitutional foundations—section 5, Constitution—upon which the Senate either with propriety or with dignity may stand. We can not act as a petit jury to hear evidence and pass upon an indictment and determine whether in a given case in which a Member of the Senate has been indicted he is either innocent or guilty. That is the function of the judicial department of government.

My objection to the majority report is that, as I read it, it constitutes the Senate a petit jury and passes a verdict of absolute acquittal and exoneration. A jury can do that, but the jury alone can do it. The majority opinion, as I read, assumes to pass upon the evidence and render a verdict which only the courts of the land are equipped or entitled to do. Neither have we the right as a grand jury to determine whether the facts that are presented are sufficient to warrant an indictment. The minority report, as I read it, does precisely that thing and finds that there was sufficient evidence before the grand jury to warrant the indictment. We have no concern with the grand jury or whether the evidence before it was or was not sufficient, in their judgment, to warrant an indictment.

What have we to do? The junior Senator from Montana in a clear and moving statement announced the facts as he conceived them to be, and under those facts as he announced them, no man could have any doubt about his innocence. He was not guilty; there was not a trace of guilt from the beginning of his statement to the end of it. Then, as a result of that statement of the facts as he believed and announced them to be, the Senate appointed a committee to investigate a report the facts upon which the indictment was rendered.

The Senate adopted a resolution and appointed a committee to do—what? Not to make any finding, not to make any recommendations, but to do one thing only, and that is to investigate and report to the Senate the facts in relation to the charges of the indictment. There is nothing else in the resolution except to provide an investigating committee to gather what obviously the Senate could not gather, namely, the facts in the case, and report those facts to the Senate for such action as the Senate might see fit to take with reference to them. Those facts are here in the printed testimony which the committee has reported. What can we do on those facts?

Mr. ROBINSON. Mr. President, will the Senator yield to a question?

Mr. SPENCER. I will yield in a moment.

Mr. ROBINSON. Right in that connection I should like to answer the Senator's question.

Mr. SPENCER. Just a moment, if the Senator please.

Mr. ROBINSON. I desire to answer the Senator.

Mr. SPENCER. And I want to yield to the Senator in a moment, and I will do so.

Can the Senate do anything more under that state of facts than to say, "We have appointed our committee; we have received their report; the facts are before us; and from the facts that we have we see no reason why the right of membership in the Senate of the United States should be questioned with regard to the junior Senator from Montana." That is the fair thing to do. The senior Senator from Montana [Mr. WALSH] in eloquent and moving terms voiced what every one of us must respond to—that when a Senator of the United States is charged with anything anywhere, whether before a grand jury or in the public press, as he put it, or anywhere else, of course that Senator has the right to bring the charges to the notice of his colleagues and ask them whether in their judgment there is anything in the charges that affect his right to sit in the Senate of the United States.

It is our duty—a high duty, corresponding to the high privilege which belongs to the Senate—to examine into those facts and to voice our judgment as to whether or not, from those facts, there is anything which disqualifies him from membership in the Senate.

I yield now to the Senator from Arkansas.

Mr. ROBINSON. The Senator declined to yield when I asked him to yield. My question was pertinent to a matter that he was then discussing. He asked what the Senate had to do with the matter—what was the right of the Senate. May I ask the Senator from Missouri this question:

Assuming that the evidence shows that a Senator, in obedience to the direction of this body, is performing a public duty, and a conspiracy is formed to interfere with him in the performance of that duty, and an effort is made to injure his reputation and to stop him in the work that he is carrying on at the direction of the Senate, does the Senator from Missouri think that all the action which the Senate should take is that it should make an investigation, take evidence, report the evidence to the Senate, and leave the public without any finding or conclusion touching the matter, and leave the Senator whose conduct is the subject-matter of investigation without either a vindication or a condemnation?

Mr. SPENCER. I certainly do not; and, without now agreeing with the correctness of the premises of the Senator, but assuming them to be true, the duty of the Senate might well be to condemn the conspiracy, to praise the Senator——

Mr. ROBINSON. Very well.

Mr. SPENCER. Just a minute; let me finish the answer—to praise the Senator, and then, if any charges have been made against him, to continue in conclusion with our confidence in his right to membership in this body; but that does not reach what is before us in these reports.

Mr. ROBINSON. Will the Senator yield for a further question?

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

Mr. SPENCER. Certainly.

Mr. ROBINSON. Does not the Senator know that the uncontradicted evidence shows that one Mr. Coan sought to injure the reputation of Senator WHEELER by causing him to be indicted upon evidence that he knew to be untrue, for the purpose of stopping him in his investigation of the Department of Justice? Does not the Senator know that that statement is supported by the testimony of the witness, Mr. Coan himself, which testimony establishes the facts in part, and by the testimony of Mr. Grorud, who was a former attorney general of the State of Montana, and that the evidence of Mr. Grorud is practically uncontradicted?

Mr. SPENCER. The Senator from Missouri does not know whether those facts are so or not.

Mr. ROBINSON. Will the Senator permit me to read the uncontradicted evidence——

Mr. SPENCER. No; the Senator from Missouri will not at this time yield further on that phase of the question.

Mr. ROBINSON. The Senator, then, does not want to know what the facts are as established by the evidence?

Mr. SPENCER. Not by way of interruption in an argument which has nothing to do with those facts.

Mr. ROBINSON. Mr. President, of course the Senator can decline to yield; but I submit to the Senator that my question is a fair one, pertinent to the issue now under consideration, and that, if he is unwilling to answer it, it would, anywhere else, and in the case of any other person than a Senator, impeach the integrity of his motives and the truthfulness of his statements.

Mr. SPENCER. The Senator from Arkansas is quite welcome to his opinion; and if the facts as the Senator from Arkansas outlines them were established——

Mr. ROBINSON. Mr. President, will the Senator——

Mr. SPENCER. Just let me finish, if you please.

Mr. ROBINSON. I offered to read to the Senate the uncontradicted testimony of the witness——

Mr. SPENCER. Will the Senator allow me, as I have the floor, to continue?

Mr. ROBINSON. Why, certainly.

Mr. SPENCER. At the proper time I shall be glad to go into the proof in regard to the statements of the Senator from Arkansas, but not now.

Mr. ROBINSON. Will the Senator yield?

Mr. SPENCER. I am now in the process of a simple and brief argument on a constitutional question.

Mr. ROBINSON. Very well. I agree with the Senator that it is very simple.

Mr. SPENCER. I shall be glad to, at any proper time, examine into the facts of which the Senator from Arkansas speaks, and if those facts were demonstrated, I concede in passing that it would be not only the right, but it might be the duty, of the Senate to condemn severely, in language as strong as any man might want to make it, such a conspiracy, exonerate the Member of the Senate, and praise him for what he has done. That, however, is not what is before the Senate now. The one thing before the Senate is as to what action the Senate of the United States ought to take with regard to an indictment which has been found in the courts against the junior Senator from Montana.

Mr. BORAH. Mr. President——

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

Mr. SPENCER. I do.

Mr. BORAH. I want to correct the Senator, because that seems to be the premise from which he is proceeding with satire and logic.

We are not dealing with an indictment at all, nor with what should be done with that indictment. They will proceed to trial upon the indictment. Our proceeding here does not seek to interfere with the indictment. The chairman of the committee was very careful not to permit that to be gone into. We inquired into the facts concerning the charge against Senator WHEELER, and brought the facts here; and the question is not what we will do with the indictment but what we will do with the facts which we have brought here.

Mr. SPENCER. The Senator from Idaho is quite right, except that the only facts which were submitted to the committee had to do with that indictment. Here is the resolution:

Mr. BORAH. Mr. President——

Mr. SPENCER. Let me read it first. Here is the resolution:

Resolved, That a committee consisting of five Members of the Senate be appointed by the President pro tempore—

To do what?

To investigate and to report to the Senate the facts—

What facts?

In relation to the charges—

What charges?

Made in a certain indictment returned against Senator BURTON K. WHEELER in the United States district court for the State of Montana.

Mr. BORAH. And that is precisely what we did. We investigated the facts concerning the charges which were evidenced by the indictment laid in the courts of Montana, but we secured all the facts relating to it. There are more facts in this report which were never known to the grand jury of Montana than those which were known to it. We went into all the facts, and have reported the facts here, and in our report we do not say a word about the indictment. We do not make any suggestion with regard to the indictment. We simply report the facts growing out of that charge, and those facts are here. Now, what are we going to do with them?

Mr. SPENCER. Mr. President, here is what I think we ought to do with them, and then I am through:

Certainly I have no desire, if I know my own heart, to attempt to interfere with the exoneration of a Senator who has been unjustly charged, within the full limits of such an exoneration as the Senate can give to him; but what does the majority report do? I submit that any man who reads it can come to no other conclusion than that the result of the majority report is precisely what a petit jury might find, and what, doubtless, we hope a petit jury will find—a verdict of not guilty and consequent exoneration. That is not the function of the Senate. We do not have the machinery of cross-examination or the judicial equipment that enable us to pass such a judgment.

Mr. WALSH of Montana. Mr. President——

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

Mr. SPENCER. I yield to the Senator.

Mr. WALSH of Montana. It has often happened in the course of the history of this body that charges of a grave character were made against a Senator, in the public press or otherwise. He rises in this body to a question of personal privilege, as of course he has the right to do, calls attention to the charges, and asks an investigation. There is no indictment at all in that case. A committee is appointed to inquire into all the facts, not charged in an indictment out in Montana, but charged in a newspaper published in the city of New York or the city of Chicago. It investigates those facts. The committee comes back and reports to the Senate that there is nothing to the charges; no truth at all in them. Does the Senator mean to say that there is nothing the Senate can do in the matter?

Mr. SPENCER. Undoubtedly the Senate can pass any resolution regarding the qualification of that Member, or any reso-

lution that even indirectly has to do with its other power of expulsion.

Mr. WALSH of Montana. Oh, yes.

Mr. SPENCER. But those are the only two things the Senate can do.

Mr. WALSH of Montana. But what can it do in that case? What kind of action could it take except to adopt the report of the majority finding that the facts are not as set forth in the indictment?

Mr. SPENCER. It would depend entirely upon how that report, in the hypothetical case of the Senator, was framed.

Mr. WALSH of Montana. Whatever it is, whether the committee finds that the facts are as charged or that they are not as charged, the Senate would either adopt or reject that report.

Mr. SPENCER. That might well be, but the Senator knows that is not the fact here.

Mr. WALSH of Montana. So that the only difference between that case and this case is that there is an indictment here, and there is not in the other case.

Mr. SPENCER. We are asked to usurp the functions of the trial jury in a pending case and pass the same kind of a verdict that it is hoped that jury will pass.

Mr. WALSH of Montana. Just one other question. In the case that I have cited no indictment has been returned, but an indictment was returned afterwards. Now, what is the difference between the two?

Mr. SPENCER. The Senate's action came after the indictment.

Mr. WALSH of Montana. Yes.

Mr. SPENCER. My judgment is that if the Senator involved requested an expression of opinion from the Senate as to whether there was anything in the charges that affected his right to sit as a Member of the Senate, we ought at once to respond, and in as full language as you like, but nothing more.

Mr. WALSH of Montana. Oh, no; in that case, when there is no indictment, the Senator tells the Senate now that the appropriate procedure upon the incoming of the report of the committee is either to adopt it or reject it.

Mr. SPENCER. I do not so understand it.

Mr. WALSH of Montana. Exactly; so that we can not either adopt or reject the report now, because there is an indictment pending. In other words, the power of the Senate depends upon whether an indictment has been or has not been returned.

Mr. SPENCER. That may be the conclusion of the Senator from Montana. It is not mine.

Mr. WALSH of Montana. That is why I rose. I wanted to know from the Senator what the difference is. As I understand him, if no indictment has been returned the Senate may properly adopt a motion either adopting or rejecting the report of the committee; but he is arguing now, as I understand, that because the indictment has been returned we have no such power.

Mr. SPENCER. That is not the argument I have tried to make or the position I take.

Mr. WALSH of Montana. I rose so that the Senator would clarify it.

Mr. GEORGE. Mr. President——

Mr. SPENCER. I yield to the Senator from Georgia.

Mr. GEORGE. As I understand the Senator's position, it is this: That he would suspend judgment in this case. I understand that to be the purport of the substitute resolution moved by the Senator from South Dakota, that the Senate should now stop and suspend judgment. Is that the Senator's view?

Mr. SPENCER. It is not. I am not supporting the minority report. I do not agree with the minority report. There might be a question of a difference of opinion regarding the propriety of the Senate interfering while a judicial case was pending. I recognize there might be some difference of opinion on that question; but I assume there can be no difference of opinion about the right of the Senate to proceed irrespective of an indictment. We would have a perfect right, upon the evening that the petit jury was about to receive the case, to pass our resolution of confidence in our fellow Member, and send it broadcast to the State where he was being tried, if we saw fit to do it. Our right is not limited by an indictment, or by a trial, or by anything else except our own will.

Mr. GEORGE. What would the Senator do with this majority report, then?

Mr. SPENCER. I can conclude by answering the Senator's question in submitting a resolution which is along the line of the only action the Senate can properly take, and I have talked longer than I intended.

All that I feel in regard to this question is as to what is the right and fair thing to the junior Senator from Montana, and the proper thing for the Senate to do, and I can sum it up in a resolution I have drawn, which can not now be placed before the Senate because there is a resolution and a substitute therefor now before the Senate, so that the parliamentary procedure would not allow my resolution to be presented; but I will read it to the Senator, and it at least explains what I think ought to be done.

Mr. WALSH of Montana. Mr. President——

Mr. SPENCER. Is the Senator from Georgia through?

Mr. GEORGE. I would like to hear the resolution. I understood the Senator was going to read the resolution, which would give me an answer to the question I asked.

Mr. SPENCER. It is as follows:

The Senate having before it the majority——

Mr. WALSH of Montana. Mr. President——

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

Mr. WALSH of Montana. The Senator from Georgia kindly consents that I may ask a question before the resolution of the Senator is read. I want to inquire of the Senator this, suppose this committee had reported that the facts charged in the indictment were true. Would we then be entitled to adopt the report of the committee?

Mr. SPENCER. I do not think so.

Mr. WALSH of Montana. Well——

Mr. SPENCER. I still think, if I may say so to the Senator from Montana, that our power rests alone in passing upon the qualification of our colleague, upon his right to continue membership, and no more.

Mr. WALSH of Montana. But suppose the committee did report that the facts are as stated in the indictment, that the charge is true, and some one moved to adopt the report of the committee. I understand the Senator to say now that the Senate would not have any power to do that.

Mr. SPENCER. I do not speak in limitation of their power. The Senate is supreme. It can do as it likes.

Mr. WALSH of Montana. As to the propriety?

Mr. SPENCER. I should say it would be improper, and for very obvious reasons. The facts in this case as in any case are changing, additional facts may appear, facts that now seem to be true may disappear. It needs no argument of mine to convince so able a lawyer as the senior Senator from Montana that only a court of law, with its machinery for examination and cross-examination, can finally pass a verdict.

Mr. WALSH of Montana. Very well.

Mr. SPENCER. Why should we assume this judicial function.

Mr. WALSH of Montana. Let us see. The committee reports that the charges are true; they have investigated the facts; they report the facts, and for the purpose of the case we will say that the report is unanimous, that my colleague is guilty of the act charged.

Mr. BORAH. Let us say, furthermore, that the Senator from Missouri has examined the evidence, and finds the report is true. What would he do about it?

Mr. WALSH of Montana. The Senator would not allow the Senator from Montana to retain his seat in this body, would he?

Mr. SPENCER. The hypothetical question is not difficult to answer. If the report of the committee showed facts as being true which warranted either the expulsion of the Member, or which warranted a finding of his disqualification to sit as a Member, the proper action of the Senate would be either to expel him or to deny his qualification to membership. It would be a useless thing merely to approve or disapprove an alleged statement of facts.

Mr. WALSH of Montana. We would adopt the report.

Mr. SPENCER. We would act upon the facts as they were reported before us.

Mr. WALSH of Montana. Exactly; we would adopt the report.

Mr. SPENCER. We should take such action as under our constitutional rights any established facts warranted. We can expel or refuse to expel. We can pass upon his qualification. We could do nothing more.

Mr. WALSH of Montana. So that the situation is this, as I understand the Senator: If a Senator is charged with an offense which, if established, would necessitate his expulsion from this body, if the committee investigating the matter finds that he is guilty, then the Senate can adopt the report and expel him; but if the committee reports that he is not guilty, and the facts are not established, the Senate then would not do anything at all?

Mr. SPENCER. Certainly. The Senate can express its confidence in its Member by refusing to expel him or by approving his qualifications and let the matter remain where it was before there were any charges.

Mr. GEORGE. I will be very glad to have the Senator read his resolution expressing his views.

Mr. SPENCER. It is as follows:

Resolved, That the Senate, having before it the majority and minority reports of its special committee empowered "to investigate and report to the Senate the facts in relation to the charges made in a certain indictment returned against Senator BURTON K. WHEELER in the United States District Court for the State of Montana," and bearing in mind that the duty of the Senate in the matter has to do only with the "qualifications of its own Members" and its right to punish or expel a Member, declares that no reason has been presented to the Senate which questions the right of the junior Senator from Montana to membership in the Senate and discharges its committee from further investigation of the matter.

Mr. GEORGE. I understand the Senator merely wants to say in his own language precisely what the acceptance of this report would say.

Mr. SPENCER. If I thought that, may I say to the Senator from Georgia, I certainly would have no objection to the majority report. I conceive that that report goes far beyond our function. I conceive justice to our colleague and our own dignity does not allow us to go further than some such action as I have outlined, and that is the only reason I rose.

Mr. ROBINSON. Will the Senator yield to a question?

Mr. SPENCER. Certainly.

Mr. ROBINSON. The Senator proposes a resolution expressing the sense of the Senate that no reason exists why the Senator from Montana [Mr. WHEELER] is not entitled to retain his seat. Upon what does he base that conclusion and opinion?

Mr. SPENCER. Had the Senator heard the beginning of the resolution he would have remembered that I based it upon the fact that the Senate has before it the reports of the majority and minority members of the committee, and that the Senate bears in mind its own constitutional limitation. Of course, the facts are based upon those reports. That is the only evidence we have.

Mr. ROBINSON. Does not the Senator's resolution necessarily imply an approval of the majority report?

Mr. SPENCER. If it does, why not adopt the resolution?

Mr. ROBINSON. I have no objection to its adoption, not as a substitute for the resolution of the Senator from Idaho, but as an independent or additional proposition.

Mr. JOHNSON of California. Mr. President, the argument that has been made by the Senator from Missouri might have been an appropriate argument at the time of the introduction of the original resolution. It is not, in my opinion, now apt in any sense.

After the adoption of the resolution, by which a committee was appointed to investigate the facts, and an investigation by that committee, two reports have been presented to the Senate—the majority report, which in reality exonerates the Senator from Montana from wrongdoing, and the minority report, which in substance says there was a prima facie case made against him which justified the indictment in the Federal court in Montana.

At this particular stage, therefore, the question has gone far beyond the position suggested by the Senator from Missouri. We stand here to-day with a twofold duty, it seems to me; first, there is the duty that we owe to the Senator from Montana, the highest duty that colleagues can owe to one another; secondly, there is a duty even more solemn than that, which we owe to the Senate of the United States itself.

If the Senator from Montana is guilty of the offense charged, it would be, in my opinion, an intolerable thing for us to sit here supine and indifferent. If, on the other hand, the Senator from Montana is innocent of the charge laid against him, it would be worse than supine and indifferent, it would be cowardly, for the Senate of the United States not to go upon record in that regard.

I have read the testimony presented before the committee. I have listened with an intentness that few Senators have to the arguments that have been presented, and I am ready to vote. I say that upon the testimony that was adduced before the committee there is no reasonable man on earth who can say that the Senator from Montana was guilty of the crime, or that the indictment against him was justified. Believing in his innocence, therefore, acquitted as he is by four members of a special committee appointed by the Senate of the United States, it would be an outrageous thing, outrageous to him and outrageous for the Senate of the United States, if it believed in his innocence, not to say it and say it just as positively as it can say it at this time.

I am ready to vote, and I am ready to vote for the majority report, or even a stronger report, for there are collateral and cognate circumstances in connection with this case which arouse every bit of indignation that an individual can have, every bit of indignation and resentment that may repose in the breast of every public official. I believe the Senator from Montana to be innocent. I want to vote that way. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER. The rules of the Senate forbid any demonstrations.

Mr. ROBINSON. Mr. President, I do not desire to detain the Senate. The vote should be promptly taken upon the pending resolution. It would be puerile, cowardly, for the Senate at this stage of the proceeding to content itself with an approval of the resolution proposed by the Senator from South Dakota [Mr. STERLING].

This issue transcends in its importance every political consideration that by any possible stretch of fancy can be associated with it or that can grow out of it. The undisputed evidence establishes some facts which it is pertinent for Senators to remember.

A Member of this body, executing the mandate of the Senate, was indicted by a grand jury in his home State. The Senate unanimously passed a resolution, at the request of that Senator, authorizing the creation of a special committee, to be appointed by the Presiding Officer of the Senate, to investigate the facts in connection with the indictment and report them to the Senate.

The committee performed its duty in complete detail. It sought and procured and brought before the Senate all the facts, or alleged facts, within the knowledge of any witness whose name was suggested to the committee. The evidence shows that while the Senator from Montana [Mr. WHEELER] was carrying out an order of the Senate a plan was formed to interfere with him as the agent of the Senate, to hamper him in the discharge of his duties, and stop him in the execution of his task, undertaken and carried forward by direction of the Senate.

The evidence supporting that statement of the facts was read into the RECORD yesterday by my colleague, the junior Senator from Arkansas [Mr. CARAWAY], who is a member of the committee, and by the senior Senator from Montana [Mr. WALSH]. Its credibility has in no respect been attacked, either by any witness who testified or by any Senator who has discussed the issues involved in the pending resolution. So that according to the rule of credibility in courts the truthfulness of the statement may be fairly accepted.

The testimony shows that a witness in the case went to the State of Montana for the purpose of procuring an indictment against the junior Senator from Montana because he was in the execution of a mandate of the Senate. It shows that he approached a former Assistant Attorney General of the State and frankly stated to him a purpose to injure the reputation of the junior Senator from Montana and to stop him in the discharge of the duties which the Senate had ordered him to perform. That is the undisputed record of the evidence. Agents of a conspiracy traveled almost across the continent of the United States and combined and collaborated with others, not alone for the purpose of injuring the fair name of a citizen of the United States but for the express purpose of preventing a Member of the United States Senate from fearlessly executing the order of the Senate.

Now, the committee have reported, and a division arises over the report. The majority, four members, say that the evidence discloses that the junior Senator from Montana has not committed an offense against his country, that he is not subject to indictment, that he has performed his duty and has violated no law. Upon that state of the record we are asked by a Member of this body who served upon the committee to take no action upon the subject, to pledge ourselves not to vindicate the junior Senator from Montana. Such a proposal, if it emanated from any other source or was presented anywhere else than in the Senate, the rules of the Senate forbidding such characterization, would be regarded as contemptible. The public are entitled to have the Senate take manly and decisive action.

What would the constituents of the Senator from South Dakota [Mr. STERLING] say if they could give expression to their views regarding the resolution which he has presented to the Senate to-day? What would they expect of their repre-

sentative in this great body? Not cowardice, not duplicity, not ambiguity, but straight-out expression. What do the men and women of the United States who have respect for honest public officers require of the Senate on this occasion? That the Senate shield no guilty Member and that the Senate protect its Members from treachery and dishonesty. How contemptible it would appear to the average citizen to be evasive on an issue that involves the honesty of a Senator.

What have the public and the Senator from Montana the right to expect? If the evidence shows that he was framed, if the testimony proves that while fearlessly discharging his duty and obeying your order, he became the victim of a conspiracy as cowardly and as damnable as ever marred the records of court or legislature, then what language can describe the perfidy of his associates whose order he is obeying if they permit his hand to be restrained, his tongue to be silenced, his courage to be intimidated? What right have you to order him to investigate the Department of Justice and make public its inefficiencies and corrupt transactions, and then, when he advances with a determination that inspires the guilty with dread, leave him without support, protection, or indorsement?

I have asked what would the people of South Dakota say to THOMAS STERLING, their Senator for a little while yet, if they knew he had asked his colleagues, under the circumstances shown to exist in Mr. WHEELER's case, to leave Mr. WHEELER to suffer the vengeance of conspirators against him who attempt to destroy him for performing a duty imposed upon him by his colleagues? What would your constituents say if you contented yourselves with taking no action, if you pledged yourselves to do nothing in such a case?

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

Mr. ROBINSON. I yield to my colleague.

Mr. CARAWAY. What objection can an honest man have to expressing an honest opinion about a question that is before him?

Mr. ROBINSON. The Senator will have to ask some one else that question. I can not comprehend the mental attitude or the moral character of the Senator who under the issues as presented here is unwilling either to approve WHEELER or to condemn him. It is cowardly in the extreme to order him to perform a duty and then when he is harassed and interfered with in the discharge of that duty to forsake him without defense and without vindication. There is not a human being from limit to limit of this continent, not a well-informed citizen of this Nation, who does not know that WHEELER was framed, and that the object of it was to conceal fraud and corruption in the Department of Justice. There is not an honest man in all the homes that adorn the hills and valleys of this Republic whose heart will not thrill with indignation when he knows that the Senate has seriously considered a proposal to penalize a man, whatever lack of diplomacy he may have shown, who has done his duty in such a way as to win the confidence even of his enemies.

He is entitled, as all who bear his name are entitled, to have you stand up on one side or the other; and I denounce you as a craven and a coward if you hide yourself behind the substitute resolution proposed by the Senator from South Dakota [Mr. STERLING]. Vote "yes" or "no," and when you vote you will register for all your life yet to come your attitude respecting honesty in public office and courage in the performance of public duty.

Mr. WALSH of Massachusetts. Mr. President, there seems to be a disposition to evade taking a direct position upon this question by resorting to technicalities. In my opinion there is a question now before us that transcends technicalities and politics. Occasionally an opportunity is given us here to rise above the strife and contentions of selfish and political interest. One such occasion is here now. Is the Senate of the United States capable of administering justice; is the Senate of the United States capable of rising above party advantage and doing justice—justice without which civilization is a mockery and political institutions temples of tyranny?

It has been said that the Senate owes it to itself to make a direct decision on the issue as to the guilt or innocence of this man; it has been said that it owes it to the Senator from Montana; but more than all else I believe it owes it to the American people.

Are we capable of deciding without bias whether or not this man is worthy or unworthy of a seat in this body? Are we capable, after an investigating committee led by one of the ablest and fairest men in this body completely exonerated Senator WHEELER, to reach a decision and to announce to the American people that this man is innocent, worthy of and entitled to enjoy the rights and privileges of a Senator?

No man who has heard or read the testimony before the committee suggests or even hints that he is guilty. Then, tell me if there is any other question here than that of simple, downright, straight, American justice?

Why do we hesitate? Are we to become persecutors of honorable Members of our own body? I can understand petty partisanship entering into many issues that arise here, but in the name of Christianity and our boasted civilization, when it comes to dealing with a fellow Senator, his reputation, when it comes to dealing with a young statesman with all his future before him, his family and his family's reputation, a sovereign State's right to have its Senator's qualifications fairly judged, let us shun party politics and give to the country evidence of our belief in the principles of justice.

The country will construe our action to-day only in one direction—our approval or disapproval of the charges made against Senator WHEELER. A postponement, a compromise, any action except a straight vote of confidence will be interpreted as against Senator WHEELER. If every scintilla of evidence points to his innocence, why deny—never mind him—your countrymen an immediate and a truthful verdict?

As one who has come from and represents in part the State where the junior Senator from Montana was born and received his early education I want to raise my voice and send back word to the people of his native State, his kin and friends in Massachusetts that Senator WHEELER has been found to be an innocent man; that he has been in the opinion of many of his associates the victim of the most damnable scheme to injure his reputation and influence that a public man ever experienced in America. Mr. President, if we fail to render justice, the spirit of the American people will not deny it to him. Is that American spirit of justice still in the hearts of the men elected to the United States Senate? That is the issue here. When this vote is cast let the Senate show to the country that it is a believer in and a giver of justice. If we are not capable of, or have not the courage to decide justly and without equivocation the qualifications of one of our own Members, how can we expect the American people to give us credit for the courage and capacity necessary to make laws for 110,000,000 people? It is clear, as clear as the light of day, that a vote for the resolution of the Senator from Idaho [Mr. BORAH] is a vote for justice.

Mr. STERLING. Mr. President, I had not expected to say another word in regard to this matter. I was ready to vote long ago, and I would say nothing now but for the personalities that have been indulged in by some Senators on the other side of the Chamber.

Reference has been made to a lack of courage; insinuations of cowardice have been made; duplicity in the matter of the presentation of the minority views and the substitute resolution now pending has been suggested. Mr. President, the Senator from South Dakota has never felt called upon to defend his record for courage in the Senate of the United States, and he does not believe he is required to defend it now. Not now referring to his constituency, the Senator from South Dakota by vote and voice always expressed on this floor his honest convictions, his best judgment, and acted according to the dictates of his conscience, even up to this hour, and is doing so now. I ask Senators, my colleagues, who have listened to the discussion and proceedings of the last three or four days here in the Senate to determine for themselves whether or not I have been lacking in the courage that a Senator of the United States should have in the expression of his convictions.

Mr. President, it has been asked what would my constituents say? Is it material to this case as to what my constituents in the State of South Dakota will say? That is between me and my constituents; it is not the business of the Senator from Arkansas to inquire; I am ready to answer to my constituents for all I do here. I have one view, however, as to what they will say, and that is that though a man be a Senator of the United States no different or higher right should be accorded to him than to the humblest citizen of the land, and that is what you are proposing to do by this majority report.

Mr. President, the junior Senator from Montana has been indicted. That indictment is pending in the Federal court in the State of Montana. His case is to be tried before a petit jury, and I have objected to proceedings here, the effect of which will inevitably be to prejudge and prejudice the case so that a fair trial before a jury will be well-nigh impossible.

Mr. President, I believe in the dignity, in the majesty, in the justice of the law, and I stand here in a feeble way to

appeal for a recognition of those attributes. We have the three great departments of the Government—the legislative, executive, and judicial. This case now should be considered as in the hands of the judicial department of the Government. That department has taken jurisdiction of it. The case is pending in the United States courts and there it should be tried as all cases are tried under the orderly processes, proceedings, and safeguards of an American court of justice.

What has been done in other cases and by other Senators and Members of the House? Consider the Mitchell case of years ago. Senator Mitchell appears before the Senate, recites the charges that have been made against him and says, because thereof, he will not intrude himself upon the presence of the Senate longer, and withdraws until after the trial of that charge, a charge which he at the time emphatically denied. What happened in the case of Senator Burton, of Kansas. He does not remain in the Senate of the United States after he is indicted, to participate in the proceedings of the body. So, in the Langley case now pending before the House of Representatives, Mr. LANGLEY undoubtedly has the grace to refrain from participation in the proceedings of that body while he is under indictment. Moreover, quite the opposite of what we have done here, the chairman of the House committee considering the Langley case says that no proceedings will be had before the committee until there has been a trial and a determination by the court of the guilt or innocence of Mr. LANGLEY. Mr. President, that has been my theory of this case all along. There has been no duplicity about it. Everybody has understood my position. I have never agreed to the proposition that it was the business of the committee or of the Senate to determine the guilt or innocence of Senator WHEELER. I have offered the substitute resolution to carry out my idea in regard to the matter.

I give expression to the same thought that other Senators have given expression to, for example, the Senator from Missouri [Mr. SPENCER]. I hope that Senator WHEELER when he goes before the jury in Montana will be able to explain and to refute every one of the charges which have been made against him; but, Mr. President, it is not for us to sit here and exercise the functions of a trial jury.

Waiving constitutional grounds, we are going outside what I deem to be our proper province in trying this case. Leave it to the jury. Suppose the jury on the evidence before it finds Senator WHEELER guilty of the charges. He has had, under our American system, a fair trial, of the result of which he can not complain. What will be our position under such circumstances? I have cited the case of Senator WHEELER, a Senator of the United States, having an advantage over the ordinary citizen in such a case as this. Suppose—and I have used the illustration before because it appeals to me strongly, and the supposition is not far removed from conditions as they exist in the Senate of the United States to-day—suppose, under like conditions as they now exist, some Senator on the minority side should be indicted in his State and should demand a trial, declaring "I am not guilty; I am anxious to go before the jury, confront the witnesses against me, tell them my story, and produce the witnesses in my behalf," and suppose he should be denied that opportunity by the Senate of the United States, which declares, "Notwithstanding your protestations of innocence, your wish to submit the question to a jury of your peers, we are going to try you here in the Senate of the United States, regardless of any feeling of personal or party prejudice that may exist against you." Mr. President, that seems a travesty to me; it does not comport with my idea of American justice and fair play. The Senator from Massachusetts [Mr. WALSH] appealed to our sense of American justice, but that is not justice. Equality before the law, as stated in the minority report, is the greatest principle upon which, it is said, our institutions rest, and it is not equality before the law to prejudge the case here when it is now before a court having full jurisdiction of it.

Mr. President, these are the reasons; these are the motives for what may be termed the interest I have shown in these proceedings. What will my constituents say? I have sufficient confidence, Mr. President, in the intelligence and reasonableness of my constituents to believe that when they understand the situation they will say, "You did right in standing for justice and fair play, and for the denial to even a Senator of the United States a privilege and a right not accorded to any other citizen of the land."

Mr. PEPPER obtained the floor.

Mr. CARAWAY. Mr. President, will the Senator yield to me for just one moment?

Mr. PEPPER. I yield.

Mr. CARAWAY. I want to make this statement: The Senator from South Dakota [Mr. STERLING] a minute ago said that this had been his contention, speaking of his minority report, from the beginning. I want to read what he said on the 21st of this month, with reference to that, in answer to a question from the Senator from Montana [Mr. WALSH]. It appears upon page 9427 of the RECORD.

The question of the Senator from Montana was:

> If the Senator believed that the Senate had no power to do that, how can he reconcile his acceptance of an appointment on the committee?

The answer of the Senator from South Dakota is:

> I did not think there was any Senator who perhaps at first blush thought that the Senate was without power to determine this thing. I did not. It was not clear in my own mind as to what the Senate could or should do in the premises under the charge made by Senator WHEELER to the effect that this was a frame-up and that the Government officers acted under improper influence or from bad motives. It was somewhat confusing to me.

He said just a minute ago that that had been his contention all the time; and that was his statement this week.

Just one other thing. I asked the Senator this:

> I, of course, should not have mentioned what went on in the executive session of the committee, except that the Senator sees fit to do it. Did not this occur, that the case was closed, no one wanted to hear another witness, the committee met and after discussion left to the chairman, by direction of the committee, the duty to make the report, and that until the report was prepared and ready to be signed the Senator did not even suggest that this theory should be discussed at all?
>
> Mr. STERLING. I did not assent to any report the chairman of the committee might make.
>
> Mr. CARAWAY. But the Senator did agree that the chairman should prepare the report.
>
> Mr. STERLING. He was to prepare a report for the committee to examine; certainly.
>
> Mr. CARAWAY. And the Senator never suggested that this theory should be considered in preparing the report, did he?
>
> Mr. STERLING. Oh, no; I did not suggest it openly, nor did any other member of the committee suggest a theory on which the report should be based.

I shall be glad to have the Senator reconcile that statement on Wednesday last with the statement he has just made.

Mr. PEPPER. Mr. President, the debate seems to me to have confused a case which is in its essence simple. I am unable to perceive in this record the difficulties which some of the speakers have injected into it.

On a certain date a Senator rose in his place, and what he said was, in legal effect, this. He said to the Senate of the United States:

> Gentlemen, you are the judges of the qualifications of membership in this body. I am under accusation. I ask you to exercise your constitutional prerogative in this regard, and to do it at my request.

The Senate might have decided that it was an inopportune time to institute an inquiry to determine the qualification of the Senator. The Senate might have decided that since a criminal proceeding was pending in the judicial department of the Government the legislature would await the decision of the judiciary before acting, in full consciousness, however, that it would not be bound one way or the other by the judicial determination of the pending question.

The Senate, however, chose to enter upon the discharge of a function which is unquestionably constitutional; namely, it proceeded in the orderly and regular way for the purpose of determining whether or not there was anything in the pending case which should lead to a declaration that the Senator was disqualified for membership in this body. The matter was proceeded with before a committee duly appointed, and we now have before us the majority and the minority reports.

If I correctly understand the majority report, it is to the effect that the Senator from Montana is not disqualified from holding his seat in this body, and that he is not disqualified for the reasons which are set forth in the conclusion of fact reached by the majority of the committee.

Mr. President, we can not straddle upon a proposition of qualification or disqualification. Either the Senator from Montana is qualified or he is disqualified; and he is not qualified unless the things said in the majority report are true. Therefore, I find no difficulty in deciding that I must vote one way

or the other on this issue. I can not adopt a middle course. I can not justify myself in suspending my judgment pending the proceedings of a correlative branch of the Government with which I have nothing to do. I must vote upon the issue that is before me, and the issue that is before me is whether the Senator from Montana is disclosed by this record as qualified or disqualified to sit in this body.

Having reached the conclusion that the majority of the committee are right in finding that he is qualified, and being of opinion, giving him the benefit of reasonable doubt on the issues that are doubtful, that the conclusions of fact reached by the majority are sound, I have no escape from the conclusion that I must vote for the resolution proposed by the majority, and I expect to do so.

Mr. HEFLIN. Mr. President, the Senator from Pennsylvania [Mr. PEPPER] is absolutely correct in his statement about what the committee has found. In its report—I mean the majority report—this language is used:

> In conclusion, the committee wholly exonerates Senator BURTON K. WHEELER from any and all violation of section 1782 of the Revised Statutes of the United States, and find that he neither received or accepted, or agreed to receive or accept, any compensation—

And so forth. The trumped-up charges against him have been found to be untrue.

Mr. President, I did not intend to say anything upon the question now before us, because the majority report had been so ably presented by Senator BORAH and his associates on the committee, Senators CARAWAY and SWANSON; but the last statement of the Senator from South Dakota [Mr. STERLING] makes me feel that some Senator ought to say just now what I am going to say.

If the position of the Senator from South Dakota should become the position of the Senate, district attorneys throughout the country and Federal grand juries under their direction could disqualify every man in this body upon the flimsiest pretext and mere rumor by railroading him and indicting him.

The Senator from South Dakota suggests that we should do nothing until the petit jury acts in Montana and determines whether or not Senator WHEELER is guilty. Why, Mr. President, suppose the district attorney should not want to push that case for trial. Suppose he should continue it from one term of the court to another and the Senator from Montana should follow the suggestion of the Senator from South Dakota, and retire from this Chamber, and await the action of the court under the direction of the district attorney in Montana. He would deprive him of his seat in this body, and he would deprive the people of his State of his service in this body, and he would deprive the people of the United States of his superb courage and great ability in prosecuting those who have disgraced and perverted the offices they held from the ends of their institution.

Mr. President, some things connected with this frame-up indictment of Senator WHEELER make this a very ugly situation to me. Mr. Daugherty, who escaped punishment somehow by a whitewash arrangement in the House more than a year ago, managed to keep certain testimony from getting to the House Committee on the Judiciary, but he did not escape here. The evidence obtained against him over here was strong and convincing. The Senate named to go after him a Member who had the courage to lead, and he did proceed in the investigation in such a competent and courageous fashion that he brought down the "game." He drove Daugherty from a place in the Cabinet into private life—a man shown to have accumulated thousands of dollars through the crooked deals of crooked agents under him—and think of it, Senators, that man appointed the district attorney who has secured the indictment of Senator WHEELER!

What was the atmosphere around that courthouse when Senator WHEELER was indicted? Did a grand jury of its own motion, and acting upon the testimony trying to get at the truth, proceed to indict him? No. They balloted once, and refused to indict him. They balloted twice, three times, four times, five times, six times, seven times, eight times, nine times, and each and every time refused to indict him and then adjourned for the day. They were now allowed to separate, and they went to dinner with certain Republican politicians, and while at dinner they were told that it was desirable and necessary that Senator WHEELER be indicted whether he could be convicted or not, and strange to say on their return they indicted him!

What has the Senate come to if it will permit trumped-up charges to be made against an honorable man in this body, led by a district attorney who was mad with WHEELER because his boss, Daugherty, was driven by WHEELER from the place that he had disgraced?

An able and honorable Senator and a brave and patriotic American citizen, the husband of a splendid and charming wife, and the father of fine and devoted children, is "framed" for the purpose of hampering him in the great work that he is doing here for the good of his country. Would the Senator from South Dakota leave him suspended in the air, with Coan's false charges hanging over him, charges trumped up at the instance of the Republican National Committee, who told Coan they wanted something on WHEELER? They hired Coan to get something on WHEELER. Coan says he was hired for that purpose by the Republican National Committee.

Then we see the district attorney appointed by Daugherty seeking to have a Federal grand jury indict WHEELER, and when they refuse political pressure is brought to bear on certain members of the grand jury and an indictment is finally obtained. The Senator from South Dakota objected to going into that phase of the case before the committee. That testimony was not permitted to go in; but I state to the Senate and to the country that three grand jurors told Senator WHEELER just what I have told you, and they would have told the committee if they had been permitted to do so. Talk about taking no action and suspending judgment. We owe it to common justice and decency to repudiate the suggestion. The position taken by the Senator from Missouri [Mr. SPENCER] is utterly ridiculous. He said if WHEELER was guilty and this committee found him guilty the report ought to be adopted and he ought to be expelled—that is his position—but that if he was not guilty and the committee reported that he was not guilty they should not take any action at all but should leave him suspended in the air with the false charges hanging over him.

Mr. President, I have been in the Congress, in the two Houses for nearly 20 years, and that position is the most absurd and ridiculous position that I have ever known any public man from justice of the peace to President to take. [Laughter.] If they should frame me as they have threatened to do I would hate to fall into the hands of men who feel like he does about this important matter. Senators, when a man wins his election at the hands of the voters of his State, and comes here with a commission to serve his people in this great law-making body and enters into the battle here as this young man from Montana has done, fighting for clean government, driving crooks from high place, daring to attack the mighty, corrupt political conditions that he found when he came, he ought to be praised, encouraged, and supported. Instead of that, Coan said, "Senator WHEELER was attacking the administration, and nobody would get up and say anything, and the National Republican Committee hired me to go out there and get something on him, and I have been paid to do it." That is the substance of his statement. So the National Republican Committee paid Coan to do what he did, and the district attorney holds his job by reason of Daugherty's favor, and the grand jury refused, when undisturbed and uninfluenced, to indict WHEELER, but after corrupt political influence was used, they found an indictment.

Mr. President, the Senate ought to go on record saying that Senator WHEELER is guilty or not guilty. There is no other way to decently and honorably settle this question. Let the crooks know now that self-respecting and honorable Senators will not knowingly permit corrupt court officials to abuse and misuse their positions to persecute and punish those who are trying to serve their country.

The PRESIDING OFFICER. The question is upon agreeing to the substitute offered by the Senator from South Dakota [Mr. STERLING].

Mr. BORAH. On that I ask for the yeas and nays.

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

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD]. I am not advised as to how that Senator would vote if he were present, so I transfer my pair to the junior Senator from New Jersey [Mr. EDWARDS], who would vote as I intend to vote, and I vote "nay."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). The senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of illness. If he were present, he would vote "nay."

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. Not knowing how that Senator would vote, in his absence I withhold my vote.

Mr. OWEN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the senior Senator from Missouri [Mr. REED], and vote "nay."

Mr. WILLIS (when his name was called). I am paired with the junior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the junior Senator from Illinois [Mr. MCKINLEY], and vote "yea."

The roll call was concluded.

Mr. SIMMONS (after having voted in the negative). I am paired with the junior Senator from Oklahoma [Mr. HARRELD], who is absent. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS], and allow my vote to stand.

Mr. SWANSON (after having voted in the negative). I have a general pair with the senior Senator from Washington [Mr. JONES]. I have been unable to obtain a transfer, and not knowing how he would vote, I withdraw my vote.

Mr. GERRY. I desire to announce that the senior Senator from Alabama [Mr. UNDERWOOD], whose pair has already been announced, if present would vote "nay."

The senior Senator from Tennessee [Mr. SHIELDS] if present would also vote "nay."

The junior Senator from Tennessee [Mr. MCKELLAR] would vote "nay" if present, and the senior Senator from Missouri [Mr. REED] would also vote "nay."

I also wish to announce that the Senator from Colorado [Mr. ADAMS] is paired with the Senator from Indiana [Mr. WATSON], and that if present the Senator from Colorado would vote "nay," as would the Senator from New Jersey [Mr. EDWARDS].

Mr. STANLEY (after having voted in the negative). Has the junior Senator from Kentucky [Mr. ERNST] voted?

The PRESIDING OFFICER. He has not voted.

Mr. STANLEY. I am unable to obtain a transfer of my pair, and not knowing how that Senator would vote on this question, I withdraw my vote.

Mr. BRANDEGEE. I am paired with the senior Senator from Tennessee [Mr. SHIELDS], and it having been announced that if present he would vote "nay," as I intend to vote in the same way, I am at liberty to vote, and vote "nay."

Mr. GLASS (after having voted in the negative). I have a general pair with the junior Senator from Connecticut [Mr. MCLEAN], with the understanding that when either of us should be interested in a question he would notify the other. I have no notification from the Senator from Connecticut as to this particular question, and if the vote were close, I would hesitate to let my vote stand, but in the circumstances I do let it stand, and will settle it with him.

Mr. CURTIS. The Senator from Indiana [Mr. WATSON] has a general pair with the Senator from Colorado [Mr. ADAMS], but I do not know how the Senator from Indana would vote on this question if he were present and not paired.

The Senator from Rhode Island [Mr. COLT] has a general pair with the Senator from Florida [Mr. TRAMMELL], but I do not know how the Senator from Rhode Island would vote on this question.

The Senator from Illinois [Mr. MCKINLEY], if present, would vote "yea." He is necessarily absent.

The result was announced—yeas 5, nays 58, as follows:

YEAS—5

Curtis	Wadsworth	Warren	Willis
Sterling			

NAYS—58

Ashurst	Fletcher	King	Ransdell
Bayard	Frazier	Ladd	Reed, Pa.
Borah	George	McNary	Robinson
Brandegee	Gerry	Mayfield	Sheppard
Brookhart	Glass	Moses	Shipstead
Broussard	Gooding	Neely	Simmons
Bruce	Hale	Norbeck	Smith
Cameron	Harris	Norris	Spencer
Caraway	Harrison	Oddie	Stanfield
Copeland	Heflin	Overman	Stephens
Dale	Howell	Owen	Trammell
Dial	Johnson, Calif.	Pepper	Walsh, Mass.
Dill	Johnson, Minn.	Phipps	Walsh, Mont.
Ferris	Jones, N. Mex.	Pittman	
Fess	Kendrick	Ralston	

NOT VOTING—33

Adams	Elkins	Lodge	Stanley
Ball	Ernst	McCormick	Swanson
Bursum	Fernald	McKellar	Underwood
Capper	Greene	McKinley	Watson
Colt	Harreld	McLean	Weller
Couzens	Jones, Wash.	Reed, Mo.	Wheeler
Cummins	Keyes	Shields	
Edge	La Follette	Shortridge	
Edwards	Lenroot	Smoot	

So Mr. STERLING's substitute was rejected.

The PRESIDING OFFICER. The question now is upon agreeing to the resolution offered by the chairman of the committee, the Senator from Idaho [Mr. BORAH].

Mr. SPENCER. I offer the following substitute for the resolution now pending.

The PRESIDING OFFICER. The Senator from Missouri offers the following substitute, which the Secretary will report:

The reading clerk read as follows:

Resolved, The Senate, having before it the majority and minority reports of its special committee empowered "to investigate and report to the Senate the facts in relation to the charges made in a certain indictment returned against Senator BURTON K. WHEELER in the United States District Court for the State of Montana," and bearing in mind that the duty of the Senate in the matter has to do only with the "qualifications of its own Members" and its right to punish or expel a Member, declares that no reason has been presented to the Senate which questions the right of the junior Senator from Montana to membership in the Senate, and discharges its committee from further consideration of the matter.

Mr. BORAH. On that I ask for the yeas and nays.

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

Mr. FLETCHER (when his name was called). I have a pair with the senior Senator from Delaware [Mr. BALL], who appears to be absent, but under my arrangement with him I feel that I am at liberty to vote. I vote "nay."

Mr. GLASS (when his name was called). Making the same announcement that I made on the previous vote, I vote "nay."

Mr. JONES of New Mexico (when his name was called). I make the same announcement as before regarding the transfer of my pair, and vote "nay."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). If the senior Senator from Wisconsin [Mr. LA FOLLETTE] were present, he would vote "nay."

Mr. LODGE (when his name was called). Making the same announcement as to my pair as before, I withhold my vote.

Mr. OWEN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Missouri [Mr. REED], and vote "nay."

Mr. SIMMONS (when his name was called). Making the same announcement as to my pair and its transfer to the Senator from Tennessee [Mr. SHIELDS], I vote "nay."

Mr. STANLEY (when his name was called). I transfer my pair with the junior Senator from Kentucky [Mr. ERNST] to the senior Senator from Wisconsin [Mr. LA FOLLETTE], and vote "nay."

Mr. TRAMMELL (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COLT], but I feel at liberty to vote on this question. I vote "nay."

Mr. WILLIS (when his name was called). Making the same announcement as to the transfer of my pair, I vote "yea."

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from Colorado [Mr. ADAMS], the Senator from Tennessee [Mr. MCKELLAR], the senior Senator from Tennessee [Mr. SHIELDS], the Senator from Alabama [Mr. UNDERWOOD], the Senator from New Jersey [Mr. EDWARDS], and the Senator from Missouri [Mr. REED], if present, would vote "nay."

Mr. BRANDEGEE (after having voted in the negative). I wish to say that I allow my vote to stand on the theory that the same transfer was made by the Senator from North Carolina [Mr. SIMMONS] to the Senator from Tennessee [Mr. SHIELDS] that was made on the last vote.

Mr. SWANSON (after having voted in the negative). I will state that, according to information I have in this case, it is not necessary for me to observe my pair with the Senator from Washington [Mr. JONES].

The result was announced—yeas 8, nays 56, as follows:

YEAS—8

Moses	Reed, Pa.	Stanfield	Warren
Phipps	Spencer	Wadsworth	Willis

NAYS—56

Ashurst	Ferris	Johnson, Minn.	Ralston
Bayard	Fess	Jones, N. Mex.	Ransdell
Borah	Fletcher	Kendrick	Robinson
Brandegee	Frazier	King	Sheppard
Brookhart	George	Ladd	Shipstead
Broussard	Gerry	McNary	Simmons
Bruce	Glass	Mayfield	Smith
Cameron	Gooding	Neely	Stanley
Caraway	Hale	Norris	Stephens
Copeland	Harris	Oddie	Sterling
Curtis	Harrison	Overman	Swanson
Dale	Heflin	Owen	Trammell
Dial	Howell	Pepper	Walsh, Mass.
Dill	Johnson, Calif.	Pittman	Walsh, Mont.

NOT VOTING—32

Adams	Edwards	La Follette	Reed, Mo.
Ball	Elkins	Lenroot	Shields
Bursum	Ernst	Lodge	Shortridge
Capper	Fernald	McCormick	Smoot
Colt	Greene	McKellar	Underwood
Couzens	Harreld	McKinley	Watson
Cummins	Jones, Wash.	McLean	Weller
Edge	Keyes	Norbeck	Wheeler

So Mr. SPENCER's substitute was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the resolution submitted by the Senator from Idaho [Mr. BORAH].

Mr. BORAH. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. PITTMAN. Mr. President, in order that the RECORD may disclose exactly what the vote is upon, I ask unanimous consent that the resolution of the Senator from Idaho, the chairman of the special committee, together with the majority report, may be published at this point in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

The resolution (S. Res. 235) and majority report are as follows:

Resolved, That the report submitted by the chairman of the special committee appointed to investigate the charges against Senator BURTON K. WHEELER be adopted and approved, and the special committee be discharged.

[Senate Report No. 537, Sixty-eighth Congress, first session]

SENATOR BURTON K. WHEELER

Mr. BORAH, from the special committee authorized to investigate charges against Senator BURTON K. WHEELER, submitted the following report, pursuant to Senate Resolution 206:

On April 9, 1924, the Senate passed the following resolution:

> "*Resolved*, That a committee consisting of five Members of the Senate be appointed by the President pro tempore to investigate and report to the Senate the facts in relation to the charges made in a certain indictment returned against Senator BURTON K. WHEELER in the United States District Court for the State of Montana."

That thereafter the President pro tempore of the Senate appointed Senators WILLIAM E. BORAH, CLAUDE SWANSON, THOMAS STERLING, T. H. CARAWAY, and CHARLES L. MCNARY as a special committee to make the investigation authorized by the foregoing resolution.

The charge against Senator BURTON K. WHEELER, and which charge your committee was authorized to investigate, arises under and by virtue of section 1782 of the Revised Statutes of the United States. That statute reads as follows:

> "No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a department or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor and shall be imprisoned not more than two years and fined not more than $10,000, and shall, moreover, by conviction therefor be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States."

The Supreme Court has construed this statute particularly in the case of Burton *v.* The United States (202 U. S. 344).

Under this statute an agreement to receive compensation for services rendered, or to be rendered, before any department, court-martial, bureau, officer, or any civil, military, or naval commission is made an offense; the receiving of compensation in violation of the statute, whether pursuant to a previous agreement or not, is also made an offense. In other words, if a party agrees to receive compensation for such services, he is guilty under the statute; or if he receives compensation without any previous agreement, he is also guilty of an offense.

This statute in no way prohibits or interferes with a Member of Congress from appearing before any department, court-martial, bureau, officer, or any civil, military, or naval commission, provided he does so free from any agreement to receive compensation or without receiving compensation therefor. The sole question which your committee was authorized to investigate, therefore, was, Did Senator WHEELER agree to receive compensation, directly or indirectly, for services rendered, or to be rendered; or did he receive compensation for services rendered, or to be rendered, relative to his appearance or services before any department, court-martial, bureau, officer, or any civil, military, or naval commission?

Your committee finds:

First. That during the months of January and February, 1923, after his election to the Senate, Senator WHEELER entered the employ of Gordon Campbell as his attorney, the said contract of employment including the firm of lawyers under the name of Wheeler & Baldwin.

Second. That, according to the terms of employment by which he entered the service of Campbell as his attorney, the said firm of Wheeler & Baldwin was to receive a retainer's fee of $10,000 per annum; that $2,000 thereof was paid January 9, 1923, and $2,000 thereof on February 16, 1923, and that the balance is still unpaid.

Third. That it was fully understood and agreed between all parties to said contract of employment that the services of Senator WHEELER and his firm related alone to the litigation then pending, or to be brought, in the State courts of Montana, said Campbell being at that time interested in a number of lawsuits, some 19 or 20 at least in number.

Fourth. That said BURTON K. WHEELER did not at any time agree to receive compensation for services before any department, court-martial, bureau, officer, or any civil, military, or naval commission at Washington, and did not at any time receive compensation for such services before any department, court-martial, bureau, officer, or any civil, military, or naval commission.

Fifth. That, on the other hand, the sole contract of employment which he had with Campbell related to matters of litigation in the State courts of Montana; that Senator WHEELER did not at any time appear for said Campbell or his companies before any of the departments in Washington under agreement to receive compensation, and did not at any time receive compensation for any appearance or services rendered before said Government departments.

In conclusion, the committee wholly exonerates Senator BURTON K. WHEELER from any and all violation of section 1782 of the Revised Statutes of the United States, and find that he neither received or accepted, or agreed to receive or accept, any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States was a party, or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever.

The committee further states that in its opinion Senator WHEELER was careful to have it known and understood from the beginning that his services as an attorney for Gordon Campbell, or his interests, were to be confined exclusively to matters of litigation in the State courts of Montana, and that he observed at all times not only the letter but the spirit of the law.

WM. E. BORAH.
CHAS. L. MCNARY.
CLAUDE A. SWANSON.
T. H. CARAWAY.

The PRESIDING OFFICER. The yeas and nays have been ordered on agreeing to the resolution of the Senator from Idaho [Mr. BORAH], and the roll will be called.

The reading clerk proceeded to call the roll.

Mr. JONES of New Mexico (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "yea."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). The senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Chamber on account of illness. If he were present, on this question he would vote "yea."

Mr. LODGE (when his name was called). Making the same announcement as to my pair as before, I withhold my vote.

Mr. OWEN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Missouri [Mr. REED] and vote "yea."

Mr. SIMMONS (when his name was called). Making the same statement as to my pair and transfer as on the previous vote, I vote "yea."

Mr. STANLEY (when his name was called). Making the same statement with reference to my pair and its transfer, I vote "yea."

Mr. WILLIS (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. MCKELLAR] to the Senator from Illinois [Mr. MCKINLEY] and vote "nay."

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from Colorado [Mr. ADAMS], the Senator from Tennessee [Mr. MCKELLAR], the senior Senator from Tennessee [Mr. SHIELDS], the Senator from Alabama [Mr. UNDERWOOD], the Senator from New Jersey [Mr. EDWARDS], and the Senator from Missouri [Mr. REED], if present, would vote "yea."

I also desire to announce that the Senator from Colorado [Mr. ADAMS] is paired with the Senator from Indiana [Mr. WATSON].

Mr. GLASS (after having voted in the affirmative). I make the same announcement that I made on the previous vote, and let my vote stand.

Mr. CURTIS. I wish to announce that the Senator from Indiana [Mr. WATSON] is necessarily absent. I do not know how he would vote on this question.

I was requested to announce that the Senator from Illinois [Mr. MCKINLEY] is necessarily absent. If present, he would vote "nay."

The result was announced—yeas 56, nays 5, as follows:

YEAS—56

Ashurst	Fess	Jones, N. Mex.	Ralston
Bayard	Fletcher	Kendrick	Ransdell
Borah	Frazier	King	Robinson
Brandegee	George	Ladd	Sheppard
Brookhart	Gerry	McNary	Shipstead
Broussard	Glass	Mayfield	Simmons
Bruce	Gooding	Neely	Smith
Cameron	Hale	Norbeck	Stanfield
Caraway	Harris	Norris	Stanley
Copeland	Harrison	Oddie	Stephens
Dale	Heflin	Overman	Swanson
Dial	Howell	Owen	Trammell
Dill	Johnson, Calif.	Pepper	Walsh, Mass.
Ferris	Johnson, Minn.	Pittman	Walsh, Mont.

NAYS—5

Curtis	Spencer	Sterling	Willis
Phipps			

NOT VOTING—35

Adams	Elkins	Lodge	Shortridge
Ball	Ernst	McCormick	Smoot
Bursum	Fernald	McKellar	Underwood
Capper	Greene	McKinley	Wadsworth
Colt	Harreld	McLean	Warren
Couzens	Jones, Wash.	Moses	Watson
Cummins	Keyes	Reed, Mo.	Weller
Edge	La Follette	Reed, Pa.	Wheeler
Edwards	Lenroot	Shields	

So Mr. BORAH's resolution was agreed to.

HOUSE BILL REFERRED

The bill (H. R. 9124) authorizing the sale of real property no longer required for military purposes was read twice by its title and referred to the Committee on Military Affairs.

DIRECTOR OF BUREAU OF ENGRAVING AND PRINTING

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 105) authorizing the President to detail an officer of the Corps of Engineers as Director of the Bureau of Engraving and Printing, and for other purposes, which was to strike out all after the resolving clause and to insert in lieu thereof the following:

That the President be, and he is hereby, authorized, in his discretion, to direct Maj. Wallace W. Kirby to report to the Secretary of the Treasury for duty for a period of six months, and that said Maj. Wallace W. Kirby may, under the direction of the Secretary of the Treasury, perform the duties of Director of the Bureau of Engraving and Printing for a period not to exceed six months, notwithstanding the provisions of section 1222, Revised Statutes, and section 1224, Revised Statutes, as amended by the act of February 28, 1877: *Provided*, That the said Maj. Wallace W. Kirby shall receive no emoluments by reason of the performance of said duties, but shall receive the same pay and allowances from appropriations made for the support of the Army as he would receive if he were performing military duty at the War Department.

Mr. WADSWORTH. I move that the Senate concur in the House amendment. It limits the period of time during which an Army officer may serve as the head of the Bureau of Printing and Engraving to six months.

Mr. ROBINSON. Is it just the one amendment?

Mr. WADSWORTH. Just the one amendment.

Mr. ROBINSON. And what is its effect?

Mr. WADSWORTH. The Senate originally authorized the President to assign an Army officer from the Corps of Engineers to serve as Director of the Bureau of Engraving and Printing for not to exceed two years. The House cut that period down to six months and has named the officer in its amendment.

Mr. ROBINSON. And the Senator moves that the Senate concur in the House amendment.

Mr. WADSWORTH. With regret, I think it is necessary that the Senate concur in the amendment.

The PRESIDING OFFICER. The question is on concurring in the amendment of the House.

The amendment was concurred in.

RETIRED ENLISTED MEN OF THE ARMY

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2450) to amend section 2 of the legislative, executive, and judicial appropriation act approved July 31, 1894, which was, on page 1, line 6, to strike out all after "follows:" down to and including "section," in line 8, and to insert in lieu thereof:

Retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard retired for any cause, and retired officers of the Army, Navy, Marine Corps, or Coast Guard who have been retired for injuries received in battle or for injuries or incapacity incurred in line of duty shall not, within the meaning of this section, be construed to hold or to have held an office during such retirement.

Mr. WADSWORTH. I move that the Senate concur in the amendment of the House. It relates to the eligibility of persons in a retired status in the military service being employed in the civil service.

The amendment was concurred in.

LYN LUNDQUIST

Mr. BORAH. Mr. President, I ask unanimous consent that the votes whereby the bill (S. 976) for the relief of Lyn Lundquist was ordered to be engrossed for a third reading, read the third time, and passed last night may be reconsidered. I desire to offer slight amendments to the bill before it shall go to the House of Representatives.

The PRESIDING OFFICER. Without objection, the votes whereby the bill named by the Senator from Idaho was ordered to be engrossed for a third reading, read the third time, and passed will be reconsidered, and, without objection, the bill will be considered as being before the Senate and open to amendment.

Mr. BORAH. I move the amendments to the bill which I send to the desk.

The PRESIDING OFFICER. The amendments proposed by the Senator from Idaho will be stated.

The READING CLERK. On page 1, line 4, after the words "directed to," it is proposed to strike out "permit" and to insert "issue patent to"; in line 5, after the word "to" to strike out "make homestead entry of"; and in line 9, after the name "Idaho" to strike out the comma and the words "and to give him credit upon his making final proof showing residence and cultivation as required by law for any improvement he may heretofore have made thereon," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to issue a patent to Lyn Lundquist, notwithstanding he has heretofore exhausted his homestead right, to the west half of the northeast quarter and the east half of the northwest quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho.

The PRESIDING OFFICER. The question is on the amendments proposed by the Senator from Idaho.

The amendments were agreed to.

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

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. MOSES. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of House bill 7220, the Agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7220) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1925, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MCNARY. Mr. President, I ask unanimous consent to dispense with the formal reading of the bill, and that the bill be read for amendment, committee amendments to be first considered.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent to dispense with the formal reading of the bill, that the bill be read for amendment, committee amendments to be first considered. Is there objection? The Chair hears none, and it is so ordered.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Miscellaneous expenses, Department of Agriculture," on page 3, line 3, after the word "advertising," to insert "press clippings," so as to make the paragraph read:

For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and mat-

tings; for lights, freight, express charges, advertising, press clippings, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; including necessary expenses for the maintenance, repair, and operation of an automobile for the official use of the Secretary of Agriculture; for the payment of the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the department, $156,000.

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Bureau of Animal Industry," on page 14, at the end of line 21, to strike out "$548,000: *Provided*, That of this sum $30,000 may be used for the manufacture, preparation, or distribution of blackleg vaccine," and to insert "$573,000: *Provided*, That of this sum $30,000 may be used as a revolving fund for the purchase, and for the distribution at approximate cost, of blackleg vaccine," so as to make the paragraph read:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of livestock, and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and repairs, alterations, improvements, or additions to buildings thereon; the inspection work relative to the existence of contagious diseases, and the mallein testing of animals, $573,000: *Provided*, That of this sum $30,000 may be used as a revolving fund for the purchase, and for the distribution at approximate cost, of blackleg vaccine.

The amendment was agreed to.

The next amendment was, on page 19, at the end of line 26, to increase the total appropriation for general expenses of the Bureau of Animal Industry from "$5,757,766" to "$5,782,766."

The amendment was agreed to.

The next amendment was, on page 20, at the end of line 10, to increase the total appropriation for the Bureau of Animal Industry from "$7,498,916" to "$7,523,916."

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Bureau of Plant Industry," on page 22, at the end of line 13, to strike out "$84,335" and to insert "$100,000," so as to make the paragraph read:

For the investigation of diseases of forest and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control and applying methods of eradication or control already discovered, $100,000.

The amendment was agreed to.

The next amendment was, on page 25, at the end of line 22, to increase the appropriation for the investigation and improvement of tobacco and the methods of tobacco production and handling from "$41,940" to "$46,300."

The amendment was agreed to.

The next amendment was, on page 27, at the end of line 11, to strike out "$134,793" and to insert "$139,125," so as to read:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, handling, and studies of the physiological and related changes of fruits and vegetables during the processes of marketing and while in commercial storage, $139,125.

The amendment was agreed to.

The next amendment was, on page 27, at the end of line 25, to strike out "$81,808" and insert "$93,102," so as to read:

For horticultural investigations, including the study of producing and harvesting truck and related crops, including potatoes, and studies of the physiological and related changes of vegetables while in the processes of marketing and in commercial storage, and the study of landscape and vegetable gardening, floriculture, and related subjects, $93,102.

The amendment was agreed to.

The next amendment was, on page 29, line 11, to increase the total appropriation for general expenses, Bureau of Plant Industry, from "$3,048,738" to "$3,084,389."

The amendment was agreed to.

The next amendment was, on page 29, at the end of line 12, to increase the total appropriation for the Bureau of Plant Industry from "$3,638,658" to "$3,674,309."

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Forest Service," on page 35, at the end of line 4, to strike out "$335,824" and to insert "$351,260," so as to read:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest and fiber products, and for commercial demonstrations of improved methods or processes, in cooperation with individuals and companies, $351,260.

The amendment was agreed to.

The next amendment was, on page 36, at the end of line 2, to strike out "$137,420" and to insert "$187,420," so as to read:

For silvicultural, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forest and forest lands, $187,420.

The amendment was agreed to.

The next amendment was, on page 36, line 25, to increase the total appropriation for general expenses of the Forest Service from "$4,230,606" to "$4,296,042."

The amendment was agreed to.

The next amendment was, on page 37, line 14, to increase the total appropriation for the Forest Service from "$6,731,489" to "$6,796,925."

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Bureau of Chemistry," on page 38, at the end of line 12, to strike out "$120,600" and to insert "$130,600," so as to read:

For conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture; for the biological investigation of food and drug products and substances used in the manufacture thereof, including investigations of the physiological effects of such products on the human organism, $130,600.

The amendment was agreed to.

The next amendment was, on page 40, line 19, to increase the total appropriation for general expenses, Bureau of Chemistry, from "$1,047,230" to "$1,057,230."

The amendment was agreed to.

The next amendment was, on page 40, line 20, to increase the total appropriation for the Bureau of Chemistry from "$1,387,230" to "$1,397,230."

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Bureau of Entomology," on page 43, line 14, after the word "grasshopper," to insert "alfalfa weevil," and in the same line, after the words "chinch bug," to strike out "$176,400" and to insert "$186,400," so as to read:

For investigations of insects affecting cereal and forage crops, including a special investigation of the Hessian fly, grasshopper, alfalfa weevil, and the chinch bug, $186,400.

The amendment was agreed to.

The next amendment was, on page 43, line 19, after the words "Argentine ant," to strike out "$206,920" and to insert "$256,920, of which sum $25,000 shall be immediately available," so as to read:

For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, $256,920, of which sum $25,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 44, line 2, after the word "insects," to insert "and wireworms," and at the end of line 4 to strike out "$145,000" and to insert "$157,000," so as to read:

For investigations of insects affecting truck crops, including insects and wireworms affecting the potato, sugar beet, cabbage, onion, tomato, beans, peas, etc., and insects affecting stored products, $157,000.

The amendment was agreed to.

The next amendment was, on page 44, line 19, to increase the total appropriation for general expenses, Bureau of Entomology, from "$1,074,305" to "$1,146,305."

The amendment was agreed to.

The next amendment was, on page 46, after line 20, to insert:

WESTERN PINE BEETLE AND ASSOCIATED FOREST INSECTS

To enable the Secretary of Agriculture to provide for a scientific investigation to advance and improve methods of preventing losses from western pine beetle and associated forest insects; and to assist departments of the Federal Government, State and private owners of timber in the inspection of insect-infested timber and the demonstration of the best known methods of control, $35,000.

The amendment was agreed to.

The next amendment was, on page 47, line 4, to increase the total appropriation for the Bureau of Entomology from "$2,028,848" to "$2,135,848."

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Bureau of Biological Survey," on page 48, line 19, to strike out "$26,480" and to insert "$28,475," so as to read:

For biological investigations, including the relations, habits, geographic distribution, and migrations of animals and plants, and the preparation of maps of the life zones, $28,475.

The amendment was agreed to.

The next amendment was, on page 49, line 22, to increase the total appropriation for general expenses, Bureau of Biological Survey, from "$784,155" to "$786,150."

The amendment was agreed to.

The next amendment was, on page 49, line 23, to increase the total appropriation for the Bureau of Biological Survey, from "$890,495" to "$892,490."

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Bureau of Agricultural Economics," on page 54, at the end of line 9, to increase the appropriation to investigate and encourage the adoption of improved methods of farm management and farm practice, from "$275,000" to "$286,538."

The amendment was agreed to.

The next amendment was, on page 54, line 24, after the word "products," to strike out "$524,628" and to insert "$549,628: *Provided*, That $25,000 of this sum shall be used for investigation of the economic costs of retail marketing of meat and meat products," so as to read:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, $549,628: *Provided*, That $25,000 of this sum shall be used for investigation of the economic costs of retail marketing of meat and meat products.

The amendment was agreed to.

The next amendment was, on page 56, line 3, before the word "condition" to strike out "and" and to insert "and/or," so as to read:

For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton and fruits, vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered.

The amendment was agreed to.

The next amendment was, on page 57, at the end of line 2, to strike out "682,480" and to insert $768,480," so as to read:

For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, $768,480.

The amendment was agreed to.

The next amendment was, on page 57, line 4, to increase the total appropriation for general expenses of the Bureau of Agricultural Economics from "$2,263,001" to "$2,385,539."

The amendment was agreed to.

The next amendment was, under the subhead "Enforcement of the United States grain standards act," on page 58, at the end of line 4, to strike out "$500,000" and to insert "$550,000," so as to make the paragraph read:

To enable the Secretary of Agriculture to carry into effect the provisions of the United States grain standards act, including rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, $550,000.

The amendment was agreed to.

The next amendment was, under the subhead "Administration of the United States warehouse act," on page 58, at the end of line 11, to strike out "$163,000" and to insert "$186,500," so as to make the paragraph read:

To enable the Secretary of Agriculture to carry into effect the provisions of the United States warehouse act, including the payment of such rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, $186,500.

The amendment was agreed to.

The next amendment was, on page 59, at the end of line 8, to increase the total appropriation for the Bureau of Agricultural Economics from "$4,227,364" to "$4,423,402."

The amendment was agreed to.

The next amendment was, under the subhead "Acquisition of additional forest lands," on page 63, at the end of line 16, to strike out "$600,000" and to insert "$1,000,000," so as to make the paragraph read:

ACQUISITION OF ADDITIONAL FOREST LANDS

For the acquisition of additional lands at headwaters of navigable streams, to be expended under the provisions of the act of March 1, 1911 (36 Stat. L. p. 961), as amended, $1,000,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 3, to insert:

ERADICATION OF FOOT-AND-MOUTH AND OTHER CONTAGIOUS DISEASES OF ANIMALS

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the livestock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and except in case of an extraordinary emergency to be determined by the Secretary of Agriculture, the payment by the United States Government for any animal shall not exceed one-half of any such appraisements.

The amendment was agreed to.

The next amendment was, under the subhead "Enforcement of packers and stockyards act," on page 70, line 22, after the numerals "1921," to strike out "$226,770: *Provided, however*, That the Secretary of Agriculture may make an estimate of the amount of funds necessary in addition to the sum herein named to enable him to carry into effect the provisions of the packers and stockyards act, and thereupon he may levy, as uniformly and equitably as in his judgment is possible from time to time, against the stockyard owners, market agencies, and dealers subject to said act, who shall promptly thereafter pay to the Secretary of Agriculture such fees as will be necessary to provide such additional funds. The Secretary may require reasonable bonds from them to secure the performance of their obligations, and may, after a hearing on not less than two days' notice, suspend any market agency or dealer for a reasonable specified time because of insolvency or violation of said act or any order or regulation thereunder," and to insert "$452,540," so as to make the paragraph read:

To enable the Secretary of Agriculture to carry into effect the provisions of the packers and stockyards act, approved August 15, 1921, $452,540.

The amendment was agreed to.

The next amendment was, under the subhead "Special items," on page 72, line 4, to strike out "$4,700,000" and to insert "$8,000,000," and at the end of line 15 to strike out "$5,300,000" and to insert "$2,000,000," so as to read:

Forest roads and trails: For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, $8,000,000, to be available until expended, being the remainder of the sum of $6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1924, and part of the sum authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 2 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the approval of this act, also to apportion and pro rate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of $2,000,000, constituting the remainder of the sum authorized to be appropriated for the fiscal year ending June 30, 1925, etc.

The amendment was agreed to.

The next amendment was, on page 74, at the end of line 9, to increase the total appropriation for the Department of Agriculture from "$56,583,743" to "$60,954,633."

The amendment was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. OVERMAN. Mr. President, I offer the amendment which I send to the desk, to be inserted by the Clerk at the proper place in the bill.

The PRESIDING OFFICER. The Senator from North Carolina offers an amendment, which will be stated.

The READING CLERK. On page 24, line 2, it is proposed to strike out "$155,450" and to insert in lieu thereof "$205,450."

Mr. OVERMAN. Mr. President, in the subcommittee of which I was a member I fought this appropriation, because it was testified before the subcommittee that this money was to be spent in other countries—in other words, for the exploitation of rubber in Brazil and other South American countries. The Secretary of Agriculture said to me the other night that that was not so; that his idea was to exploit the raising of rubber in this country, down in our southern country. He asked me if I would not agree to offer an amendment for the amount estimated by the Budget, and I agreed to do so. I am going to ask to have his letter read, so that we can see exactly what he wants. He favors this amendment, and the amendment only brings up the amount to the sum estimated by the Budget.

The PRESIDING OFFICER. Without objection, the letter will be read.

The reading clerk proceeded to read the letter.

Mr. OVERMAN. Mr. President, I will ask that the letter be printed in the RECORD. The Secretary goes on to say that he hopes that rubber trees can be grown in this country, and he thinks it is worth a trial, and I am willing to have him try it. I do not want to spend any money for exploitation in Brazil and Costa Rica and the countries below, and that is the reason why I voted to strike out the item; but in view of this letter I offer the amendment.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

THE SECRETARY OF AGRICULTURE,
Washington, May 20, 1924.

DEAR SENATOR: As suggested in our conversation the other evening, with regard to the crude-rubber investigations being carried on by this department, I give you in condensed form the high points.

The United States consumes annually more than 70 per cent of the world's supply of crude rubber.

More than 90 per cent of the total supply of crude rubber is produced in the British and Dutch colonial possessions in the Far East.

It would be greatly to the advantage of the United States if our source of rubber supply could be brought nearer, and especially to our advantage if it should be found possible to develop a rubber industry in the continental United States.

The Department of Agriculture during the past year has begun a systematic exploration of possible rubber-producing territory in Central and South America, and has studied methods of tapping the trees and collecting rubber in those sections where it is being produced. It is obvious that any contribution we can make toward increasing the supply of rubber near at home and improving methods of harvesting it will be greatly to the advantage of our own people. In connection with these explorations and studies in Central and South America, our people have gathered seed and propagating material from rubber plants which may be considered promising for planting in the Canal Zone, Haiti, Florida, and Southern California.

Systematic studies of potential rubber-producing plants which can be grown in continental United States are now well started. These studies are now being carried on at the Chapman Field Plant Introduction Garden in southern Florida, at the Torrey Pine Field Station near San Diego, Calif., and at Fallon, Nev. At the Florida station we have a dozen or more plants growing, at least three of which seem to be promising. At the California station we have several rubber-producing plants, both native and introduced species. At Fallon, Nev., we are working in cooperation with the Carnegie Institution, making studies of a native rubber-producing plant.

No one can forecast with certainty what may be the result of these studies and experiments, but in view of our large consumption of rubber and the remote source of supply, surely the United States can afford to spend much larger sums even than have been contemplated to determine what may be possible. The rubber situation at the present time may be compared to the situation which existed with regard to sugar at the time of the Napoleonic wars. Practically the entire sugar supply of the world was then derived from sugar cane, the production of which was almost entirely restricted to the Tropics. Scientific research and experimentation resulted in the development of the beet as a source of sugar supply, and it now furnishes a large part of the world supply of sugar. With this experience in mind, certainly we are justified in spending whatever money may be necessary to exhaust the possibilities of rubber production in continental United States.

The Bureau of the Budget after full hearing on the subject included an appropriation of $70,000 for these crude-rubber investigations for the coming year. For some reason, which I do not understand, this sum was reduced to twenty thousand in the House. If it should remain at twenty thousand, we will find it necessary to greatly reduce the present personnel engaged in rubber investigations, and confine our studies of potential rubber-producing plants to propagation experiments on a very small scale. I am very strongly of the opinion that the appropriation for this purpose allowed by the Bureau of the Budget will prove a wise expenditure of Government funds.

Very truly,

HENRY C. WALLACE.

HON. LEE S. OVERMAN,
United States Senate.

Mr. CURTIS. Mr. President, will the Senator yield? I desire to ask him a question.

Mr. OVERMAN. Yes; I yield.

Mr. CURTIS. Does this include any investigation as to the growing of rubber trees in the Philippine Islands?

Mr. OVERMAN. Yes, sir.

Mr. SMITH. Mr. President, I should like to state that this means a survey of the possible growth of rubber trees wherever they may be found, looking toward the introduction into parts of our country of varieties of rubber trees that may be adapted to North American conditions.

Mr. FLETCHER. Mr. President, I think the amendment ought to be agreed to. I know of some studies and investigations that are being made in some parts of the country, and I know that in southern Florida, below the frost line, there are great possibilities for the development of this industry and for the production of our own rubber in our own country. I hope the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

The READING CLERK. On the same page, on line 4, it is proposed to strike out "$20,000" and insert "$70,000."

The amendment was agreed to.

Mr. NORBECK. Mr. President, I wish to offer an amendment on page 48.

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

The READING CLERK. On page 48, line 15, it is proposed to strike out "$508,880" and to insert "$652,140."

Mr. NORBECK. Mr. President, this is for investigating the food habits of North American birds and other animals in relation to agriculture, horticulture, forestry, and so forth, and for the extermination of predatory animals. We are asking simply that the amount be brought up to the estimate of the department.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

Mr. NORBECK. Now I desire to offer another amendment. This amendment is on page 49, and is just in harmony with the bill that was passed last night regarding the expenditure of money in Alaska. If the amendment is agreed to it will con-

solidate the two funds, and do away with the duplicate game wardens, and do it as soon as the appropriation bill passes.

The PRESIDING OFFICER. The Senator from South Dakota offers a further amendment, which will be stated.

The READING CLERK. On page 49, at the end of line 17, it is proposed to insert:

On and after July 1, 1924, the powers and duties heretofore conferred upon the Governor of Alaska by existing law for the protection of wild game animals and wild birds in Alaska are hereby conferred upon and shall be exercised by the Secretary of Agriculture; and all money available or appropriated in this or any other act for the fiscal year ending June 30, 1925, for carrying into effect the act approved May 11, 1908, entitled "An act for the protection of game in Alaska, and for other purposes," including salaries, traveling expenses of game wardens, and all other necessary expenses, is hereby transferred to the credit of the Department of Agriculture to be expended by the Secretary of Agriculture for such purposes.

The amendment was agreed to.

Mr. HARRELD. Mr. President, I offer the amendment which I send to the desk.

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

The READING CLERK. On page 64, line 6, after the word "made," it is proposed to insert:

including the erection of a herdsman's cottage.

Mr. HARRELD. Mr. President, this is in accordance with the recommendation of the Agricultural Department. They want this amendment made. It does not increase the appropriation at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. McNARY. I ask unanimous consent that the clerks be authorized to correct all totals.

The PRESIDING OFFICER. Without objection, that consent will be granted. The bill is still before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ORIGIN OF THE WORLD WAR

Mr. OWEN. Mr. President, I ask to have printed in the RECORD a statement by Harry Elmer Barnes, with regard to the origin of the World War in connection with a speech I made on the subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ASSESSING THE BLAME FOR THE WORLD WAR—A REVISED JUDGMENT BASED ON ALL THE AVAILABLE DOCUMENTS [1]

(By Harry Elmer Barnes, Ph. D.)

I. THE NEW DOCUMENTS

Section VIII of the treaty of Versailles, signed on June 28, 1919, begins as follows:

> "The allied and associated Governments affirm, and Germany accepts, the responsibility of herself and her allies for causing all the loss and damage to which the allied and associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies."

On the basis of this assertion the allied powers specifically and concretely erected their claim to reparations from Germany and by implication the general nature of the entire treaty. Some have supposed that Germany, by apparently acquiescing in this charge of full and complete guilt in regard to the outbreak of the war, finally and for all time clinched the argument of the allied powers in regard to her sole responsibility. Such a position could hardly be held, however, by anyone familiar with the methods of the Allies during the peace conference. Germany occupied the situation of a prisoner at the bar, where the prosecuting attorney is given full leeway as to time and presentation of evidence, while the defendant is denied counsel or the opportunity to produce either evidence or witnesses. It was, indeed, a case where the prosecution simply contented itself with the assumption of the guilt of the defendant and was not required to furnish proof. Germany was confronted with the alternative of signing the confession at once or having her territory invaded and occupied, with every probability that such an admission would be ultimately extorted from her in any event. In the light of these obvious facts it is plain that the question of the responsibility for the outbreak of the World War must rest for its solution upon the indisputable documentary evidence which is available in the premises.

Under the circumstances which ordinarily follow a great war we should still be as ignorant of the real causes of the World War as we were in 1914. It has been a general rule that the archives, or repositories of the public documents of the States involved, have been closed to nonofficial readers until from 40 to 80 years after the events and negotiations which these documents describe. Hence we should normally have been required to wait until about 1975 for as great a volume of documentary evidence as we now possess, and two generations of students would have passed away without progressing beyond dubious guesses and intuitive approximations to the truth. The explanation of our unprecedented good fortune in this regard is to be found in the revolutionary overturns in Germany, Austria, and Russia before the close of the World War. The new Governments were socialistic in character and hypothetically opposed to war and militarism, despite the fact that the socialists had for the most part remained loyal to their capitalistic or landlord governments in the World War. Desiring to make their tenure more secure by discrediting the acts and policies of the preceding régimes the leaders of the new governments perceived one method of achieving this end by throwing open the national archives in the hope that historical editors might discover therein evidence of responsibility on the part of the former governing groups for the inundation of blood, misery, and sorrow which swept over Europe after 1914. In addition to these voluntarily opened archives, the Germans seized the Belgian archives during the war and published collections of extracts. Then B. de Siebert, secretary to the Russian Embassy at London in the period before the war, secretly made copies of the important diplomatic exchanges between London and St. Petersburg from 1908 to 1914, and later gave or sold them to the Germans.

The nature of the European diplomatic and military alignments in 1914 accounts for the fact that these revelations are reasonably adequate to settle the problems concerning the declarations of war in 1914, despite the further fact that England, France, and Italy have refused to make their archives accessible to scholars. Inasmuch as Italy was technically allied with Germany and Austria in the Triple Alliance, the nature of much of her foreign policy and many of her diplomatic engagements may be gleaned from the German and Austrian archives. But she was at the same time secretly negotiating with France and, after 1914, with the members of the Triple Entente. This material is, in large part, available in the documents in the Russian archives. England and France having been the other members of the triple entente, the secret diplomacy of this group is reasonably covered in the Russian archives and the Siebert documents, which are now duplicated in part in the publications from the Russian archives, though it would be desirable to know more of any possible secret Franco-British exchanges not revealed to Russia. The French have, of course, published some of their documents in the various Livres Jaunes—the most important of which is that on the Balkan policy (1922), but they are officially edited and the incriminating documents are naturally suppressed. (See the New York Nation, October 11, 1922, p. 372, Document XXVII, for an example of the falsification of the French Yellow Book.)

Although a vast number of documents in the archives of Germany, Austria, and Russia have not yet been published, the collections thus far available are impressive. The diplomatic documents covering the broad historical background of the Austrian crisis of 1914 are presented in the admirable collection of Prof. A. F. Pribram. (The Secret Treaties of Austria-Hungary, 1879–1914. The American edition was supervised by Prof. A. C. Coolidge and published by the Harvard University Press, 1920. It should be pointed out that Pribram's work is not yet finished. He is waiting for the complete publication of the German documents.) The documents in the Austrian archives dealing with the month preceding the outbreak of the World War have been edited by the publicist and scholarly journalist, Roderich Gooss, in the

[1] Not the slightest pretension is made in this article to any discovery of facts not already well known to all historians interested in the history of contemporary European diplomacy. The aim of the author is solely to set forth in a clear fashion the conclusions to which we are inevitably forced by the authentic documents which have been published since 1914 and mainly since 1919. Full and complete indebtedness is acknowledged to such experts in the field as S. B. Fay, G. P. Gooch, B. E. Schmitt, A. C. Coolidge, R. J. Kerner, C. A. Beard, W. L. Langer, A. F. Pribram, M. Montgelas and the authors of the special treatises which will be mentioned in the course of the article. In particular, I am indebted to Profs. Bernadotte E. Schmitt, William L. Langer, and two eminent experts who prefer not to be named for a critical reading of this article, which has added much to the general interpretation and saved me from many slips in matters of detail. Professor Schmitt has rendered the special courtesy of allowing me to read in manuscript his important article on "The Triple Alliance and the Triple Entente," to be published in the American Historical Review for April, 1924.

three volumes of the Austrian Red Book. (Diplomatische Aktenstuecke zur Vorgeschichte des Krieges, 1914, 3 volumes, Vienna, 1919. These are now available in English translation.)

In Germany an even more voluminous collection of the diplomacy of Germany and related countries from 1871 to 1914 is in process of publication under the editorship of J. Lepsius, A. M. Bartholdy, and F. Thimme.

This embraces all the important diplomatic documents in the German foreign office; some 12 bulky volumes have already appeared. It is the most extensive publication of this sort yet undertaken in any country. (Die Grosse Politik der Europaeischen Kabinette, 1871–1914. Berlin, 1922.)

The documents dealing with the antecedents of August, 1914, were extracted from the German archives by the German Socialist, Karl Kautsky, and published in four volumes under the editorship of the eminent scholars, W. Schücking, M. Montgelas, and A. M. Bartholdy. (Die Deutschen Dokumente zum Kriegsausbruch, 4 volumes, Charlottenburg, 1919.) A supplementary collection has been more recently published which embodies: (1) The testimony of leading Germans in military, diplomatic, and business life before a committee appointed by the German postwar Government to investigate the responsibility for the war; (2) the records of the reaction of Germany to Mr. Wilson's peace note of December, 1916; and (3) the negotiations between Germany and her allies, and Germany and the United States concerning submarine warfare, and the policies which produced the entry of the United States into the World War. (Official German documents relating to the World War. Carnegie Endowment for International Peace, 2 volumes, New York; Oxford University Press, 1923.)

No Russian documents have been made available as yet which cover so ample a historical background as the work of Pribram and the published volumes of the Lepsius-Bartholdy-Thimme collection. The Siebert documents (Entente Diplomacy and the World, 1909–1914, New York; Knickerbocker Press, 1922. Siebert has held out the documents most incriminating to the Entente and is still holding them for a higher price than has been offered. These documents deal with the exchanges between St. Petersburg, London, and Paris in July and August, 1914) deal only with the period from 1908–1914. The Livre Noir (Black Book) is the other important publication of the Russian documents. It was collected by René Marchand, a scholarly French Socialist and journalist thoroughly familiar with the Russian language and with Russian public life and politics. It presents in detail the Russian diplomatic documents of the years 1910–1914, particularly stressing Franco-Russian relations and policies. This is the most important published collection of Russian source material. (Un Livre Noir: Diplomatie d'Avant-Guerre d'apres les Documents Russes, Novembre, 1910; Juillet, 1914; 2 volumes, Paris, 1922–23. A brief collection of these Russian documents was published in Paris as early as 1919 under the editorship of Emile Laloy. It is important as containing the secret Russian conference in February, 1914, on the desirability of seizing the Straits (pp. 74–100).) The newly accessible archival material has enabled scholars to check up on the collections of apologetic or extenuating documents published by the great powers in the early days of the war. A step in this direction has been taken by G. von Romberg, who has brought out a publication of the actual exchanges between Paris and St. Petersburg following the submission of the Austrian ultimatum to Serbia on July 23, 1914. This lays bare the serious and important suppressions in the original Russian Orange Book, which eliminated all the damaging evidence regarding conciliatory German proposals or aggressive Franco-Russian aims and policies. (Falsifications of the Russian Orange Book, New York; Huebsch, 1923.) Also from the Russian archives has come the recently published collection revealing Italy's dickering with the Entente for territorial cessions from 1914 to the time of her entry into the World War in May, 1915. (L'Intervenzione dell' Italia nei Documenti Segreti dell' Intesa. Rome, 1923.)

The Belgian documents, published by Germany, embraced chiefly the dispatches and opinions of the Belgian ambassadors in the major European capitals following 1886, playing up especially those which express fear of Entente collusion and alliance. Highly selected and one-sided, the collection is of real value as proving that the Belgians were alarmed by the policies of States other than Germany and incidentally vindicating beyond any doubt the neutrality of official Belgian opinion as a whole before 1914. (Belgische Aktenstuecke, 1905–1914, Berlin, 1915. Zur Europaeischen Politik, 1886–1893, 1897–1914, 5 volumes, Berlin, 1919–1922. These collections are edited by B. H. Schwertfeger. Some of them (1905–1914) have appeared in English translation.)

Finally, we have the depressing secret treaties of the Entente, which eliminate once and for all any basis for the hypothesis of idealism underlying the military activities of either side in the World War, and convict the Allies of aggressive aims as thoroughly as Grumbach's "Das Annexionistische Deutschland" proves Germany and Austria guilty of similar ambitions. (These treaties were printed in the New York Evening Post early in 1918 as a result of their revelation by the Bolsheviki. They are analyzed by R. S. Baker in his work, "Woodrow Wilson and the World Settlement." Mr. Baker defends the almost unbelievable assertion that Mr. Wilson left for the Peace Conference nearly a year later with no knowledge of their nature or contents.)

These collections of documents have been supplemented by a vast number of apologetic and controversial memoirs, reminiscences, and autobiographies which possess highly varied value and relevance, and by infinitely more important scholarly monographs analyzing in detail one or another of the many diplomatic and political problems and situations lying back of the World War. (The best summary of this literature is contained in G. P. Gooch's "Recent Revelations on European Diplomacy," Journal of the British Institute of International Affairs, January, 1923.) It is upon such material as this that we are able to construct a relatively objective and definite estimate of the causes of and responsibility for the great calamity of 1914–1918 and its aftermath. It is quite evident that if any account written prior to 1919 possesses any validity whatever or any approximation to the true picture of events, this is due solely to superior guessing power or good luck on the part of the writer, and in no sense to the possession of reliable or pertinent documentary evidence.

II. THE PRE-WAR SITUATION

The causes of the World War involve the greatest multitude of factors ranging from the most general and cosmic to the most detailed and personal; from the persistence of the tribal hunting-pack ferocity in mankind and the pressure of growing populations upon limited habitats and natural resources to the foolhardy conduct of the Austrian archduke on the day of his assassination, the psychic state of the Kaiser on July 5, 1914, and the intimidation of the Czar by militaristic advisers late in July, 1914. Though no reputable historian would doubt that the World War grew out of the economic and nationalistic situation from 1870 to 1914, there seems little of the inevitable in the alignments or historic circumstances that produced the war. States which were allied in 1914 clashed seriously in the preceding generation—England with France and Russia with England. Russia was on fairly friendly terms with Germany until the retirement of Bismarck. Germany was cordial to England in the early nineties, alienated her after 1895, and then adjusted satisfactorily to both parties the outstanding diplomatic difficulties of two decades two weeks before the assassination of the archduke. Russia several times indicated a willingness to sacrifice other Slavic peoples to gain her own imperialistic and territorial ends. There were strong groups in both France and Germany that desired a rapprochement between these States.

The gradual shaping of European diplomatic behavior creating the crisis of 1914 seems to rest primarily upon three major elements or inciting factors. One was the imperialistic and Pan-Slavic ambitions of Russia, who desired to dominate the Near East, to control the straits leading from the Black Sea to the Ægean, and to draw under her diplomatic ægis the lesser Slavic peoples of Europe. These aspirations, however, cut directly across the major ambitions and policies of the polyglot dual monarchy of Austria-Hungary, whose very existence depended upon repressing or abating the Slavic nationalism of a large portion of her population. In these policies she was naturally encouraged by her ally, Germany, who desired to have as strong an associate as possible, and who had herself a definite reason for wishing to realize an Austro-German hegemony in the Balkans as the first link in the "Berlin-to-Bagdad" railroad scheme. (Important surveys of these diplomatic and political problems are to be found in R. W. Seton-Watson et al., The War and Democracy, Chs. IV–V; Seton-Watson, The Southern Slav Question and the Hapsburg Monarchy; F. Schevill, A History of the Balkan Peninsula; E. M. Earle, Turkey, the Great Powers and the Bagdad Railroad; H. Friedjung, Das Zeitalter des Imperialismus; E. Durham, Twenty Years of the Balkan Tangle; S. A. Korff, Russia's Foreign Relations in the Last Half Century; Pribram, op. cit.; Fischel, Der Panslavismus; Pilar, Die Suedslawische Frage und die Weltkrieg; L. Mandl, Oesterreich-Ungarn and Serbien; and Die Hapsburger und die Suedslawische Frage.) Then there was the underlying hatred of Germany cherished by the French military group and "Revanchards" (the group committed to the project of a war of revenge) growing out of the sting of the unexpected defeat in 1870–71. Not even Caillaux was able to overcome this. Nothing short of a voluntary cession of at least Lorraine would have satisfied France, and there were important historical and economic reasons why Germany would not consent to any such proposal. (See G. P. Gooch, Franco-German Relations, 1871–1914; H. A. L. Fisher, Studies in History and Politics, pp. 146–161, and E. R. G. Curtius, Maurice Barres und die Geistigen Grundlagen des Franzoesischen Nationalismus. This work is very critical.) To these three major factors in the background might be added the remarkable economic and commercial development of Germany, leading to the growth of the volume and scope of German commerce, the rise of German naval ambitions, and a resulting rivalry with Great Britain in trade and maritime armament. There might also be mentioned the diplomatic clashes of Germany and England over the Boer War and the

Bagdad railroad. (G. P. Gooch, Modern Europe, Ch. XIII; B. E. Schmitt, England and Germany, 1740–1914; and A. W. Ward and G. P. Gooch, Cambridge History of British Foreign Policy, Vol. III, pp. 263–286, 294–301, 385–394, 456–485.)

On these foundations the familiar alignments of 1914 began slowly to take form. Austria and Germany were gradually isolated, and France, Great Britain, Russia, and Italy began to draw together. Italy was ostensibly a member of the Triple Alliance until 1914, but we now know that she was not a loyal member at any time during the present century, and that by 1902 she had an understanding with France that she would not join any other State in a war upon the French Nation. (There are many important works on European diplomacy since 1870, but those written before 1921 were not based upon the new and indispensable documents and must therefore be disregarded by the general reader. The only thorough and reliable book utilizing the new evidence is G. P. Gooch's History of Modern Europe, 1878–1919, which is the unrivaled diplomatic history of the period since 1870 and supplants all earlier works. Other more special works based on the recently published documents and of high value and impartiality are A. F. Pribram, Austrian Foreign Policy, 1908–1918; J. V. Fuller, Bismarck's Diplomacy at its Zenith; and the already cited works, G. P. Gooch, Franco-German Relations, 1871–1914; E. M. Earle, Turkey, the Great Powers and the Bagdad Railroad; and F. Rachfahl, Deutschland und die Weltpolitik, 1871–1914.) As Professor Schmitt has pointed out, however, it is to be borne in mind that the Italian Foreign Mininster from 1910 to 1914, the Marquis of San Giuliano, took a renewed interest in the part of Italy in the Triple Alliance, and that Italy was on better terms with her old allies than at any previous time after 1902. Moltke in 1914 counted definitely on Italian military aid in the World War.

Along with the diplomatic arrangements and entanglements went an ominous and expensive armament race. Americans have been accustomed to regard the increase of land and sea armament from 1890 onward as primarily a German phenomenon, initiated by her, and reluctantly, lamely, and ineffectively imitated as a defensive policy by Russia, France, and Great Britain. This has been due partly to the fact that the Kaiser's vocal exuberance on military matters made good newspaper copy and partly to the further fact that the great majority of our own news concerning Germany came to us through the Harmsworth and other English papers which were strongly anti-German in tone. If possible, there has been an even more mistaken impression on this point than with respect to the view that Germany was solely responsible for the World War. The sober facts indicate that Germany and Austria were together maintaining an armament establishment on land and sea only a little more than half as extensive or expensive as that of England, France, and Russia combined. France, usually represented as pacific, unprepared, and defenseless, was in 1913–14 planning an army two-thirds larger per capita than that contemplated by Germany in her latest military bill before the World War. (See A. J. Nock, The Myth of a Guilty Nation, pp. 23–26; M. Montgelas, Leitfaden zur Kriegsschuldfrage, pp. 81–85; and the judicious analysis of the whole problem in A. G. Enock, The Problem of Armaments.)

Stress has been laid upon the peculiar and unique danger of the linking of autocracy and militarism in Germany and Austria. Such a combination is doubtless dangerous and deplorable, but it was not more noticeable in Germany and Austria than in Russia. We shall probably have to go further, however, and admit that it is the military attitude and the war spirit which is a menace, and that this will exist, if unchecked, in a democracy as well as in an autocracy. The old notion that democracy and militarism and war are mutually irreconcilable must be put aside as groundless illusion. The war spirit in the British Navy and in the militaristic group in France was about as virulent and aggressive as that of Potsdam or Vienna from 1912 to 1914. If war is to be obstructed and ultimately eliminated, it is militarism and nationalism which must be directly attacked; little will be achieved by merely altering political institutions. (See the interesting article by Prof. George H. Blakeslee, "Will Democracy Alone Make the World Safe?" in Journal of Race Development, April, 1918.)

In addition to these menacing general alignments and diplomatic antagonisms, it is essential to understand that there was especially high tension in the spring of 1914. It has usually been believed by the average intelligent citizen in America that the World War broke like a storm out of a clear sky; that Europe had settled down rather peacefully after the last Morocco crisis and was calm and unperturbed until June 28, 1914. Nothing could be further from the facts in the case. The assassination of Franz Ferdinand was merely the culmination of a veritable fear-neurosis on the part of the European Governments. In 1913 Germany and France provided for great increases in their land armaments, and England began what almost might be called war measures in her navy organization and procedure. In the spring of 1914 Austria could scarcely restrain herself from attacking Serbia, in spite of German opposition in the previous year. Germany was frightened by the cumulative progress of the Franco-Russian rapprochement and the substitution of a more chauvinistic French ambassador at St. Petersburg, and even more by the Russo-British naval conversation of 1914. German soldiers, statesmen, and publicists openly declared that, though pacific in intent, Germany was prepared for a vigorous defense against a wanton attack. Russia was controlled by the militaristic group, who were encouraged by Poincaré and his followers in France. The Russians boasted that they, too, were ready for the test of arms, and contended that France should also be found thoroughly prepared. By the middle of June this feverish excitement and mutual suspicion had become alarmingly apparent alike to domestic observers and to foreign visitors. A crisis in such a state of affairs was likely to precipitate a panic and make it difficult to obstruct and control headstrong and arbitrary action. Such was the European situation when Franz Ferdinand, heir to the Austrian throne, was slain in Serajevo on June 28, 1914. (G. P. Gooch, History of Modern Europe, 1878–1919, Ch. XV; C. A. Beard, Cross Currents in Europe To-day, Chs. I–III; W. S. Churchill, The World Crisis, 1911–1914 (on war plans of British Navy from 1912 to 1914).)

The only light relieving the darkness of the situation was the successful culmination of the Anglo-German negotiations concerning the Near East, but before this could effect any readjustment of the European diplomatic situation, the continent was plunged into universal carnage. (Earle, op. cit., pp. 258–265.) It is believed by some that if sufficient publicity could have been given to the Anglo-German settlement, it would have had a sufficiently sobering effect upon the Franco-Russian imperialists to have postponed or avoided the World War, but it must be remembered that at the same time when England was negotiating successfully with Germany over the Near East she was negotiating secret naval agreements with France and Russia against Germany.

While this article is devoted chiefly to an analysis of the responsibility for the outbreak of hostilities, the writer is inclined to the view of Prof. B. E. Schmitt, expressed in the American Historical Review for April, 1924, that the real causes of the World War must be sought in this general diplomatic background which made the conflict inevitable, once an important and crucial issue arose between the Triple Alliance and the Triple Entente:

> "The causes of the Great War have been analyzed from many points of view. The explanation usually offered is the vaulting ambition of this or that great power, Germany being most often selected as the offender. Persons internationally minded insist that rabid nationalism was a universal disease and draw vivid pictures of the European anarchy. The pacifist points to the bloated armaments, and the Socialist can see only the conflict of rival imperialisms. Facts galore can be cited in support of each thesis. Yet no one of these explanations is entirely satisfactory, or the lot of them taken together. Why should the different kinds of dynamite explode simultaneously in August, 1914? Why, for instance, should a war break out between Great Britain and Germany at a moment when their disputes were seemingly on the verge of adjustment? There must have been some connecting link which acted as a chain of powder between the various accumulations of explosive material. And so there was; as one peruses the innumerable memoirs by politicians, soldiers, and sailors, from the German Emperor to obscure diplomatists, or tries to digest the thousands of documents published since 1918 from the German, Austrian, Serbian, Russian, French, Belgian, and British archives, the conviction grows that it was the schism of Europe in Triple Alliance and Triple Entente which fused the various quarrels and forces into one gigantic struggle for the balance of power; and the war came in 1914 because then, for the first time, the lines were sharply drawn between the two rival groups, and neither could yield on the Serbian issue without seeing the balance pass definitely to the other side."

III. DISTRIBUTION OF RESPONSIBILITY

Austria: Before discussing the policies and conduct of Austria, it is desirable to understand clearly the nature of the Austro-Serbian situation. Serbia, like the majority of the Balkan States, was a backward political society, in which intrigue, murder, and wholesale assassinations had not yet been transformed into orderly party government. It was also inflamed by an intense nationalism, fed by the sufferings and aspirations of centuries of repression. In June, 1903, the reigning royal family, their ministers, and over 50 prominent sympathizers and supporters were murdered and a new dynasty under King Peter established. The new dynasty was the rallying point of the Yugoslav nationalism, which looked to Russia for protection and encouragement. But the integrity of the Dual Monarchy depended upon holding in leash Slavic nationalism and the Pan-Slav program. The stage was thus set for continual and serious friction. (Schevill, op. cit., pp. 456–461; Seton-Watson, as above; A. Moussett, Le Royaume des Serbes, Croates et Slovenes. Mandl, op. cit. It is interesting to note that from 1903 to 1908 Edward VII was the most consistent of the European monarchs in boycotting the new Serb dynasty.)

This first came to a head in 1908 when Izvolsky, then the Russian Foreign Minister, proposed to the Austrian minister, Count Aehrenthal, that Austria annex Bosnia and Herzegovina, two Serb districts near the Adriatic then under the nominal control of Turkey. This had after 1903 been a secret Austrian ambition, but no Austrian statesman

had dared to think of it as a practical step, for it involved a violation of the treaty of Berlin of 1878, and it had been supposed by the Austrians that Russia would make a vigorous protest against any such proposal. Izvolsky intimated, however, that Russia would be placated by Austro-German pressure on Turkey to open the straits to the Russian Navy. (Gooch, Modern Europe, pp. 410–426. The great authority on the Bosnian crisis is Friedjung, op. cit., Vol. II.; see also E. Molden, Graf Aehrenthal; and Hoijer, Le Comte Aehrenthal et la Politique de Violence.)

Once Aehrenthal discovered that Russia would not be likely to object, he planned and carried through the annexation with a gusto that surprised and annoyed Izvolsky and led him to deny some of his earlier suggestions and assertions. The annexation was made feasible by the Young Turk revolution of 1908, which weakened Turkish resistance. Serbia protested sharply, but as she found herself deserted by Russia, in the end had to accede. We have entertained an altogether false notion as to the part of Germany in this transaction. The pressure which she applied to Russia was very slight. One of Izvolsky's assistants has gone so far as to hold that Germany's conduct in the circumstances was, in reality, a great favor to Russia. The "shining armor" statement of the Kaiser was merely a picturesque and bombastic mode of giving public notice of the firmness of the Austro-German understanding, not unlike Lloyd George's speech at the time of the second Morocco crisis. The annexation, however, created bitter feeling. Serbia never ceased from that time to plot against Austria, and Russian statesmen, not always fully informed as to how the annexation program was initiated, felt that Russia had been humiliated and discredited as the leader of the Pan-Slavic movement and "big brother" to the lesser Slavic States. (Gooch, Modern Europe, pp. 417–426; see list of authorities, p. 410, footnote 2.) Even more resentment was generated in official Russian circles over the failure to secure the opening of the straits, this proposal having actually been blocked by Great Britain. (Cambridge History of British Foreign Policy, Vol. III, pp. 404–405.)

Not even the treaty of 1910 with Germany over the Bagdad Railway was adequate to restore good relations. This Russian antipathy toward Germany was speedily recognized and eagerly exploited by the French nationalists and militarists, who were just then being united under the leadership of Poincaré. (The best presentation of the case against French militarism under Poincaré is contained in four one-sided books which need to be used cautiously, but have never been adequately refuted by Poincaré and his apologists. They are F. Gouttenoire de Toury, La Politique Russe de Poincaré; and by the same author, Jaures et le Parti de la Guerre; F. Bausman, Let France Explain; and A. H. Pevet, Les Responsables de la Guerre. The documentary evidence on this point is assembled in Marchand, Un Livre Noir, particularly Vol. II; and the Siebert Documents (Entente Diplomacy).)

SERB INTRIGUE AGAINST AUSTRIA

Another crisis was precipitated in 1912–13 by the Balkan wars, and Austria was prevented from making war on Serbia only by the firm opposition of Germany. (This matter is most adequately analyzed in M. Montgelas's Leitfaden zur Kriegsschuldfrage, pp. 36–68, especially pp. 62–65.) As it was, Austria was able to block Serbia's attempt to gain access to the Adriatic by inducing the great powers to erect the abortive State of Albania. Serbia knew of the aggressive Austrian plans and was greatly incensed by the denial of a port on the Adriatic. Anti-Austrian plots increased in number with the growth of hatred for that State. In the spring of 1914 a plot for the murder of the heir to the Austrian throne was instigated and planned by one Col. Dragutin Dimitryevitch, chief of the intelligence bureau of the Serbian general staff, and a notorious plotter and assassin. He apparently lost courage at the last moment and tried to call off the execution of the plan when it was too late. (S. Stanojevic, Die Ermordung des Erzherzogs Franz Ferdinand. It appears that the plans for the assassination were due to the fact that the Russian general staff passed on to the Serbian general staff the incorrect information that in their visit of June, 1914, the Kaiser and Franz Ferdinand had agreed upon a joint Austro-German attack on Serbia.) This is a fact not known to Austria in 1914, though she suspected a Serbian plot and did her best to uncover it. She had no success, however, at the time. On July 13, 1914, Berchtold's private agent, Wiesner, reported after a thorough investigation at Serajevo that "There is nothing to prove, or even to cause suspicion of the Serbian Government's cognizance of steps leading to the crime or of its preparing it or of its supplying the weapons. On the contrary, there are indications that this is to be regarded as out of the question." Hence, our present knowledge of complicity on the part of certain Serbian military officials is in no sense a justification of the action of the Austrian Government in July, 1914. In fact, it was a knowledge of the apparent falsity of his specific charges against Serbia that made Berchtold determined to keep the matter from a European congress of investigation and mediation. On the other hand, there was ample evidence of dangerous and continuous Serbian intrigue against Austria, whatever Serbia's part may have been in the plot against Franz Ferdinand. The assassins of Franz Ferdinand were members of one of these anti-Austrian secret societies. (Sidney B. Fay, "New Light on the Origins of the World War," in American Historical Review, July and October, 1920, and January, 1921; July, 1920, pp. 634–635; Gooch, Modern Europe, p. 555; Friedjung, op. cit., Vol. III.)

In briefly summarizing the Austrian action and policy from June 28 to August 1, it is necessary to keep clearly in mind that though Berchtold, as foreign secretary, was formally responsible for the negotiations, he was but a figurehead. Szilassy, Kanner, and Hötzendorf have made it most evident that he was but a vain, lazy, weak-willed, vacillating tool, dominated entirely by the war party led by Hötzendorf, the chief of staff, aided and abetted by Forgách, Hoyos, Bilinski, Stürgkh, and by sympathetic or docile subordinate officials in the foreign office (J. von Szilassy, Der Untergang der Donau-Monarchie; H. Kanner, Kaiserliche Katastrophen-Politik; C. von Hötzendorf, Aus Meiner Dienstzeit, 1906–1918. Szilassy's book is much the most important as demonstrating Berchtold's nominal responsibility for Austria's policy in July, 1914, and the real responsibility of the Hötzendorf-Forgách crowd. Professor Fay, however, believes that the crisis of July, 1914, stiffened up Berchtold and made him more of an active and responsible person than was normally the case). It was at one time believed that Berchtold was urged on by Tschirschky (see the violent diatribe against Tschirschky by A. Dumaine, French ambassador at Vienna from 1912 to 1914, in his La Derniere Ambassade de France en Autriche. B. W. von Buelow, Die Krisis, pp. 55–56, gives ample evidence of Tschirschky's relative caution and timidity), the German ambassador at Vienna, but though Tschirschky was more belligerent, after July 5, than the Kaiser or Bethmann-Hollweg, he was so much more moderate than Hötzendorf and his group as to seem a pacifist by comparison (Fay, loc. cit. (July, 1920), passim, especially pp. 631–632 and p. 639, footnote 83).

Thoroughly at the mercy of the war party, and not reluctantly so, Berchtold drew up a letter to the Kaiser signed by the aged Austrian Emperor, Franz Josef, stressing the fact that unless vigorous action was taken against Serbia there was little hope that the Austrian Empire could be kept intact. This was delivered on July 5. The Kaiser expressed sympathy with and approval of the Austrian position as stated in the letter, gave assurance of German support, and declared it to be his opinion that it was improbable that Russia would take up arms in defense of Serbia. In the evening he talked over the matter with Dr. von Bethmann-Hollweg, the chancellor, and Dr. Zimmermann, the undersecretary for foreign affairs.

A FATEFUL DECISION

On July 6, as the Kaiser was leaving on his annual northern cruise, von Bethmann-Hollweg communicated to Szögyény, the Austrian ambassador at Berlin, the ominous decision as to Germany's position. It was as follows: "Austria may judge what is to be done to clear up her relation with Serbia; whatever Austria's decision may turn out to be, Austria can count with certainty upon it that Germany will stand behind her as an ally and friend" (ib., pp. 625–627; Gooch, Modern Europe, pp. 532–534). This crucial blank warrant was to prove the undoing of the dual monarchy and the German Empire. When it was too late, the Kaiser recognized the folly of such a commitment, and on July 30 exclaimed in desperation that he and Bethmann-Hollweg had been stupid enough to put their necks into a noose (Fay, ib., p. 628, and footnote 38), an expression of regret which was not duplicated by Poincaré or Grey when they found themselves involved by giving Russia a free hand in the Balkans.

These talks of the Kaiser with Szögyény, Bethmann-Hollweg, and Zimmermann and an unimportant brief conference with Falkenhayn, the Prussian minister of war, on July 5, constitute all there actually was of a "Potsdam conference," which, starting as a bit of wild gossip on the part of a waiter in a Berlin restaurant, developed into the luxuriant and voluptuous legend with which Ambassador Henry Morgenthau regaled the English-speaking world in 1918 (at least eight of the men specifically alleged to be present at Potsdam were not in that part of Germany on July 5, and some not in Germany at all). Before leaving, early on the morning of July 6, for his cruise, the Kaiser talked with army and navy officials to inform them of the possibility of war, but asserted that he did not think it sufficiently probable to warrant cutting short the furloughs of army and navy chiefs who were away on their vacations. Nor did he consider the situation serious enough to remain until the return of his Secretary of Foreign Affairs (Fay, ib., pp. 628–632; Kanner, Montgelas, and V. Valentin, Deutschlands Aussenpolitik, 1890–1918, demonstrate at even greater length the myth of the Potsdam conference).

AUSTRIAN MILITARISTS FOR WAR

The delay of the Austrians from July 6 to July 23 in sending the ultimatum to Serbia, originally attributed to the necessity, made clear at the "Potsdam conference," of having a couple of weeks to arrange the German financial and military situation for imminent and deliberate war, was actually due to the desire to get the report of Wiesner as to Serbian complicity in the assassination, the necessity of winning over Count Tisza, the Hungarian Prime Minister, to the war policy, and the decision to wait until President Poincaré of France had terminated

his visit to Russia. There can be no doubt, however, that the Hötzendorf group, with Berchtold as their mouthpiece, had determined upon war long before the delivery of the ultimatum of July 23 and irrespective of any reply which Serbia might make. The Austrian Army was promptly mobilized on the Serbian boundary on July 25, in the determination to forestall any attempt of intervention and arbitration. On July 28, in spite of the humble Serbian reply, which satisfied the Kaiser, von Bethmann-Hollweg, and von Jagow, Austria declared war on Serbia. There seems little probability, even if Germany and Russia had delayed their hostilities, that Austria could have been coerced into reason unless Germany had been willing to stand aside and let Russia make war upon her unaided ally. But there is no evidence that Russia was any more eager to make war upon Austria than upon Germany (Fay, loc. cit. (July and October, 1920), especially pp. 632–638. The most detailed and reliable treatment of Austrian diplomacy in July, 1914, is contained in the works of Szilassy, Kanner, and Valentin, and R. Gooss, Das Wiener Kabinett und die Entstehung des Weltkrieges, the most voluminous analysis. Though German and Austrian writers, all four were noted critics of Macht-und-Realpolitik in their respective countries and their works are in no sense apologetic for those responsible for the Austro-German policy of 1914. No historian in any country has written more competently or objectively upon the origins of the war than Valentin, whose work is the best study we yet have of the diplomacy of Germany and Austria in 1914. He places the responsibility primarily upon Russia and Austria, in the order given). "The readiness of Austria," says Gooch, "for an eleventh-hour compromise, of which we heard so much at the beginning of the war, proves to be a legend" (Gooch, Recent Revelations on European Diplomacy, loc. cit., p. 18. For full details of Austrian duplicity see Fay, loc. cit. (October, 1920), pp. 45–49).

Though we must recognize the perverse, determined, and arbitrary action of Austria in this crisis, which unquestionably carries with it the ultimate responsibility for the outbreak of the European war, the historian must also point out that it was a life-or-death proposition on the part of Austria to crush the Serbian plots, however natural and just these may have seemed to Serbia. (Friedjung, op. cit., Vol. III; Hoijer, op. cit.). And, further, arbitrary and peremptory as the ultimatum to Serbia was, it certainly was not more so than our demands upon Mexico at the time of the invasion by the Pershing expedition, with no more justification. As Gooch has well put the matter:

> "It was natural that Austria should defend herself against the openly proclaimed ambition to rob her of Provinces which she had held for centuries. After the Bosnian crisis Serbia had promised to be a good neighbor; but she had not kept her word, and her intrigues with Russia were notorious. To stand with folded arms and wait till her enemies felt strong enough to carry out their program of dismemberment was to invite disaster, and the murder of Francis Ferdinand by Yugoslav assassins appeared to demand some striking vindication of the authority of the State. The ultimatum to Serbia was a gambler's throw; but to the statesmen of Vienna and Budapest it appeared to offer the best chance of escape from a terrible danger which was certain to increase and which challenged the existence of Austria as a great power." (Gooch, op. cit., p. 55.)

Germany: In regard to Germany, the first point to be kept in mind is the military tradition which she inherited from the Bismarckian era. The conventional notions in this matter are usually quite correct as to the absolute degree of German militarism, but they are, for the most part, grotesquely exaggerated as to its uniqueness and relative extent and aggressiveness. No doubt Bismarck did bully France somewhat during his chancellorship, but the French "Revenge" group was irreconcilable, and Paul Déroulède preached the crusade of revenge not only in France but throughout the Continent. There were as many in Germany who would have welcomed the conciliatory program of Caillaux as there were Frenchmen who gave him loyal support. Germany was well aware of the strength of the revenge motive in the Franco-Russian alliance. (A good description and criticism of militaristic Germany is contained in the book by the German pacifist, F. Foerster, Mes Combats a l'Assaut du Militarisme et de l'Imperialisme Allemand. On Franco-German relations see Gooch, Franco-German Relations, 1871–1914; J. Caillaux, Agadir: Ma Politique Exterieure; and P. Albin, L'Allemagne et la France. The most thorough study of German foreign policy is that by F. Rachfahl, Deutschland und die Weltpolitik, 1871–1914. For the pacific group in Germany see H. Wehberg, Die Fuehrer der Deutschen Friedensbewegung.) The Pan-German League, so much denounced during the war in fantastic books like those by André Chéradame and R. G. Usher, appears to have been little more than a small but noisy group of fanatical patriots and imperialists of little standing or influence in Germany. (For this statement I am indebted to the conclusions of the most thorough and scholarly study yet made of the Pan-German League in a doctoral dissertation about to be published by Miss Mildred S. Wertheimer at Columbia University.)

Germany's attitude toward Russia was determined primarily by the fact that she was the chief ally of Germany's inveterate enemy and the enemy of her main ally. There was some further mutual enmity based upon discriminatory tariffs and Russian opposition to German plans in the way of imperialism in the Near East. (Gooch, Modern Europe, pp. 501–525; Korff, op. cit.; A. Hedenstrom, Geschichte Russlands von 1878 bis 1918; R. Pohle, Russland und das Deutsche Reich.) Germany understood that her future security depended primarily upon maintaining the strength and integrity of the dual monarchy. Otherwise she would be wholly isolated and surrounded by hostile and powerful States. The ascendency of Austria in the Balkans was also essential to the plans of Germany for developing the Near East. Germany thus had a definite and direct interest in the suppression of so evident a menace to the permanence of Austria-Hungary as the rapid growth of Yugoslav nationalism. It should be pointed out, however, that up to 1914, in spite of opposition of interests, there was surprisingly little hostility on the part of Germany toward Serbia. As late as July 1, 1914, Tisza complained of the Kaiser's partiality for Serbia. It was the horror at the assassination of a member of a royal family that turned the Kaiser against Serbia in 1914.

In order properly to understand the Kaiser's reaction to the murder of the archduke one has to combine with this general background his friendship with Franz Ferdinand, his recent visit with him, and, above all, the shock caused by the assassination of a member of a royal family, particularly one so close to the Hohenzollerns as the Hapsburgs. He had even been profoundly moved by the assassination of President Sadi Carnot, of France, in 1894, and of King Humbert, of Italy, in 1900. (The most detailed and accurate sketch of the Kaiser in relation to German foreign policy is contained in the five works by Otto Hammann, chief of the press bureau of the German Foreign Office: Der Neue Kurs; Zur Vorgeschichte des Weltkrieges; Um den Kaiser; Der Missverstandne Bismarck; and Bilder aus der Letzten Kaiserzeit.)

Whether he was right or wrong, it is therefore easy enough to see why the Kaiser should have been in a state of mind to regard the Sarajevo incident as a just basis for strong Austrian action against Serbia, even though it might lead to some possibility of a general European war. He had, however, the best of reasons for believing that the conflict might be localized to one between Austria and Serbia. He felt that the Czar should be as much startled and repelled as himself over the murder of Franz Ferdinand, and he had been assured by the Russian military attaché at Berlin that Russia had not been seriously disturbed over the aggressive attitude of Austria toward Serbia in 1913. In the face of these facts, it is not difficult to understand why the Kaiser should have been impressed with the letter of Franz Josef and, while still in a highly emotional state, should have given Austria a free hand with Serbia on July 5. It is equally clear, in the light of a full knowledge of the circumstances and consequences which we now possess, that it was a most foolhardy policy, which the Kaiser himself bitterly regretted before the month was over. (Fay, loc. cit. (July, 1920), pp. 628–629; Beard, op. cit., pp. 22–27. Valentin and Montgelas have explained in the most detail why the Kaiser did not continue his 1913 policy of restraining Austria. The most vigorous assault upon the Kaiser and his policy in 1914 has been made by K. Kautsky, Wie die Weltkrieg Entstand.) It must not be forgotten that in 1912 Poincaré deliberately, and with less justification in the way of a crisis, urged Russia to take a firm hand in the Balkans and assured her of French support to the full.

Though the general terms of the Austrian ultimatum to Serbia were agreed upon by the Austrian leaders on July 14, Berchtold deliberately withheld a copy from Bethmann-Hollweg and von Jagow, so that they did not obtain it until the evening of July 22, rather late to protest against its delivery. Both pronounced it too harsh and severe. Berchtold likewise held up the humble and conciliatory Serbian reply to the ultimatum, and the German Foreign Office first learned of its nature and contents through the Serbian minister in Berlin. The Kaiser, von Bethmann-Hollweg, and von Jagow were all satisfied with it and felt that it removed all cause for war between Austria and Serbia. (Fay, ibid., pp. 632–637. Tschirschky must have known of the contents of the ultimatum before July 23, and the responsibility for the ignorance of von Bethmann-Hollweg and Jagow may rest in part with him. See Gooch, Modern Europe, p. 543, note. There is little probability that Germany would have publicly protested in any event, because of the carte blanche to Austria. Bethmann-Hollweg might still have telegraphed a protest on the evening of the 22d.) The Kaiser commented upon the Serbian concessions as a great diplomatic victory for Austria. "A brilliant result for a time limit of only 48 hours. That is more than one might have expected. A great moral victory for Vienna; but with it every ground for war disappears and Giesl ought to have remained quiet in Belgrade. In such circumstances I should never have ordered mobilization." (Fay, loc. cit. (July, 1920), p. 637, footnote.)

Bethmann-Hollweg and the Kaiser on July 27–29 endeavored to mediate between Russia and Austria, both on his own initiative and in cooperation with Sir Edward Grey, but the Austrian Government deliberately refused to answer their telegrams containing the sugges-

tion and offer of mediation. The real earnestness of von Bethmann-Hollweg in his effort to restrain Austria is well brought out in the following telegram sent to Vienna on the early morning of July 30 (Ibid. (October, 1920), p. 45):

> "If Austria refuses all negotiations, we are face to face with a conflagration in which England will be against us, Rumania and Italy, according to all indications, will not be for us, and we shall stand two against four powers. Through England's opposition the main blow will fall on Germany. Austria's political prestige, the military honor of her army, as well as her just claims against Serbia, can be adequately satisfied by her occupation of Belgrade or other places. Through her humiliation of Serbia she will make her position in the Balkans as well as in her relation to Russia strong again. Under these circumstances we most urgently and emphatically urge upon the consideration of the Vienna cabinet the adoption of mediation in accordance with the above honorable conditions. The responsibility for the consequences which would otherwise follow would be for Austria and for us an uncommonly heavy one."

While Berchtold went through the form of laying this before Franz Josef, Forgách and Hoyos remarked to Tschirschky that any such proposal was a mere joke, in the light of the policy which Austria had determined upon and in which she was supported by the Austrian people.

As we have seen, the Austrian war party, this time determined not to be obstructed by Germany or any other outside power in their ambition to discipline Serbia, declared war on that country and then informed Germany that mediation or arbitration was out of the question, as war had already begun and the whole face of the diplomatic situation was changed thereby.

The Kaiser and Bethmann-Hollweg then devoted themselves to an effort to localize the conflict between Austria and Serbia, but they underestimated the Russian initiative and willingness for war, and their efforts failed. (Ibid., Gooch, Modern Europe, pp. 538–539, 544–545.) The victory of the military group at Berlin over the pacific chancellor was primarily due to the evasive conduct and duplicity of the Vienna authorities. Bethmann-Hollweg's program was discredited because he could report no progress on account of Berchtold's delays and deceit. The one real and complete test of the German desire to prevent a general European war was never allowed to come to a trial. If Russia had mobilized solely against Austria, and Germany, justified by Austria's duplicity and arbitrary action, had refused to join her ally, this would have been final proof of Germany's pacific intent.

Some have held that the German ultimatum to Russia demanding a cessation of mobilization was a rash and hasty move; counter-mobilization and a continuation of negotiations would have been a more moderate and judicious procedure. This is doubtless true from the standpoint of diplomatic negotiations, but from what we now know of Russian attitudes and Franco-Russian exchanges between July 29 and August 1, it seems perfectly clear that this would have had no significant results in avoiding the conflict, and from a military standpoint would have been a fatal strategic error. Russia was determined upon war, and Russian soldiers apparently invaded East Prussia before the expiration of the German ultimatum, though there is some evidence that Berlin was not fully informed of this fact. (Gooch, op. cit., pp. 547–549. Cf. B. E. Schmidt in American Historical Review, October, 1923, p. 137.) Once Germany was fully convinced that Russia meant war, her only sane procedure was to get into action as soon as possible against a much more powerful, but more ponderous enemy. At this point the control of the situation was taken out of the hands of the civil authorities and given over to the general staff.

It would, then, seem that the worst that can be said for the Kaiser and Bethmann-Hollweg is that they were both stupid, and, further, that the Kaiser was also far too hasty and impulsive in getting themselves into an inextricable hole by giving Austria a free hand in Serbia, but this is only what they have both admitted. That either had the slightest desire to bring on a general European war is not supported by a shred of evidence. Nothing could be more absurd than the old myth that Austria was about to give in on July 31 when Germany, alarmed at her signs of weakening, rushed in to prevent mediation and make war certain. (Fay, loc. cit., October, 1920, pp. 51–52; Gooch, op. cit., pp. 555–556. For the opinion of the English military attaché at Berlin as to the pacific nature of the Kaiser and his reluctance to sign the final mobilization order see the New York Times, March 30, 1924, Book Review section, p. 26. Two telegrams from von Moltke to Hötzendorf given in Volume IV of the latter's memoirs prove, however, the eagerness of the German general staff for war.)

It should further be indicated that it is obviously false to assert that 1914 was a peculiarly fortunate time for Germany to risk a World War, and that August 1, 1914, was "Der tag" long awaited. While further delay would have made France and Russia stronger in a military sense, Germany's Army and Navy increases were far from complete, and her finances were in a wretched state for war, as is shown by the many efforts in 1913–14 to sell foreign securities and get German gold back into Germany to guard against the emergency of a World War which the diplomats feared and the general staff hoped might be imminent.

Russia: Russian hostility to Germany actually goes back as far as the eighteenth century, though Bismarck did much to allay it. The Kaiser had turned away from Bismarck's Russian policy, and Russian hostility following 1910 was accentuated by the fact that Germany had all but conquered Russia economically. By 1913, 50 per cent of Russian imports were from Germany, and 35 per cent of her exports went to Germany. This amounted to four times England's trade with Russia and seven times the trade of France. Along with this went a tariff war, based on the discriminatory and differential tariff scheme common to European States before 1914.

Still further intensifying the Russo-German rivalry was the growing German domination of Turkey, which had become practically complete by 1912. The German grip upon Constantinople challenged the age-old Russian aspiration to control the Straits, and probably did more than anything else in the international situation to determine Sazonov's Balkan policy from 1912 to 1914, which was stiffened by the encouragement offered to it by Poincaré.

Russia had been disappointed and humiliated in 1908 as a result of the failure to secure the opening of the Straits as compensation for suggesting and acquiescing in the annexation of Bosnia and Herzegovina and because of her inability in the circumstances to stand forth in the rôle of the defender of Slavic nationalism which was more or less implied in her Pan-Slavic program. (Gooch, op. cit., chs. 12, 15. For a sympathetic study of Russian interests in Serbia and Yugoslav expansion see M. Boghitschewitsch: Kriegsursachen; cf., G. H. Trubetskoi, Russland als Grossmacht. It is worth while pointing out, however, that in the Three Emperors' Alliance of 1881 and 1884 Russia conceded to Austria the right to annex Bosnia and Herzegovina whenever she saw fit, but the Hungarians were opposed even to occupation at this time.) Her resentment was most opportunely exploited by President Poincaré of France. As Baron Korff points out in his judicious and moderate review of the second volume of Marchand's Livre Noir (American Historical Review, July, 1923, pp. 747–748.):

> "We find new light thrown upon the pre-war attitude of France, strangely but constantly connected with one big name—Poincaré. Pichon, Barthou, and many other familiar names are frequently mentioned, but none seems to have played any such prominent rôle in the building up and strengthening of the Franco-Russian alliance as Poincaré; and besides, with a very evident object—steady preparation for the coming conflict with Germany. The reader will put aside this volume with the inevitable conviction that Poincaré long before 1914 had one idea on his mind, the war with Germany. * * * These documents give a most vivid picture of the French pressure exerted on Russia with that one object in view, a war with Germany. At times the Russians were even losing patience with the French, so little did the latter mind the Russian interests; they were willing to lend the Russians money, but only on condition that Russia would increase her army and build new strategic, but otherwise quite useless, railways."

Most significant is the fact that Poincaré in 1912, through Izvolsky, gave Russia a relatively free hand in the Balkans, promising unconditional French support if she was attacked by Austria or Germany. This was two years before the Kaiser's grant of similar freedom to Austria. It is quite apparent, however, from the recent French Yellow Book on Balkan affairs that Poincaré, in spite of his encouragement of a strong Russian policy in the Balkans, insisted upon knowing and approving all the Russian acts and policies, in order that France might not be drawn into any conflict which would not advance her general European interests. Among the more interesting of Izvolsky's communications on this point are the following (Beard, op. cit., pp. 24–27. Also Entente Diplomacy and the World, pp. 403–404, and New York Nation, October 11, 1922, pp. 363–365):

> "The present Prime Minister and Minister for Foreign Affairs [Poincaré] is an exceedingly great personality and his cabinet shows itself as the strongest combination of power that has existed for a long period of years. * * *
>
> "M. Poincaré told me that the French Government is first of all considering the question of possible international eventualities. It quite realizes that this or that event, as, for instance, the destruction of Bulgaria by Turkey or any attack upon Serbia by Austria, might force Russia to give up its passive attitude and take diplomatic steps, to be followed afterwards, by military measures against Turkey or Austria. According to assurances received by us from the French Government, we can in such a case count upon the most sincere and most energetic diplomatic support on the part of France. * * * If the conflict with Austria should result in an armed interference on the part of Germany, France would, as a matter of course, look upon this as a casus foederis and not hesitate a minute to fulfill its obligation toward Russia. * * * M. Poincaré further told me that, in

view of the critical position in the Balkans, the highest authorities of the French military command are studying with increasing attention all possible military eventualities and it was known to him that expert and responsible personages held an extremely optimistic view of the Franco-Russian chances in case of a general collision. * * * It is for Russia, he remarked to me, to take the initiative in a question (the Austro-Serbian affair) in which she is interested above all others; while it is France's task to give her full and active support. All in all this means that if Russia makes war France will also make war, because we know that Germany will stand by Austria in this question."

That Poincaré, aided by Izvolsky's bribery of the French press, was successful in getting French opinion behind him is evident from the following telegram from Izvolsky to Sazonov (from the Livre Noir, Volume I, translated in the New York Nation, October 11, 1922, pp. 365–366):

"While not long ago the French Government and the press were inclined to accuse us of exciting Serbia and the dominant note was 'France does not wish to wage war for a Serbian port,' now, on the contrary, they look with astonishment and unconcealed apprehension upon our indifference to the fact of mobilization in Austria (against Serbia late in 1912). Not only are these apprehensions expressed by the French cabinet ministers; they penetrate also to the general public and into the newspapers of the most diverse political opinions; they are so lively in the French general staff that the minister of war felt it necessary to draw M. Poincaré's attention to the matter. * * * M. Georges Louis's telegram transmitting the reply of our general staff to General de la Guiche (of the French general staff) did not dissipate the astonishment of the French; they showed me the text of this telegram, according to which General de la Guiche was not only told that we considered Austria's arming only a measure of defense, but that in the improbable case that Austria should attack Serbia, Russia would not fight. This reply greatly astonished M. Poincaré and the other French ministers. * * *

"While attempting to maintain a favorable disposition among the members of the Government and in the political world I am also doing everything possible to influence the press. Thanks to careful steps taken in good time considerable results have been obtained.

"As you know, I do not intervene directly in the distribution of subsidies [to the French press], but this distribution, in which the French ministries of foreign affairs and of finance participate, seems to be effective and is attaining its goal. * * * In general, the Paris press of to-day is very different from that of 1908–9; I must call particular attention to the attitude of the Temps, which distinguished itself four years ago for its Austrophilism, but in the columns of which M. Tardieu is now energetically fighting against the Austrian policy. Count Berchtold and the Austrian ambassador at Paris have several times complained to M. Poincaré.

"In my discussions with French journalists I try particularly to persuade them that if Austria's arming and the demands of Austrian diplomacy bring on a general European conflict despite Russia's conciliatory moderation, war will be waged not for the private interests of Serbia or of Russia, but as a result of Austria's policy and Germany's support of it; these two powers seek to establish their hegemony in Europe and in the Balkan Peninsula. God be thanked, this idea is filtering more and more into political, military, and social circles, and lately I have not had to combat so much the idea that war might be imposed upon France for interests alien to hers as the fear that we might be too passive in a situation concerning the position and prestige of the Entente." (See the New York Nation and the New Republic for February 6, 1924, for revelation of the details of the cooperation between Izvolsky and Poincaré in bribing the French press with Russian gold. Tardieu was prominent as a disbursing agent.)

How well Izvolsky, Poincaré, and the Russian militarists succeeded between 1912 and 1914 is obvious from the aggressive Russian attitude in the Serbian crisis in 1914. Poincaré was aided in 1913 by the substitution of the aggressive Théophile Delcassé for the pacific Georges Louis as French ambassador to Russia. Delcassé was replaced shortly before the war by Maurice Paléologue, an equally enthusiastic supporter of the Franco-Russian alliance.

An illuminating fact as bearing upon the Russian attitude in 1914, which has rarely been pointed out, is the meeting of the Russian Crown council late in February, 1914, to decide as to the best means of Russia's getting control of the straits. The conference came to the conclusion that it would not be wise to strike suddenly and unaided against Turkey, but that it would be the best judgment to await a general European war, when the British and French fleets could be relied upon to destroy or hold in port the fleets of Germany and Austria. Such a conflict was not deemed unlikely or undesirable. (Gooch, op. cit., pp. 520–521; E. Laloy, Les Documents Secrets des Archives du Ministere des Affaires Etrangeres de Russie, pp. 74–100; Montgelas, op. cit., pp. 72–74.)

We have already referred to the tense feeling in both Germany and Russia in the spring of 1914 as a result of this growing suspicion, fear, increase of armament, and tightening of encircling policies. The Austro-Serbian crisis in such a setting was extremely likely to prove fatal to the peace of Europe. The specific circumstances of Austria's conduct toward Serbia were, as we have noted above, peculiarly arbitrary, insulting, and atrocious, perfectly designed to provoke the Russian leaders like Sazonov to strong measures in the attempt to insure Serbia a fair chance to put her case before the great powers. It is difficult to understand how any fair-minded historian can fail to see why Russia felt justified in contemplating forcible intervention against Austria, even if the Kaiser had reasonable grounds for believing that she probably would not execute such action. Prior assurance of complete French support gave Russia courage in a determined stand. (Fay, loc. cit. (July, 1920), pp. 634–635; Gooch, op. cit., pp. 539–540, 546–547, 556–557. It could be held in 1920 that Sazonov, while thoroughly committed to the Russian ambitions in the Balkans and the Near East and to the France-Russian military alliance, was desirous of avoiding war and allowing Serbia to submit her case to the European powers. This view must be somewhat modified in the light of the suppressed telegrams in the Russian Orange Book, which reveal the fact that both Sazonov and Izvolsky were thoroughly aware as to what was going on in military circles in both France and Germany. Sazonov may have been more pacific than the army group, and at least went through the form of cooperation with Grey in the effort to submit the problems of the 1914 crisis to a European congress. See his unconvincing apology in the New York Times, May 11, 1924.)

RUSSIAN OPINION DIVIDED

Russian opinion and attitudes were apparently divided. The Czar was sincerely desirous of peace, but quite incapable mentally of envisaging the complex European situation and comprehending the full import of his own acts and orders. Sazonov, the foreign minister, though thoroughly committed to Russian imperialism in the Near East and the French military alliance, seems to have been willing to avoid war and secure the submission of the Serbian crisis to a congress of the great powers; he hoped for aid in this direction from Great Britain and was not disappointed. On the other hand, Grand Duke Nicholas, the minister of war, Sukhomlinov, and the chief of staff, Janushkevitch, with the militaristic and imperialistic group as a whole, were convinced that the Austrian ultimatum palpably and inevitably meant war, and believed that the sooner Russia recognized this and accepted the strategic implications and responsibilities the better. (Fay, ibid. (January, 1921), pp. 225–251; R. Honiger, Russlands Vorbereitungen zum Weltkriege. Sazonov's part in urging the Czar to order general mobilization may be explained on the ground that he believed that it would frighten Austria into a resumption of conversations.) "They felt," says Professor Fay, "that a war between Austria and Serbia was necessarily a war between Austria and Russia, and they had no doubt that Austria was about to begin an invasion of Serbia as soon as the time limit expired. * * * They were probably convinced that war was 'inevitable,' and that here was Russia's heaven-sent opportunity to have her final reckoning with Germany and to acquire Constantinople and the straits. Therefore the sooner full mobilization was declared the better." (Fay, ibid., p. 233. It is alleged by some writers that the Russian mobilization was planned from Paris by the French militarists in conjunction with Izvolsky, Sukhomlinov, and Janushkevitch. It seems that Paris and London knew of Russian mobilization long before the Czar was aware of it.) All important evidence which has come out since this was published in January, 1921, has tended to confirm Professor Fay's generalization. To the Russian military group the European war was really on from the moment of the delivery of the Austrian ultimatum to Serbia, and no amount of restraining and conciliatory efforts by Bethmann-Hollweg, Sazonov, or Grey would have been of any real avail. The Russian militarists, encouraged by the French, ran away with the situation in Russia in the same way that Hötzendorf and his followers were dominating the policy and producing the train of tragic consequences in the realm of the Central Powers. (Livre Noir, Vol. II, B. von Romberg (editor), Falsifications of the Russian Orange Book; also the references in the following footnote.) Izvolsky, the Russian ambassador at Paris, was thoroughly with the military group.

General preparatory military measures to aid Serbia were decided upon on the 25th, partial mobilization ordered on the 29th, and general mobilization on the 30th. It has been alleged that a false report of German mobilization published in the Berlin Lokal-Anzeiger on July 30, 1914, produced the Russian mobilization order, but this is palpably false. The Russians had determined upon and ordered general mobilization before they heard of this publication. (Montgelas, op. cit., pp. 178–180.) Much has been made of an alleged intercception of an order of the Czar in answer to an appeal from the Kaiser directing a suspension of mobilization, but it now seems that the question is unimportant and that the Russian militarists were as determined to have

their way, regardless of the Czar, as the Austrian war party was to disregard the moderating and restraining influence of Germany after July 27. (Heniger, op. cit.; S. Dobrorolski, Die Mobilmachung der Russischen Armee, 1914, and Die Kriegsschuldfrage, January–February, 1924, pp. 18–21. I am indebted to Professors Shotwell and Fay for reports of conversations with Dobrorolski in the summer of 1923, in which he frankly stated that the Russian war office and general staff accepted the Austrian ultimatum as a declaration of war on Russia, and began steady preparations for war against both Germany and Austria. Nothing but a complete repudiation by Austria of her demands on Serbia could have held the Russians in check.)

Nor was there any effort of the French to curb Russia. The most that they did was to suggest to Izvolsky on July 30 that he telegraph his Government to be as secretive as possible in carrying on the mobilization, so that Germany could not publicly allege or prove Russian aggression. While the Russians were hypothetically mobilizing to prevent Austrian intervention in Serbia, the French were urging Russia to neglect Austria and concentrate her military activities against Germany. Proof of good faith in the Russian claim to be arming to protect Serbia would have been made if she had mobilized against Austria alone, but this was strategically impracticable. Knowing that Germany and Austria were closely allied, it would have been folly to move against Austria and leave her whole German flank exposed. Further, one must reckon with the fact that Russia was not aware or convinced of the actually serious efforts of Germany to check Austria, and with the further fact that Russia was being urged by the French to move primarily against Germany. (Falsifications of the Russian Orange Book (New York, Huebsch, 1923), pp. 45–61. This had always been a basic phase of French policy, going back as far as the 1892 negotiations preceding the Franco-Russian military convention.)

The German ultimatum and mobilization were inevitably produced by the mobilization of Russia.

As Fay says, "German mobilization was directly caused by that of Russia. In fact, it came rather surprisingly late. (Fay, loc. cit. (January, 1921), pp. 250–251.) On this ground Gooch holds that Russia must bear the responsibility for the actual outbreak of hostilities: "The World War was precipitated by the action of Russia at a moment when conversations between Vienna and Petrograd were being resumed, when Bethmann-Hollweg was at length endeavoring to restrain his ally, and when the Czar and the Kaiser were in telegraphic communication." (Gooch, op. cit., pp. 546–547. As a matter of fact, Austria had not been persuaded to resume conversations at the time of the Russian general mobilization.) This conclusion, to be significant, must rest upon the assumption that if Russia had undertaken only partial mobilization, and that against Austria alone, Germany would have exerted sufficient pressure on her ally to have led to an abandonment of the Serbian invasion and a submission of the dispute to a European congress. Whether or not she actually would have done so is one of the many interesting hypotheses connected with the outbreak of the conflict which can not be regarded as an assured fact. In a narrow and technical sense, however, it is entirely true that it was the Russian general mobilization which supplanted the state of diplomatic negotiations by the clash of arms. This is doubtless what Professor Gooch implies.

There has been much discussion as to whether the Russian general mobilization meant war, and whether Germany was justified in issuing her ultimatum ordering Russia to suspend mobilization. There seems no doubt on this point. The British ambassador to St. Petersburg warned Russia as early as July 25 that Russian general mobilization would mean war, and we know that both the French and the Russian military experts fully and frankly recognized this. This fact surely disposes of the allegation that from a military standpoint Germany should have contented herself with countermobilization. France and Russia both expected her to follow the Russian mobilization with a declaration of war. (Gooch, op. cit., pp. 546–547; Falsifications of the Russian Orange Book, pp. 50–76; Montgelas, op. cit., pp. 133–136.)

The one point in the whole situation here which has been most frequently ignored by historians is that Sazonov was certainly grotesquely exaggerating the actuality when he described the protection of Serbia as a life and death matter for Russia. No informed historian and political scientist could well deny that Austria had far more reason, from the standpoint of the realities in the defense of her national existence, in attacking Serbia than Russia had in the way of protecting her. In 1908 Russia had instigated Austrian aggression of a type nearly as serious as that contemplated in 1914; in 1912–13 she had not been seriously disturbed by Austrian threats against Serbia, and the fact that she directed a prominent part of her military action against Germany and not Austria indicates that she was not wholly absorbed in solicitude for Serbia. At most, it was only Russia's not wholly defensible or commendable aspiration for the hegemony of the Balkans which was at stake, while the very future cohesion of the dual monarchy depended upon a repression of Yugoslav nationalism. We are not, of course, necessarily arguing that Austria-Hungary should have continued to exist, but we can certainly forgive the Austrian and German authorities for believing that it should. One should keep in mind, however, Professor Schmitt's thesis that, even if the Serbian matter was not of crucial importance for Russia considered individually, it was of the greatest importance to the Triple Entente as a whole.

France: In regard to France, the analysis of the pre-war situation must begin with a recognition of the Franco-German psychology after 1871. France never forgave Germany for the humiliation of that period or for the annexation of Alsace-Lorraine. Germany recognized the intensity of French resentment and longing for revenge, and reciprocated by an overbearing attitude toward France. We must, however, free our minds of the illusion that France was in 1870 a terror-stricken victim of Prussian aggression. Even the two early French authorities on the diplomacy of the Franco-Prussian War, La Gorce and Sorel, frankly admit that Gramont precipitated the war and thereby played directly into the hands of Bismarck. (We must also free ourselves from the myth of the Ems telegram atrocity. In some ways it was even less insulting in the abridged than in the complete form. A more recent French account of the origins of the War of 1870 is P. Lehautcourt, Les Origines de la Guerre de 1870.) We should further dispel the mistaken notion that England and the United States were indignantly repelled by Prussian aggressiveness in 1870. The overwhelming majority of English and American opinion was unreservedly on the side of Prussia, which they believed was being wantonly assaulted by the most militaristic and warlike power in Europe. It is true, however, that the severity of Bismarck's terms alienated some of his British and American supporters. (C. E. Schieber, The Transformation of American Sentiment Toward Germany, 1870–1914; chap. 1; D. N. Raymond, British Policy and Opinion During the Franco-Prussian War.)

The spirit of revenge never died out in France, its chief apostles being Paul Déroulède, Maurice Barrès, and Léon Daudet, leaders of the League of Patriots and the Action Française. After the collapse of the Boulanger movement in 1889, and the discrediting of the militaristic clique in the Dreyfus case, however, the war and revanche fever abated for a decade, and certain French leaders, like Joseph Caillaux, endeavored to promote greater friendliness between France and Germany. This was made more difficult by the Morocco crises, and about 1909 the party represented by Caillaux began to lose its dominating position and was replaced by the advocates of a "strong France," prominent among them Poincaré, Delcassé, Millerand, Joffre, Jonnart, and Tardieu. Even Clemenceau, the original and veteran defeatist and antimilitarist, joined their group. In the words of the Abbé Dimnet, "France was herself again." This group was strengthened by the unquestionable increase of the power and vocal exuberance of the imperialistic and military party across the Rhine. (The works of Fisher, Gooch, Curtis, and Albin, as above. E. Dimnet, France Herself Again, is a sympathetic discussion of the nationalistic party after 1909. An extreme criticism is contained in Gouttenoire de Toury, Pevet, and Bausman as cited.)

FRENCH INCITEMENT OF RUSSIA

The point of concentration in diplomacy on the part of the Poincaré policy was Russia. (See above in the section on Russia.) The record of its nature is now available in the Livre Noir, and no reader of the documents can doubt that after 1912, at least, France was the moving and dominating spirit in the Franco-Russian alliance, and that she constantly worked to accustom Russia to the idea of a coming war with Germany and to its preparation. Russian sensitiveness concerning Austro-German policies in the Balkans and the Near East was ever stimulated by French warnings and suggestions. When the Russian Government, in 1912–13, seemed not to be greatly disturbed over Austria's menacing attitude toward Serbia, the French Government informed the Russian that it viewed this attitude with "astonishment and unconcealed apprehension." (New York Nation, October 11, 1922, pp. 365–366, Document XVI; Gooch, Modern Europe, pp. 515–520; Montgelas, Leitfaden zur Kriegsschuldfrage, pp. 72–74.) In 1913 France passed a bill providing for the largest standing army per head of population maintained by any major European State. From the documents now available it seems perfectly clear that by this time Poincaré, himself a Lorrainer, was willing to accept the first good opportunity for a European war as the means of restoring Alsace-Lorraine to France. (Marchand, Livre Noir, Vol. I, pp. 35–39, 128–130, 148–150, 259, 345–347, 393, 419–437, 457–464, and Entente Diplomacy, Books II–III.) The allegation that he was eager to promote an occasion for such a conflict does not rest upon any such impressive documentary evidence, though informed persons will admit that the circumstantial evidence is impressive, and Poincaré has not attempted to clear himself by opening the French archives to historians. (The most serious accusation is that by Pevet, Les Responsables de la Guerre. Poincaré's defense is contained in his Origins of the War, which is rendered far less convincing by the subsequent publication of the Livre Noir and the Falsifications of the Russian Orange Book. The authoritative apology for the official French policy is contained in E. Bourgeois and G. Pages, Les Origines and Responsabilites de la Grande Guerre.) Probably the

most judicious and comprehensive summary of the primary importance of Poincaré in completing and stiffening the Franco-Russian alliance is the following by Professor Schmitt:

> "The credit belongs in the first instance to M. Raymond Poincaré, who became Premier of France in January, 1912. Under his masterly care Franco-Russian relations, which had become somewhat tenuous while one ally was absorbed in Morocco and the other in Persia and the Far East, were soon exhibiting the closest harmony. In the liquidation of the Tripolitan war and throughout the Balkan wars Paris and St. Petersburg devised and applied a common policy, carrying London with them, if possible. M. Poincaré repeatedly assured Izvolsky, now ambassador to France, that the Republic would fulfill all the obligations of the alliance; Izvolsky took the Paris press into pay to create a sentiment for Russia and to strengthen the position of the Premier, whom he recognized as most useful to Russia. The French statesman urged the Czar to proceed with the construction of strategic railways in Poland and sent Delcassé as his representative at the Russian court. The Russian ambassador, at least according to some persons, demanded that France revive the three years' military service. Then French and Russian general staffs in annual conferences perfected their plans for war, which were based on a joint offensive against Germany. A naval convention was concluded. Finally M. Poincaré went to Russia, and M. Sazonov, the Foreign Minister, expressed to the Czar his hope that "in the event of a crisis in international relations there would be at the helm in France, if not M. Poincaré, at least a personality of the same great power of decision and as free from the fear of taking responsibility." The elevation of M. Poincaré to the Presidency of the Republic in no way interrupted the newly developed intimancy. Indeed, from 1912 to the outbreak of the war the dual alliance presented a solid front at every turn to the rival diplomatic group."

FRANCE NOT AVERSE TO WAR

It is quite evident therefore that we must modify the view which was tenable before publication of the Siebert documents, the Livre Noir, and the Falsifications of the Russian Orange Book, namely, that the French Government was reluctant to contemplate the imminent approach of war in July, 1914. In 1920 Professor Fay could write:

> "As to France, however much she may have encouraged the Russian militarists in the months preceding the crisis by her adoption of the three-year term of military service, by her exchange of military and diplomatic visits, by her naval convention, by her jingo press, and by her close relations with England, and however much by these same measures she may have aroused the suspicions of Germany, there can be no doubt that when the crisis came she sincerely did her best to avert it. (Fay, loc. cit. (January, 1921), pp. 252–253.)

To-day we know that she did not do her best to avert it. If there was to be a world war which would lead to the recovery of Alsace-Lorraine and the humiliation of Germany, 1914 was a good year for France to risk it, for her leaders knew of the growing improvement of relations between England and Germany, and the loss of English aid would have been a far greater handicap to France than the incompleteness of her military increases in 1914. The French diplomats also feared lest England might grow more cautious after a crisis like that of 1914. The chief bulwark of the defense of pacific intent upon the part of France is the statement that on July 30 she ordered the withdrawal of her frontier troops to a point 10 kilometers (about 6 miles) back of the boundary in order to prove her lack of aggressive purposes and then awaited German attack. There are a number of considerations which make it necessary almost entirely to discredit this move as any proof whatever of a purely defensive attitude on the part of France. In the first place, the order was given on July 30, before Germany had taken any steps toward general mobilization and when she was doing her best to restrain Austria. By the 30th, however, France was fully aware of the fact of the Russian mobilization measures, and her "fear" of Germany must have been based upon her agreeable understanding that Russia proposed to continue her military preparations and that this would mean war with Germany. Further, this order, even if executed, meant no weakening of the French defenses. It was not uniformly obeyed and had no military importance whatever back of the Belgian and Luxemburg frontiers. Officers and soldiers were left in the border posts to watch and report the activities of the German patrols. Most important of all is the generally overlooked fact that while this withdrawal meant little or no military handicap to the French, even where actually executed, it was in many cases a real military advantage, as it allowed them to bring up to the 10-kilometer line many detachments that had been stationed farther back from the frontier and to carry out preparatory military measures back of this line with apparent innocence of any aggressive intent. (A complete refutation of this withdrawal order as a proof of French defensive humility is contained in Montgelas, op. cit., pp. 180–182, which on this point is absolutely conclusive.) On July 30 Izvolsky was telegraphing to Sazonov that the French Minister of War had suggested that Russia might verbally assure the other powers that she was willing to slow up her military preparations, but at the same time might well actually speed them up, provided that she kept her movements sufficiently secret so that the other powers, particularly Germany and Austria, would not discover her extensive preparatory measures. (Falsifications of the Russian Orange Book, pp. 50–64.)

In the light of this and other suppressed Franco-Russian telegrams during the last three days of July, 1914, the order for the withdrawal of the French troops fits in well with the general picture of the French policy as it emerges from the secret documents, namely, a firm determination on the part of the Poincaré clique to encourage and execute extensive military preparations on the part of Russia and France and a parallel effort to keep this decision as secret as possible so as to get military preparations far under way before their discovery by Germany, and also to avoid alienating the opinion of Grey and England. The one fact that stands out of the Franco-Russian exchange of late July and early August, 1914, more than anything else, is the ever-present fear of the French authorities that England would discover the aggressive attitude of France and Russia and become lukewarm or alienated from the Entente. As Izvolsky telegraphed to Sazonov, "It is very important for France on account of political considerations relative to Italy and most especially England that the French mobilization should not precede the German one but form the answer to the latter." (Ibid., pp. 64–65.)

The ordered withdrawal of the French frontier troops, then, would appear unquestionably to have served a dual purpose. It sufficed to dupe Grey and the English into accepting the fiction of a purely defensive attitude on the part of France and allowed extensive French military measures to be carried on secretly and effectively behind the 10-kilometer line. Instead of an obstacle to the French military preparations, then, it was a positive gain, while also serving as a diplomatic ruse. We have no means of knowing as yet the understanding reached by Poincaré and the Russians during the former's visit to St. Petersburg in July, 1914, a most crucial bit of information for assigning war guilt, but we have unanswerable documentary evidence that by July 30 France recognized that Russia had determined upon military measures which would lead to war, encouraged her in this decision, and gave assurance of complete French support as an ally while publicly approving Grey's honest attempts at mediation with Germany, Austria and Russia. (Ibid., pp. 50–76; Montgelas, op. cit., pp. 94–97, 125–132, 142–144. Though in some cases in this work Montgelas fails to consider evidence damaging to Germany, his presentation of the case for Franco-Russian duplicity in these pages is incontestable.)

MILITARISTS WELCOMED WAR

More damaging is the testimony as to the enthusiasm and fervor with which the French civil and military chiefs anticipated the approach of war. On July 29 Izvolsky telegraphed Sazonov that the army circles in France were in high spirits at the prospect of war, and that the French Government was suppressing antimilitaristic meetings. On July 30 he telegraphed that France had given full assurance that she would fulfill all her obligations as an ally of Russia, but suggested that Russian military preparations be sufficiently secretive so that Germany would not also be prematurely frightened into mobilization. On July 31 the German ambassador in Paris called on Premier Viviani to learn what attitude France would take in the event of war between Russia and Germany. Viviani refused to answer, telling the ambassador to come around the next day. Just after midnight, however, the French Minister of War told Izvolsky that the French Government had agreed upon war and hoped that the Russians would neglect the war with Austria and throw all their forces against Germany. "The French Minister of War disclosed to me with hearty, high spirits that the French Government has firmly decided upon war and begged me to confirm the hope of the French general staff that all our (Russian) efforts will be directed against Germany, and that Austria will be treated as a negligible quantity." (Ibid., pp. 44–61.) When to this is added the unbounded enthusiasm for war which the French ambassador at Petrograd, Paléologue, confesses in his diary we have to drop entirely the myth of a terrified and reluctant France, however much the pacific group in France may have been repelled by Poincaré, Viviani, Delcassé, and their policies. (M. Paléologue, La Russie des Tsars pendant la Grande Guerre.)

Of course, we must distinguish rather sharply between the attitude of the French people and that of Poincaré and his Government. There is no doubt that the French people were pacifically inclined and taken by surprise at the sudden outbreak of hostilities. The French people were happy in the middle of July, 1914, to see that the Serajevo incident had quieted down, but Russian gold still remained to induce the French press to stir the French citizens from their pacific complacency. In fact, it is necessary to go even further, and distinguish between Poincaré and his group and other members of the cabinet. Several members of the cabinet were Socialists or socialistically inclined and opposed to war. French foreign policy on crucial points in the critical period of July, 1914, was arbitrarily and

in some cases secretly handled by Poincaré, Viviani, and Messimy, in the Government, in cooperation with Paul Cambon, French ambassador to England (who made a semisecret trip to Paris late in July), and with Delcassé and Tardieu. Upon Poincaré himself must fall the major responsibility for the determination of French policy from June to August, 1914, as well as for the control of Franco-Russian relations from 1912 to 1914. In order to whip the citizenry of the Republic into line, the Government, by means of censorship and propaganda, carried on a vigorous campaign to convince the French people that they were being asked to support their Government in a purely defensive war in which the very existence of France was at stake. (G. Demartial, La Guerre de 1914. Comment on mobilisa les consciences.)

That France was not caught napping in the way of military preparations is proved by the fact that, though she officially took action toward mobilization on July 31, the five army corps on the frontier were announced as fully prepared for war on the next day. Further, Poincaré frankly admitted to Izvolsky that he hesitated to declare war on Germany because to do so would involve calling Parliament and a public debate, which he feared. He also delayed in order to complete French mobilization, and, quite obviously, not to alarm England and lose her support. Satisfaction was expressed when the Germans actually invaded France and eliminated the necessity for a debate on war. (Falsifications of the Russian Orange Book, pp. 58, 62–63, 68–76.)

Great Britain: England's foreign policy underwent notable changes between 1870 and 1914. Down to 1890 she had pursued a policy of isolation, except for a brief joint action with France in Egypt, and the Mediterranean agreement of 1887. The new German Kaiser turned toward England and away from Russia about 1890, and Germany and England were on good terms until the famous Kruger telegram of the Kaiser at the time of the Jameson raid. This, together with German commercial development and naval plans, and her Bagdad railway scheme, alienated England, and good feeling was not restored until June, 1914.

The failure of efforts to achieve amicable Anglo-German relations earlier than this, as Hammann and Valentin freely admit, was due chiefly to Germany, and particularly to Bülow and his anti-English bête noir, Baron von Holstein, whom even the Kaiser denounces in his memoirs. They discouraged the pacific English advances. Further, it was Bülow's and Tirpitz's foolhardy naval policy that did more than anything else to arouse English suspicion and throw Grey into relations of a more friendly sort with France and Russia. German sympathizers might, of course, point to the English rejection of German overtures at the time of the Haldane mission of 1912.

England had clashed with France in the Sudan in 1898, but astute French diplomacy had brought out of this impasse an understanding with England which ripened into an agreement in 1904 and was practically a defensive alliance by 1911. England and Russia had been traditional rivals over the Near East until they settled their differences by partitioning Persia in 1907, thereby paving the way for the consummation of the Triple Entente. (The latest authoritative history of British diplomacy after 1870, based on the new documents and relatively impartial, is contained in the Cambridge History of British Foreign Policy, Vol. III. It should be supplemented by such critical works as those by E. D. Morel and W. S. Blunt. The best book yet written in England on war origins is that by Lord Loreburn, How the War Came. It should be compared with the official apology in the work of H. H. Asquith, The Genesis of the War.) There is little doubt that Sir Edward Grey, in spite of his engagements with Russia and France, was really desirous of better relations with Germany. He was the only important European statesman who had a vision of a new European order. Loreburn's judgment is on some points too harsh.

BRITISH COMMITMENTS TO FRANCE

In dealing with the problem of England's position and procedure in the crisis of July, 1914, it should be pointed out that Sir Edward Grey occupied a position singularly like that of the Kaiser and Bethmann-Hollweg. Sincerely desirous of preserving the peace of Europe, he had, nevertheless, actually arranged to aid France in case of her being attacked by Germany, and had a less definite agreement with Russia concerning concerted naval action. There is no doubt that the Anglo-French agreement was less literally definite than Germany's carte blanche to Austria of July 5, 1914, but it was morally as definite and binding. It brought Grey into the same desperate situation as Germany, when he found himself, on August 1–2, 1914, unconsciously the victim of warlike aims and activities on the part of Russia and France. So firmly were the French convinced of the binding character of the English understanding that Joffre tells us that the French military details were based in detail upon the assumption of English aid. Professor Schmitt further points out that the language of the Anglo-French understanding is practically identical with the comparable clauses of the Franco-Russian alliance.

The Anglo-French agreement had never been revealed to Parliament or to some members of the cabinet. Its very existence had been denied by both Grey and Asquith in 1913–14. It was first confessed by Sir Edward Grey on August 3, 1914, when he was compelled to go before Parliament and plead for the support of France. (See the indictment of Grey on these points in Loreburn, op. cit., and E. D. Morel, The Secret History of a Great Betrayal.) Professor Beard thus describes the situation:

> "When on August 3, 1914, the great decision had to be taken, Sir Edward Grey, in his memorable plea for the support of France, revealed for the first time the nature of the conversations and understandings that had been drawing the two countries together during the previous 10 years. He explained how the French Admiralty had concentrated its fleet in the Mediterranean and left the Atlantic coast of France undefended, and how, the day before, he had assured France that, if the German fleet came out, England would protect the defenseless ports across the Channel. He explained how naval conversations extending over many years had prepared for the immediate and effective cooperation of the two powers in case of war." (C. A. Beard, Cross Currents in Europe Today, pp. 30–31; Cambridge History of British Foreign Policy, Vol. III, pp. 466–470, 500–508.)

This announcement created considerable consternation in England, and led Charles P. Trevelyan, John Morley, and John Burns to resign from the ministry in protest.

England also gave Russia a favorable impression of her attitude in the event of a European war. Sazonov reported to the Czar in 1912 that on his visit to England Grey, the King, and Bonar Law assured him that cooperation with France and Russia in the event of war with Germany was the one point upon which all major parties in England were enthusiastically agreed. Of George V he said:

> "With visible emotion His Majesty mentioned Germany's aspirations toward naval equality with Great Britain, and explained that in case of a conflict it would have dangerous consequences not only for the German fleet but also for German commerce, as the English 'would sink every single German merchant ship they got hold of.'" (Beard, ibid., pp. 41–43; Korff in American Historical Review, July, 1922, p. 797.)

Definite arrangements for a triangular naval cooperation in the event of war were secretly worked out between England, France, and Russia in May and June, 1914, a rumor of which greatly disturbed and alarmed German official circles. (Beard, ibid., pp. 45–50, 72–75; Cambridge History of British Foreign Policy, pp. 484–486; New York Nation, October 11, 1922, pp. 365–370, Documents XXI–XXV.) Not only had England thus prepared for naval participation against Germany; she had also worked out in minute detail the plans for sending troops to the Continent. Lord Haldane, who had been Secretary of State for War from 1905–1912, testified in 1919 that he had made every plan during those years for the transfer of troops across the Channel. Like the Prussians in 1870, when war was declared the English officials had but to sign orders prepared nearly a decade earlier.

Captured Belgian documents further reveal the fact that England had even discussed with Belgium the possibility of landing troops on Belgian soil in the event of a German invasion, but this proposal received little encouragement from Belgium. (Beard, Ibid., pp. 50–55.) Finally, Winston Churchill, First Lord of the Admiralty, has told how, after 1912, when diplomatic relations between England and Germany were steadily improving, he became convinced that war with Germany was inevitable, and began in every way active preparations for it. The intellect of Churchill on the matter of war preparation seems fairly comparable to those of Hötzendorf, Janushkevitch, and Von Moltke. (W. S. Churchill, The World Crisis, 1911–1914.)

In spite of these preparations for war, no fair-minded student doubts Grey's sincere desire for peace in July, 1914, or the ardor with which he worked for mediation and delay of hostilities, within the limitations forced by his negative and vacillating character and his commitments to his allies. Probably the chief criticism which can be made of Grey's procedure after July 25 is his shiftiness and uncertainty and the fact that he did not warn Germany quickly and sharply enough as to what England's position would be in the event of an attack upon France. It would now seem that such a warning would have forced Germany into very strong measures against Austria and, perhaps, have averted the conflict. But we must remember that Grey would have faced a cabinet which might not have supported him in any such positive action. He was shamefully deceived by France and Russia, who had resolved upon war and were making military preparations at the very time when Grey was earnestly carrying on negotiations in good faith for delay and mediation. He was "double-crossed" by Grand Duke Nicholas, Sukhomlinov, and Poincaré in the same way that Bethmann-Hollweg and the Kaiser were by Hötzendorf, Forgách, and Berchtold. (Falsifications of the Russian Orange Book, pp. 44–76; Gooch, Modern Europe, pp. 545–546; Cambridge History of British Foreign Policy, pp. 486–504. For proof that Grey was not willing, how-

ever, to limit his ability to fulfill his obligations to the Triple Entente in the interest of peace, see p. 501. An acquaintance who has examined the unpublished Siebert documents assures me that my account above is too favorable to Sir Edward Grey, who should bear more of the burden of responsibility for the crisis of 1914 than I have indicated.) The telegrams in the Falsifications of the Russian Orange Book reveal Poincaré excessively fearful of offending England or allowing her to discover in any way the aggressive French and Russian decisions. He was equally eager to discover and play up any apparently aggressive German aims and acts. It is doubtful if Grey was thoroughly disillusioned about his deception until the publication of the secret Franco-Russian dispatches in 1922–23, and Mr. Asquith still seems to share the illusions of 1914 about the good faith of his allies. (H. H. Asquith, The Genesis of the War, 1923.)

Once Germany declared war on France, Grey was relieved from his embarrassment by the invasion of Belgium, but there is little doubt that England would have come into the conflict irrespective of this act, and there is equal reason to believe that Germany would not have invaded Belgium if England had given assurance of abstinence from hostilities on this condition. The millions of English and Dominion citizens who fell in the World War were the price paid for Grey's folly in allowing himself to be dragged into the service of Franco-Russian imperialism. (Recognition of Grey's pacific intent in 1914 does not carry with it, of course, a whitewash of British imperialism, but the problems of British rule in Egypt, India, South Africa, and Ireland are not a legitimate part of the chapter of history dealing with the war guilt of 1914.)

Italy: Much has been made by some of Italy's unwillingness to join with Germany and Austria in 1914 as a proof of her conviction of their perfidy, aggression, and war guilt. This argument possesses no validity whatever. Italy's joining of the Triple Alliance in 1882 had been an accident, due to temporary Italian pique over the French annexation of Tunis. (A. C. Coolidge, the Origins of the Triple Alliance; Pribram, op. cit.; Fuller, op. cit. It might also be pointed out that fear dominated Italian policy in 1882, as Italy actually expected a French attack at this time. Pribram suggests that an important factor was King Humbert's fear of socialism.) Austria was Italy's traditional enemy, and in due time the old enmity reasserted itself. Italian nationalism and imperialism embraced as a part of its program the recovery of Italia Irredenta from Austria, if not, indeed, the making of an "Italian Lake" out of the Adriatic. Such aspirations could, of course, only be realized as the result of a war with Austria. By this time the anti-French feeling had cooled considerably, and in November, 1902, Italy and France made an agreement not to make war upon each other, even if one took the initiative in declaring war upon a State allied with the other. This meant that the Triple Alliance was, unknown to Germany and Austria, but a hollow shell, so far as Italy was concerned, for a dozen years before the crisis of 1914. (Gooch, Modern Europe, pp. 58–69, 145–149, 346–347, 416–417; G. Gallavresi, Italia e Austria, 1859–1914; Mayr, Der Italienische Irredentismus.) Italy's participation in the war on the side of the Allies was purchased only by promising her the territorial cessions contemplated in the Italian nationalist program, and it was this dickering, more than anything else, which produced the notorious Secret Treaties of the Entente. (L'Intervenzione dell' Italia nei Document Segreti dell' Intesa.)

Belgium: Belgium comes out of the test of full documentary evidence as to her pre-war activities with a complete clean bill of health. The most that can be made out of her archives is that she feared an invasion by France as well as by Germany in the event of war, and that England had actually discussed the possibility of landing troops on Belgian soil, though she had not been able to secure Belgian consent to such a proposal. In 1912, however, Sazonov wrote the Czar that Poincaré told him very confidentially that England had agreed to send 100,000 men to protect the Belgian boundary against the German invasion of Belgium, which was anticipated by the French General Staff. As to whether France or England would have ultimately invaded Belgium as a mode of getting at Germany if Germany had not anticipated them is another fruitless hypothesis, but anyone who doubts that their morality was above such action should remember their willingness to sacrifice their ally, Serbia, to protect whom the war was originally started, in making Italy concessions in the secret treaties. If they had abstained, it would have been on grounds of expediency and the consequences of alienating neutral opinion, for which the Allies certainly had more fear, if not more respect, than the Central Powers. (This material is contained in the Schwertfeger collection.) The fact that there is no available evidence that France actually intended to invade Belgium in 1914 is no proof whatever that such plans did not exist in the secret files of the general staff. Indeed, we know that the French as well as the German general staff had considered the desirability of invading Belgium. The French authorities well recognized the opposition of England to the violation of the neutrality of Belgium, and the inevitable loss of a powerful ally by even suggesting such action clearly outweighed any strategic value in anticipating German occupation of Belgium. It is, of course, the merest nonsense to allege that the French and British officials and generals were paralyzed with horror and astonishment at the invasion of Belgium. They had expected it and had based their war plans for years on this assumption. The only thing which surprised them was the rapidity of the fall of Liege and Namur and the German advance.

IV. FINAL CONCLUSIONS

It should be apparent to anyone who has followed the analysis of the evidence of war guilt up to the present point that the scapegoat theory of complete, sole, and unique guilt on the part of Germany or any other single State can no longer be supported. Probably the majority of competent students would assign the relative responsibility for the outbreak of hostilities in about this order: Austria, Russia, France, Germany, and England. But who will say that any of the other States, if placed in Austria's position, would not have done much as she did? The United States took military measures against Spain and Mexico on infinitely slighter pretext, without any question of our national integrity being at stake. Our own diplomatic conduct with Spain in 1898 will as little bear close scrutiny as that of Austria with Serbia in 1914. And none of the Entente States can make too much capital out of the free hand given to Austria by Germany. This was exactly what France really extended to Russia in 1912 and what all members of the Entente insisted Russia should have in the Balkan and Serbian crisis of 1914. Neither France nor England made as vigorous efforts to restrain Russia in 1914 as Germany did to curb Austria. Deeper than any national guilt is the responsibility of the wrong-headed and savage European system of nationalism, imperialism, secret diplomacy, and militarism which sprang into full bloom from 1870 to 1914. And there can be no hope of permanent peace in Europe until it is freely and clearly recognized that it is this system which must be resolutely attacked through various forms of international cooperation and organization. The most judicious summary of the whole matter is the following from the pen of Prof. George Peabody Gooch, the most impartial and thorough chronicler who has brought together a comprehensive picture of the diplomatic history of the generation preceding the war:

> "To explain the conduct of the different statesmen of Europe in July and August, 1914, is not necessarily to approve the policy pursued by them and their predecessors out of which the crisis arose. The root of the evil lay in the division of Europe into two armed camps, which dated from 1871; and the conflict was the offspring of fear no less than of ambition. The Old World had degenerated into a powder magazine, in which the dropping of a lighted match, whether by accident or design, was almost certain to produce a gigantic conflagration. No war, strictly speaking, is inevitable; but in a storehouse of high explosives it required rulers of exceptional foresight and self-control in every country to avoid a catastrophe. It is a mistake to imagine that the war took Europe unawares, for statesmen and soldiers alike had been expecting and preparing for it for many years. It is also a mistake to attribute exceptional wickedness to the governments who, in the words of Mr. Lloyd George, stumbled and staggered into war. Blind to danger and deaf to advice as were the statesmen of the three despotic empires, not one of them, when it came to the point, desired to set the world alight. But though they may be acquitted of the supreme offense of deliberately starting the avalanche, they must bear the reproach of having chosen the paths which led straight to the abyss. The outbreak of the Great War is the condemnation not only of the performers who strutted for a brief hour across the stage but of the international anarchy which they inherited and which they did nothing to abate." (Gooch, Recent Revelations on European Diplomacy, loc. cit., p. 29.)

Such, then, are the main results of the most recent research into the origins of the World War in the light of the documentary evidence made available in the past few years. The importance of the problem to-day is to be found in the undoubted fact that our attitudes with respect to desirable European policies are determined more than anything else by our views of the responsibility for the calamity of 1914.

PAY AND ALLOWANCES OF ARMY, NAVY, MARINE CORPS, ETC.

Mr. WADSWORTH. Out of order, I ask unanimous consent to report back favorably from the Committee on Military Affairs, without amendment, House bill 4820, to amend 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," approved June 10, 1922; and I submit a report (No. 594) thereon.

The PRESIDING OFFICER. Without objection, the report will be received.

Mr. WADSWORTH. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the present consideration of the bill just reported by him. Is there objection?

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

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER FOR RECESS

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that when we conclude the business of the Senate to-day the Senate stand in recess until 12 o'clock to-morrow. Is there objection? The Chair hears none, and it is so ordered.

BEQUEST FOR SUMMER WHITE HOUSE SITE

Mr. BALL. Mr. President, I ask that the letter which I send to the desk may be read.

The PRESIDING OFFICER. If there is no objection, the Secretary will read as requested.

The principal clerk read as follows:

2905 GEORGIA AVENUE NW.,
Washington, D. C., April 21, 1924.

Hon. L. H. BALL,
United States Senate Office Building,
Washington, D. C.

DEAR SIR: Referring to your recent bill to create a National Capital park commission which, among other proposals contained therein, is one for the development of park boulevards on either side of the Potomac River, to extend, on the Virginia side to Mount Vernon, and, on the Maryland side along the bluffs to Fort Washington, I respectfully submit the following:

Within the past year there was bequeathed by the late J. Wilson Leakin, the sum of $200,000 for the purchase of a site for a summer White House to be erected in the State of Maryland.

The will provides that his offer be accepted by the United States Government within 18 months of his death, and that if this were not done, the money would revert to the Peabody Institute, which was made his residuary legatee.

No steps have been taken by the Federal Government to accept the money. Sites have been submitted but no final action has been taken and, unless this bequest is accepted by the coming June, the Peabody Institute will receive the $200,000.

I believe you will agree with me that the ideal location for this site should be on the Maryland shore of the Potomac River, directly opposite Mount Vernon, Va. It would be easy of access to the President via automobile or the U. S. S. *Mayflower*, the presidential yacht. it would always be a link, retrospectively, between the first and last Presidents of our country.

It would be within view of thousands of tourists who visit Mount Vernon annually, whereas the sites thus far proposed are devoid of sentiment or historical proximity; and, being near both Fort Washington, Md., and Quantico, Va., military guards from either of these stations could give it adequate protection.

Under any circumstances, it could be occupied from April until Thanksgiving.

If a summer White House can be located on the Maryland shore of the Potomac, directly opposite Mount Vernon, either by acceptance of the bequest herein quoted, applying it later for this purpose after the necessary land has been appraised, or by an independent appropriation therefor, your proposed riverside-park system will be splendidly balanced on each side.

May I ask your early consideration of this proposal on account of there remaining a trifle more than a month for the acceptance of the bequest herein mentioned?

I am inclosing copy of a letter sent to Senator FESS, referring to a bill by him to note the two-hundredth anniversary of the birth of George Washington. It is in harmony with your park plan and of interest to every citizen.

Very truly yours, PASCAL J. PLANT.

Mr. BALL. I ask that the letter be referred to the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. Without objection, it will be so referred.

Mr. BALL. I had the letter read merely to call the attention of the Senate to the fact that unless some action is taken by Congress between now and the middle of June, the bequest of $200,000 will go to the Peabody Institute.

ALIEN PROPERTY TRADE INVESTMENT CORPORATION

Mr. NORRIS. Mr. President, I ask unanimous consent for the present consideration of Senate Joint Resolution 121, Order of Business 541.

The PRESIDING OFFICER. The Senator from Nebraska makes a unanimous-consent request. Is there objection?

Mr. OVERMAN. What is the measure?

Mr. WADSWORTH. May the title be read?

The PRESIDING OFFICER. The Secretary will state the title of the joint resolution.

The READING CLERK. Joint resolution (S. J. Res. 121) to create a body corporate by the name of the "Alien Property Trade Investment Corporation."

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Agriculture and Forestry, with amendments.

Mr. OVERMAN. Mr. President, I am not going to object to the present consideration of the joint resolution; I am inclined to support it; but it does seem to me that there is practically no one here, and that there ought to be a quorum present when the joint resolution is considered.

Mr. NORRIS. If the Senator desires it, I shall be glad to explain the joint resolution. I am not asking that it be passed informally. I am perfectly willing to take it up on its merits.

Mr. OVERMAN. I know that; but, as I have stated, there ought to be a quorum here. The joint resolution is a very important one. I do not object to its consideration, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ball	Dill	Kendrick	Ransdell
Bayard	Edge	King	Reed, Pa.
Borah	Ferris	Ladd	Sheppard
Brandegee	Fess	Lodge	Shipstead
Brookhart	Fletcher	McNary	Smith
Broussard	Frazier	Moses	Smoot
Bruce	George	Neely	Stanfield
Bursum	Gerry	Norbeck	Stephens
Cameron	Harreld	Norris	Swanson
Capper	Harris	Oddie	Wadsworth
Caraway	Harrison	Overman	Warren
Copeland	Heflin	Owen	Willis
Curtis	Johnson, Calif.	Pittman	
Dial	Johnson, Minn.	Ralston	

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum is present.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. I left the Chamber a moment ago, and the Agricultural appropriation bill was up for consideration. May I inquire now if that has been displaced; and if so, in what manner?

The PRESIDING OFFICER. It has been passed.

Mr. KING. I have no objection to its passage. May I inquire what measure is now before the Senate?

The PRESIDING OFFICER. We are acting under a unanimous-consent agreement, considering the joint resolution in charge of the Senator from Nebraska.

Mr. KING. Does the Senator ask unanimous consent?

Mr. NORRIS. Under a unanimous-consent request the Senate has before it now for consideration Senate Joint Resolution 121.

Mr. KING. Is that the joint resolution introduced by the Senator from South Carolina [Mr. DIAL]?

Mr. NORRIS. It is.

The PRESIDING OFFICER. And consent was given for its consideration.

Mr. KING. If I had been here, I should have objected to the consideration of the measure.

Mr. NORRIS. Mr. President, several Senators have asked, very naturally and properly, that the joint resolution now before the Senate be explained. Some Senators were of the opinion that an attempt was being made to have the joint resolution passed without due consideration. There is no such disposition whatever. We invite full consideration of the joint resolution. There is no disposition to pass it without proper consideration.

This is a joint resolution that has received the unanimous approval of the Committee on Agriculture and Forestry.

Mr. FLETCHER. Mr. President, I want to clear up this point——

Mr. NORRIS. If the Senator will let me explain the measure, perhaps I will clear up the point in the explanation.

Mr. FLETCHER. Perhaps the Senator's explanation will not touch the point I have in mind.

Mr. NORRIS. Perhaps it will not. Very well, I yield to the Senator.

Mr. FLETCHER. The question in my mind is whether this fund in the hands of the Alien Property Custodian will be

preserved so that it will protect the claims which American citizens have against the origin of the fund, against Germany, for instance. In other words, our people have certain claims, and we have always been told that they must look to this fund; and there was sufficient left in the fund after we had authorized the distribution of a certain portion of it, the Senator will recall, to protect those claims. Some of those claims have been filed, I presume, and are under consideration. The main point I want to be assured of is with reference to whether this fund will be available to protect the claims after it is used as may be provided in the pending joint resolution.

Mr. OVERMAN. I know the Senator from Nebraska is a brilliant lawyer, and has been a judge, and I would like to hear him on the question as to whether or not this is a trust fund which the United States is holding in trust, either to pay these claims or for the German nationals, as some people claim. That is a very interesting legal question, and I hope the Senator will give us his opinion upon it.

Mr. NORRIS. Mr. President, the Senator from Florida [Mr. FLETCHER] has anticipated me. Of course, what he asks is one of the things the measure must provide for, and one of the things that must be provided for before I would support any proposition such as involved in this measure. The Committee on Agriculture and Forestry were unanimous in that opinion. We have an amendment to this joint resolution which, in my judgment, completely protects the trust fund, as everybody, I think, feels it should be protected. I will refer to that just a little later.

There are some details to this joint resolution, and a corporation is to be organized under it, which will be able to carry out the objects of the measure, that there shall be taken from the Alien Property Custodian funds $150,000,000, with which money products in this country will be purchased and shipped to foreign countries whose nationals have title to the trust funds in the hands of the Alien Property Custodian.

Those products can be sold for cash or on time by the corporation, and provision is made for the taking of security, and so forth. All the money must be spent in this country, and it is contemplated that with this money agricultural products will be purchased, consisting of all kinds of grain and cotton and wool, perhaps. The sales must be made, however, in the country whose nationals own the property which the Government took during the war and now holds as trustee.

In order that there may be no question about the use of this trust fund, we have made no change in the law, because at the present time the Alien Property Custodian and other Government officials have invested parts of this fund in governmental securities. So they have been using the money to some extent.

We felt that the Government of the United States was bound in honor to hold this money for the benefit of whoever it might be later decided was entitled to it. So we amended the joint resolution so as to make it specific, and leave no question about it, that the Government of the United States guarantees that it will make up to the people entitled to the money, whether they be American citizens or foreigners, any money that may be lost by this operation I have briefly outlined.

Mr. BAYARD. Mr. President, is it not a fact that under the Alien Property Custodian law the Alien Property Custodian is bound to invest all the moneys resulting from the sale of properties in Federal securities?

Mr. NORRIS. Yes; I think it is.

Mr. BAYARD. So that he creates a trust fund under the law, and puts a trust upon those securities.

Mr. NORRIS. And the only guaranty that the cestui que trust has is that the Government of the United States will make good if there should be loss, and we do nothing more than that by this measure, except that we make a different kind of an investment.

Mr. BORAH. That is quite a different proposition, however, it seems to me, from investing this money in property which you are going to supply to people who will not be able to pay it back, in all probability, for the next 25 or 30 years. As I look at it, it does not make very much difference to the Government of the United States, if it is going to guarantee this fund, whether you take the property on hand that belongs to the alien property holders, or whether the Government supplies its own money. The Government goes into the business and takes the money out of its Treasury and sends this property over there. I do not know that it is a definite and final conclusion, but the fundamental objection I have to this measure is that this kind of a proposition means that if you are ever going to settle these claims of the alien property holders within any reasonable time at all, the Government of the United States will have to go down into its pocket to settle them, because the people to whom we are selling, if we ever collect it at all, will not pay it for the next 25 or 30 years. So what we are doing is to make it impossible to settle the proposition unless the Government of the United States takes the money out of its Treasury and settles it.

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

Mr. NORRIS. Let me answer one question at a time.

Mr. CURTIS. But my question would apply in the same connection and may save time.

Mr. NORRIS. Very well.

Mr. CURTIS. Is it not true that the Alien Property Custodian is settling these cases now every day?

Mr. OVERMAN. Only up to $10,000.

Mr. KING. And less than $50,000 in the aggregate.

Mr. BORAH. It is very unfortunate that he is not settling them every day.

Mr. NORRIS. If the Alien Property Custodian settles them, he has not any authority of law now to pay the money to anybody. Let me say first to the Senator from Idaho that if it be true that we throw this money away or make bad loans and lose it, we have to pay it, and if we are going to use it, we ought to be bound to pay it. The joint resolution provides that the products can be sold either for cash or on time, and that interest shall not exceed 6 per cent if sold on time, and the time shall not exceed one year. There is an international commission now sitting, provided for by the treaty with Germany, for the purpose of passing on the claims of our citizens and German citizens. They are liquidating them. They have proceeded to quite an extent. As to whether, when they get through, this money shall be used that we have taken from German nationals and Austrian and Hungarian nationals, and what it shall be used for, will require further legislation by Congress, even after that commission is through. One claim is—and as I understand it, the treaty with Germany provides that it can be done—that the money we have in the hands of the Alien Property Custodian shall be held as security to pay damages to American citizens brought about by Germany during the war, from submarine warfare, or, for that matter, any other kind of claim that an American citizen has against the German Government. These funds are held as security for that purpose.

Mr. BAYARD. Under the terms of the treaty?

Mr. NORRIS. As I understand it.

Mr. BAYARD. Is the Senator sure of that?

Mr. NORRIS. Yes; I think that is right. As I understand it, the treaty provides that Congress shall act on that matter. I may be mistaken about that, but it has not yet been determined. There are two classes of thought in the country, one whether we have an honorable right to hold the money that we have taken from German nationals to pay American citizens' claims against the Government of Germany. But we are holding it ostensibly for that purpose and until it is determined how much are the claims of American citizens against the German Government, nobody knows what the amount will be to pay. Of course, the German Government would be primarily liable, but ostensibly we are holding the money that we have taken from German nationals during the war by virtue of taking their property here, to protect American citizens who have claims allowed against the German Government by the international commission set up by the treaty, as I understand it, between our country and Germany.

Mr. OVERMAN. Not only the Versailles treaty, but the treaty with Germany provides that the fund shall go to pay those debts.

Mr. KING. No.

Mr. NORRIS. No; it will require the passage of an act by Congress before that can be done.

Mr. BORAH. It simply provides that the money or property shall be held.

Mr. NORRIS. To be held until Congress shall determine.

Mr. OVERMAN. That is right, but I am talking about the Versailles treaty.

Mr. NORRIS. There is a difference of opinion. Congress will have to decide when they get through with the work of the commission, which will take a little over a year yet to finish its work, and there will be a certain amount of claims allowed against the German Government then due to American citizens. Whether we should take the property of German citizens, which we took during the war, to pay the debts of the German Government to our citizens, is a question that must still be decided by the Congress, as I understand it.

Mr. OVERMAN. That is correct.

Mr. BORAH. Mr. President, I would like to ask the Senator a question, as I have to leave the Chamber. Does he propose to dispose of the joint resolution this evening?

Mr. NORRIS. I wish we could. It is in the hands of the Senate. I do not want to crowd anything or make any unnecessary speed in the matter.

Mr. BORAH. I do not want to interfere with the work of Congress because we have so little time left, but there is an exceedingly important question involved in the matter, and a question which, I think, goes to the very honor of the Government. Never, until we undertook to do so in this case, have we entered upon a policy in this country that would take the property of a people who came here and invested under American laws and under the American flag, and either squandered it, as we have a large portion of this fund, or used it to pay a portion of our debt. It is a vital proposition.

Mr. NORRIS. As I understand it, the question that the Senator from Idaho raises—and I think it is involved in the ideas of the Senator from Utah [Mr. KING], whose ideas in neither case am I trying to controvert now—is not raised in this situation. I do not believe that the question which he raises is involved in the pending joint resolution.

We do not in the joint resolution touch the question whether we shall use the money of German nationals to pay debts due from their Government to American citizens. That is not touched upon at all.

Mr. BORAH. But we are here by our process of legislation dealing with a trust fund in a way that no trustee ought ever to deal with the fund, in my opinion. It is dealing with it in a way that the very fact that we are taking their money instead of taking ours shows that we are not willing to take the risk with reference to our own money that we are taking with reference to theirs, but we are postponing the day of adjustment for those for whom we hold this fund.

Mr. NORRIS. I do not think we are doing either one of those things in the joint resolution. There is no postponement. They are not, as a question of law, using the money any differently from what we are using it now. We propose to invest it in a different kind of securities, and we now have on hand, from investments of this property in the Alien Property Custodian's hands, $27,000,000 of interest that has accrued since the Government of the United States got the property.

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

Mr. NORRIS. Will the Senator pardon me just a moment? I want to make that point clear. We have already been using it, and the law under which we took it from those people provides that we shall, and we do it on the theory that the Government is liable for the money in any case as a matter of honor, is liable in any case to people who in the end it is determined own the money. If we were an individual and were going to use it, or the law provided we could use it, we would, of course, require a bond in order that it might not be lost; but nobody pretends and nobody believes that the Government of the United States is not good and that it needs to put up a bond when it handles this money. The joint resolution specifically guarantees all the money to all the claimants at the time they are entitled to it, and if we lose it by our investment we will pay it.

Suppose in the other investments we made that we invested in something and lost the money. Suppose somebody stole it out of the Treasury while we had it there, would anybody claim for a moment that the Government would not make it good when it was finally determined to whom it belonged?

But that question is undisposed of and is unsettled. It will require action by Congress to settle it. We do not anticipate that action, but we do know that before the commission is prepared to report a year will have elapsed, and we thought that with the products of the farm, cotton, wheat, corn, and tobacco, and without a market in this country, and with those people over there suffering for the very things that we have in abundance and which they are anxious to get, that we should carry out this plan. We believe that they are as anxious that we should do it as we are that it ought to be done.

I now yield to the Senator from Delaware.

Mr. BAYARD. I want to make this suggestion to the Senator. I do not think he has gone far enough back in tracing his history of the creation of the fund. We took the property, not under the law known as the Alien Property Custodian law but under international law, because we were at war with Germany. The Alien Property Custodian law was framed merely to have some one receive the property when we took it. Under international law we would hold the property, no matter whether the particular terms in the law were set up for the actual holding of it, until peace was declared and then would come the time for a distribution of the property to German nationals or any nationals, whoever they might be. Until that time arrives we handle the fund under international law and could not utilize it for our own nationals or for national operations. That has been the international law for many years.

The operation of the treaty with Germany made since the war has been to hold the distribution of that fund in abeyance, but not to apply it to any one object. The Senator's position undertakes to break two things; in the first place, international law as established and ratified in this particular proposition, and in the next place, the very terms of the act which took the property, and particularly the moneys arising from the sale of property, and invested them directly in a specific thing, and we can not do it by the present law. That could not happen under the terms of the law which was passed in contemplation of the existing situation. In other words, as I see it, the Senator is taking a trust created under international law and by Federal statute and tearing it into little pieces.

Mr. NORRIS. I would be the last man—and I think I speak for all those who have had anything to do with the contemplated legislation—to violate a pledge that I thought our Government owed, even though there was no law for it, to the amount of a penny. As I said a while ago, we are already using this fund for investment. We could not do it under the existing law in the manner proposed in the joint resolution.

Mr. BAYARD. But do we not account for the income?

Mr. NORRIS. That is the reason why we are trying to enact a law to broaden the scope of the investments.

Mr. BAYARD. But do we not account for the income and put it into this fund?

Mr. NORRIS. Surely we do, and we are going to account for all the income here. To show that we have been using this fund, we have not locked it up and kept it idle, and nobody would want us to do so. Those who will own the fund in the end would perhaps criticize us when they get the money, for they would say, "You have had it for 10 years and have not done anything with it. Our money has been idle. There were plenty of investments you could have made without loss. You ought to have done it and given us the benefit of it." We have been investing it and made a profit on the investment now of $27,000,000.

Mr. BAYARD. That is for the bnefit of the cestuis que trustent.

Mr. NORRIS. Surely. Of course there will arise another legal question as to who will be entitled to the interest, because it may be a question as to whether the Government of the United States is liable for interest. In my judgment every penny of profit that we make out of this money, either under existing law or under the pending joint resolution, must in honor go to those whose money and property we have taken. We must give them every cent of it, and must not in any way profit a single penny. There is no theory of making any profit in this contemplated legislation.

Mr. FLETCHER. Mr. President——

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

Mr. FLETCHER. I want to ask the Senator if he can state approximately the total amount of the fund now?

Mr. NORRIS. The amount is stated in the hearings, but I have forgotten exactly what it is.

Mr. DIAL. If the Senator will allow me, I will say that it is about $180,000,000.

Mr. NORRIS. I am told that it is about $189,000,000.

Mr. FLETCHER. I thought it was $400,000,000.

Mr. NORRIS. Some of the smaller funds have been returned.

Mr. FLETCHER. And the Senator proposes to use $150,000,000 of the $180,000,000?

Mr. NORRIS. Yes; we do not propose to take it all.

Mr. FLETCHER. I must dissent from the idea that this fund should not be used as a protection to American claimants. For instance, take the case of an American citizen who owned a vessel which he sent to Germany to procure a cargo of potash. The potash was loaded onto the vessel in Bremen before we became involved in the war, but the German Government seized the vessel and cargo and appropriated it. That claim ought to be paid by somebody—not by an insolvent, bankrupt concern—and if the United States Government has the money in its possession it ought to protect its citizens in a case of that kind.

With reference to the source of this money, take the case where the Kaiser himself and the Crown Prince owned real property, saw mills, and similar property, which was sold and constitutes a part of this fund.

Mr. NORRIS. I shall want to call the Senator's attention to that in due time when the question comes up properly before the Senate for decision. I expect to participate in the debate on it, but I should dislike to see the debate on this joint resolution go off on that question, because it is not involved in this proposed legislation. The particular joint resolution that we have now before us does not pretend to settle that question. The Senator has given his views on one side of the question, and the Senator from Utah [Mr. KING], who stands by his side, is very emphatic in his belief on the opposite side. The Senator from Idaho [Mr. BORAH] is with the Senator from Utah, but I want to call the attention of Senators to the fact that the question is not settled in this proposed legislation; there is no attempt to settle it; and the joint resolution, if passed, would not hinder its settlement. It may be made at any time; no, not any time; I ought not to say that, because the commission passing on these matters will take a year yet before they will get through. The only question now involved is whether or not the Government of the United States shall handle this money so as to help both its citizens and the citizens of Germany and Hungary and Austria. Most of it, of course, as we know, will go to Germany.

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

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

Mr. KING. Before we leave the point which was suggested by way of illustration by the Senator from Florida [Mr. FLETCHER], I wish to make one observation, with the Senator's pardon, in reply. The Senator from Florida indicated that because the German Government had seized a boat containing potash which belonged to American citizens and had confiscated it, therefore the Government of the United States ought to seize the property of German nationals invested in the United States under the sacred guaranties of treaty, to say nothing of international law, and apply the property of German nationals invested here under the protection of a treaty to the liquidation of claims of American nationals against the German Government.

I suggest to the able Senator from Florida that Mexicans have killed 800 Americans during the past few years; they have destroyed the property of American citizens to the extent of more than $300,000,000. There are hundreds of Mexican citizens living in the United States—many of them in California, many of them in New Mexico, many of them in Texas. They have valuable property. Shall our Government lay its hands upon the property of Mexican nationals who have invested in the United States?

Mr. BROUSSARD. But we are not at war with them.

Mr. KING. I will answer that suggestion in a moment. Shall our Government lay its hands upon the property of those Mexican nationals for the purpose of liquidating the claims that American nationals may have against the Mexican Government? Such a doctrine is intolerable, Mr. President. Even in the Dark Ages they would scarcely have proceeded so far.

The Senator from Louisiana [Mr. BROUSSARD] has suggested that we are not at war with Mexico. However, I shall pretermit any argument upon that point, because I am now trespassing upon the time of the Senator from Nebraska [Mr. NORRIS].

Mr. FLETCHER. The cases are not parallel at all. The people who went down to Mexico took their chances in Mexico; but here there is a different situation. When the Kaiser of Germany himself and the crown prince own property in the United States as a part of this fund, the Senator can not tell me that it is not ethical and proper that all legitimate claims of citizens of the United States should be protected by it.

Mr. KING. Any property of the German Government, of course, may be taken; I have no objection to that; but I am speaking about German nationals, and the Senator from Florida certainly understood that I referred to them.

Mr. NORRIS. I think I understand the Senator's position clearly; but, Mr. President, I want to repeat that I hope we shall not enter into a debate on that question. I myself have decided opinions upon it, but it is not involved in this proposed legislation. We shall, however, have to settle that; the Senate has got to thrash out that question.

Let me say, Mr. President, that when this proposal was first suggested to me I turned it down flat, because I said, "Why, this is a sacred fund; we can not do it." When I commenced to look into it, and we commenced to have hearings and commenced to consult with the officials of the Government and the Alien Property Custodian, I came to the conclusion, as did the entire committee, that there is not involved any new principle but merely a different use of the money. We had before us attorneys and persons having claims against the German Government amounting to many millions of dollars; American citizens whose property had been destroyed, whose ships had been lost or cargoes sunk. They were all frightened. Word got out in some way or other that we were going to take this money, which they looked upon as the Senator from Florida does. They regarded this fund as belonging to them, to guarantee the damages which they may establish before the commission as to their losses occasioned by the German Government, and they were all frightened, as they thought we were going to take it away; but when we gave those people to understand that no measure would come out of the committee that did not afford a guaranty by the Government of the United States against any loss that might be sustained, and the payment of that loss to whomsoever might be found later to be entitled to it, their objections vanished like the wind.

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

Mr. NORRIS. I yield.

Mr. BROUSSARD. May I inquire of the Senator what security is provided for these loans or advances?

Mr. NORRIS. The corporation proposed to be set up can take any security that it deems sufficient. It is given powers in that respect similar to those of the War Finance Corporation, as the Senator from Mississippi [Mr. HARRISON] suggests. We expect that the corporation will sell these products, but not always, of course, on time.

If the Senator will pardon me, I will refer for just a moment to cotton, in which he is so deeply interested and upon which he has so much information. We were informed that in Germany there was a provision of law by which a lien attached to property purchased that would follow the property through to its manufactured stage. The joint resolution provides that, if there is such a law and the product is sold on time, as one of the methods of security, when cotton is shipped to Germany and made into cloth the corporation would have a lien on the cloth itself after it was manufactured. We have not tried to hamper the corporation. We want to give it the same freedom that an individual would have. We have imposed no limitation except that the time shall not be more than a year, and that the interest shall not exceed 6 per cent.

Mr. SMITH. Mr. President——

Mr. NORRIS. I yield to the Senator from South Carolina.

Mr. SMITH. My understanding, from the discussion of this question before the committee, was that it was not a question of settling any of the disputed points that were raised by the Senator from Utah and the Senator from Florida.

Mr. NORRIS. Oh, no.

Mr. SMITH. But it was simply proposed to use as an investment the fund that we have and that was likely to remain in our hands and secure that without any reference to what ultimate disposition our Government might make of it in the settlement with the other nations; that we would simply use it in the meantime, while the adjudication was going on, for the purposes set forth in the joint resolution.

I notice that the Senator from Utah takes one side of the question as to whether the acts of the Government of Germany should affect the property of German nationals in this country. That question does not enter into the measure that is before us at all. The questions involved are not likely to be settled within a given time, and within that given time we propose to use the money for the best interests of this country and the other countries. That is my understanding of the entire measure. It constitutes no attempt to settle or to prejudice any question that may arise under the final adjudication of the controversy.

Mr. BAYARD. Mr. President——

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

Mr. BAYARD. The Senator from South Carolina suggested the use of the fund not for German nationals but for American nationals. What right have American nationals to this trust fund? It has been created purely for German nationals.

Mr. SMITH. But, if the Senator from Nebraska will allow me to answer that question, we have the fund here, and if we can use it as an investment and incidentally help our nationals why should we stay our hands in the meantime? If we thereby can render more service to those who ultimately will get the money, what objection can the Senator have to that?

Mr. BAYARD. Frankly, I have objection because I never understood it to be proper that a trustee should invest his ward's money in his own affairs, and that is what we would be doing in this instance.

Mr. SMITH. If the trustee in investing this money incidentally can help himself without any infringement of the law and thereby greatly enhance the funds he holds for the cestui qui trust, I think he would be justified in doing it.

Mr. BAYARD. Does not the Senator consider—he stated a moment ago—that this fund was created under international law to start with, but was segregated under a Federal statute?

Mr. SMITH. Under the law we invested it.

Mr. BAYARD. For whose benefit? Not for the benefit of ourselves.

Mr. SMITH. Suppose we invested it for the benefit of Germany and we found a method by which we could more advantageously use the fund for Germany and incidentally help ourselves; I should like to know what valid objection the Senator could have to that.

Mr. BAYARD. I think that the incidental purpose is the object of the entire proposal.

Mr. SMITH. That is an inference the Senator may draw.

Mr. BAYARD. I do not think it is an inference. I think it is a fact.

Mr. SMITH. But the parties in interest were the ones who suggested the use of the money in this way.

Mr. NORRIS. Mr. President, before I yield further I wish to say just a word in regard to what the Senator from Delaware has said in his colloquy with the Senator from South Carolina. I do not know whether the Senator from Delaware understood it, but I have tried to state before that the money that will be taken from this fund, if this joint resolution shall be passed, will be used for the purpose of buying products of this country and selling them to the nationals of the country whose property goes to make up the Alien Property Custodian's fund.

Mr. BAYARD. I understand that thoroughly, but that does not cast any cloud over my vision when I see the real purpose of it, which is to buy products of this country to help people out who have no other market for them and to utilize this fund to establish a trade with Germany. The point I have in mind is that it is not, as I see it, a proper use for trust funds, and I conceive these to be pure trust funds.

Mr. NORRIS. In the case of a trustee who had money belonging to a ward, for instance, he would not have any authority to use it for such a purpose unless he secured express authority from the court that had control of it. We can not see how anybody having claims against Germany, or any German nationals whose property we have taken and converted into this fund, can complain, because the only security any of those people have is the Government of the United States, and this measure does not take away that security. They do not object, as far as I know. Neither the German nationals in the German part of it object to this measure, nor do those who have claims against the German Government, and who expect to get their pay out of this fund, object to it.

Mr. LODGE. Mr. President——

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

Mr. NORRIS. I do.

Mr. LODGE. What I desire to ask the Senator has no reference to the merits of the claim at all, but is simply as to the fund.

The fund, as the Senator from Delaware [Mr. BAYARD] has pointed out, is a trust fund. It is recognized in the treaty of Versailles, and it is in our hands as trustees. Part of it, I suppose, will be returned to the Germans from whom it was taken in time of war. The bulk of it is mortgaged, we may say, so far as necessary, to pay American pre-war claims for damages; and all the fund is, therefore, covered.

We can take this money out of the Treasury, of course, and I think that is what we ought to do if we are going to pass the joint resolution; but it does not seem to me that we ought to take a trust fund which is assigned to certain uses; and we shall be liable for that fund, of course.

Mr. NORRIS. Of course. Nobody disputes that.

Mr. LODGE. Then why take it? It is going to be the obligation of the United States.

Mr. NORRIS. Because we do not increase our liability, and, as I said awhile ago, we are already doing it with the same fund, and we have already made $27,000,000 profit on our use of this fund.

Mr. BAYARD. That is very true; but we are utilizing that and holding it and rolling it over for the benefit of the German nationals from whom we took it.

Mr. NORRIS. Exactly; and we will get interest on this. The only difference is that it will be a larger rate of interest.

Mr. BAYARD. But we are not abusing our trust in so doing, and the point made by the Senator from Massachusetts a moment ago is that all the way through this thing is a trust fund. That is what we can not get away from.

Mr. NORRIS. I admit it; yes.

Mr. BAYARD. All right. Now, the minute we depart from that, the point I am trying to make to the Senator from Nebraska is this: That being a trust fund, and we happening to hold it, is no excuse to us, because we happen to hold it, for using it for other purposes than the trust.

Mr. KING. That is a conversion.

Mr. NORRIS. I admit that. We are liable for it. If we lose it, we shall have to make it good.

Mr. BAYARD. But the mere fact that we have it should not make us use it.

Mr. NORRIS. We invest it here in Treasury certificates. We invest it in other kinds of securities, I understand.

Mr. LODGE. Chiefly Government securities, absolutely safe.

Mr. NORRIS. Suppose we invest it here, and suppose somebody steals it. We are liable for it. It is in our hands as a trust fund, and we must make it good; but the difference here is between investing it in Treasury certificates and investing it in a security that this corporation shall take from the people who buy the products. That is the difference.

Mr. KING. Mr. President, the Senator has alluded several times to the fact that we have obtained $27,000,000 of interest as a result of investment of this trust fund. The implication from his remarks was that we were doing a favor to the German nationals whose property we had sequestrated and converted. The Senator remembers that much of that property was highly productive——

Mr. NORRIS. Oh, yes; I know that.

Mr. KING. And that it was sold under the hammer at disadvantageous prices——

Mr. NORRIS. I admit all that.

Mr. KING. And that German nationals sustained enormous losses by reason of our conversion.

Mr. NORRIS. I believe all that is true. I am not contradicting that at all.

Mr. KING. So we are doing them no service, because we are getting 4 per cent interest upon property which perhaps would have returned them 10 or 12 per cent or more, because much of it was invested in profitable business enterprises in the United States.

Mr. NORRIS. I am not claiming that if we had not taken the property they would not have made more money out of it than we have made. The Senator is making an argument here that applies to the beginning of this thing, when we took the property. I am not going into that question. That has two sides. That is not interfered with by this legislation; but if we had taken that property and never invested a dollar of it the amount in the hands of the custodian to-day would have been $27,000,000 less than he has; so that it is a favor to the people who are going to get this money, whoever they may be, that they are going to get more than we took of them. That may not compensate them for the loss sustained by our taking, which for the purpose of this measure we may admit was wrongful in many cases.

Mr. BAYARD. Then, following out the Senator's argument, we arrive at this conclusion: That a trustee who lets trust funds lie idle is an ordinary trustee and can do nothing more than administer the terms of the trust as originally created; but the trustee who would advance his ward's interests by investing the money and getting a high rate of interest and turning over the income, and so forth, then becomes a privileged person and can do what he pleases with the trust funds, as long as he guarantees to make good in the event of failure or loss of the trust funds.

Mr. NORRIS. Oh, yes; I say we are simply changing the form of the investment as far as the property involved here is concerned. The Senator from Utah, however, has intimated that because we have made $27,000,000 on this fund that was not to our credit. However much there may be to our discredit in taking it—I am not saying that there is anything; but however that may be, for the sake of the argument admit it—we have done some good to the people whose money we hold, whether we get it honorably or otherwise, by increasing it $27,000,000.

If we had invested it and lost it, we would have had to sustain the loss. We will have to do that here. There is only a difference in the kind of security, whether you invest the trust fund in a note secured by a mortgage on cotton or whether you invest it in a bond secured by a municipality.

Mr. BAYARD. Or secured by the credit of the United States of America, which is a very different thing.

Mr. NORRIS. In no case do we get away from the credit of the United States of America.

Mr. LODGE. Mr. President, I just want to call the Senator's attention to this, if he will allow me:

This is admittedly a trust fund. It is generally understood that the first duty of a trustee is to invest in very safe securities. If I am rightly informed about this fund, it is invested in the safest possible securities, chiefly in Treasury certificates or United States bonds. We are taking it out of that type of investment and putting it into a more or less speculative investment.

Mr. NORRIS. I would not call it speculative, but I admit, I will say to the Senator——

Mr. LODGE. It is an active business.

Mr. NORRIS. I admit that we are going to put it into a kind of investment that is not as good as the kind of investment it has been in before. I admit that; but this is what I want to make plain, and what it seemed to me the Senator from Delaware had not gotten right in his mind:

The difference in the kind of investment is only a difference in the degree of investment. The principle is just the same in one case as in the other. If the trustee was not financially able to make good in case he lost, then the person who would ultimately be entitled to this money ought to be heard to object; but nobody contends that.

Mr. BAYARD. Then may I answer that proposition of the Senator by repeating the same reply I made to the Senator from South Carolina a moment ago, and that is this: You can not deny that you have in mind a benefit for persons other than the beneficiaries of this trust.

Mr. SMITH. Only incidentally.

Mr. BAYARD. In other words, you have in mind the benefit of the people in this country who will sell their goods to the German nationals and get their just proportion of this trust fund after it is released for this purpose.

Mr. NORRIS. We would not be here with this joint resolution if we did not think that without injuring anybody and without the violation of any sacred trust we could, by a different use of this money, help our people and the German people as well. That is the object of this proposed legislation.

Mr. SMITH. Mr. President, will the Senator allow me to suggest to the Senator from Delaware that the nationals of the very countries to whom we ultimately will have to pay this money are asking for the very commodities that we propose to send. They suggested that this fund that was lying idle might be used for the purpose of relieving their wants, with the proper safeguards thrown around it; and it was primarily for the benefit of the very nations to whom we will ultimately have to make this payment that this legislation was suggested. I believe it was primarily suggested—my colleague may know more particularly than I do—by a representative of one of the countries to whom this payment will have ultimately to be made.

Mr. NORRIS. Mr. President, I will yield the floor now, unless there are some other questions that Senators desire to ask.

Mr. DIAL. Mr. President, I was just going to suggest that the passage of this joint resolution will serve a double purpose, as my colleague [Mr. SMITH] says. It will not only take care of the interest on this money but it will serve the very people who claim the property by giving them employment. In fact, it will serve a third purpose. It will aid the people of the United States to get rid of a surplus which is somewhat of a glut on the market.

I did not hear the Senator from Nebraska [Mr. NORRIS] when he started his speech. I do not know whether or not he explained to the Senate that a commission would be appointed, as provided for in the joint resolution, composed of the Secretary of the Treasury, the Alien Property Custodian, and three others, to be appointed by the President.

The Senator from Nebraska spoke of the safety of the use of this fund. We happen to know of an organization that has been operating in a manner similar to that provided in the joint resolution. This organization has used $50,000,000 worth of cotton in Germany, and I am informed that it has not lost one cent.

The bill provides that there shall not be excessive loans; that only a very small proportion of the whole amount shall be loaned to one individual or one concern. It is protected so that there can not be much loss in case there is any loss at all.

The Senator from Nebraska has shown us that we can follow the raw agricultural product through the processes of manufacture; and, of course, the product will be worth much more when it is in the finished stage than it was in the raw stage.

Those people over there—the Germans and some of these other people—have the mills; they have the machinery; they have the labor. The labor is seeking employment, and by this process we will put them to work and enable them to be independent people, and sell their labor in this manner. We could not accomplish a better purpose, Mr. President.

We have pending in the Senate now a joint resolution to donate $10,000,000 to the women and children of Germany. It has passed the House, so it must have some friends in this country. I do not think that is a proper thing to do; but when we can lend assistance to the people of the world and let them help themselves by using their labor and their idle machinery and the facilities that they have, we shall be accomplishing a good purpose.

We were told here the other day by the Senator from Idaho [Mr. BORAH] that when this $10,000,000 joint resolution was being considered by the Foreign Relations Committee of the Senate that committee was appealed to by representatives of three other nations for donations. I submit that that is a wrong principle to set up in the United States.

Mr. President, no man in the Senate is more opposed than I am to the Government going into business and taking undue risks; but we have been talking here, not only during this session but during former sessions, about trying to do something to help agriculture in this country, trying to do something to open up the markets of the world, whereby we can sell our surplus products and thereby not only put the people of other countries to work but aid and encourage the people of this country to go to work and produce a surplus.

In my section of the country there is some surplus cotton carried over from year to year. That depresses the price of the next crop. While I do not believe there is any great quantity on hand at this time, yet newspapers will send out false reports—I do not mean they intentionally do so—the figures will be garbled, and we can not get a correct statement even from the Department of Commerce. The figures are always disputed, they are padded, the crop is misrepresented, and it is claimed that we carry a greater crop of cotton than is really in existence. So what I am trying to do now is to get rid of any surplus, if surplus there be, of the past crop, so that we may start in new with the next crop and let the law of supply and demand function, and let our people get a fair price for what they produce, so that the mills of the world can operate and so that the employees of the mills can continue to find employment and not be turned out on the streets.

The dry-goods trade all over the world is demoralized by reason of the wild fluctuation in cotton, and if we can get rid of the surplus cotton that will be corrected in a great measure. I see the senior Senator from Massachusetts [Mr. LODGE] here. I believe some of the mills in his State are shut down and labor is thrown out of employment. To a great extent that is brought about by the buyers being misinformed as to the cost of production, and they are failing to buy at present. So if we can get rid of our surplus cotton in this country before the next crop comes in, I think we will have done a great thing to stabilize the price of cotton and the price of dry goods, and we will put the people to work. We want to encourage the people to be an independent people and not have to come to Congress or to go anywhere else and ask for help.

That is the object of this measure. There is nothing revolutionary about it. We create a trust. Nobody wants to put the funds beyond the reach of the proper claimants at the proper time. We do not undertake to discuss that. We do not, as the Senator from Nebraska has well said, undertake to change it at all. But we are using the funds for a triple purpose, and there is nothing immoral about it. These people come and beg for it. They send delegation after delegation who say they want this done. Consider even the tobacco interests. We are told that there are some $8,000,000 of one tobacco concern impounded in this fund, and they to-day want to buy $4,000,000 worth of tobacco. At this very hour the South has a committee on the other side of the ocean trying to sell the surplus of the last few years of the tobacco crop, as my colleague well knows.

All we are trying to do is to put people to work, and of course we will help to sell and ship something out of this country, and there is nothing immoral or wrong in that. It is to be encouraged. The people owning the mills over there have been here trying to get cotton and wheat. They say that if they could have gotten the quantity of wheat needed during the last 12 months they would have used 50,000,000 more bushels of wheat from the United States.

The wheat people in the last few months have been trying to get Congress to go into the pension business, to lend money directly to the farmers of the Northwest in order that they might diversify, and they have come here asking Congress to

donate. We donated $20,000,000 to Russia, and now we are asked to donate $10,000,000 to Germany, and to keep on donating the taxpayers' money. Certainly we have no constitutional right to take that kind of a loss.

Therefore I see nothing wrong about this. I am, I will not say conservative, because I believe that is a term used now to discredit a man, but I am a conservative progressive, I hope. I try to be safe with money and try to be sound in work, and I want to let every man help himself.

Under this measure no loan can extend over the period of a year. There will be a revolving fund. It has been tried by some of my neighbors in South Carolina. My colleague knows there was a concern in Anderson which shipped cotton right out of my county and the adjoining county to Czechoslovakia, I believe it was, where it was converted into goods and sold.

Mr. LODGE. Mr. President——

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

Mr. DIAL. I yield.

Mr. LODGE. There are two matters involved in the joint resolution. One is the general policy of the United States making large appropriations to help agriculture. The other question is the simple one of taking the money from a trust fund. If it is to be taken at all, it ought to be taken squarely out of the Treasury of the United States and we should not take it from a fund which is distinctly, by law, a trust fund. It may be made to appear that we are not spending the money, but we are spending the money, no doubt for a good purpose. However, let it be our money that we take without any question of a trust fund. If we go into spending the trust fund, then any losses which come, of course, we are responsible for, and nobody can tell what the loss may be, because it is all a speculation, every bit of it.

Mr. DIAL. The Senator and I do not differ very much except in this: I do not know who the owners of the fund are; that is undecided, as a matter of law, but the parties from whom it was taken want this very thing done. It would encourage them, open up their trade with the United States, and it would encourage them to go to work, thinking they were using their own money, making interest on their own money, and it would establish a good feeling.

Mr. LODGE. That is a question of the general policy. We can get the money out of the Treasury of the United States. My objection is to taking trust money. There are two classes of people for whom this trust is held. It is not held primarily for Germans. It is held as a security that Americans who have claims will have those claims satisfied by Germany. To me the first point here is the question of taking the money from a trust fund. The other is the question of general policy.

Mr. DIAL. It is not taking a trust fund. It is merely using it. I believe in safety in investments, and correctness in legal business, and all those things. But you can not apply old rules to conditions which obtain to-day.

Mr. LODGE. I do not think we have any right to take money from this trust fund to speculate with it.

Mr. DIAL. No——

Mr. LODGE. It is pure speculation. It may turn out very well, or it may turn out very ill; we can not tell.

Mr. DIAL. It would be commerce; it would not be speculation. There is more or less risk, I admit.

Mr. LODGE. I have heard of speculation in connection with commerce.

Mr. DIAL. There would be more or less risk, of course.

Mr. LODGE. Of course there is risk. The custodian of that fund would never dare, as a trustee, to invest money in that way.

Mr. SMITH. As my colleague has said, I do not think it would assume the nature of a speculation, as the Senator from Massachusetts indicates.

Mr. LODGE. All commerce is more or less speculation.

Mr. SMITH. I know, but this is purely a question of legitimate, orderly commerce, which has been blocked by lack of funds to carry it on, and here are funds that are static, or laying idle, in a way, which neither belong to us nor belong definitely and distinctly to any particular individual, but which ultimately will belong to some one for whom we are holding the fund in trust, looking toward the settlement of the question as to just where it should be paid. Pending that settlement, if we could find a legitimate, safe, conservative method by which we could meet the requests of those who have the primary claim on it, as well as relieve a situation here——

Mr. LODGE. Of course, the Germans have no primary claim. The primary claim is ours, of those who are the subjects of the trust, the beneficiaries.

Mr. SMITH. I realize that; but we are investing the money now.

Mr. LODGE. We are turning it into business. I heard one of the greatest and most successful mill owners in Massachusetts once say that the question of whether a mill succeeded or not was dependent on whether the cotton was bought well three years in five; that is, the man who succeeded in buying his cotton well and judging his market well three years in five would make a mill successful. There is an element of speculation, of course, in every business. It is not in cotton alone.

Mr. SMITH. On the other hand, it is claimed now that the lack of prosperity is not due to the manner in which the cotton has been bought, but to the manner in which the purchasing market is conducting itself.

Mr. LODGE. I did not mean to go off into that at all. It was only an illustration of the fact that it is more or less a speculative thing, as all commerce must be. I shall be glad to help, but if we are to take the money I do want to take it squarely from the Treasury of the United States and not meddle with a trust fund.

Mr. SMITH. I want to point out to the Senator that no doubt this money has been invested in United States bonds.

Mr. LODGE. Almost all of it.

Mr. SMITH. The Senator knows that even our bonds have fluctuated. They went from 85 to par.

Mr. LODGE. Everything is comparative; and investment in United States bonds is not a speculative investment compared with investment in cotton or sugar or any other commodity.

Mr. SMITH. Not to the same degree; but there is the principle of speculation even in that.

Mr. LODGE. United States bonds, the Senator knows, are taken by trustees as the utmost of safety they can obtain in an untrustworthy world.

Mr. SMITH. What I was trying to show was that it was not speculation in the ordinarily offensive sense in which we use the word "speculation." It is investment in the ordinary, legitimate lines of commerce with whatever speculation is incident thereto.

Mr. BAYARD. May I ask the junior Senator from South Carolina about what amount of money would be taken out of the Alien Property Custodian's hands for this purpose in the way of cash?

Mr. DIAL. That would depend on the demand for the use of it.

Mr. BAYARD. What amount is estimated?

Mr. DIAL. We authorize $150,000,000.

Mr. BAYARD. I want to make a suggestion to the Senator on that basis. We must assume, then, that the custodian has at least $150,000,000 of United States securities, bonds——

Mr. DIAL. Or money.

Mr. BAYARD. Which he has presumably bought at par. If we force him to sell those for the purpose of putting the money into this operation, the price will be forced down, and before he gets through he will sell below the price he paid for them, and to that extent his trust funds will be diminished. They are still trust funds, and that operation will be punitive to that extent, or, by the very law you are endeavoring to have enacted, you penalize these people with the beneficiaries.

Mr. DIAL. I do not think so. A great deal of this business could be handled on credit, and the money would soon begin to come back. It would be a revolving fund.

Mr. NORRIS. I would like to make a suggestion to the Senator from Delaware, if the Senator from South Carolina will permit me. It is not expected that all this money is to be gotten at once. It will be used gradually, so there will be no throwing of a lot of securities on the market. For instance, the Alien Property Custodian has somewhere in the neighborhood of seven or eight or ten million dollars in actual cash doing nothing.

Mr. BAYARD. That may not be to the credit of these particular individuals, or their particular trusts, so it could not be utilized for this purpose.

Mr. NORRIS. But the Senator indicated, I thought, in his question to the Senator from South Carolina, that if this money were invested in United States bonds, or something of that kind, and they were put on the market, it would drive the price down. If we did that all at once, I think perhaps it would have that effect.

Mr. BAYARD. Suppose he put out only $10,000,000, and it happened that the price of the bonds was 98, or 99, or 99 and a fraction; even so, he would diminish the trust fund to that extent.

Mr. NORRIS. He would not do anything of that kind unless he was perfectly reckless. He would not be called upon to do anything of that kind. There is no question but that he can sell the United States bonds he now has above what he paid for them, and make a profit on them, because they have been going up all the time.

Mr. BAYARD. Were all of the custodian's purchases made at prices below par?

Mr. NORRIS. Not that I know of, and I can not say how much of his money is invested in Liberty bonds. I can not tell the Senator how many Liberty bonds are in his possession, but it is safe to say, from general knowledge of the Liberty bond market, that the prices have been going up. Liberty bonds are above par right now. None of them are below par.

Mr. BAYARD. I wish that were true. Only one or two issues, I think, are above par or better at the present moment.

Mr. NORRIS. I have been looking in the paper every day—I do not think I looked to-day—and I know one that I looked at yesterday was up to 102.

Mr. BAYARD. Not of the war-loan issues.

Mr. NORRIS. Of the issues that were to take up some of the war issues.

Mr. BAYARD. The refunding issues.

Mr. NORRIS. Yes. Those funds are invested in Liberty bonds, I take it, and have been so invested prior to the present time, of course some of them quite a while before, and it is very safe to say that if they were sold now he would make quite a profit on the transaction.

Mr. BAYARD. That is assuming a different proposition, but when the property was converted into cash and invested by the custodian, it was invested at the then market price of bonds.

Mr. NORRIS. Yes.

Mr. BAYARD. But, as a matter of fact, most of that property was converted during the war, and when the bond issues came out they were all sold at par, and so I assume the investment was made at par.

Mr. NORRIS. The Senator may be right.

Mr. BAYARD. It is just as good an assumption as the Senator's, because I am taking the war-time operation. When the Government officials invested in those issues they paid par.

Mr. NORRIS. If they bought the bonds directly from the Government, of course they paid par, but there has never been a time, from the time of the issuing of the bonds or soon after, except perhaps on those 3½'s that were nontaxable for every purpose, when they have not been below par, and they have been gradually and slowly coming up. It is only recently that they have reached par, and I assume he has made no investments recently, although I may be wrong about it.

Mr. BAYARD. He invests the interest that the Senator is speaking about.

Mr. NORRIS. Yes; perhaps the interest.

Mr. LODGE. If the Senator from Nebraska has no objection, I would like to move that the Senate proceed to the consideration of executive business.

Mr. NORRIS. I will say to the Senator from Massachusetts that I am ready whenever he is to go into executive session.

Mr. SMITH. Mr. President, will the Senator withhold the motion for a moment?

Mr. LODGE. Certainly.

ROBERT J. KIRK

Mr. SMITH. I ask unanimous consent for the immediate consideration of the bill (H. R. 3009) for the relief of Robert J. Kirk. It involves a small claim by an appointee of our court who was appointed as referee in a case by the judge, and on account of having been a trial justice for some reason they held up the claim. The judge himself says that the claim ought to have been paid as the court ordered him to do the work, and the Attorney General says so. It only amounts to $332.50.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Is there objection to the request of the Senator from South Carolina?

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 Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Robert J. Kirk, of Florence, S. C., the sum of $332.50 for service as United States commissioner for the Eastern District of South Carolina for the period beginning July 1, 1919, to November 15, 1919.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REIMBURSEMENT TO SENATOR FRANK L. GREENE

Mr. FESS from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 230, submitted by Mr. LODGE on the 20th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Hon. FRANK L. GREENE, a Senator from the State of Vermont, the sum of $7,500, as reimbursement for actual and necessary expenses incurred by him in the treatment and care of injuries resulting from an accidental bullet wound received while walking on the street in the city of Washington, D. C., February 15, 1924.

SALE OF REAL PROPERTY NOT NEEDED FOR MILITARY PURPOSES

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably, with amendments, House bill 9124, authorizing the sale of real property no longer required for military purposes, and I submit a report (No. 607) thereon. I intend to ask unanimous consent for its immediate consideration if permission is given to receive it.

The PRESIDING OFFICER. Is there objection to the receipt of the report? The Chair hears none.

Mr. WADSWORTH. I now ask unanimous consent for the present consideration of the bill.

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

The amendments of the Committee on Military Affairs were, on page 2, after line 13, to insert: "North Carolina: Fort Caswell Military Reservation, near Southport on the Atlantic coast; less 57 acres, more or less, required by the Treasury Department for Coast Guard purposes"; and on page 2, after line 16, to insert: "Florida: Gasparilla Military Reservation, entrance to Charlotte Bay: *Provided*, That the appraisal and sale of this reservation shall cover only the right, title, and interest of the United States in the lands and public improvements thereon, without in any way altering or modifying any rights heretofore created therein," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold, either in whole or in two or more parts as he may deem best for the interests of the United States, the several tracts or parcels of real property hereinafter designated, or any interest therein or appurtenant thereto, which said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale.

FIRST CORPS AREA

Maine: Narrows Island Reservation, Boothbay, Lincoln County.

Massachusetts: Fort Phoenix, near Fair Haven, Bristol County; Springfield Armory, two small tracts.

Rhode Island: Fort Greene, Newport.

SECOND CORPS AREA

New York: Fort Montgomery, Rouses Point, Clinton County; Sag Harbor Reservation, Sag Harbor, Long Island, Suffolk County.

North Carolina: Fort Caswell Military Reservation, near Southport on the Atlantic coast; less 57 acres, more or less, required by the Treasury Department for Coast Guard purposes.

FOURTH CORPS AREA

South Carolina: Bay Point Reservation on Phillips Island, Beaufort County; Hilton Head Reservation at south entrance to Port Royal Sound, Beaufort County.

Florida: Gasparilla Military Reservation, entrance to Charlotte Bay: *Provided*, That the appraisal and sale of this reservation shall cover only the right, title, and interest of the United States in the lands and public improvements thereon, without in any way altering or modifying any rights heretofore created therein.

Alabama: Fort Gaines, on east end of Dauphin Island, Mobile County.

Tennessee: Park Field, Millington.

That the Secretary of War be, and he is hereby, authorized to convey by appropriate quitclaim deed to nine trustees and their successors to be selected by the Chamber of Commerce of Columbia, S. C., and known as "Trustees of Columbia cantonment lands," approximately 1,192 acres of land within the United States Military Reservation at Camp Jackson, S. C., to wit:

The following two tracts of land:

Tract No. 1: Beginning at a stone corner of the Powell, Hampton, and United States Government lands, thence along the Hampton lands, north 61° 45" west 3,024 feet to a stone; thence north 47° 5' west 1,956 feet to a stone; thence north 61° 40' west 740 feet to a stone; thence north 27° 20' east across Government lands 2,000 feet to a stone; thence south 87° 40' east 385 feet to a stone; near southeast corner of Camp Jackson incinerator; thence north 6° 20' east 975.5

feet to a stone; thence north 42° 20′ east 815 feet to a stone; thence north 82° 20′ east 828 feet to a stone; thence north 61° 35′ east 1,430 feet to a stone at intersection of old roads; thence south 72° 40′ east 1,355 feet to a stone; thence south 85° 40′ east 2,798.5 feet to a stone; thence south 27° 50′ west 2,654 feet to a stone; corner of Powell's lands, thence along Powell's lands south 79° 35′ west 1,290 feet to a stone; thence south 11° 40′ west 4,102 feet to a stone, point of beginning, containing in all 705.12 acres.

Tract No. 2: Beginning at a stone on the eastern side of the Camden public road near the 6-mile post; thence along Camden public road south 89° 45′ west 800 feet to a stone; thence along the Camden public road south 87° 35′ west 985 feet to a stone; thence along the Camden public road south 78° 45′ west 184 feet to a stone; thence south 12° 50′ east 985 feet to a stone; thence north 85° 45′ east 1,240 feet to a stone; thence south 63° 5′ east 1,984 feet to a stone 6 feet from paved road; thence in an easterly and northerly direction 922 feet along paved road to a stone 6 feet from paving; thence south 82° 20′ east 1,050 feet to a stone; thence north 73° 50′ east 1,325 feet to a stone; thence north 8° 20′ east 270 feet to a stone; thence south 86° east 408 feet to a stone; thence south 7° 30′ west 217 feet to a stone; thence south 64° 25′ west 570 feet to a stone; thence south 53° 25′ west 1,460 feet to a stone; thence south 50° 25′ east 323 feet to a stone; thence north 71° 55′ east 1,300 feet to a stone; thence north 52° 15′ east 2,131 feet to a stone on the north side of the Ancrum Ferry Road; thence north 3° 40′ east 4,315 feet to a stone on the eastern side of the Camden public road; thence along said Camden public road south 38° 30′ west 211 feet to a stone; thence south 36° 55′ west 1,039 feet to a stone; thence south 55° 50′ west 620 feet to a stone near the 7-mile post; thence south 87° 55′ west 779 feet to a stone; thence south 69° 40′ west 498 feet to a stone; thence south 55° 55′ west 1,330 feet to a stone on the southerly side of the Ancrum Ferry Road; thence south 75° 20′ west 811 feet to a stone near branch; thence south 70° 15′ west 1,265 feet to a stone; thence south 68° 25′ west 890 feet to a stone near branch; thence north 89° 20′ west 166 feet to a stone, the point of beginning, containing in all 486.88 acres; the land so conveyed being approximately equal in area to the lands donated to the United States by the said chamber of commerce as a part of the site on the said reservation by deeds executed by J. Erwin Belser, trustee, dated July 20, 1917, and November 16, 1917: *Provided*, That prior to such conveyance by the Secretary of War there shall be conveyed to the United States by appropriate deed all the rights of way and other rights reserved in the aforementioned deeds of donation to the United States to the extent that the Secretary of War may require.

That the Secretary of War is hereby further authorized, in his discretion, to grant by revocable license to the said trustees, their successors or assigns, subject to such conditions and restrictions as he may deem necessary to protect the interests of the United States, and to such regulations as he may from time to time prescribe, the right to use, in common with the United States, the existing roadways and railway lines of the United States, steam or electric, now located upon and extending over and across the reservation, and also the right to occupy and use such other lands within the said reservation as he may designate for the construction and operation thereon of steam or electric railway lines to extend to the lands to be conveyed to the said trustees as hereinabove described, the United States to have the right to use without charge any railway lines or tracks so constructed on the reservation: *Provided*, That the said existing roadways and railway lines on the reservation so occupied and used and the railway lines so constructed and operated thereon shall be maintained and kept in a good state of repair, to the satisfaction of the Secretary of War, at the sole expense of the said trustees, their successors or assigns.

That the said trustees shall hold, use, manage, lease, sell, and convey, or otherwise dispose of said lands, or any portion thereof, and of the proceeds and revenues of the same, for one or more of the following purposes as they may deem best, to wit: Agricultural, industrial, charitable, and educational purposes: *Provided, however*, That no sale or conveyance shall be made by the said trustees of the lands conveyed by the Secretary of War under this act until the Secretary of War shall have given his consent in each instance to such sale or conveyance.

That a majority of the said trustees shall constitute a quorum competent to transact business, and that the said trustees shall make such by-laws, rules, and regulations for their own government and for the management and control of the said property and the proceeds thereof as they may deem necessary and proper, and that in the event of any vacancy occurring among the said trustees by death, resignation, removal of residence from Richland County, S. C., or other cause, such vacancy shall be filled from residents of Richland County by selection by a majority of the remaining trustees, such selection to be approved by the Chamber of Commerce of the city of Columbia, S. C., or its successors; and if there be no successors, then such selection shall be approved by a majority vote of a committee composed of the president of the University of South Carolina, the mayor of the city of Columbia, the senator in the General Assembly of South Carolina from Richland County, the probate judge of Richland County, and the resident judge of the judicial circuit of South Carolina embracing Richland County, or their respective successors.

That there is hereby granted to the State of North Carolina, without cost to the State, for public uses, all lands belonging to Fort Macon Military Reservation and now the property of the United States, together with all the improvements thereon; and that the Secretary of War be, and he is hereby, authorized and directed to convey to the said State all right, title, and interest of the United States in said lands and improvements, to be held and used by said State for public purposes: *Provided*, That the following-described land is reserved and granted to the Treasury Department for Coast Guard purposes: Beginning at a concrete monument at the southwest corner of the present Coast Guard property; thence north 299.5 feet to a concrete monument at the northwest corner of the present Coast Guard property; thence north 9° 58′ west 1,320 feet, more or less, to Bogue Sound; thence eastwardly about 600 feet along Bogue Sound; thence south 1,340 feet, more or less, to a concrete monument at the northeast corner of the present Coast Guard property, which said monument bears north 134 feet from the center of the top of curb of the old hospital well, also it bears north 84° 22′ 30″ west 145 feet from the old gun pivot at the northwest corner of the outside wall of old Fort Macon; thence south 299.5 feet to a concrete monument at the southeast corner of the present Coast Guard property; thence south 1,400 feet, more or less, to the Atlantic Ocean; thence westwardly about 200 feet along said Atlantic Ocean; thence north 1,400 feet, more or less, to the south line of the present Coast Guard property; thence west 147.5 feet to the place of beginning, containing 22.6 acres, more or less: *Provided further*, That the Government at all times has the right and privilege of preserving, erecting, and maintaining on said reservation such buildings as Coast Guard stations, signal stations for pilots, lighthouses, etc., as may be incident to the purposes of the Treasury, War, Navy, and Commerce Departments.

SEVENTH CORPS AREA

Arkansas: Camp Pike Booster Pumping Station, near Little Rock.

SEC. 2. In the disposal of the aforesaid properties the Secretary of War shall in each and every case cause the same to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 3. After such appraisal shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract of land is located, and such State, or the county or municipality in which such land is located, shall in the order named have the option at any time within six months after the approval of such appraisal to acquire the same, or any part thereof which shall have been separately appraised, upon payment within said period of six months of the appraisal value: *Provided, however*, That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to use for public park purposes and upon cessation of such use shall revert to the United States without notice, demand, or action brought.

SEC. 4. Six months after the date of approval of said appraisal, if the option given in section 3 hereof shall not have been completely exercised, the Secretary of War shall sell, or cause to be sold, each of said properties at public sale, at not less than the appraised value, after advertisement in such manner as may be directed by the Secretary: *Provided*, That no auctioneer or person acting in said capacity shall be paid a fee for the sale of said properties in excess of the sum of $100 a day.

SEC. 5. A full report of transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War.

SEC. 6. The expense of appraisal, survey, advertising, and sale shall in each case be paid from the proceeds of the sale, whether made in accordance with section 3 or section 4 of this act, and the net proceeds thereof shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts."

SEC. 7. The authority granted by this act shall not repeal any prior legislative authority granted to the Secretary of War to sell or otherwise dispose of lands or property of the United States.

EIGHTH CORPS AREA

SEC. 8. That the Secretary of War be, and he is hereby, authorized to reconvey to Elizabeth Moore, guardian of G. Bedell Moore, a minor, her successors, or her said ward, or his lawful or legal representatives or assigns, the camp site of Camp Robert E. L. Michie, containing 400 acres, more or less, as described in the deed of conveyance to the United States dated April 26, 1919, in consideration of the payment by Elizabeth Moore, guardian of the estate of G. Bedell Moore, a minor, her successors, or her said ward, or his lawful heirs or legal

representatives or assigns, to the Chamber of Commerce of Del Rio, of the county of Val Verde, and State of Texas, of the sum of $8,000 to be distributed by said chamber of commerce to the original donors.

SEC. 9. That the Secretary of War be, and hereby is, authorized and directed to convey, by quitclaim deed, to the city of Gloucester, in the State of Massachusetts, all the proprietary right, title, and interest of the United States to and in that certain tract of land now known as Old Fort Defiance, which was ceded by gift to the United States Government by vote of a town meeting in Gloucester in 1794 for the purpose of erecting a fortification, and which is now no longer needed for such purpose.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 10 minutes p. m.), under the order previously entered, took a recess until to-morrow, Saturday, May 24, 1924, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate May 23 (legislative day of May 20), 1924

PROMOTION IN THE NAVY

Rear Admiral William R. Shoemaker, United States Navy, to be Chief of the Bureau of Navigation, in the Department of the Navy, with the rank of rear admiral, for a term of four years from the 7th day of June, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 23 (legislative day of May 20), 1924

MEMBER FEDERAL RESERVE BOARD

A. C. Miller.

DIRECTOR WAR FINANCE CORPORATION

George R. Cooksey.

MEMBER UNITED STATES SHIPPING BOARD

Edward C. Plummer.

CUSTOMS SERVICE

George M. Young to be general appraiser of merchandise.

PUBLIC HEALTH SERVICE

Henry S. Mathewson to be senior surgeon.
Edward B. Faget to be passed assistant surgeon.
Leo W. Tucker to be passed assistant surgeon.
John D. Retchard to be surgeon.
Forrest N. Anderson to be assistant surgeon.
Marvin P. Moore to be assistant surgeon.
Erval R. Coffey to be assistant surgeon.
Wilhelm R. Schillhammer to be assistant surgeon.

POSTMASTERS

ALASKA

Charles A. Sheldon, Seward.

ILLINOIS

Elliott O. Andrews, Belvidere.
Olive G. Woods, Hennepin.
Herman C. Hoefer, Park Ridge.
John N. Taffee, Pinckneyville.
Elizabeth R. Grant, Shabbona.
Edward P. Devine, Somonauk.
Kate M. Weis, Teutopolis.
Fay L. Quilter, Walnut.

KENTUCKY

John G. Fisher, Berry.
William M. Jack, Cleaton
Mollie L. Allphin, Crittenden.
Agnes P. Simpson, Graham.
Edgar Renshaw, Hopkinsville.
Carley O. Wilmoth, Paris.
Minnie O. Tschiffely, Pewee Valley.

MICHIGAN

Edwin L. Groger, Concord.
Adrian J. Westveer, Holland.
Arthur G. Stone, Niles.
Frank N. Green, Olivet.

MISSOURI

Mary M. Wightman, Bethany.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 23, 1924*

The House met at 11 o'clock a. m., and was called to order by the Speaker pro tempore [Mr. TILSON].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Father of us all, again Thou hast declared how great is Thy love by bringing us to the light and promise of another day. Therefore it behooves us to offer Thee our tributes of thanksgiving. Hear us, Lord, and accept the offerings that we bring. Subdue any thoughts or feelings in our breasts that may not be right and just. Let Thy blessed spirit move over our homeland, blessing and directing every institution that helps our fellows to better living and to more thorough patriotic devotion. Be with our President these arduous days; be gracious unto him and restore him to health and strength. Help us all, dear Lord, to meet our obligations, bear our burdens, and to be good. Amen.

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

CERTIFICATES OF CITIZENSHIP TO INDIANS

Mr. SNYDER. Mr. Speaker, I ask to take from the Speaker's table the bill R. R. 6355, and to agree to the Senate amendments.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to call up the bill H. R. 6355, which the Clerk will report by title.

The Clerk read as follows:

An act (H. R. 6355) to authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

The Senate amendments were read.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendments.

Mr. GARRETT of Tennessee. Will the gentleman yield for a question?

Mr. SNYDER. I will be glad to do so.

Mr. GARRETT of Tennessee. I would like very much to have the gentleman's construction of the meaning of this matter as applied to State laws that will be affected by this act; that is, the question of suffrage.

Mr. SNYDER. I would be glad to tell the gentleman that, in the investigation of this matter, that question was thoroughly looked into and the laws were examined, and it is not the intention of this law to have any effect upon the suffrage qualifications in any State. In other words, in the State of New Mexico, my understanding is that in order to vote a person must be a taxpayer, and it is in no way intended to affect any Indian in that country who would be unable to vote unless qualified under the State suffrage act. That is the understanding. And also it goes to this extent, it does not in any way change the right of the Indian to any tribal relation or any property he now holds. It does not affect that in any way, but simply makes him an American citizen, subject to all restrictions to which any other American citizen is subject, in any State.

Mr. GARRETT of Tennessee. Of course the gentleman and his committee have looked into the legal questions involved as to what his property rights will be. As to the other matter I do not know, but it has occurred to me, if objectionable at all, it might be a somewhat anomalous situation in regard to property rights. However, the principal thing I wanted to ask about was with regard to suffrage rights. It is the construction, then, of the chairman of the committee, and speaking for the committee, that this in no way affects the suffrage rights under State laws.