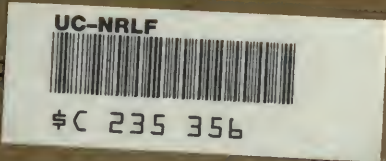


D  
619  
H3



# PEACE OR WAR?

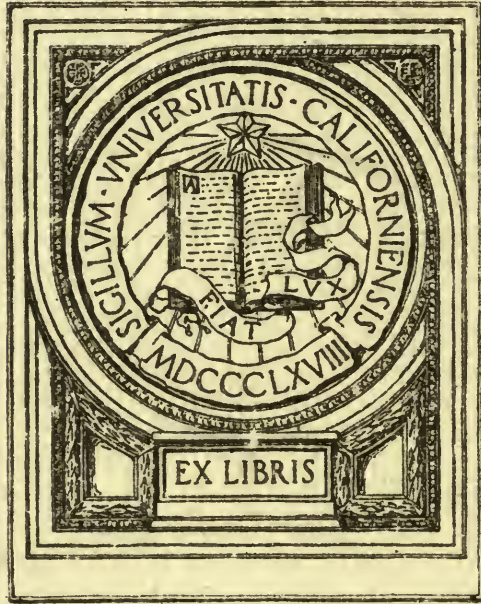
THE GREAT DEBATE

BY TWENTY-SIX UNITED  
STATES SENATORS AND  
EIGHTY-NINE REPRESENTATIVES  
IN CONGRESS

*What does your Congressman say?*

PRICE, ONE DOLLAR

GIFT OF



EX LIBRIS



Digitized by the Internet Archive  
in 2008 with funding from  
Microsoft Corporation







# *PEACE OR WAR?*

THE GREAT DEBATE IN CONGRESS

on

THE SUBMARINE AND THE MERCHANTMAN

Compiled from *The Congressional Record* by

WILLIAM BAYARD HALE

LIBRARY OF  
CONGRESS

1916

THE ORGANIZATION OF AMERICAN WOMEN FOR STRICT NEUTRALITY

1947-48 1948-49

D619  
H3

1947-48  
1948-49



# PEACE OR WAR?

## *An Introduction to the Great Debate*

**T**HIS is a book for those who would enjoy the emotion of amazement. Amazement was the sensation which broke upon the consciousness of the compiler of these pages, himself a veteran newspaper man and none too credulous of newspaper reports. Amazement will be the unescapable portion of all who peruse these speeches.

Seldom has there been witnessed a succession of scenes of more striking human interest or greater historic import than were those that marked the great debate which began on February 17th in the United States House of Representatives and continued there and in the Senate until the close of the Senate session March 8, 1916.

Provoked by the introduction of resolutions designed to warn Americans not to travel on armed belligerent merchantmen, and by an intimation from the President that he regarded the resolutions as an invasion of the prerogatives of the Executive branch of the Government, the discussion widened until it had embraced the whole range of subjects connected with the attitude of Americans towards the war.

No truthful account of this great debate has reached the public. Nothing like an adequate narrative of the proceedings in Congress has come into print. Nothing remotely resembling a faithful report of the views and declarations of their Congressional representatives has been made available to the American people — except such as they may gather by explora-

tion through the weary stretches of the unaccustomed and unattractive columns of the Congressional Record.

Not to speak of so small a matter as accuracy, not to suggest approximation to a truthful reflection of the details, it is the fact that the big, outstanding, primary facts of the great war debate have not been given to the American people in the ordinary channels of news intelligence. The newspaper press of the United States in this case entirely failed to fulfill what is commonly regarded as its function. Indeed, the impression given by such of the despatches from Washington as got into print in the newspapers can only be described as false in the extreme.

For instance, the impression has gone out from Washington that the Senate and the House voted down the proposal to warn Americans off of armed belligerent ships. This impression is quite false. Again, the impression has gone out that Congress washed its hands of foreign affairs and delivered their settlement over into the absolute hands of the Chief Executive. This is equally false. The impression has gone out that President Wilson asked a vote of confidence, and received it. The degree of confidence that can be deduced from the respective several votes of the Senate and the House is slight, and any confidence at all that can be detected in the recorded remarks of Senators and Congressmen is extremely attenuated. The frequent reversals of opinion which seem to have marked the diplomacy of Mr. Wilson were universally regretted; his

personal attitude toward the belligerents was criticized; his theory of absolute Presidential control of the nation's foreign affairs was attacked in weighty speeches by leading Senators both of his own party and of the opposition; and, while the utmost goodwill was expressed towards Mr. Wilson personally by all participants in the debate, it was made abundantly manifest that Congress was of no mind to be led blindly by any mortal man into the gulf of armed conflict.

This important debate extended to more than four hundred and fifty thousand words. It would be beyond the disposition or even the ability of most readers to peruse a full report. The present volume is the result of a conscientious reading and rereading of the entire proceedings of Congress since the introduction of the Gore resolution and the McLemore resolution, and of a faithful attempt to make a just and fair record of the sentiments of Senators and Representatives as set down in the Congressional Record.

(Review)  
P. 9, medical p. 21.

Every member of either House who participated in the debate is represented, and, in each case, a conscientious effort is made to retain the full strength of his argument, on whichever side it happened to be. Inevitably it occurred that in a debate so long drawn out, many points were repeatedly thrashed out and the same documents were cited over and over again. There was, also inevitably, much tilting for parliamentary positions and opportunity. All of this has been stricken out, except in so far as the record of adventitious circumstances imparts valuable life and color to the scenes on Capitol Hill during one of the most sparkling, as well as one of the most momentous, debates which the walls of the nation's Areopagus have resounded.

The utter and complete confusion which surrounded the parliamentary status of the resolutions throughout their stormy life, and the total chaos of opinion with regard alike to the parliamentary and to the

practical effects of the votes taken upon them is revealed on every page of the debate. The careers of the several resolutions in and out of committee, and the votes taken with regard to them—never, be it noted, upon the merits of either of them—indicate nothing whatever.

But what does clearly emerge above all the confusion is the overwhelming preponderance of sentiment among both Senators and Representatives in approval of the particular proposition that Americans should be warned not to take passage upon armed belligerent ships, and of the general principle that the Government of the United States must not yield to the prevailing mania, must not jeopardize the advantages of its position as the world's chief neutral Power, must not be cajoled nor bribed nor taunted nor frightened into war, upon any pretext, on any ground short of the most clearly unescapable, absolute and final.

It was again and again asserted, even by those who voted in favor of tabling the respective resolutions of warning, that had it been possible to put them to a direct vote, they would have been overwhelmingly passed. These assertions were not in a single case denied. The prevailing argument in favor of tabling the resolutions was the general desire not to embarrass the nation's Chief Executive in the presence of any foreign power. Notwithstanding the repeated and puzzling changes in position by Mr. Wilson, and notwithstanding furthermore the general disapproval of his final attitude on the armed merchantman question, it was generally agreed that it would be unfortunate to humiliate him. On the part of Democrats, this feeling was especially strong; it would not promote the party's chances of success in the approaching election publicly to repudiate the leadership of the Democratic President.

The communication sent on January 18th by the Department of State to the Entente Allies was cited a score of times, especial stress being laid upon the state-

## AN INTRODUCTION

ment in the last paragraph that "my government is impressed with the reasonableness of the argument that merchant vessels carrying armament of any sort should be held to be an auxiliary cruiser." The instructions issued by the Department of State, October 4, 1915, notifying applicants for passports that naturalized American citizens should refrain from visiting their native country and countries at war therewith; and declining to issue passports to persons desiring to visit belligerent countries for recreation or sight-seeing, was also repeatedly quoted.

The most serious and plausible arguments in defence of the arming of merchantmen was that delivered by Senator Sutherland on March 7th and that submitted by Senator Thomas on March 10th. Both of these are fully reported in this book.

One of the most remarkable, and important incidents of the discussion was the argument delivered in the Senate by Mr. LaFollette on March 10th respecting the importance of precisely delineating the scope of the President's power to declare war.

Beneath the whole debate, of course, lay the large question whether Congress has any authority in the determination of our foreign relations, short of a declaration of war. Senator Vardaman was another than whom none was more eloquent in the long list of those, in both Chambers, who denied the right of the Executive alone to commit the country to action likely to lead to war.

Perhaps no better historical sketches of the whole affair can be found than was contained in the speech of Mr. Kearns in the House March 16th and in the (extension of the) speech of Mr. Smith of Minnesota in the House as of March 7th.

These speeches should be read by those who desire to be informed of the inner history of the whole curious episode.

It will be abundantly evident to any who will take the trouble to glance over

this narrative of the proceedings in Congress subsequent to February 18th that the sentiment of the accredited representatives of the people of the United States was overwhelmingly in favor of a warning to Americans to refrain from taking passage on armed belligerent vessels. Moreover, it will be evident that, while the two Houses of Congress were extremely reluctant to go on record in any vote which might be interpreted as an expression of a lack of confidence in the President, there was no hesitation in the assertion by individual members that the course of the Administration was not in accord with the general desire and design of the American people to refrain from participation in the European struggle unless upon the most substantial grounds.

That this conclusion is correct may be deduced from a glance at the appended list. It is a catalogue of the views of the Senators and Representatives who expressed themselves on the floors of their respective Chambers. It will be noted that eight Senators were against the proposal to warn our citizens to keep off of armed belligerent vessels, while sixteen declared themselves as being in favor of such a warning, with three non-committal. It will be observed that, while nine Representatives in Congress expressed their approbation of the idea, sixty Representatives approved the suggestion. A score of Congressmen who spoke gave no clue to their opinion on the merits of the question.

But the significance of the great debate went far beyond this. It reached to the proportions of an admonition, the most serious ever addressed by an American Congress to an American President, that he must restrain his private prejudices to conform with the general sentiment of his fellow-countrymen. It secured from that President's reputed spokesmen a pledge that before breaking off diplomatic relations with any Govern-

## PEACE OR WAR?

ment, he would submit to Congress all the facts in the case. It became a mandate to the President to take no step toward plunging the country into war except with the consent of the chosen representatives of the people.

It is of course perfectly understood by everybody in Washington that Mr. Wilson's sympathies are with the British, and that his hatred of Germany and of Germans is unrestrained. There can be no objection to his entertaining a sentimental attachment to the land where his mother and all four of his grandparents

were born and with whose literature and political history alone he is familiar. But it is apparently the belief of the representatives of the American people in Congress that it is one thing to have a private animosity and quite another thing to attempt to commit the nation to a bloody conflict in support of it. It is impossible to imagine language calculated more decisively than was that employed by a majority of the participants in the great debate, to rebuke the very evident desire of Mr. Wilson to involve the United States in war in behalf of England.

### IN THE SENATE.

#### *For the Principle of the Resolution.*

Broussard  
Clapp  
Clarke of Ar-  
kansas  
Cummins  
Fall  
Gallinger  
Gore  
Hitchcock

Jones  
Kern  
La Follette  
McCumber  
Norris  
Sherman  
Stone  
Vardaman

#### *Against.*

Borah  
Colt  
Lodge  
Myers  
Sterling  
Sutherland  
Thomas  
Williams

#### *Non-committal.*

James  
Johnson  
Reed

### IN THE HOUSE.

#### *For the Principle of the Resolution.*

Adamson  
Austin  
Bailey  
Barnhart  
Bennet  
Black  
Browne of Wis-  
consin  
Campbell  
Cannon  
Chandler  
Chiperfield  
Cline  
Coleman  
Cooper of Wis-  
consin  
Decker  
Dyer  
Edwards  
Ellsworth  
Elston  
Fitzgerald  
Focht  
Fuller  
Gallivan  
Gillett  
Green of Iowa  
Hamill  
Hopwood  
Huddleston  
Igoe  
Kearns  
Kinkaid  
Konop  
Lehlbach

Lenroot  
McCulloch  
McKinley  
McLemore  
Madden  
Meeker  
Miller of Min-  
nesota  
Miller of Penn-  
sylvania  
Norton  
Page of North  
Carolina  
Park  
Randall  
Reavis  
Reilly  
Ricketts  
Roberts of Mas-  
sachusetts  
Rodenberg  
Sherwood  
Shouse  
Slayden  
Smith of Michi-  
gan  
Smith of Min-  
nesota  
Smith of Texas  
Sterling  
Thompson  
Towner  
Watson of Penn-  
sylvania

#### *Against.*

Farr  
Garrett  
Heflin  
Neely  
Oglesby  
Platt  
Pou  
Ragsdale  
Sherley

#### *Non-committal.*

Beakes  
Britt  
Cantrill  
Flood  
Foss  
Goodwin of Ar-  
kansas  
Graham  
Harrison  
Kennedy of  
Rhode Island  
Linthicum  
London  
Moore of Penn-  
sylvania  
Porter  
Rogers  
Small  
Taylor of Colo-  
rado  
Temple  
Treadway  
Wm. Elza Will-  
iams

## PART I

Part 2 p. 67  
3 p. 125

# THE DEBATE IN THE SENATE

*In the Senate, Friday, February 25, 1916*

**M**R. GORE. Mr. President, I offer the concurrent resolution which I send to the desk, and ask that it be read and go over one day under the rule.

The VICE PRESIDENT. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 14) was read, as follows.

Whereas a number of leading powers of the world are now engaged in a war of unexampled proportions; and

Whereas the United States is happily at peace with all of the belligerent nations; and

Whereas it is equally the desire and the interest of the American people to remain at peace with all nations; and

Whereas the President has recently afforded fresh and signal proofs of the superiority of diplomacy to butchery as a method of settling international disputes; and

Whereas the right of American citizens to travel on unarmed belligerent vessels has recently received renewed guaranties of respect and inviolability; and

Whereas the right of American citizens to travel on armed belligerent vessels rather than upon unarmed vessels is essential neither to their life, liberty, or safety, nor to the independence, dignity, or security of the United States; and

Whereas Congress alone has been vested with the power to declare war, which involves the obligations to prevent war by all proper means consistent with the honor and vital interest of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress, vested as it is with the sole power to declare war, that all persons owing allegiance to the United States should, in behalf of their own safety and the vital interest of the United States, forbear to exercise the right to travel as passengers upon any armed vessel of any belligerent power, whether such vessel be armed for offensive or defensive purposes; and it is the further sense of the Congress that no passport should be issued or renewed by the Secretary of State or by anyone acting under him to be used by any person owing allegiance to the United States for purpose of travel upon any such armed vessel of a belligerent power.

The VICE PRESIDENT. Under the rule, the resolution goes over one day.

Mr. STONE. I ask the Senator from Oklahoma, in reference to his resolution, is his request that it be referred to the Committee on Foreign Relations?

Mr. GORE. No; my request was that the resolution go over for the day under the rule.

Mr. STONE. The Senator's request is that the resolution lie on the table?

Mr. GORE. Yes, sir. I wanted the resolution to take the regular course, under the rule that all resolutions other than joint resolutions go over for one day. My purpose is to come within that rule under the regular order.

Mr. STONE. Let the resolution lie on the table then.

Mr. JONES. I submit a Senate resolution, which I ask may be read and lie on the table.

The VICE PRESIDENT. The resolution submitted by the Senator from Washington will be read.

The resolution (S. Res. 108) was read, as follows:

Whereas this is a government of the people, by the people, for the people, and not of any individual, by any individual, or for any individual; and

Whereas it is contrary to the fundamental principles of our government that the people should be involved in war through the decision or by act of any one man; and

Whereas the Constitution of the United States of America expressly provides that "The Congress shall have power to declare war, to raise and support armies, and to provide and maintain a navy"; and

Whereas the act of declaring war should not be merely the ratification and confirmation by Congress of the judgment and decision of a single man but should be the sober judgment and mature decision of the people through their representatives in Congress upon the causes and justification for such declaration; and

Whereas an assault upon the national honor would be a justification for a declaration of war; and

Whereas no one man is the sole custodian of the Nation's honor; and

Whereas the issue of war is too momentous and fraught with too grave consequences to the people to be decided by any one man; and

Whereas the people of this country are not seeking war and do not desire to be led into it, but, if in-

## PEACE OR WAR?

volved, would be united as one man in support of the Government; and

Whereas by the arbitrary act or demand of its Chief Executive the people may be placed in a situation from which they can not withdraw without humiliation and be involved in war for causes the justice of which they have not been permitted to pass upon: Therefore be it

Resolved, That it is the sense of the Senate of the United States of America that any issue claimed to affect the national honor should be referred for its decision to the Congress of the United States, and no ultimatum should be sent to any belligerent power and no severance of diplomatic relations be brought about by Executive action until after the advice and consent of Congress.

Mr. STONE. Mr. President, I ask that the whereases and the resolution may lie on the table.

The VICE PRESIDENT. That was the request of the Senator from Washington.

Mr. STONE. I beg pardon.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

\* \* \*

Mr. KERN. I move that the Senate take a recess\* until 1 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m., Friday, February 25, 1916) the Senate took a recess until to-morrow, Saturday, February 26, 1916, at 12 o'clock meridian.

### *In the Senate, Thursday, March 2, 1916*

*(Legislative Day of Friday, February 25, 1916)*

Mr. STONE.† Mr. President, I take the floor on the pending bill, but not to discuss it. I interrupt the progress of the unfinished business to make a brief statement, and then to make a suggestion with respect to what is known as the Gore resolution and other resolutions of like nature.

I desire to state the international situation, as I understand it, respecting the immediate questions before us. A sharp issue has been joined between Germany and Great Britain as to the status of armed merchant vessels. Germany contends that armed belligerent ves-

\*Let it be noted that on February 25th, the Senate did not adjourn, but took a recess. This was done in deference to an intimation from the White House that the President was anxious that Senator Gore's resolution should not be called up, as, under the rules of the Senate, it could be called up, on the following day. The motion to take a recess (and not to adjourn) was made by Senator Kern, the Democratic floor leader. The Senate continued to recess doing business under date of "the legislative day of Friday, February 25th," until the close of the session on Thursday, March 2nd.

Mr. Stone is Chairman of the Senate Committee on Foreign Relations.

sels are in all essential respects the equivalent of auxiliary or converted cruisers, and that they should be treated as war vessels. That Government has announced their policy to be that after the 1st day of the present month armed enemy vessels of all kinds would be regarded as warships and be subject to the rules of maritime warfare applicable to such ships. On the other hand, Great Britain contends that she has a right under international law to arm merchant ships for defensive purposes, and that merchant vessels so armed are entitled to the same immunities in every respect appertaining to unarmed merchantmen, and this without regard to the kind of passengers aboard or the nature of the cargoes carried. Great Britain has announced this to be her policy. That is the issue between these two Governments on that question.

Now, where and how does the Government of the United States come into this controversy? I answer in this way: That if both Germany and Great Britain shall persist in the course they have respectively announced, neither yielding to the other, nor yet yielding to the importunities of any neutral Government, including our own, and if Germany should attack without warning an armed merchantman of her enemy and some American citizen or citizens should be injured, the question would present itself as to what our attitude and course should be in the circumstances. IF NO AMERICAN SHOULD BE ABOARD A SHIP SO ATTACKED, AND THEREFORE IF NONE SUFFERED, WE WOULD HAVE NO CAUSE TO BREAK INTO AND TAKE UP A CUDGEL IN THAT QUARREL, UNLESS, INDEED, WE SHOULD PROCEED UPON SOME ALTRUISTIC THEORY OF AN OBLIGATION TO HUMANITY IN GENERAL.

To my mind, in this exigency, it is of the highest importance that Senators, Representatives, and the President—all alike—should speak to each other and to the country with the utmost candor and frankness, free from dissimulation. We should wear our hearts, so to speak, upon our sleeves, not for daws to peck at, but that we may know exactly how men in positions of responsibility feel and think. As I understand it, the President's attitude is this: That he has concluded to support the contention that belligerent merchant ships have a right under international law to bear arms for defensive purposes. What he may regard as a defensive armament I do not know; in fact I doubt that any man would venture authoritatively to define that kind of arma-

## SENATOR STONE'S STATEMENT

ment. Furthermore, if a German war vessel should, without warning, fire upon and sink an armed merchantman of the enemy, he would hold the attack to be a lawless act, and if American citizens should suffer therefrom he would hold the German Government to the strictest account. If, notwithstanding, the German Government should persist in their policy he would sever diplomatic relations and submit the matter to Congress, which under the Constitution is the war-making power.

I must here state with equal frankness my own position, as I have stated it to the President. In this emergency there should be nothing of evasion or finesse, much less of partisanship. Distressing as it is to me to be obliged to disagree with the President, as well as with many of my colleagues, my opinions have been matured after great deliberation and my sense of duty is imperative. I can not but believe that a belligerent merchant ship, heavily armed—no matter whether it be called defensive or offensive armament—engaged in transporting contraband war material to the army or navy of her sovereign, is in all essential respects the equivalent of a duly commissioned war vessel. To say the least, I think there can be no manner of doubt that the law now covering that question is involved in doubt and may well be considered as debatable. I shall not discuss that question at this time; I am merely stating my position, and what I know to be the position of numerous others. I shall feel obliged as a duty to myself, my constituency, and the country to discuss this question at length in the immediate future with a view to elaborating the reasons upon which my convictions are predicated.

The President is firmly opposed to the idea embodied in the Gore resolution. He is not only opposed to Congress passing a law relating to this subject, but he is opposed to any form of official warning to American citizens to keep off so-called armed merchantmen. If I could have my way, which I know I can not, I would take some definite step—a step as far as the Constitution would permit—to save this country from becoming embroiled in this European war through the recklessness of foolhardy men.

Mr. President, I think this is a fair statement of the situation as it is to-day.

The President has written Representative Pou, and he has stated to me and to others, that the pendency of these resolutions in Congress have been and still are a source of embarrassment to him in conducting diplomatic negotiations with the belligerent powers involved respecting this subject. I am sure that is so,

and it is regrettable. As you well know, Senators, I have diligently sought to prevent the introduction of any resolutions on this subject and to allay any agitation with regard to it; but the efforts I have made with others in this behalf have been only partially successful. Now, we are informed by the President that he is solicitous that these resolutions should be disposed of in both Houses, and that the attitude of Congress should be more clearly defined. I am in full sympathy with him as to that, and I will cooperate to bring that matter to a head. The difficulty is in arranging a plan that would be effective and of value. I am more than willing to contribute anything within my power in arranging a plan of action with the sincere purpose of bringing the executive and legislative departments into accord. It may be, and I profoundly hope it is so, that the President, having behind him the support of Congress, may even yet be able to bring Great Britain and Germany to some agreement with this Government which would relieve the present acute situation. I am now puzzling my brain to frame a resolution as a supplement for all other pending resolutions on the subject; and as I get it into the best form of which I am capable, I desire to discuss the resolution with Senators on both sides, with the chairman of the House Committee on Foreign Affairs, and also, if need be, with others. I desire to bring the Congress with practical unanimity to the support of the President in the conduct of the diplomatic questions involved. Of course, time is now of the essence of things, and prompt action is desirable. My suggestion is this: That the Senate shall strive with the utmost diligence to dispose of the unfinished business to-day; but whether it succeeds in disposing of that business or not, I shall at the close of to-day's business ask the Senate to adjourn until some early hour to-morrow morning, at which time the Gore resolution shall be laid before the Senate.

Mr. President, although it is my earnest desire to cooperate with Senators who coincide with the President's attitude concerning this whole subject, yet, because of the fact I am not in accord with the President on the main issues it would be entirely agreeable to me if any of the Senators indicated should take another course if they so desire. If the Senate agrees to the suggestion I have made, I will proceed in my effort to discover a plan to which we may all agree; but if another course should be taken, I can only abide the result. That is all I have to say at this time.

Mr. LODGE. Mr. President, I have lis-

## PEACE OR WAR?

tened, as I am sure every other Senator has listened, with profound interest to what has been said by the Senator from Missouri, and I am certain that we all appreciate the gravity of the situation to which he has called the attention of the Senate. I agree entirely with him, Mr. President, that this is not a party question. I agree also with him that our first duty under existing conditions is to dispose of the precise question that has been raised by the resolution to which he has referred. I think it is more important than any unfinished business.

One mistake, I think, the Senator has made, When he says that this question is confined to an issue between Great Britain and Germany, I wish to say that every Italian ship that comes into our port of New York is armed; every French merchantman is carrying a defensive armament, if I am correctly informed.

Mr. STONE. Mr. President, I hope the Senator will permit me to interrupt him. I did say exactly what he has stated, but I was not unconscious, of course, that other powers are involved. I said what I did, however, on the theory that the diplomatic situation was being mainly conducted between the two powers I named and this Government.

Mr. LODGE. Mr. President, I think the position of the allies who have command of the sea is the same on this question. I shall not enter into the discussion of the question of armed merchantmen; I discussed that at some length a very short time ago, and I am entirely clear in my own mind as to the law and usages of nations in regard to armed merchantmen, that they can not be taken out of the class of peaceful traders, except by demonstration that they are commissioned vessels or that they carry an armament at least greater than that described in the circular of the Secretary of State at the opening of the war or that they are used for offensive purposes.

If I understood the position of the President, as stated by the Senator from Missouri, on the question of armed merchantmen and the right of neutrals to travel and to ship their goods on merchantmen armed within the limitations generally imposed, with that position I am in full accord. I think that neutrals have a right, established for centuries, to ship their goods and take passage on belligerent merchantmen, whether armed or unarmed, if armed within the limitations I have described.

The precise question, as I understand, presented by the President and also by the Senator from Missouri, is whether Congress favors passing a resolution warning American citi-

zens to desist from the exercise of an undoubted right. I do not believe that any resolution can be drawn that will evade or by generalities get rid of the issue which has been raised. No matter how it has been raised, it has been raised on the precise point embodied in the Gore resolution in the Senate and in similar resolutions in the House, and if the President wishes a vote on that precise resolution and on the precise point raised by the resolutions I think he ought to have that vote from Congress.

His position, as I understand it, is that he is interfered with and hampered and crippled in his negotiations with foreign powers by the supposed attitude of Congress on this precise question, which is used against him in the negotiations which he is carrying on by the power with which he is negotiating. I think, under those circumstances, he has a right to know, the question having been raised, what the attitude of Congress is on that question of warning American citizens from the exercise of what have hitherto always been considered undoubted neutral rights. I do not think that it can be disposed of in any general terms, by any vote of general confidence, or any general resolutions stating the limitations between the Executive power in diplomatic negotiations and the legislative power. I think we must meet the question as it is presented.

The last administration warned citizens of the United States to leave Mexico. It was a matter of deep regret to many of that administration's supporters, and it was a subject of criticism by that administration's opponents. That warning has been renewed as to citizens in Mexico; but the criticism on the administration, the present administration, for the failure to protect American lives in Mexico, despite the warning given by the administration, has not ceased.

I myself have joined in that criticism, and it would be utterly impossible for me to criticize this administration for failure to protect American lives in Mexico, despite the warning that has been given, and then myself turn round and proclaim to the world that an American who exercised an equal right, to which he is equally entitled, on a belligerent merchantman should not have the protection of his country. I speak only for myself, but I can not apply two rules to a question like this.

The attitude which the President took in his letter to the Senator from Missouri and the attitude which the Senator from Missouri, no doubt with absolute authority and in carefully chosen words, has described to-day on the question of the rights of neutrals on belligerent



merchantmen is the attitude I have always upheld. But now, Mr. President, looking at this question as I do, I think the President, hampered, as he tells us he is in the letter to Representative Pou, the acting chairman of the House Committee on Rules, that the supposed attitude of Congress is interfering with his negotiations, I think he has a right to ask for a vote on the precise proposition which is before Congress and to know whether he can go on with his negotiations with the Congress behind him or whether the Congress takes the view of the belligerent power with which he is at this moment negotiating.

I sincerely hope that the Senate will not delay in taking a vote on the precise and specific question of whether we ought to warn our citizens from exercising a right that has not been questioned in law or in the usages of nations for centuries past.

Mr. WILLIAMS. In my opinion that time has come for you and me concerning the proposition which now faces us, and which has not faced us because of any action of the President of the United States, but which he has been compelled to confront by constant insinuations, constant nagging, constant quizzing, and constant expression here, of opinion in favor of the position assumed by negotiators of a foreign power as against our own. The time has come when for me, at any rate, the question states itself in this way: Shall I exclaim "America first," or shall I sing "Deutschland über Alles"?

To be an Anglomaniac is so contemptible that it is beyond expression. There is one thing only that is more contemptible, and that is to be an Anglophobic. To be a Teutomaniac is contemptible, despising our English law, literature, civilization, and political liberty; but there is something more contemptible than even that, and that is to be a Teutophobic. And so I might go through with all the races which have contributed to the American caldron.

Mr. President, the initiative, with regard to foreign relations, lies with the Executive. Congress ought not to attempt to assume the initiative; but from various quarters the assumption or the attempt has been made, and day after day, through one innuendo or another, through one resolution or another, the Chief Magistrate of the United States has been prodded and nagged and dared—aye, dared—to do what? To surrender the initiative which the Constitution places with him and to let Congress take the initiative with regard to our foreign relations.

Well, some of you have nagged, and you

have prodded, and you have "dared," until the patience of a very patient man has been exhausted; and now he says: "Very well. You have furnished comfort to the foreign negotiators. You have made them think that the American people were disunited and that they were not behind their Government. You have given them a contempt of their Government as the opposite negotiator. You have weakened my hands, you have partially paralyzed me, and now I want a 'show-down'; and I hope that in the eyes of the American people it will be a 'show-up' when you and I are through with it."

The Senator from Missouri [Mr. STONE] is in one lone respect right. We want no evasion. We want no indirection. You have nagged and nagged and you have prodded, until now the President says, "All right." You have dared him, thrown down your several gloves or encouraged others to throw down theirs, until now he says: "I will pick up the gauntlet. I am tired. If the patriotism of Congress is behind me, let us find it out. If it is not, again let us find it out. If I am to be hamstrung and hampered, just go further and kill me as a negotiator and be done with it. If I am not the Executive of the United States Government and have not vested in me by the Constitution the initiative, if I can bring nothing to even an initiative conclusion without you, then say so, and let me and let the people of America and of foreign nations know that I am helpless. You have already done almost as much harm as you can by passing your resolutions. The only light I see is to table them. You have dared; I have submitted. I have looked as if I were afraid. I have plead with you, please not to go on hampering me and my Secretary of State with suggestions and arguments derived from foreign courts and embassies. In spite of it all, you keep it up. There must be an end of it, one way or the other."

Therefore, without evasion and without indirection, so far as I am concerned as a Senator of the United States, I say: "Bring the matter to an issue. Bring on your Gore resolution and bring on your other resolutions, and let a motion be made to table them, and see whether or not Senators are going to assume the responsibility before the American people of standing against the President upon a proposition where he stands upon a principle of international law 500 years old."

Mr. GORE. Mr. President, I desire to say that I agree in great measure with what has been said by the Senator from Mississippi and by the Senator from Massachusetts. I do not agree, however, that the attitude of a Senator touching the resolution referred to reflects his

## PEACE OR WAR?

sympathy as between the European belligerents. In my own judgment, any American citizen who places the interest of Germany above that of America is a traitor to his country. I think there are traitors of this type in the United States. Any American citizen who places the interest of the allies above the interest of America is a traitor to the United States. Traitors of this type are not unknown in the United States. These two types of traitors are equally offensive; they are equally disloyal; they are equally reprehensible.

I have little doubt that the American owners of ships flying the flags of the allies would like to see the United States police their vessels across the high seas and protect them against assault from any belligerent power. I have little doubt that the purchasers and the owners of the \$500,000,000 worth of bonds recently issued by the allies would rejoice to see the United States underwrite their investment and guarantee the sovereignty and the ultimate success of their debtors. I have no more sympathy with them than I have with the hyphenated American who in the interests of Germany is disloyal to this country, whether it be his native or his adopted land.

Mr. President, whenever the honor, whenever the vital interests of this Republic are involved, whenever the essential rights of an American citizen have been invaded or violated, every American sword will leap from its scabbard. That sacred sentiment should not be trifled with. It should not be made a toy and a plaything in the hands of any madcap American citizen who may be disposed to venture his life upon the armed ship of a belligerent power.

I rather agree with the Senator from Massachusetts and the Senator from Mississippi that in accordance with immemorial international law neutral citizens have a right to travel on armed belligerent ships. I do not now draw into question the technical right, but I do assert that it is a right which is a survival of the age of piracy, and ought to expire with the age that gave it birth.

Mr. President, the right once existed under so-called international law or custom to murder prisoners of war. It was a right universally exercised; but the enlightened conscience of advancing civilization abrogated that brutal, that barbaric right. It was once a legal and a constitutional right in America to own human beings as slaves. The defenders of the system relied upon their sacred right under the Constitution and laws of the Republic. It was such a right until canceled with blood.

Mr. President, the progress of civilization consists largely in the withdrawal or modifica-

tion of individual rights when they become incompatible with the paramount interests of organized society.

Mr. President, I think it true, perhaps, that anyone of the 100,000,000 American citizens has a right to travel on an armed merchant ship. He has a right to run the risk of losing his own life and engulfing this Republic in a sea of carnage and of blood. I think any wayfarer, any madcap American citizen, may boast that as an inalienable, or rather I should say as an ancient right, vouchsafed to him by international law. I believe that the 100,000,000 American citizens have a right to be protected against such recklessness; that they have a right to be protected against the danger, against the possibility of any one of the 100,000,000 citizens exercising the right and the power to plunge this Republic into the European carnival of slaughter. Of course, the right of 100,000,000 to be protected against becoming involved in this butchery is not to be weighed in the balance with the sacred, the inherited right of a single irresponsible adventurer to imperil his own life, to throw away his own life, and to cause the sacrifice of millions of his fellow citizens together with millions of their treasure.

I do not weigh money in the balance with sacred and essential rights. My only contention is that pending this struggle the right should be withdrawn; that we should withdraw this sacred right in the interest of organized society, in the interest of the American people; that we ought to say, as the Senator from Mississippi would probably say to his daughter, "Do not sail on an armed ship." I doubt if the Senator from Massachusetts would consent that a child of his loins should embark upon the armed vessel of a belligerent power. And should not we, as the guardians of this Republic and the guardians of its most sacred interest, say to those Americans who are willing for love of pleasure or profit or adventure to take such a hazard, "Stay off these ships, forbear to exercise a right which may be fraught with such terrific consequences"?

Mr. President, with me it is a fixed conviction that American citizens ought not to travel on these vessels and that they should be warned not to exercise the right. Let me put a case. Suppose that 1,000 American citizens embark upon one of these armed vessels. It is sunk to the bottom of the sea by a German submarine. An investigation shows that it was armed for offensive purposes. Germany had a right to sink the ship at the sacrifice of a thousand American lives. Mr. President, what consolation to the dead or to their families would it be that by chance they had embarked

## WHAT DOES THE RESOLUTION MEAN ?

upon a vessel armed for offensive rather than for defensive purposes? Would it not be infinitely better for them, would it not be infinitely better for their surviving families, to have been warned not to take so desperate a chance?

Mr. CLAPP. Mr. President.

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. GORE. I yield.

Mr. CLAPP. From some statement the Senator has made and telegrams that I have received—more from the telegrams than from the statement just now made, of course—the impression prevails, certainly in some quarters, that this resolution is an attempt to withdraw the right of an American citizen to go on an armed ship. I do not understand that the resolution is an attempt by law to withdraw that right.

Mr. GORE. Not at all.

Mr. CLAPP. But it is the expression of Congress by the resolution that it is the sense of Congress that it is better not to exercise that technical or abstract right.

Mr. GORE. That is the point.

Mr. CLAPP. That is the understanding of the Senator from Oklahoma of the resolution?

Mr. GORE. That is the express term of the resolution.

Mr. LODGE. Mr. President, if the Senator will allow me a moment. I do not think there is any misapprehension about it. The resolution of the Senator from Oklahoma withdraws no right. It only says to Americans if they exercise the right we will withdraw the protection.

Mr. GORE. That is doubtless implied.

Mr. CLAPP. There is such an apprehension, and the interruption has served the purpose of a disclaimer from both sides, because the telegrams that I have received clearly indicate that they believe it is an attempt to withdraw the right. I am very thankful to the Senator from Massachusetts for making it plain from the high standpoint of his authority—I say it in all deference—that the resolution does not seek to withdraw any legal right to go on armed ships if a person wants to do so.

Mr. NORRIS. Mr. President—

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

Mr. GORE. I yield.

Mr. NORRIS. Right in connection with the question asked by the Senator from Minnesota, I should like to inquire of the Senator from Oklahoma why he has introduced a concur-

rent resolution instead of a joint resolution or a bill that would be a law?

Mr. GORE. There are two reasons. I had previously introduced a bill covering these points. The two reasons are the fact that this resolution would not be ipso facto referred to a committee of the Senate.

Mr. NORRIS. Does the Senator believe—

Mr. GORE. Let me state the other reason. The other was that it is a simple expression of the sense of Congress and does not require the presidential signature.

Mr. NORRIS. Of course I understood that perhaps the President would veto a joint resolution or a law on the subject.

Mr. GORE. Undoubtedly he would.

Mr. NORRIS. But the passage of such a measure through the Senate and the House would at least have as much effect in the way of warning as a concurrent resolution that does not go to the President at all.

Mr. GORE. Of course, I may have exercised not the best judgment in deciding upon a concurrent rather than a joint resolution. I was influenced in reaching that decision, however, by the considerations which I have just suggested.

Mr. NORRIS. I would not want the Senator to think that in what I said I was criticizing him. I agree with what the Senator said. It seems to me if we take any action at all it would be the part of wisdom to take, or attempt at least to take, action that would be effective and would make illegal the traveling on such ships from American ports that were thus armed.

Mr. GORE. I think that would be better, and I will state as I proceed an additional reason.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. GORE. I yield.

Mr. BORAH. I should like to submit a question to the Senator from Oklahoma, which I would be glad to have him discuss before he takes his seat. It is this: Suppose we should pass the resolution of the Senator from Oklahoma just as it is drawn, and suppose the other branch of Congress should also express its views in that respect, and that as time proceeded some submarine should have destroyed 100 American lives, would the Senator from Oklahoma or those who take his view be willing to forego the right of the American Government to demand reparation for the loss of those people? Does this resolution in its final results relieve us of the high obligation

## PEACE OR WAR?

which the Government is under to protect the citizen when he is doing no more than availing himself of a right which as a citizen he has? Would the Government wholly abandon the citizen because, forsooth, he should seek to travel on merchant ships?

Mr. GORE. My own judgment is that the adoption of this resolution by Congress would serve as an effectual warning to American citizens not to embark on these armed vessels.

The second clause expresses it as the sense of Congress that passports should not be issued to American citizens designing to travel on armed belligerent ships. I feel confident, since the issuance of passports is discretionary with the Secretary of State, that he would observe such an injunction on the part of Congress. I think, therefore, it would be entirely effective to accomplish the result which I have in view. I shall on the proper occasion make further answer to the suggestion of the Senator touching a declaration of war.

Mr. CLAPP. Mr. President, if the Senator will pardon me there, I would suggest the difficulty of finding a difference in spirit as to the withholding of a passport under the Senator's resolution and the letter of the Department of State of October 4, 1915, in which it is stated:

The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for pleasure, recreation, touring, or sightseeing.

If the right to go upon an armed vessel is a right, as it is, and no resolution here must contemplate the abridgment of that right, it is also the right of an American to go into a belligerent country if he desires. I should like to have some one point out in spirit and principle the difference between the two suggestions.

Mr. GORE. There is absolutely no distinction in principle, so far as I am able to discriminate between the two. The order of the State Department that it will not issue passports to persons contemplating pleasure trips to belligerent countries is no less a sacrifice of a sacred, fundamental, inalienable, and immemorial right of the American citizen than would be a simple warning that in the interest of public peace he should not exercise the right to travel on a belligerent ship. In spirit and in purpose the two are identical. How they can be discriminated in principle other Senators may answer; I am unable to divine.

Mr. CLAPP. Will the Senator pardon another inquiry?

Mr. GORE. I will.

Mr. CLAPP. Is there any more reason for characterizing the Senator's resolution as siding with one side or the other in the European

war in warning citizens to keep off armed vessels than there is in the attitude of the Department of State in saying that it will withhold passports from those seeking to visit belligerent countries for pleasure, recreation, touring, or sightseeing?

Mr. GORE. Mr. President, if there be such a distinction, it is past my power of analysis to detect it. I have no doubt—

Mr. OLIVER. Mr. President.

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. GORE. Yes; but let me finish this sentence. I have no doubt the senior Senator from Mississippi, with his incomparable power of analysis, and the Senator from Massachusetts, with equal power, will be able to find a substantial reason why passports should not be issued to American citizens to travel in belligerent countries where they could do so without peril to themselves or to their country which would not equally justify the withholding of passports from reckless adventurers who might involve our Nation in war. I yield to the Senator from Pennsylvania.

Mr. OLIVER. If the Senator will yield, is there not this marked difference between the two cases? In the one case the order to which the Senator from Minnesota referred is the act of the Department of State acting within its right and within the limits of its duty as imposed upon it by the Constitution. The other is a proposed act or resolution of the Congress of the United States going outside of its purview and giving directions to the administrative department as to what it shall do in the exercise of its duty.

Mr. GORE. Why, Mr. President, if the Secretary of State has been invested with the discretion to deny a sacred and fundamental right to an American citizen, he has been given an authority that no single official should be permitted to exercise.

In the second place, if it is any usurpation of power on the part of Congress, the war-making power of this Republic, out of its solicitude for peace and for an honorable peace, to seek to avoid needless war, then this resolution is subject to the Senator's criticism.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER.\* Mr. President, can the Senator from Oklahoma find any reason why

\*Mr. Gallinger is Republican leader on the Senate floor. Mr. Gallinger was born a British subject.

## A SENATOR'S SERIOUS DECLARATION

the State Department can suspend this sacred and time-honored principle of international law any more than Congress can express an opinion that our citizens ought to be warned against going on belligerent vessels? Where does the Secretary of State find the authority to suspend international law?

Mr. GORE. And what is his motive? I can not answer the Senator's question. I must refer that question—

Mr. JAMES. Mr. President, I should like to ask the Senator from Oklahoma if he can see any difference between a citizen who goes gallivanting around Europe sight-seeing and a citizen of the United States who has pressing business that calls him to that continent, which, if he were not able to go, might mean a sacrifice of all his holdings? Certainly the Senator from Oklahoma will not say to the Senate and to the country that he is unable to make a distinction between business and pleasure. In this case I can see that it makes a very wide and vital distinction.

Mr. GORE. Mr. President, there is no distinction in right. The State Department has no right to inquire, if this be a sacred and inalienable right, what the motive—what the object of the journey—may be. That, sir, would be a power fit only for despotism. Russia exercises the power to issue passports or not from one village to another. Shall the Secretary of State of this great democracy undertake to analyze the hearts of men, and, if they go for pleasure, deny them an immemorial right, and if, they go for business, accord to them that inviolable right?

But, Mr. President, what certificate can the Senator from Kentucky furnish the Senate that all those who journey upon these armed ships are bound upon imperious business that will not wait, rather than gallivanting to Europe as sight-seers? Are there no neutral ships that ply the sea? Are there no American vessels which are immune from attack? I say, let them wait for an American—for a neutral—ship.

But suppose the Senator's argument be true; suppose they are bound on the most imperious business, and that they embark, in the exercise of their sacred right, upon an armed ship and come to their death and the Republic to war, does the Senator think that the right ought to be denied to them or that it would have been an extreme act of tyranny to have denied them such a passport?

Mr. JAMES. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. GORE. I yield.

Mr. JAMES. In answer to the question of the Senator, I will say that if the President of the United States had been permitted to handle this question—a right that has always existed since the foundation of the Government in the President of the United States in regard to diplomatic questions—without interference from Congress, without a back-fire having been built here and without the impression and belief having been created in Germany that he was not in fact speaking for the American people, he might have been able to have gotten Germany to have agreed that the lives of all neutrals—men, women, and children, not only those of America, but the neutrals of the world—might have been saved from death by the attacks of submarines.

Mr. GORE. I appreciate the availability of that subterfuge and I appreciate the implication which it carries. Mr. President, the worst of all cowards is the one who lacks the courage to do right. I shall discuss the point raised by the Senator from Kentucky in a moment.

My recollection is that the order of January 12, 1915, was an Executive order, the one to which the Senator from Minnesota (Mr. CLAPP) has referred. As I recall, in our note to Germany concerning the *Lusitania*, our protest was founded upon the fact that it was an unarmed merchant ship. I have conceded to the Senator from Massachusetts (Mr. LODGE) the proposition that possibly an American citizen in such a case is exercising an international right, notwithstanding the fact that the Secretary of State in his note to the powers on January 18 closed with this significant language:

My Government is impressed with the reasonableness of <sup>the argu-</sup>ment of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea <sup>the argu-</sup>vessel <sup>the argu-</sup>craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

The Secretary of State admits that this sacred and immemorial right is a doubtful right. Sweden now warns her nationals not to embark upon these belligerent armed ships without any compromise of her dignity and with every prospect of continued independence and sovereignty.

MR. PRESIDENT, I INTRODUCED THIS RESOLUTION BECAUSE I WAS APPREHENSIVE THAT WE WERE SPEEDING HEADLONG UPON WAR. PERHAPS I OUGHT TO GO FURTHER AND SAY WHAT I HAVE HITHERTO AVOIDED SAYING, THAT MY ACTION WAS BASED ON A REPORT, WHICH

## PEACE OR WAR?

SEEMED TO COME FROM THE HIGHEST AND MOST RESPONSIBLE AUTHORITY, THAT CERTAIN SENATORS AND CERTAIN MEMBERS OF THE HOUSE IN A CONFERENCE WITH THE PRESIDENT OF THE UNITED STATES RECEIVED FROM THE PRESIDENT THE INTIMATION, IF NOT THE DECLARATION, THAT IF GERMANY INSISTED UPON HER POSITION THE UNITED STATES WOULD INSIST UPON HER POSITION; THAT IT WOULD RESULT PROBABLY IN A BREACH OF DIPLOMATIC RELATIONS; THAT A BREACH OF DIPLOMATIC RELATIONS WOULD PROBABLY BE FOLLOWED BY A STATE OF WAR; AND THAT A STATE OF WAR MIGHT NOT BE OF ITSELF AND OF NECESSITY AN EVIL, BUT THAT THE UNITED STATES BY ENTERING THE WAR NOW MIGHT BE ABLE TO BRING IT TO A CONCLUSION BY MIDSUMMER AND THUS RENDER A GREAT SERVICE TO CIVILIZATION.

Mr. President—

I can not tell how the truth may be;  
I say the tale as 'twas said to me.

This came to my ears in such a way, with such a concurrence of testimony, with such internal and external marks of truth, that I feared it might possibly be the truth; and if such a thing be even conceivable, I did not feel that, discharging my duty as a Senator, I could withhold whatever feeble service I might render to avert the catastrophe of war. Now, I do not know that this report is the truth. I simply suggest it as explaining my own conduct.

I think the Senator from Massachusetts and the Senator from Mississippi are right in saying that the President has a right to know whether Congress will back him in the opinion, if he has such an opinion, that the sinking of an armed belligerent ship will be a sufficient cause for war; and I think, too, Mr. President, that Members of the Senate and that Members of the other House have a right to know whether the opinions and sentiments ascribed to the President were given in their interview with him.

Mr. President, of course, if the Senator from Missouri (Mr. STONE) will deny that suggestions of that sort, in substance, were made, his denial would be convincing upon that point.

Mr. STONE. Mr. President, I do not know why the Senator from Oklahoma quotes me as saying—

Mr. GORE. Mr. President, I did not quote the Senator as saying it; not at all.

Mr. STONE. Then I say, in all fairness to the President and to the facts of the case, so far as they are within my knowledge, that the President never stated to me or in my hearing that he believed in any way, or in any way entertained the thought, that war between the United States and the central powers would be desirable or would result in good to the United States.

Mr. GORE. Mr. President, I will accept the *sub rosa* remark of the Senator from Indiana (Mr. KERN) that he has a passion for peace. We all have a passion for peace. Yet I want to say in this place that I am not for peace at any price. I do not believe that all peace is honorable, nor do I believe that all war is dishonorable. Our Revolution was surcharged with glory.

Mr. President, I heard in such a way, analyzing the evidence, that I apprehended there was foundation in fact that the President suggested to the Senator that the United States might bring the war to a close by the middle of the summer. Am I right in that, may I ask the Senator from Missouri?

Mr. STONE. The President of the United States made no such statement to me as quoted by the Senator from Oklahoma. **WHATEVER THE PRESIDENT SAID TO ME, MR. PRESIDENT, IS SOMETHING THAT I DO NOT CARE TO REPEAT.** When I go to the White House to hold a conversation with the President, or when I go anywhere to hold a conversation with a Senator or any other official, what he says to me is sacred. I have not repeated conversations I have had with the President. I have stated impressions that the conversations I had with him made upon my mind, and I stated them, in substance, in a letter I wrote to the President, which was given to the public, but I have not repeated the conversations themselves.

Mr. GORE. Mr. President, I made no intimation that the Senator had repeated the President's conversation with him.

Mr. JAMES. Mr. President, if the Senator from Oklahoma will yield—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. GORE. Yes.

Mr. JAMES. The Senator tells us that the fear created by this rumor which came to his ears of probable war caused him to introduce this resolution. The Senator is on perfectly good terms with the President, is he not?

Mr. GORE. Oh, certainly.

## MR. GORE CONCLUDES

Mr. JAMES. Why, then, did not the Senator go to the President himself and ascertain at first hand the facts?

Mr. GORE. Mr. President, if I received an invitation to accompany the Senator from Indiana and others, it was overlooked.

Mr. JAMES. But, Mr. President, this matter was of such pressing importance and so vital to the Senator's country—the present Chief Executive is the head of his own party and the Senator is one of the President's closest friends. The question I ask the Senator is why he himself did not go—the President would have been very glad to have seen him—and he could have ascertained from the President himself just what he said and just what he thought?

Mr. GORE. Mr. President, I profess to enjoy no such confidential relationship that might lead me to expect to be apprised of his views if they were of that description. No one could wish to become the custodian of such a secret, if true. I acted, as I say, upon what seemed to be a reliable report, and which I did not feel at liberty to disregard. Of course, I may have been in error about it. Mr. President, I acted in the lurid light of those impressions. Certainly I did not undertake to quote what the President said to Senators, nor did I intimate that the Senator had reported to me or repeated to me his conversation with the President, and I assume that other Senators received the same report. If it be untrue, of course everybody must be gratified.

Mr. President, with these observations, merely suggesting that when the time comes I will make an effort to present the real issue to the Senate, I may say that I have nothing further to offer at this time except that I possess only finite wisdom, and I was doing my duty as I saw it under the circumstances and under the lights available.

Let me say further, in conclusion, that I have no disposition to interfere with diplomatic relations or negotiations so long as they do not impinge upon the constitutional power of Congress to declare war—**TO CONTROL THE ISSUE OF PEACE AND WAR**—but I am not willing to be involved in war with Germany or any other power on account of the particular question here involved. Whenever the honor, whenever the vital interests, of the United States, whenever the essential rights of any American citizen are violated or outraged, I shall go as far as who goes farthest to place at the disposal of the Commander in Chief of the Army and the Navy every available man and every available dollar, whether that power be Ger-

many or any other nation under the sun. As an American standing for Americans only I have no choice of enemies.\*

[Mr. Gore appended to his remarks the following:]

### NOTICE TO AMERICAN CITIZENS WHO CONTEMPLATE VISITING BELLIGERENT COUNTRIES.

All American citizens who go abroad should carry American passports, and should inquire of diplomatic or consular officers of the countries which they expect to visit concerning the necessity of having the passports viséd therefor.

American citizens are advised to avoid visiting unnecessarily countries which are at war, and particularly to avoid, if possible, passing through or from a belligerent country to a country which is at war therewith.

It is especially important that naturalized American citizens refrain from visiting their countries of origin and countries which are at war therewith.

It is believed that Governments of countries which are in a state of war do not welcome aliens who are traveling merely for curiosity or pleasure. Under the passport regulations prescribed by the President January 12, 1915, passports issued by this Government contain statements of the names of countries which the holders expect to visit and the objects of their visits thereto. The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for "pleasure," "recreation," "touring," "sight-seeing," etc.

As belligerent countries are accustomed, for self-protection, to scrutinize carefully aliens who enter their territories, American citizens who find it necessary to visit such countries should, as a matter of precaution and in order to avoid detention, provide themselves with letters or other documents, in addition to their passports, showing definitely the objects of their visits. In particular it is advisable for persons who go to belligerent countries as representatives of commercial concerns to carry letters of identification or introduction from such concerns.

Naturalized American citizens who receive American passports are advised to carry their certificates of naturalization with them, as well as their passports.

American citizens sojourning in countries which are at war are warned to refrain from any conduct or utterances which might be considered offensive or contrary to the principles of strict neutrality.

ROBERT LANSING.

DEPARTMENT OF STATE,

Washington, October 4, 1915.

NOTE.—An application for a passport must be accompanied by duplicate unmounted photographs of the applicant, not larger than 3 by 3 inches in size, one affixed to the back of the application by the clerk of court before whom it is executed, with an impression of the seal of the court; the other to be affixed to the passport by the department.

\*At the close of Senator Gore's remarks, the Senate remained for some moments in absolute silence. The regular order of the day was then taken up.

## PEACE OR WAR?

*In the Senate, Friday, March 3, 1916*

The Secretary read the amendment proposed by Mr. McCUMBER, as follows:

As a substitute for said Senate concurrent resolution\* insert the following:

"Whereas the President of the United States, acting in his diplomatic capacity, has so far been unable to secure an understanding with the central belligerent powers of Europe with reference to the attack by submarines, without notice, on merchant ships of a belligerent nation armed for defense only; and

"Whereas the President has maintained through all the negotiations that under the rules of international law heretofore obtaining the firing upon such merchant vessel by any warship without previous notice is illegal, and has notified the said central powers that American citizens have a clear right, under international law, to travel on such merchant vessels, and has further notified said central Governments that should the lives of American citizens be lost through such illegal acts the said powers would be held to strict accountability; and

"Whereas the said central powers have declared that such armed merchant vessels would be considered and treated as ships of war and subject to attack as such, without notice, and have further declared their purpose to so attack such merchant ships; and

"Whereas it is conceded that the submarine, as an instrument of warfare, was unknown when such international rule was established; and

"Whereas it is well known that such submarine, by giving notice to an armed ship, might endanger its own existence; and

"Whereas in one instance at least during the present war in Europe a submarine has been sunk and its crew destroyed by such armed merchant ship; and

"Whereas many new and novel means of warfare have been employed by all of the nations engaged in that struggle, raising new questions of rights and responsibilities, both as to neutrals and belligerents, upon which opinions and views may justly differ; and

"Whereas the President has requested that each branch of Congress shall express its conviction as to the propriety of warning the citizens of the United States to refrain from travel on such armed ships: Now, therefore, be it

*"Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States, that under the rules of international law heretofore obtaining, merchant vessels, though armed with a stern gun of comparatively small caliber and for defense only, has the status and rights in war of an unarmed merchant ship, but that the science of war has developed with such extraordinary rapidity during the present conflict and new weapons of warfare, including the submarine and aero fighting craft, have been employed with such far-reaching consequences and which may threaten the very life of any one of the nations involved and which may necessitate a revision of the codes of international law pertaining to the rights and duties of neutrals and belligerents in the light of such new instrumentalities; that while the strict legal right of an American citizen, under*

international law, to travel and ship his goods on an armed merchant vessel may be an established right it is none the less the moral and patriotic duty of every American citizen, in view of the desperate character of the warfare now raging in Europe and the desperate situation of each and all of the warring powers, to refrain from needlessly exposing himself to danger, and, by his recklessness or audacity involving his country, or threatening to involve it, in a conflict that may seriously affect the welfare of a hundred million of his fellow citizens, and that therefore the citizens of the United States should, and they are hereby requested, to refrain from travel on such armed merchant ships until an agreement has been reached between this country and the warring nations, to the end that the endeavors of the President may not be jeopardized or halted or this Government forced into hostility with another country because of the unnecessary or reckless attitude of any citizen of the United States."

Mr. STONE. Mr. President, I now ask that concurrent resolution No. 14 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate concurrent resolution No. 14.

The SECRETARY. Senate concurrent resolution No. 14, by Mr. GORE—

Mr. JAMES. Mr. President—

The VICE PRESIDENT. The Senator from Kentucky.

Mr. GORE. Mr. President—

Mr. JAMES. I rise for the purpose of asking the Senator from Missouri if he will yield to me for the purpose of making a motion to lay that resolution and all substitutes for and amendments to it on the table?

Mr. GORE. Mr. President—

Mr. STONE. I yield to the Senator.

Mr. JAMES. Now, Mr. President—

Mr. GORE. I rise to a question of personal privilege.

Mr. JAMES. I move that the resolution and all substitutes for it and amendments to it be laid upon the table, and upon that motion I demand the yeas and nays.

Mr. GORE. I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. GORE. Mr. President, under Rule XXI of the Senate I have a right to modify the pending resolution before any action is taken upon the resolution. I desire now to exercise that sacred and immemorial right.

Mr. JAMES. I rise to a point of order. I make the point of order that the motion to lay upon the table is not debatable.

The VICE PRESIDENT. The point of order is well taken—

Mr. GORE. Mr. President—

The VICE PRESIDENT. The Chair will

\*The Gore resolution.



request Senators to listen a moment. The Chair has some rights. The point of order is well taken that the motion to lay upon the table is not debatable. The Chair also rules that the Senator from Oklahoma has a right to amend his resolution, but not to discuss it.

Mr. GORE. Mr. President, I appreciate that the ruling of the Chair is correct, but permit me just one sentence. I desire to explain the purpose of the change.

Mr. JAMES. I make the point of order that debate is not in order.

Mr. GORE. Very well, I shall not do so.

The VICE PRESIDENT. The Chair has ruled fairly under the rules.

Mr. GORE. I send to the desk the modification which I make in the pending resolution, according to the ruling of the Chair.

The VICE PRESIDENT. The Secretary will state the resolution as amended.

The SECRETARY. It is proposed to strike out all that follows the word "that," on page 2, line 2, and to insert the following:

The sinking by a German submarine, without notice or warning, of an armed merchant vessel of her public enemy, resulting in the death of a citizen of the United States, would constitute a just and sufficient cause of war between the United States and the German Empire.\*

\*It will be noticed that Senator Gore completely transformed the purport of his resolution. Originally it had declared that it was the sense of Congress that Americans should stay off of armed vessels of belligerent Powers: this declaration was now expunged, and the resolution now declared that the sinking of an armed merchantman by a German submarine WOULD constitute sufficient cause of war between the United States and the German Empire. Mr. Gore had conceived, and (as it turned out) he successfully accomplished, one of the most extraordinary feats in the parliamentary history of Congress. A demand had gone out from the White House that the Gore resolution be laid upon the table. The sentiment of the Senate was overwhelmingly in favor of the Gore resolution—as perusal of the present volume will abundantly demonstrate. However, Senators were reluctant to place themselves in a position of antagonism to the President, while the latter was pleading for a "free hand" in diplomatic negotiations with the German Government. It was apparent, when Mr. Gore's resolution came up, that a vote could not be had upon the merits of the question; pressure from the White House would without doubt compel the "tabling"—that is to say, the postponement of any vote upon—any resolution. Mr. Gore therefore adroitly substituted for his original resolution a resolution of precisely opposite character. If the Senate must "table" anything, it should "table"—and the result was that it did actually table—not a resolution warning Americans off of armed ships, but a resolution declaring that the sinking of an armed ship by the German submarines would be a sufficient *casus belli*. What the Senate did actually lay on the table was the latter resolution.

Mr. JAMES. Mr. President, I move to lay the resolution and all substitutes and amendments to it on the table, and upon that I demand the yeas and nays.

The VICE PRESIDENT. The motion is to lay the resolution and all substitutes for it on the table. The yeas and nays have been demanded. Is the request seconded?

The yeas and nays were ordered.

Mr. GALLINGER. Mr. President—

Mr. GORE. Mr. President, I am heartily in favor of the motion.

Mr. GALLINGER. Mr. President, I think we have a right to have the resolution read as it is proposed to be amended.

The VICE PRESIDENT. There is no doubt about that.

Mr. GALLINGER. I ask that that be done.

The VICE PRESIDENT. The Secretary will read the resolution as amended.

Mr. GALLINGER. And, Mr. President, I trust there will be order.

The VICE PRESIDENT. The Chair relies upon Members of the Senate to be in order.

Mr. GALLINGER. And others.

The VICE PRESIDENT. And the Chair instructs the Sergeant at Arms to keep the guests of the Senate in order.

The Secretary read the resolution of Mr. GORE, as modified, as follows:

Whereas a number of leading powers of the world are now engaged in a war of unexampled proportions; and

Whereas the United States is happily at peace with all of the belligerent nations; and

Whereas it is equally the desire and the interest of the American people to remain at peace with all nations; and

Whereas the President has recently afforded fresh and signal proofs of the superiority of diplomacy to butchery as a method of settling international disputes; and

Whereas the right of American citizens to travel on unarmed belligerent vessels has recently received renewed guaranties of respect and inviolability; and

Whereas the right of American citizens to travel on armed belligerent vessels rather than upon unarmed vessels is essential neither to their life, liberty, or safety, nor to the independence, dignity, or security of the United States; and

Whereas Congress alone has been vested with the power to declare war, which involves the obligations to prevent war by all proper means consistent with the honor and vital interest of the Nation: Therefore be it

Resolved by the Senate (the House of Representatives concurring). That the sinking by a German submarine without notice or warning of an armed merchant vessel of her public enemy, resulting in the death of a citizen of the United States, would constitute a just and sufficient cause of war between the United States and the German Empire.

Mr. STONE. A parliamentary inquiry, Mr. President.

## PEACE OR WAR?

Mr. JONES. A parliamentary inquiry.

Mr. STONE. I desire to understand—and I think the Senate should understand—whether the resolution has been so amended as just read, and if that is the question now before the Senate?

The VICE PRESIDENT. That is the question to which the motion to lay on the table goes, and the yeas and nays have been requested and seconded.

Mr. JONES. A parliamentary inquiry, Mr. President. Is it too late to offer an amendment to the resolution?

The VICE PRESIDENT. It is too late to offer anything.

Mr. GORE. I call for the regular order.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll as Mr. LA FOLLETTE and Mr. BORAH addressed the Chair, and Mr. ASHURST responded in the affirmative.

Mr. CLARKE of Arkansas. Mr. President, I rise to a point of order. I make the point of order that the resolution now pending is an entirely new proposition.

Mr. ASHURST. I made a response. I object to any debate. My name was called and I made a response.

Mr. CLARKE of Arkansas. I do not care what response the Senator made; I am not asking his consent. Mr. President, I make the point of order that that resolution can not be considered in its present form, for it is an entirely new resolution and it is not an amendment to anything. It is certainly not the original resolution which has been offered, and can not be considered until to-morrow, unless by unanimous consent.

The VICE PRESIDENT. The Chair does not sustain the point of order.

Mr. BORAH. Mr. President, a parliamentary inquiry. As I understand, the—

Mr. ASHURST. Mr. President, my name has been called and I responded. I ask that the roll call may proceed.

The VICE PRESIDENT. The Chair thinks the roll call ought to proceed.

Mr. BORAH. Mr. President, I addressed the Chair before the agile gentleman from Arizona got in.

Mr. GORE. I call for the regular order.

The VICE PRESIDENT. The Chair thinks the roll call should proceed. The Chair did not know that the Senator from Idaho had addressed the Chair. Let the roll call proceed.

Mr. BURLEIGH (when his name was called). I have a general pair with the senior

Senator from Indiana [Mr. SHIVELY], but on this matter I am at liberty to vote. I vote "yea."

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND], who is not present. If he were present I should not vote for this particular amendment. I should have voted against tabling the original resolution, but I should vote "yea" to table this particular resolution.

Mr. COLT (when his name was called). I have a pair with the junior Senator from Delaware [Mr. SAULSBURY]. I am informed that that Senator if present would vote the same way that I would vote. I therefore vote "yea."

Mr. CHILTON (when Mr. GOFF's name was called). My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

Mr. BRANDEGEE (when Mr. LIPPITT's name was called). I am authorized by the senior Senator from Rhode Island [Mr. LIPPITT] to state that he is unable to be on the floor to-day, that he is paired with the junior Senator from Montana [Mr. WALSH], and that if he were here he would vote "yea" on this question.

Mr. OWEN (when his name was called). I transfer my pair with the junior Senator from New Mexico [Mr. CATRON] to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "yea."

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. If he were present, he would vote "yea."

Mr. SMOOT (when his name was called). Mr. President, not being able to vote on the question directly and being prevented from giving my reasons for my vote, I ask the Senate to excuse me from voting upon the motion.

The VICE PRESIDENT. Will the Senate excuse the Senator from Utah from voting? The Chair hears no objection.

Mr. BORAH. Mr. President, I object.

Mr. CHILTON. This is not the time to take it up.

Mr. BORAH. I was in the same situation myself.

The VICE PRESIDENT. The question will be put at the conclusion of the roll call.

Mr. STONE (when his name was called). If I may be permitted to do so, I am requested to announce the unavoidable absence of the junior Senator from Delaware [Mr. SAULSBURY] because of sickness. If the original resolution—

## TAKING A VOTE

Mr. GALLINGER. I object, Mr. President, to any statement.

Mr. STONE. I am explaining my vote.

Mr. GALLINGER. The Senator has no right to do it.

Mr. BORAH. Mr. President, I object.

Mr. STONE. Very well. On this resolution, I—

Mr. BORAH. I ask that the Senator announce his vote.

Mr. STONE. Well, I am not going—

Mr. BORAH. That is all the Senator will do.

Mr. STONE. The Senator from Idaho is not authorized to say what I will or will not do.

Mr. BORAH. If the Senator from Idaho is going to be gagged, the entire Senate will be gagged. If we are to be intellectual slaves singly, we will be intellectual slaves in a body.

Mr. BRANDEGEE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Connecticut will state the point of order.

Mr. BRANDEGEE. I demand the regular order, which is the roll call.

Mr. STONE. Mr. President—

Mr. BORAH. That is all right. I will take part in this debate just as long as the Senator from Missouri does.

The VICE PRESIDENT. The Senator from Missouri and the Senator from Idaho will be seated.

Mr. GALLINGER. I object to the Senator from Missouri making any observations, and I think the ruling—

Mr. STONE. I am not going to make any observations.

Mr. GALLINGER. That is right.

Mr. STONE. On this motion I vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present, he would vote "yea" upon this motion.

Mr. TILLMAN (when his name was called). I am informed that if my pair, the junior Senator from West Virginia [Mr. GOFF], were he here he would vote the same way that I shall vote. I therefore vote "yea."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague [Mr. TOWNSEND] is unavoidably detained from the Senate because of serious illness in his family. He is paired with the junior Senator from Florida [Mr. BRYAN].

Mr. VARDAMAN (when his name was

called). As the resolution now stands, I regretfully vote "yea."

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I am advised as to how he would vote if he were present. I vote "yea" in the form the resolution has taken.

Mr. WILLIAMS (when his name was called). Notwithstanding my pair, I feel at liberty to vote upon this proposition. I vote "yea."

The roll call was concluded.

Mr. LANE. Under this form of the resolution, I vote "yea."

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Delaware [Mr. SAULSBURY]. I am authorized to state that if he were present he would vote "yea."

Mr. CLARKE of Arkansas. Mr. President, the announcement has been made by the senior Senator from Utah [Mr. SMOOT] that his colleague, the junior Senator from Utah [Mr. SUTHERLAND], with whom I have a regular pair, would vote "yea" on this matter, and I desire to have my vote recorded as "yea." I do not think the declaration of that resolution is sound.

Mr. OLIVER. Mr. President, a parliamentary inquiry. Before the result is announced, is it not in order for the Senate to vote upon the request of the Senator from Utah [Mr. SMOOT]?

The VICE PRESIDENT. The Chair was approaching that question. The rule provides that—

When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" Which shall be decided without debate; and these proceedings shall be had after the roll call and before result is announced.

The Senator from Utah will assign his reasons for his refusal to vote.

Mr. SMOOT. Mr. President, I can state them in no more succinct way than I have already done. Not being able to vote on the question directly and being prevented from giving my reasons for my vote, I ask the Senate to excuse me from voting upon the motion of the Senator from Kentucky [Mr. JAMES].

The VICE PRESIDENT. The question is, Shall the Senator from Utah, for the reasons assigned by him, be excused from voting? [Putting the question.] The "ayes" have it, and the Senator from Utah is excused from voting on the question.

## PEACE OR WAR?

The roll call resulted—yeas 68, nays 14, as follows:

### YEAS—68.

Ashurst	Johnson, Me.	Shafroth
Bankhead	Johnson, S. Dak.	Sheppard
Beckham	Kern	Shields
Brandegee	Lane	Simmons
Broussard	Lee, Md.	Smith, Ariz.
Burleigh	Lewis	Smith, Ga.
Chilton	Lodge	Smith, Md.
Clark, Wyo.	McLean	Smith, Mich.
Clarke, Ark.	Martin, Va.	Smith, S. C.
Colt	Martine, N. J.	Sterling
Culberson	Myers	Stone
Curtis	Nelson	Swanson
Dillingham	Newlands	Thomas
du Pont	Oliver	Thompson
Fletcher	Overman	Tillman
Gore	Owen	Underwood
Harding	Page	Vardaman
Hardwick	Phelan	Wadsworth
Hitchcock	Pittman	Walsh
Hollis	Poindexter	Warren
Hughes	Pomerene	Weeks
Husting	Ransdell	Williams
James	Reed	

### NAYS—14.

Borah	Gallinger	Norris
Chamberlain	Gronna	O'Gorman
Clapp	Jones	Sherman
Cummins	La Follette	Works
Fall	McCumber	

### NOT VOTING—14.

Brady	Lea, Tenn.	Shively
Bryan	Lippitt	Smoot
Catron	Penrose	Sutherland
Goff	Robinson	Townsend
Kenyon	Saulsbury	

The VICE PRESIDENT. On the motion to lay the resolution and all amendments there-to upon the table, the yeas are 68 and the nays are 14. So the resolution and all amendments thereto are laid upon the table.

Mr. REED\*. Mr. President, a parliamentary inquiry. I had risen and addressed the Chair, morning business having been closed, and the Senator from New Hampshire asked to introduce a resolution. I did not object to that, but I think I am entitled to the floor at this time. I will say to the Senator that I shall occupy the floor for not to exceed five minutes.

Mr. GALLINGER. As there is so much confusion in the Chamber and the galleries, and as I desire to occupy two or three minutes on a matter connected with the resolution, I will withdraw the resolution for the present and submit it at some other time.

The VICE PRESIDENT. The reason why

\*Although the Gore resolution had now been laid upon the table, the Senate continued to debate it not only during the remainder of the day's session but during many hours of following days.

the Chair announced that the morning business was closed was upon the assumption of the Chair that no further resolutions were to be introduced; but there being a resolution to be introduced, the Chair had to withdraw that ruling.

Mr. REED. Mr. President, I intended to vote against the original resolution offered by the Senator from Oklahoma [Mr. GORE], and did vote against it in its modified form. The remarks that I want to make now have particular reference to the resolution as originally introduced, and I desire to put them in the RECORD at this time.

I voted against the resolution, first and chiefly, because we are informed that the pendency of the resolution has created an impression in foreign countries, and especially at the court of Germany, that there is a division in our councils, and that the State Department does not have back of its demands the support of the Government and the people, and that therefore the State Department finds itself embarrassed and weakened in the negotiations now pending. I think it highly important that this false impression should be immediately removed. There inevitably always will be differences of opinion as to the wisest way in which to meet and solve any great and difficult question. These differences of opinion exist among us, but they are differences relating only to the best policy to be pursued for the welfare of America. They are not differences of opinion growing out of a desire to serve the interests of any foreign power. Such opposing opinions as we may entertain will be solved by ourselves solely in the interests of the United States of America and without regard to the interests of other nations, and when and however solved the American people will stand as a unit. Let all the world understand the fact.

Second. I voted against the resolution because I believe this not to be the opportune time to pass such a resolution.

Third, I voted against the resolution because I am not in favor of either expressly or by implication yielding the rights of American citizens upon the high seas.

Fourth. We have reasonable grounds to believe that important information may reach us within the next few days which may show that such orders have been issued as will in fact make certain vessels heretofore regarded as peaceful merchant ships auxiliary cruisers, in which event this Government may see fit to take the position that such vessels shall no longer be regarded or treated as merchantmen.

Mr. JONES. Mr. President, the resolution

## ONE-MAN RULE CONDEMNED

submitted by me having accomplished its purpose, I withdrew it when the Senator from Missouri [Mr. STONE] rose to move to lay it on the table. It is in the following words:

Whereas this is a Government of the people, by the people, for the people, and not of any individual, by any individual, or for any individual; and

Whereas it is contrary to the fundamental principles of our Government that the people should be involved in war through the decision or by the act of any one man; and

Whereas the Constitution of the United States of America expressly provides that "the Congress shall have power to declare war, to raise and support armies, and to provide and maintain a navy"; and

Whereas the act of declaring war should not be merely the ratification and confirmation by Congress of the judgment and decision of a single man, but should be the sober judgment and mature decision of the people through their representatives in Congress upon the causes and justification for such declaration; and

Whereas an assault upon the national honor would be a justification for a declaration of war; and

Whereas no one man is the sole custodian of the Nation's honor; and

Whereas the issue of war is too momentous and fraught with too grave consequences to the people to be decided by any one man; and

Whereas the people of this country are not seeking war and do not desire to be led into it, but, if involved, would be united as one man in support of the Government; and

Whereas by the arbitrary act or demand of its Chief Executive the people may be placed in a situation from which they can not withdraw without humiliation and be involved in war for causes the justice of which they have not been permitted to pass upon: Therefore be it

Resolved, That it is the sense of the Senate of the United States of America, that any issue claimed to affect the national honor should be referred for its decision to the Congress of the United States, and **NO ULTIMATUM SHOULD BE SENT TO ANY BELLIGERENT POWER AND NO SEVERANCE OF DIPLOMATIC RELATIONS BE BROUGHT ABOUT BY EXECUTIVE ACTION UNTIL AFTER THE ADVICE AND CONSENT OF CONGRESS.**

Mr. President, we have decided nothing today except that the Senate can be gagged absolutely. We have not passed upon the issue presented in any way. We have like ostriches stuck our heads in the sand and we think that no one sees us. If the note means anything, it actually ties the hands of the President, and will bear no other construction.

I voted against tabling the Gore resolution because on general principles I am against tabling resolutions, for the motion is always made for the purpose of either cutting off debate or evading the issue. I am in favor of passing upon this question squarely. That is what we should have done to reflect honor upon the great body we are supposed to be and ought to be.

Have we complied with the request of the President of the United States? I suppose that what we have done was intended to be a compliance with his request. What did he say in his letter to Mr. Pou that he wanted? This is what he said:

I therefore feel justified in asking that your committee will permit me to urge an early vote upon the resolutions with regard to travel on armed merchantmen which have recently been so much talked about—

Why?

in order that there may be afforded an immediate opportunity for full public discussion and action upon them.

This is the full public discussion that we have had, motions to lay upon the table, under which no man can speak until after the motion is passed upon.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I do.

Mr. BORAH. The Senator is not in touch with the subterranean passage?

Mr. JONES. I think I know about it and the character of it, but I did not see fit to suggest it.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Yes.

Mr. THOMAS. May I inquire of the Senator from Washington if what he calls full discussion on this subject in the Senate had been had when we would have reached a vote upon it?

Mr. JONES. Well, Mr. President, a question that may involve war for this country is a question that ought to be discussed until everybody has reached a clear decision and until the people know thoroughly why we take whatever action we may take.

Mr. THOMAS. Mr. President—

Mr. JONES. I do not know when it would have been decided, but it would have been decided in accordance with the honest judgment of the Senate and in accordance with its standing and dignity as a part of the war-declaring body.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Yes.

Mr. THOMAS. It is quite evident that notwithstanding the vote we are going to have a discussion.

Mr. JONES. I want to say to the Senate

## PEACE OR WAR?

that I shall not take over three or four minutes; that is all.

Mr. THOMAS. I was merely going to ask the question whether your discussion, if you desire to have one and get it before the country, can not be made just as well in the way this body is in the habit of doing, and that is by holding a post-mortem inquiry after disposing of the resolution?

Mr. JONES. I am not going to engage in any post-mortem discussion. It is very easy to introduce another resolution like this tomorrow. The Senate has not passed upon the resolution yet, and everybody knows that—

Mr. THOMAS. I am very glad —

Mr. JONES. Everybody knows that we have not settled the proposition. We have not reached a decision upon it. We have evaded it. We have voted blindly, and instead of assisting the President we have, in fact, embarrassed him. When Senators really see what they have done they will certainly regret their hasty action. The President is not advised as to the sentiment of the Senate on this proposition, and the people abroad know that we have not passed upon it. If the President, the House, and the Senate desire that something shall be done that will speak to the countries abroad, we ought to have voted squarely on the proposition. It should have been amended and put into shape expressing the mature and patriotic judgment of the great American people.

I do hope, Mr. President, that this agitation and what has been done will serve the purpose of inducing American citizens to refrain from putting themselves on these armed belligerent ships. In the interest of the United States and in the interest of their country, I hope that no one hereafter, until this terrific contest is closed, will place himself in a position where he may not only lose his own life but bring our country into war and into trouble.

He may have the technical right to travel on these ships, although I doubt it. But, Mr. President, a man may be so reckless, in my judgment, of the rights of others as to forfeit rights which he may have. The peace of a nation should not abide upon the result of any individual's recklessness.

The Nation's honor should hang on no man's foolhardiness. Homes should not be made desolate and hearts should not be broken and the land should not be bathed in blood in behalf of any man's cupidity or pleasure. Uphold the Nation's honor—yes, with every drop of American blood, if need be; but American blood is too precious for a single drop to be

shed on the altar of selfishness, recklessness, or commercialism.

Mr. POMERENE rose.

Mr. JONES. I ask the Senator not to interrupt me. I shall be through in just a moment.

It is not asking much of the citizen to ask him to stay off these ships. Is it possible that there are men and women who are not patriotic enough to do this little thing in behalf of their country and humanity? We denounce as cowardly and unpatriotic the man who will not offer his life in time of war to defend his country. What denunciation is too severe for the man who is not willing to forego the exercise of a mere personal right of profit or pleasure in time of peace to save his country from the horrors of war?

Mr. President, the resolution which I introduced was not introduced for political purposes; there was no thought of partisanship in it; it was simply introduced in behalf of the United States and the people of the United States, and not in the interest of Germany, not in the interest of the allies. It has served a good purpose. The attention of the people has been centered in the situation now confronting us. I appeal to the people of this country that they refrain in time of peace from doing those things that may lead us into war. Patriotism and humanity demand this from all of us.

Mr. REED and Mr. McCUMBER addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. Mr. President, I am sending to the desk, and I ask to have read, an article from the London Times of February 10, 1916. I hope the Members of the Senate will listen to this article, particularly to the first and last parts of it.

THE VICE PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

### ARMED LINERS—THE AMERICAN NOTE CRITICIZED—HEAVIER GUNS NEEDED.

[By our naval correspondent.]

The number of cases in which merchant ships have put up a good fight against submarines is increasing, and successful escapes of liners owing to their carrying a gun are more frequent. Not all such encounters get into the papers, but within the last few weeks three good examples, among others, have been made known.

The P. and O. Steamer *Kashgar*, when off Malta on her way to India, saw a submarine's periscope and fired at it, obliging the boat to dive. It reappeared on the opposite side of the liner and was

## ENGLAND RESENTS LANSING NOTE

again fired at, if not hit, when the submarine dived and was seen no more. The Ellerman liner *City of Marseilles* also had a similar encounter off the Sar dinian coast 10 days earlier. In her case the submarine opened fire without any warning, but after two shots the liner's gun got to work and discharged eight shells at the "U" boat, after which the latter disappeared. The third instance is that of a French ship, the *Plata*, owned by the Transports Maritimes, which on January 27 sighted a submarine half a mile away. Fire was opened from the stern of the steamer, and the hostile craft, believed to be struck in a vital part, soon dived and made off. The action of the *Clan MacLavish*, though it did not meet with the success it deserves, points to the readiness with which the merchant seamen can attack when threatened. Her captain and crew fought in a manner which might well have been successful had their assailant been a submarine, but which was unavailing against the more heavily armed raider.

The recurrence of such incidents should not be without its effect upon the Government in dealing with the note which Mr. Lansing is reported to have addressed to the European belligerent powers on the subject of the arming of merchantmen and its relation to submarine warfare. The substance of the note was published in the Times on January 29, and its chief point, it will be remembered, was that armed merchantmen might be denied entry into American ports, except under the same conditions as applied to warships, unless the powers to which they belonged subscribed to the principles proposed by the United States in a formula under five headings. Each power is asked to make this declaration, on condition that a similar declaration is made by its enemies. The effect of the acceptance of this formula would be the virtual disarmament of merchant ships. Indeed, the American State Department argues "that grave legal doubt exists as to the right of a merchant ship to carry armament." The acceptance of this proposal would be suicidal—first, because it would hamper and injure us out of all proportion to our enemies, supposing they accepted it, and, secondly, because no faith can be placed in a German promise not to mount guns in merchant vessels.

Of the five sections in the American proposal, the first, second, and fourth are correct enough and could be accepted, while the fifth is meaningless in practice. It affirms that "only if it is impossible to supply a prize crew or to convoy the merchant ship is sinking justified, and that in that case the passengers and crew must be removed to a place of safety": but it is always impossible for a submarine to supply a prize crew, and thus she would always be justified in destroying prizes. We take our stand firmly on the necessity of taking ships before a prize court. If the Germans can not do this, they have no real complaint, for the established principles of international law are perfectly clear, although the enemy has chosen deliberately to disregard them. The third clause, however, "that a belligerent-owned merchant ship should promptly obey an order to stop," has no justification. That a neutral ship should stop if ordered is an accepted principle, but no twisting of precedents can warrant the assertion that one of our merchant ships must do so. It is true she is liable to be fired on if she does not, but she has a perfect right to try to escape.

It is the doubts thrown in the American note upon the status of armed merchantmen, however, which have attracted most attention. As early in the war as September 26, 1914, and subsequently, I

have shown that merchant ships have been armed from time immemorial, and their right to resist capture had never been disputed, until the Germans began to make their numerous efforts to undermine our power at sea. In the past every merchant ship went armed, and a Royal Proclamation of 1672 instructed them to assist and defend each other against any enemy if attacked, to which end they were to be well provided with muskets, small shot, "hand granadoes," and other ammunition. I have before pointed out that the historical evidence in support of the practice is overwhelming, and it is inconceivable that the British Government should make any concession in this direction.

The American note connects the arming of merchantmen with the weakness of submarines, contending that the introduction of submarine warfare has altered the relative status of an armed merchant ship "and limited the defensive powers of submarines, rendering them liable to successful attack by such armed merchantmen." The allied Governments can not be expected to suffer, and the Germans to profit, by this. Let the belligerents abide by the requirements of international law, which prescribe one method only—that of detention, visit, and search. How can the merchantmen be reasonably expected to give up their guns in the face of the aeroplane and Zeppelin attacks which are growing in frequency? Germany, moreover, has recently sent out a merchant vessel with a formidable armament to attack commerce, showing the imperative need of the allies not only arming their trading ships but of arming them more heavily than in the past.

Mr. CLARKE of Arkansas\*. Mr. President, I must confess that I am not satisfied with the course that things have taken here to-day. I think that the question which was presented to the Senate called for more definite, rational, and courageous action than it has received. I think the Senate of the United States has, in a manner not creditable to it, abdicated its constitutional authority to be heard about great questions that affect the peace and welfare of this country. Whilst I say that, I do not say it offensively; but I can not refrain from expressing the opinion that the manner in which this great question was disposed of is not consistent with the dignity nor compatible with the courage which should characterize public action here.

There is no use overlooking the fact that we have come a second time to a place in the history of this country where it may be said, as it was said of Rome, that "there is a party for Caesar and a party for Pompey, but there is no party for Rome," and that great country, republic and empire alike, disappeared and to-day its institutions are as one with those of Nineveh and Tyre. It is our duty to see to it that no such fate shall soon overtake us.

I think this question ought to be squarely and fairly met by the Congress of the United

\*Mr. Clarke of Arkansas is President *pro tempore* of the Senate.

States to-day. It is one of the most momentous questions that has been submitted to a Government in modern times. You can not dodge it by turning its settlement over to somebody else, and you ought not to desire to do so. You have an affirmative duty to perform which you can not evade and preserve your reputation for manliness and independence.

I believe that, if we had preserved from the beginning a condition of absolute neutrality, the unfortunate struggle now raging in Europe would now be well on its way to an adjustment. **THERE IS NO OVERLOOKING THE FACT THAT ALL OUR PUBLIC ACTS AND DECLARATIONS HAVE LED IN A CERTAIN DIRECTION, AND HAVE CREATED A DISTINCT IMPRESSION THAT OFFICIAL AMERICA, AT LEAST, IS ANXIOUSLY INTERESTED IN THE SUCCESS OF ONE OF THE PARTIES TO THIS GREAT CONFLICT. IT WILL REQUIRE NO INSPIRED INGENUITY TO GUESS WHICH ONE, BECAUSE IT HAS ALMOST BECOME A SAYING THAT ANYBODY WHO AT THIS DAY PROFESSES TO BE NEUTRAL MUST BE IN SYMPATHY WITH THE GERMANS, SINCE EVERYBODY ELSE OCCUPYING AN OFFICIAL POSITION SEEMS TO HAVE TAKEN HIS STAND ON THE OTHER SIDE OF THE CONTROVERSY. NOW, I DO NOT IN-DORSE THAT VIEW; I DO NOT BELIEVE THAT IT CORRECTLY REPRESENTS THE TRUE SPIRIT OF AMERICA; I DO NOT BELIEVE IT CORRECTLY REPRESENTS THE CONGRESS OF THE UNITED STATES.** I believe that the interests, the history, and the traditions of this Government commit it to a policy of entire fairness and absolute neutrality, and that this attitude should be reflected by those who assume to speak by authority when they represent this country in connection with this great struggle.

If existing international laws and rules seem, by virtue of their attempted adaptation to existing facts, to favor one of the belligerent parties, there can be no good reason why we should not make the further inquiry as to whether or not we are compelled to persist in a course that puts us in an attitude of distinct unfriendliness to the other.

I have thought all along, and I believe now, that the Congress of the United States ought to supplement some existing international rules and regulations with further declarations, which it has ample and undisputed authority to make. No code of laws at this

period of the world's history is complete; otherwise there would be no excuse for this Congress and the like assemblies remaining in perpetual session. Defects are being discovered all the time. Principles are becoming obsolete by reason of the progress of the world in connection with mechanical and industrial arts and sciences. Rules of action applicable to conditions of fact with which we were called upon to deal yesterday will become obsolete to-morrow. New laws will be necessary to meet these new conditions.

Now, for example, take the matter of exporting arms by neutrals to belligerents. The process involves the rights and interests of three parties—the two belligerents and the neutral exporter. It is not an unneutral act to furnish with arms one or both of the belligerents, provided it be done upon equal terms of opportunity, and yet it is also a feature of applicable law, as well defined and as perfectly recognized as the other that the Government of the neutral exporter has the right, by the enactment of municipal law, to prevent the export of arms and munitions to either belligerent, and its action in doing so can not be justly deemed under international law to be an unneutral or otherwise unfriendly act.

As illustrating the point I am presenting I call attention to the following extract from Oppenheimer on International Law, a recognized authority on international law in England, published in 1906. The extract is from volume 2 and is as follows:

SEC. 350. In contradistinction to supply to belligerents by neutrals such supply by subjects of neutrals is lawful, and neutrals are therefore not obliged, according to their duty of impartiality, to prevent such supply. Consequently, when, in August, 1870, during the Franco-German War, Germany lodged complaints with the British Government for not prohibiting its subjects from supplying arms and ammunition to the French Government, Great Britain correctly replied that she was by international law not under the obligation to prevent her subjects from committing such acts. Of course, such neutral as is anxious to avoid all controversy and friction may by his municipal law order his subjects to abstain from such acts, as, for instance, Switzerland and Belgium did during the Franco-German War. But such injunctions arise from political prudence, and not from any obligation imposed by international law.

It will thus be seen that both Belgium and Switzerland exercised that right during the Franco-Prussian War, to the acceptance and with the acquiescence of each of the then belligerents. No claim was then made that such action was unneutral nor has any such claim at any time been made, when that right has been exercised as it has been on more than a score of occasions by the great Governments of the world.



I think we have the right to pass a resolution declaring that our people go upon armed merchantmen of either belligerent at their own risk, and I think it is our duty to pass it now. We have already failed to take advantage of our opportunities on so many splendid occasions that I do not think this one should be permitted to pass without availing ourselves of it.

THOSE WHO JUST AT THIS JUNCTURE ARE PARTICULARLY ANXIOUS TO MAGNIFY THE IMPORTANCE OF THE PRESIDENCY PRETEND TO THINK THAT ONCE THE PRESIDENT HAS DECLARED AN OPINION OR DEFINED A PURPOSE TO ENFORCE AN EXISTING LAW THEREUPON ALL LEGISLATIVE POWERS ARE PARALYZED. I HAVE ABOUT AS MUCH RESPECT FOR THE PRESIDENT AND ABOUT AS MUCH INTEREST IN HIM PERSONALLY AND POLITICALLY AS ANYBODY ON THIS FLOOR; BUT I HAVE NOT ANY SUCH INTEREST IN HIM, NOR HAVE I ANY SUCH INTEREST IN THE DEMOCRATIC PARTY, NOR HAVE I ANY SUCH INTEREST IN A SEAT IN THIS BODY, AS WILL EXCUSE ME IN OMITTING TO DO ANYTHING I CAN TO PREVENT THIS COUNTRY FROM BECOMING ENGAGED IN THE PRESENT EUROPEAN CONFLICT. I SHALL NOT REMAIN SILENT; I SHALL NOT OCCUPY AN AMBIGUOUS ATTITUDE WITH REFERENCE TO THE MATTER.

Mr. GALLINGER. Mr. President, as I was the only Senator from the New England States who voted against tabling the amended resolution, I want to say a word.

I voted against tabling the resolution because I felt the matter ought to have been fully debated and then voted upon intelligently. I confess I did not understand what the amendment was that the Senator from Oklahoma submitted to his original resolution, as it had never been before the Senate until it was read from the desk. My position is that I want in every honorable way to do what I can to avoid war. I have believed that it would be a wise thing for our Government to advise American citizens not to travel on armed belligerent ships, and I should have voted for that if the question had been presented to the Senate in that form.

I agree very fully with the distinguished Senator from Arkansas (Mr. CLARKE) in his assertion that we ought to make an affirmative declaration in some form—I wish it might be put in the form of a statute—that American

citizens traveling on armed belligerent ships in time of war do so at their own peril.

Mr. President, I feel intensely, very deeply, that we ought not to allow anything to occur that we can prevent that could by any possibility involve the United States in the great war that is now devastating Europe. That has been my only purpose; and had I had an opportunity to vote for a resolution advising the President to recommend to the citizens of this Republic that they should not travel on those ships, I should have voted for it. Had the resolution that the Senator from Oklahoma, amended as he proposed and which I have examined since the vote was taken, been directly presented to the Senate, I should have voted against it.

That is all I care to say on this subject. I think we are entitled to fully debate this question in the open at some time, and I trust that some resolution may be submitted that will give us a chance to do that thing, and if that time comes I shall take occasion to discuss it. I agree with what has been said by other Senators that we have in our action to-day reached no conclusion one way or the other. I feel that we are entitled to an opportunity to express our views and to vote our convictions, and not have a motion to lay on the table carried, as it was to-day, by brute force.

Mr. BORAH. Mr. President, I have had but one rule to guide my conduct since this unfortunate conflict in Europe began and some difficulties closer home began, and that was, wherever I conceived American right to exist, and it was challenged upon the part of any country or nation, to meet that challenge without vacillation or compromise. It has been immaterial to me whether the parties, being American citizens, were slain upon the sea or in Mexico, whether the nation responsible for it was large or small. I measured my duty by the fact that an American citizen's life had been sacrificed and an American right had been invaded. I have known no other rule, and I do not at any time intend to observe any other rule.

I should therefore, had I been permitted to do so, have voted for the principle that an American citizen has a right to travel upon a merchant ship armed for defensive purposes. If a resolution embodying that principle in any intelligent way had been presented, I should have voted for it; or if a resolution embodying the opposite principle had been tendered I would have voted against it. It is a right which has been established under international law for these 500 years, and in my judgment this is not the time for the great

## PEACE OR WAR?

American Republic to begin to temporize and compromise with reference to those national rights which have been so long established and which every belligerent power has at some time in its history recognized. If these principles of international law are made unsound by changed conditions of warfare, now is not the time for us to change them. Our purposes in doing so would be misconstrued and misunderstood. Indeed, I think there is nothing so dangerous in great emergencies as vacillation, nothing so calculated to bring on war as a timid policy with reference to national rights.

I say, therefore, Mr. President, I am ready and willing for the American Republic to go on record to the effect that Americans have the right to travel upon merchant ships armed for defensive purposes, and that the nation which challenges that right or violates it will be held to a strict accountability. But I was not permitted in any intelligent way to so record myself.

I am always made to doubt the cause in which I am engaged when those around me and with me are unwilling to debate it. I think the most manifest evidence of a great and righteous cause is the willingness and determination of those who are advocating it to state their reasons and their views and their convictions to the world, and let the white light of public opinion test their integrity. I am made to doubt a cause which must be decided in secret, or if not decided in secret decided by some ulterior power without the Chamber of this Senate, and here driven through like we would drive through a questionable resolution in a political precinct committee. It casts reflection upon our position, it enshrouds our cause with doubt, when, having been challenged to speak in craven silence, we perfunctorily record our vote and slink away.

I was not permitted to vote upon the question. We denounce Germany because we do not like her system of government, we say, and her militarism. We are told that in that marvelous nation all power and action proceeds from the royal nod. The great Senate of the United States, the pride of Hamilton, the creation of the best thought and the best conception of the fathers—a body which has given to the world time and time again a full justification of the work of its builders—was Germanized to-day. We took precisely the same attitude and followed the same instruction and reached the same results by the same method and process as the highest legislative body of Germany reaches it when the Kaiser directs action from the throne. There was no

free, open discussion; there was fear; there was subserviency; there was shrinking from duty.

This body which has been characterized as the greatest legislative and deliberative body in the world has no further step of humiliation to take. When a great world crisis is on, and not only when the eyes of our hundred million of people were centered upon us but the eyes of hundreds of millions of people throughout the civilized world were centered upon us, we come here and timidly reach a conclusion under the direction of some power beyond the Senate Chamber. I would rather a thousand times that our battleships should be sunk—we could rebuild them—than to have the honor and the independence of this body thus compromised before the nations of the earth. It will no longer be possible, sir, to cry out against the dictation of the superman and the superstate of Germany. It will no longer be possible to boast that this is a conflict between autocracy and democracy, for a more conspicuous example of the absolute breakdown of the democratic spirit you will not be able to cite. It was, I repeat, a sad and sorry way to meet a great situation.

Mr. SHERMAN. Mr. President, in my judgment, we are approaching the issues of peace or war. I do not believe in an evasion; I believe in fairly meeting those issues, and meeting them in such a way as the reasons for or against may be given. The action in this body, taken a short time ago, may be parliamentary; it may be justified by the exigencies of the situation; but it is unworthy of this Senate. It smacks so strongly of cowardice and evasion and of shirking responsibility that I am justified in applying to it those words of criticism.

If an issue of this character be raised, involving the welfare of a hundred million people, it is at least, Mr. President, worthy of an open discussion. This is called an "open forum." It is a term of unmeasured sarcasm applied to the proceedings of to-day. Two parliamentary motions are ever recognized as ones to destroy the freedom of debate. No attempt was made this morning, nor would it have been made unduly, to take time upon the floor of this Chamber to discuss the merits or the demerits of the resolution. One motion is the previous question, and the other, which is as restrictive of discussion, is the motion to lay upon the table; one of which closes debate and the other is itself not debatable.

It makes no difference what our views may be, the President, on his request, is entitled to our views, and is entitled to them promptly

## THE SUBMARINE A LAWFUL WEAPON.

and not at a late day, after he has proceeded on his diplomatic destination until he has arrived at the point where diplomacy has ended, where the laws of peace will no longer serve the purpose. He must then submit to the House of Representatives and to the Senate the momentous question of peace or war. If we do not wish him to travel to that ultimate destination, it is our duty to speak now, that he may be forewarned to proceed no longer in that direction.

Mr. President, it has been said a good many times on the floor of this Chamber that for some centuries the law permitted merchantmen to be armed. That is true; and, so long as the question has been raised, it is well that it be discussed. Probably since the days of Grotius and before—because he collected only the principles and precedents of that time—merchantmen were armed, not with heavy armament distinguishing ships of war, but with such weapons and such ammunition as were reasonably required to repel such enemies as they might encounter.

What were those enemies? In every instance a merchantman, going abroad in the time of Grotius and up to a hundred years ago, might encounter pirates in many of the commercial highways of the world. They might encounter, in the absence of shore patrol, at points where they received and discharged merchandise, thieves, either individually or combined. So a merchantman was permitted to carry such defensive armament as was necessary to protect her and her cargo against thieves by land and pirates by sea. This originally was the ground upon which a merchantman was allowed to carry arms. It was a peace armament and in no sense was designed for naval warfare in either defense or offense. It permitted a merchant ship to be and remain a vessel of peace and not of war.

The rules of no two civilized nations in the world are agreed on the extent of that armament. It varies with conditions and with the centuries; it varies with the character of the cargo and the ports of destination; it is controlled by treaties and conventions, by circular letters of the power to which the merchantman belongs or under whose laws it is registered. There is no hard and fast rule fixing the character of the armament of a merchant ship.

If it be mentioned that there are laws governing nations at war and the character of the armament in years past, let me reply that the discussion is academic. All of the discussion on the floor of this Chamber on the character of the armament of a merchant ship relates to

conditions totally unlike the conditions facing the nations now at war. Every rule is based upon certain conditions. When the conditions cease then the rule itself in most cases ceases.

For the first time in the history of human warfare submarines have been used; for the first time air craft have become powerful instruments in deciding the fate of nations; for the first time the question has arisen. How shall a submarine make its attack, be defended against, or how shall it be destroyed? A submarine is not a heavy, armored vessel; its sides are subject to attack; it is the most vulnerable of all seagoing craft.

Mr. HUSTING. Mr. President—

THE PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Illinois yield to the Senator from Wisconsin?

Mr. SHERMAN. Yes, sir.

Mr. HUSTING. I should like to ask the Senator whether British merchantmen have been torpedoed by German submarines, and, if so, whether the vessels were unarmed at the time they were torpedoed?

Mr. SHERMAN. Some of them have been. The *Lusitania* was practically unarmed.

Mr. HUSTING. Does not the Senator think that merchantmen should be permitted to arm themselves to repel unlawful attacks by submarines?

Mr. SHERMAN. I will answer that not by "yes" or "no," but, Mr. President, I will answer it by saying between the belligerents they can settle that for themselves.

I have no doubt, Mr. President, that a merchant ship may arm itself in any way it sees fit, either within the circular letter that has been mentioned in some of the correspondence or in any other way. I may at some proper time discuss that at length. It does not now bear upon the question. The question here is not whether the merchantman may arm itself, but after it has armed itself, thereby converting itself into a fighting ship, shall we permit American citizens to take passage upon it to the scene of danger?

Mr. HUSTING. My question was directed to the Senator because the Senator made the statement that the reasons for arming merchantmen had gone by with the passing of the pirates.

Mr. SHERMAN. They have.

Mr. HUSTING. In this warfare—

THE PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from Wisconsin?

Mr. SHERMAN. Certainly.

Mr. HUSTING. In this warfare, however, these unlawful attacks on merchantmen were

## PEACE OR WAR?

resumed by the submarine. That is true, is it not? I say, was not the reason for arming them renewed when the submarine torpedoed merchantmen that were not armed?

Mr. SHERMAN. If they are unarmed, there is no justification.

Mr. HUSTING. But they have been torpedoed unarmed, have they not?

Mr. SHERMAN. Yes, sir.

Mr. HUSTING. My question, therefore, is whether the reason has not been revived by these unlawful acts of the submarine, so that a merchantman not only is justified in arming itself, but it is its duty to do so?

Mr. SHERMAN. No, sir; it has not been revived, Mr. President—not by any means.

The submarine is an arm of a belligerent's naval force. If a merchantman arm itself to destroy a submarine it loses its innocent character and becomes an auxiliary naval craft. It is then subject to the hazards of naval war. How belligerents conduct a war between themselves does not concern us sufficiently to intervene by force to impose our methods of war or views of international law on other nations. A submarine is a recognized instrument of war. Differences exist on how it shall be used. Prudence requires our citizens not to expose their lives and demand we go to war to restrict the use of submarines as we think proper.

Mr. HUSTING. Just one more question.

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

Mr. SHERMAN. Yes, sir.

Mr. HUSTING. Would the Senator say that a merchantman that might be exposed to these attacks should not be in a position, if it were unlawfully attacked, to defend itself?

Mr. SHERMAN. Not necessarily. It may if it wishes to assume the relations of an auxiliary naval vessel to the belligerent power to which it is accredited. It arms itself at the risk of having changed its character from a peaceful merchantman to a part of its nation's naval power.

Mr. HUSTING. I understood that the Senator's argument a little while ago was that in the olden time the merchantman was privileged to arm itself and still maintain its status as a merchantman.

Mr. SHERMAN. Yes, sir; that is correct. Because the pirate does not exist except in literature and polite fiction, and because the conditions have changed so that no armament is necessary, there is now no reason why the armament should continue as a defensive measure to a peaceful merchant ship. If it be there at all, it must be not only for the purpose

of defense against any ship, part of a belligerent's navy, which comes that way, but more especially for use against a submarine. It therefore assumes the characteristics of a naval auxiliary. Although a noncommissioned vessel, it is as much a warship upon the open sea as a battleship or any other commissioned vessel that is accredited to the naval power under which the private merchantman is registered. That is the very substance of the contention in this case. If an armament be carried, it becomes a ship of war on which no American ought to take passage.

I wish now particularly to call attention to some matters that I think are material in this controversy.

To summarize what I have said—and I wish to be as brief as I can—the conditions have changed that require or justify a merchantman to arm itself. It no longer has a right to carry, because of the reasons as of old, an armament. If it arms itself now, it arms because it intends to make war upon the naval forces of the enemy. If that be the motive with which a merchantman is armed, then it must accept the fortunes of war. If it be attacked by any kind of craft belonging to the belligerent power, it must take whatever destructive effort is made against it.

I am not endeavoring to justify, and do not, the use of a submarine against an unarmed, unresisting merchant ship. I am insisting no prudent American will hazard his life and entangle his Government in war on such a ship.

Mr. HUSTING. Mr. President—

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

Mr. SHERMAN. Yes, sir; I do.

Mr. HUSTING. If the merchant ship had no defensive armament of guns, and it were unlawfully attacked by a submarine, what would the Senator suggest that it might do to defend itself?

Mr. SHERMAN. It can do like any other of the private craft that belong to the belligerent power—escape if it can or submit to capture or destruction.

Mr. HUSTING. Supposing the case that the vessel had not been asked to stop; that it had been attacked by a submarine without warning and a torpedo fired at it?

Mr. SHERMAN. If it be an unarmed merchantman, if it be torpedoed without warning by a submarine it is a lawless procedure.

Mr. HUSTING. Yes; but the ship goes down without being able to defend itself.

Mr. SHERMAN. Certainly. That is one

“ DEFENSIVE ” ARMAMENT RIDICULED

of the misfortunes of war and of the use of this instrument for the purpose of waging war.

Let me go further. There exists yet — it never has been questioned, and the reason still exists for employing the rule—the right of visit and search to ascertain the character of the vessel, whether it be armed or unarmed, whether it be warlike or neutral, whether it carry contraband or noncontraband as its cargo. If a submarine torpedo it without notice and without searching to find the character of the vessel by visiting and ascertaining its character, if the submarine should be mistaken, and it is an unarmed merchantman carrying nothing that could be in the nature of armament that could destroy a submarine, the submarine has acted lawlessly. It proceeds in every instance at its peril.

Mr. HUSTING. Yes; but how about the men—

The PRESIDING OFFICER. The Chair regrets to inform the Senator from Wisconsin that for the preservation of the rules, it is wiser to address the Chair, so that the Chair may protect the Senator's interruption.

Mr. HUSTING. I thank the Chair. Mr. President—

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

Mr. SHERMAN. Yes, sir; certainly.

Mr. HUSTING. But how about the men aboard the ship, who have nothing with which to defend themselves from an unlawful attack?

Mr. SHERMAN. That is a matter to be settled between the two nations concerned.

Mr. HUSTING. Mr. President, does not the Senator think, therefore, that a merchantman that might encounter an unlawful attack by submarines is justified in having on board defensive guns, to be used only in the event that it is unjustly and unlawfully attacked?

Mr. SHERMAN. No; I do not. If it be an unarmed merchant ship, it is an unjustified attack. The submarine attacks at its peril if it destroys without visitation and search in order to ascertain what the true condition is. It arms itself not to destroy pirates, but a regular vessel of an enemy navy. How can it do so and preserve its peaceable character so as to justify our permitting our citizens on board?

Mr. HUSTING. Mr. President, just one more question.

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

Mr. SHERMAN. Yes, sir.

Mr. HUSTING. Does not the Senator think that the mere presence of guns on board

a ship is not of itself sufficient to give that ship the character of an auxiliary cruiser? Is it not rather a question of the intent with which these guns are to be used, or the orders given to the captain of the boat as to what he shall do with those guns?

Mr. SHERMAN. Not necessarily. It is all a matter of evidence; and that, as I will explain later on, is one of the reasons why some proper action ought to be taken by this body.

Mr. HUSTING. Does not the Senator differentiate between a merchantman that is armed with guns, carrying a captain and crew who are ordered to shoot on sight, and one that carries guns merely for the purpose of defending itself from an unjust and unlawful attack?

Mr. SHERMAN. There is no difference between a revolver for defensive purposes and one for offensive purposes. It is the same caliber, handled in the same way, and produces the same results.

Mr. HUSTING. Mr. President—

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

Mr. SHERMAN. Yes, sir.

Mr. HUSTING. Taking the Senator's illustration of a man with a gun, does the Senator see no difference between the rights of a man carrying a gun on the street for defensive purposes and a man carrying a gun who goes out and threatens that he will shoot his enemy on sight?

Mr. SHERMAN. There is no difference in his motive. In the one instance he has a specific assailant in mind, and in the other he is sailing under general orders. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair must remind the occupants of the galleries that one of the rules of the Senate is that they shall not manifest approval or dissent. The Chair begs the occupants of the galleries to adhere to this rule, in order that he may not be called upon to empty the galleries.

Mr. HUSTING. Mr. President, can not the Senator conceive of a man carrying a gun for defensive purposes, without any orders at all?

Mr. SHERMAN. It is not permitted by the laws of most States. There may be certain places on the fringes of civilization where a gun is part of the ordinary pocket hardware of a gentleman.

Mr. HUSTING. That is in the case of concealed weapons.

Mr. SHERMAN. But in all the jurisdictions of which I have any detailed knowledge it is unlawful to carry a revolver, unless it be

## PEACE OR WAR?

exposed, for any purpose, whether defensive or offensive.

Mr. HUSTING. I am referring not to concealed weapons, but to weapons carried on the person.

Mr. SHERMAN. It does not make any difference, if we extend it and apply it to an armed merchant vessel, whether the purpose is to use it against a submarine or to use it generally against any enemy that may appear.

The very question raised by the Senator from Wisconsin is evidence of the fact that there is substantial ground for controversy on the right of a merchant ship to be armed and to what extent it may be armed. The question, therefore, that presents itself to Congress, and on which the President, as I think very properly, asked for an expression of opinion, was whether, in the exercise of common prudence, we would safeguard our citizens by forbidding them to take passage in such a boat.

The right of an American citizen to travel under ordinary conditions is unquestioned. He is a neutral and can take passage in a merchantman. I am not attempting to limit the right of an American citizen under proper conditions. There is a difference between having a naked technical right to travel under dangerous conditions and the wisdom or folly of exercising that right, and that is what this question is.

Let me suggest that during a time of riot or great public disorder I have a right to travel on the common highway. It is a place fit for all to travel. It is a public way. I have had the misfortune to be through three riots in my brief experience. I know the difference between the exercise of my right in a time of great public disorder and the exercise of it in a time of peace.

I have the right, when a line of railway in a populous city is crowded with rioters, when an immense multitude of agitated people imagine through a mistaken notion that settlement can be had by disturbing the normal operation of a transportation line. I am somewhat familiar with the conditions that prevail and the immense burden placed upon the police, upon the National Guard, and, in some instances, upon the Regular Army of the United States. Even in time of disorder I have a naked technical right to go down the public streets. It is a highway. My right to travel that highway is not denied.

Shall I wrap about me the cloak of an American citizen and, in the full panoply of my civic pride, go upon a public highway when the air is full of bricks and bullets and the curbstone of the highway flooded with infuriated, rioting

men, the basest passions let loose, and destruction rampant on every hand?

Is that a fit time for me to claim my lawful right as a pedestrian to go down the highway and call upon the authorities to protect me?

Have I not a right to call upon the police department to safeguard my passage? Have I not a right that the National Guard of the State shall protect me in the exercise of my desire to travel? Have I not a right to call upon the troops of the Government to safeguard and enforce my right to travel upon the public highway?

Certainly I have, but in every time of public disorder that I know of the innocent bystanders, the pedestrians who have the recklessness to insist upon their right of public travel on a public highway at that time, are invariably told by a policeman to leave the scene of disorder, disperse peacefully to their homes, and remain there until order is again restored.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. SHERMAN. Yes, sir.

Mr. VARDAMAN. Does the Senator from Illinois think the fact that the use of ships owned by the belligerent nation by American citizens traveling to Europe in any way adds to the commerce or the business of the concern to which he has just referred? In other words, does not the Senator think that one of the reasons why the large business interests of the East to which he referred a moment ago are protesting against the proposition made in the original Gore resolution, is because it will interfere very largely with their commerce?

Mr. SHERMAN. I think so.

Mr. VARDAMAN. It is not only to save human life. I really think myself that that is of secondary importance, but the presence of Americans on the ship gives governmental protection to the ship, and in that way facilitates the commerce between the manufacturers and the allies.

Mr. SHERMAN. I have no doubt whatever but that that is the underlying motive of much of this sentiment in the localities I mentioned a while ago. I do not think their motives will bear vigilant scrutiny. I think if a resolution receives the discussion to which it is entitled in the Senate, instead of being made the subject of a motion to table or a previous question, those underlying motives will be thoroughly brought out into broad daylight. The Senator from Mississippi has undoubtedly uncovered most accurately a powerful rea-

## HUMAN INSURANCE FOR AMMUNITION

son why so much of the press and certain people oppose restraints on such travel.

I have very reluctantly said what I have said, Mr. President, because in reality if I have sympathies they are with the republican forms of government. England is practically a republic, except that it has a hereditary executive, and France is a republic; and if I have any sympathies, because of being a citizen of a republican form of government, those sympathies are with the allies.

My private sympathies, however, have nothing to do with the wisdom or folly of our course to be pursued here on this or some similar resolution. I am not saying that I am for this specific resolution, but I am for some kind of proper resolution that will limit the travel by foolhardy American citizens in danger zones abroad.

The few hundred who are bound to travel abroad have rights that ought to be subordinated to the rights of a hundred million people to remain at peace. I do not myself want to go to war or to have my neighbors in war simply to safeguard the naked, technical right of somebody who wants to travel to Europe out of curiosity or to make some expected profit on a business enterprise.

Mr. CLAPP. Mr. President—

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

Mr. SHERMAN. I do.

Mr. CLAPP. I take it, from the remarks of the Senator, that he was probably in hearty accord with the action of the State Department on October 4, 1915, when, in a circular issued in connection with the matter of passports, this language was used:

The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for pleasure, recreation, touring, or sight-seeing.

Mr. SHERMAN. That is a very safe limitation, I will say to the Senator.

Mr. CLAPP. The Senator was in hearty accord with that, I take it?

Mr. SHERMAN. I am in accord not only with that, but I would go further. I do not think the business interests of this country ought to take precedence over human life. The mere matter of a margin of gain for a brief season, if it be a year or five years, ought not to be placed in the balance and weighed for an instant against thousands and hundreds of thousands of our men who might go down to a violent death.

I am in deadly earnest about this. Politics disappear; party lines are obliterated. I am re-

sponsible only to my own conscience. No party organization ought rule on this. It is beyond partisan limitations. No party caucus that has ever been called will be able to direct a vote on a subject of this kind. It is a question of our country, not of our party. It is a question of our President and not of our candidate.

It is a question of our preservation of lives and not the counting of blood-bought gold that we may have a little more in the balance of trade when the war shall be closed.

It is the protection of our own people by preventing them from being made a shield to protect the traffic in war munitions. If it be not done, one American passenger on a steamship loaded with many thousand tons of war supplies, like the *Adriatic*, may secure it from attack by a submarine. It is in effect insuring such a ship and cargo from the perils of war, if the views of the allies are sound. As a neutral power we then cease to be neutral and cast our influence into the hazards of war for the allies. The central powers may not attack such an armed vessel merely because an American on board is put in peril.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. Some of us have been very severely criticized in the press, and perhaps in other directions, because we had said that we would vote for a resolution asking that our people should be notified of the dangers that would beset them if they took passage on neutral ships that were armed. I have here a couple of brief extracts from one of the leading papers of the neighboring city of Philadelphia, in which the editor says, with unctious:

What a mess a mixture of poltroons, of sympathizers with frightfulness, of men afraid of their own shadows, of those who care nothing for national honor, would make of it, to be sure, if they could ride roughshod over the genuine American sentiment that, fortunately, still exists in Congress.

Their first action would be to replace the cry of "America first" with "Germany over all."

Their second should be to haul down the Stars and Stripes and hoist the flag of Germany over the Capitol.

Then, again, under the head of "The most important question of all," the editor says:

The most important question affecting the United States to-day is this: Do the American people own the Congress of the Nation, or does Ambassador von Bernstorff?

Mr. President, what arrant nonsense that is. I notice the Senator from Illinois made a plea for neutrality, and he suggested, what is true,

that the American people are not neutral in their feeling on this great issue. I want to call the attention of the Senator from Illinois to the fact, the attention of the Senate to the fact, and the attention of the country to the fact that the agitation that is going on outside of Congress is much better calculated to get us into trouble than anything that has occurred in this Chamber. As an illustration, a great meeting was held in Tremont Temple, Boston, on the 29th day of February, and the heading in the Boston Herald is "Two Thousand five hundred cheer plea that United States join allies." It would be interesting if the Senator would read the report of that meeting which concludes by a resolution, as to which the audience, the paper says, cast reserve aside and cheered it to the echo. That resolution reads:

We are convinced that our political ideals and our national safety are bound up with the cause of the allies, and that their defeat would mean moral and material disaster to our country.

Therefore this league is formed to use all lawful means to put this Nation in a position of definite sympathy with the allies and in an equally definite position of moral disapprobation of the purposes and methods of the central Teutonic empires.

Mr. President, what kind of neutrality is that?

Again, Mr. President, there is an organization in the city of New York called the American Rights Committee. The executive committee is composed of 10 distinguished men, one of whom is Mr. Frederic R. Coudert, a man well known to the country. They have issued a declaration of principles, in which they say:

We condemn the aims of the Teutonic powers, and we denounce as barbarous their methods of warfare.

We believe that the entente allies are engaged in a struggle to prevent the domination of the world by armed force, and are striving to guarantee to the smallest nation its rights to an independent and peaceful existence.

We believe that the progress of civilization and the free development of the principles of democratic government depend upon the success of the entente allies.

We believe that our duty to humanity and respect for our national honor demand that our Government take appropriate action to place the Nation on record as deeply in sympathy with the efforts of the entente allies to remove the menace of Prussian militarism.

Again I ask, Mr. President, what kind of neutrality is that?

Mr. President, I conclude, as I commenced, by saying that it seems to me that the agitation outside, where men gather 2,500 strong in Tremont Temple openly declaring that we ought to definitely join the allies in their struggle to destroy Germany—because that is what

it means—is doing more harm than anything that can possibly come from an open and free discussion of this question in the Senate of the United States.

Mr. VARDAMAN. If the Senator will pardon me, the service to humanity would involve the sacrifice of our own people.

Mr. GALLINGER. I did not understand the Senator from Mississippi.

Mr. VARDAMAN. I said our service to humanity, as they would have us serve humanity, involves the sacrifice of our own people.

Mr. GALLINGER. Beyond a question; and, Mr. President, in that connection, I wish simply to repeat what I believe I said this morning, that I feel very strongly that the action which the State Department took in refusing passports to American citizens who propose to travel on belligerent ships under certain conditions might well be widened so that the President, if you please, should issue a friendly warning to American men and women that they travel on those ships at their own peril and that the Government of the United States is not bound to become involved in war because of their folly and foolhardiness. Sweden has done this. The President of the United States did it in the case of Mexico. Why should it not be done in the present situation, which is so full of peril to the best interests of our people? It will remove the possibility of war, which we all ought to desire, and I can not see why anybody should oppose the proposition.

Mr. VARDAMAN. If the Senator will pardon me, I suggest that Great Britain did that in the war between Japan and Russia. She notified her own citizens to that effect.

Mr. GALLINGER. That has been asserted and it has also been denied. I do not know as to the definite facts surrounding it. It has been stated in certain quarters, and I have seen a draft of what is said to have been such an order—I have it on my desk—but in consulting with certain other Senators, they have said to me they had reason to believe that that was a fictitious order and was not countenanced by the Government of Great Britain.

Mr. VARDAMAN. Of course whether Great Britain did it or not does not affect the wisdom of such action on the part of the United States, but I have been advised that it was done. I rather commended the wisdom and prudence of the English Government for doing it.

Mr. GALLINGER. If it was done, it was a wise precaution, and certainly we can well



## LET THE WARLIKE EDITORS FIGHT

adopt it whether we have any precedent for it or not beyond what I have suggested.

Mr. SHERMAN. Mr. President, the senior Senator from New Hampshire [Mr. GALLINGER] has, I think, most opportunely alluded to these editorials and news items.

Mr. GALLINGER. And to public meetings.

Mr. SHERMAN. Yes; and to public meetings. And it becomes a material part of the examination of this question. Of course all the clippings I get which favor the instant burial of such a resolution as that of the Senator from Oklahoma before the amendment was offered are in what I would call, if I were referring to a quarantine, "the infected area." It is the territory in which more millionaires have been created in the last 14 months than have been created in the last 14 years by peaceful industrialism. I think I shall offer a resolution, although it might be regarded as a bit of humor, that in the event of war we ought to conscript all of the belligerent editors east of Pittsburgh. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair is again compelled to admonish occupants of the galleries that by the rules of the Senate it is not permissible for them to give evidence of their approval of or dissent from expressions on the floor of the Senate. The Chair requests the galleries to obey the rule.

Mr. SHERMAN. Mr. President, if there is anybody under heaven who can have an irresponsible brain storm under his cap and think the whole world has gone red, it is some carnivorous, bloody-minded editor, who wishes to keep up the traffic in war supplies in order that the profits may still go on.

Editors are an exceedingly useful part of the population, but the Senator from New Hampshire is precisely accurate when he says that such editorials, such inflammatory appeals, such criticism of all who happen to differ from the imperial majesty that sits enthroned under such editorial hats and who thereby incur the penalty of being branded with the opprobrious epithets referred to and read by the Senator from New Hampshire do more harm than any possible discussion in this Chamber could do.

Mr. GALLINGER. Mr. President, I will say to the Senator, if he will permit me—

The PRESIDING OFFICER. Does the Senator from Illinois yield further to the Senator from New Hampshire?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. That in that great mass meeting in Tremont Temple a gentleman from the city of Toronto, Canada, declared that

those of us who took that position were traitors. He came across the border to say that.

Mr. SHERMAN. Well, we were traitors in 1812, when our Capitol was burned, when millions of men did not spring into being, armed, panoplied, and drilled for defensive war between sunset and sunrise. We were traitors then; we were traitors in the War of the Revolution; and I am perfectly willing to be a traitor again, not to get into war but to keep out of it. I will take my chances with the belligerent editors and with their belligerent allies, both of whom seem to desire our immediate entry into war against Germany.

Not many months ago we left the Senate Chamber and went over into the Hall of the House of Representatives and heard a message which concerned Mexico. It said, in substance, to the nearly 60,000 Americans, or such of them as remained in that country at that time, to drop their possessions, take their families and flee for their lives.

Under what conditions did these American citizens go to Mexico? They went there in a time of settled peace, during the 28 years of the Diaz régime. They had settled there with their families and engaged in mercantile enterprises, in stock raising, in fruit raising, in mining and prospecting, and in a hundred legitimate enterprises in that neighboring Republic. They were found there from every State in the Union. Aliens from all over Europe were there. They went there in the pursuit of their legitimate occupations, and were guaranteed the rights of aliens in that country.

So long as Diaz held the seat of power peace prevailed. The Government was a military autocracy. There is no person who ever traveled or lived in Mexico who does not know that it was a Republic only in name; that the standing army was at last the authority which preserved peace, made the laws, and executed them. Under those conditions of peace, under those undoubted guaranties American citizens went to Mexico.

When the message alluded to was read, it advised Americans to leave all they had in that distracted country and return to a safer jurisdiction.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield again to the Senator from New Hampshire?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. And Congress made an appropriation to help them to get out of Mexico.

Mr. SHERMAN. I am glad the Senator added that. Yes; we made an appropriation

## PEACE OR WAR?

in order to facilitate their exit from that sorely beset country. I do not care, however, Mr. President, to go further into details as to that; that is a story for another day. Suffice it here to say that the proclamation was sent to our absent countrymen to flee from the civil discord there, and they did so.

In my own State, Mr. President, some of my neighbors returned after a residence in Mexico of more than 25 years. Some brought their families and others left their brothers and sons, whose bones are bleaching on the hillsides and in the mountain passes of old Mexico to-day. I asked the poor boon of trying to get the body of a murdered American, the brother of one of my neighbors, to bring him back and give him burial in the land of his birth, but was denied even that poor privilege by the self-styled government of Mexico which then claimed to have authority in that area.

Now, when we come to the storm-ridden, battle-riven territorial waters of the world—and nobody can say what their extent is, and nobody can tell what international law is as applied to them to-day—when we come to the rights of citizens abroad, we are told by warlike editors, by gentlemen who gather in Tremont Temple, under the shadow of old Faneuil Hall, who have or ought to have as much interest in preserving neutrality as we, that they favor engaging in war in union with the allies, although we call ourselves a neutral people.

Why, Mr. President, if during the time of the Fenian uprising such a meeting of dissatisfied sons of Old Erin had been held across the border, the British lion would have emitted a roar that would have burst the eardrums of all who happened to be within range.

The men who see fit to travel abroad for business or pleasure are by such resolutions to be placed under some restraint. I do not know what the opinions of the Chief Executive may be, and that is not material, for they would not change the convictions of any of us one way or the other; but I wish to inquire if some of the friends of the belligerent editors who go abroad in the most expensive state-rooms of an ocean liner, accompanied by a retinue of servants and convoyed by a quartet of bull pups [laughter], are to be held sacred in traveling in war zones, covered by decrees from Berlin and by orders in council of Great Britain, while the poor, abandoned soul whose family was outraged, whose home was burned, whose property was destroyed, and who himself was slaughtered in Mexico by a lawless banditti, without protest by our Government, is to be forgotten?

If it be improper to warn or restrain our citi-

zens from going into the danger zones of Europe, I ask why did we exercise that guardian care over the people who were warned to leave Mexico?

We warned American citizens, by Executive message, to leave that country, where they had settled during 28 years of peace. They had gone there under the guaranty of a stable form of government. They had some excuse for going; but the person now who sails on an ocean liner knows not where his destination may be—he does not know whether he will land in a hotel or a grave at sea.

When he takes passage on an armed belligerent boat he certainly assumes the risk, and ought not to ask this country to go to war to vindicate his mere naked right to travel abroad for business or for pleasure on a vessel whose status no authority can determine under the changed conditions of modern warfare.

If the merchantman be armed for defense, will she not use her arms against a submarine? When she does so, is it not a naval vessel? The fact of the ship carrying an armament is notice to an American passenger he may find himself encircled with the hazards of conflict. Why should he be there? It is conceded a submarine may sink a ship attempting to destroy it, instead of waiting to be sunk itself. If an armed merchantman is exempt from attack when an American is on board, **WE ARE ASKED TO INSURE THE TRAFFIC IN WAR MUNITIONS WITH THE BLOOD OF OUR NEUTRAL CITIZENS.**

Mr. BROUSSARD. The resolution of the Senator from Oklahoma was presented, growing out of a crisis with one of the belligerent powers in Europe, out of which great difficulties were presented both to the Executive and to the Secretary of State. The resolution was accepted at once, not only in this country but abroad, by both sides to this European controversy as an attack upon the methods being pursued by the Executive in trying to peacefully solve our difficulties with one of these warring parties; and as the attitude expressed by the Gore resolution became known the power of the Government to carry through by peaceable methods negotiations to compose our differences apparently became paralyzed and the President's arm became weakened, in my judgment, as a result. Thus it devolved upon every patriotic citizen to stand by the President and to strengthen his hand.

Every man knows that I have not been always with the President. I have differed with him on many questions which he thought were of vital interest to this country, and in the other branch of Congress I have not hesitated

## BRITISH ARROGANCE AND AUDACITY

to make known the differences between the President and myself. Every one knows that there are disagreements between us now as to questions of policy. Every one knows that there are probabilities of continued disagreement between us. But where the integrity and the honor of the American Republic is involved there can be no cause of disagreement between two patriotic men desiring to save the country from a conflict and to avoid our engaging in the brutal war that is demoralizing and destroying the civilization of Europe.

So I have felt, and I feel deeply, the question of passing some law or affording some opportunity to prevent men of reckless character, men of a foolhardy nature, placing themselves in an attitude that might result in engaging this Nation in war, despite our efforts and our desires and our prayers not to engage in it. If the opportunity should present itself whereby by congressional action men may be prevented from exercising that sort of privilege the result of which may engage our people in a war out of which we are striving to keep, I would unhesitatingly vote for that proposition. But so long as the present critical condition continues, so long as the President exerts himself and the State Department uses its ability and energy in their efforts to have us escape that disaster, that long do I stand with the President, and that long do I want to cast my vote in this body to permit him to carry out the powers which the Constitution vests in him alone, unhampered by extraneous interference.

Mr. KERN.\* Mr. President, under the rules of general parliamentary law a motion to lay on the table cuts off debate. It will be observed that under the antiquated rules of this venerable body the practical function of a motion to lay on the table is to encourage, promote, and stimulate debate, limited only by the lung power and the physical endurance of the participants

Those who were so fortunate as to hear the very able, exhaustive, and eloquent speeches on the merits of the Gore resolution after it had been laid upon the table will marvel somewhat at the complaints of those gentlemen that they were denied the privilege of free and fair discussion.

If no important diplomatic negotiations had been pending, if no international complications had existed, under conditions normal, or nearly so, I would have voted without hesitation for a resolution requesting the President to warn American travelers against the dangers incident to travel upon armed merchant-

\*Mr. Kern is Democratic floor leader in the Senate.

men of belligerent nations. My views on this subject are well known, and have been fully expressed. I have said, and I repeat, that I favored such official warning, principally for the protection of the thoughtless and weakminded, who might not appreciate the danger, and to the end that a hundred millions of peaceful and peace-loving people might not be plunged into war as the price of the stupendous folly of a handful of travelers. I had no thought for the personal safety of intelligent men who, out of a spirit of bravado or foolhardiness, or to promote their own selfish interests, would risk their lives on such vessels; for in my judgment such a man, with such a treasonable bent of mind as to be indifferent to the danger of involving his country in war, and wrecking the happiness of hundreds of thousands of American homes, has a life so valueless to his country as to be scarcely worth the saving.

But, sir, the conditions confronting us are not only not normal, but such as have never existed before in the history of the world. Twelve nations, whose inhabitants make up nearly two-thirds of the population of the earth, are engaged in a titanic struggle compared with which all former wars seem but as the play of children.

The boundaries of the war zone have been so extended as to encompass the globe. Europe, Asia, Africa, America, and even Australasia are involved. Every citizen of a neutral nation who goes out upon the sea—the great highway of the world—does so at the risk of his life. Our commerce is censored and regulated by one of the contending nations, and our mails rifled by that nation at will. The right to seize and search our ships is asserted, and with rare audacity a limit is placed upon our exports to other neutral countries. International laws, venerable by reason of centuries of observance, are repudiated and set aside, while the solemn obligations of treaties are contemptuously ignored.

The ark of the covenant containing the remnants of that great body of the law of nations once the pride of all civilized governments is in the keeping of this Republic, and it is for our Government to defend it as the last hope of civilization. Whenever this Nation ceases to observe, respect, and defend this great body of laws, then, indeed, will follow international anarchy and chaos.

The dread spirit of war has well-nigh enveloped the earth. Its shadow already begins to darken this fair land and threaten the happiness and prosperity of this people. It is to stay its course that the President of the United

## PEACE OR WAR?

States has for many anxious months given his energies and intellect—the best that is in him. It is to that end that he is now employing all the means at his command—those placed in his hands by the Constitution of his country. To him alone has the power been committed by that instrument to work out our salvation through the channels of diplomacy.

It was under these conditions, as he grappled with this mighty task, that he appealed to the Congress of the Nation, not for sympathy or support—for he must have known that these he had in unlimited degree—but only that obstacles which had been unwittingly placed in his way might be removed that he might not be hampered in his efforts to preserve the peace of the Nation and at the same time to maintain the Nation's honor.

He told us that in the capitals of the countries with the Governments of which he is conducting negotiations the statements are circulated and believed that the representatives of the American people are not in sympathy with his efforts; that he had failed in securing the support of his country; and that the pendency and support of resolutions such as that just disposed of furnished abundant evidence that ours was a divided Nation. Hence, his appeal to Congress for action that would convince the world that he had the sympathy and support of the Congress and that the American Nation was not divided.

When such an appeal was made my mind was quickly made up that whatever my opinion might be as to the duty of American citizens to keep off armed ships of belligerent nations it should never be said of me that in the hour of my country's peril, whether that peril was imminent or threatened, I faltered for an instant in my allegiance to a President who in the exercise of his constitutional powers was thus seeking to preserve our peaceful relations with the distracted and maddened nations engaged in a world war and at the same time to maintain the honor and dignity of this Republic; and so I cast my vote to remove the obstacle that blocked his pathway to the end that he might pursue his course therein unhampered and unembarrassed in the great work before him.

Mr. FALL. Mr. President, the magnificent words and expressions of the Senator who so well leads the other side of the Chamber will, of course, go out to the country, and to the unthinking possibly will offer reasons for the votes cast here to table the resolution to-day. Evidently these expressions have been most carefully prepared, as they have been most eloquently uttered; but I wish to call the at-

tention of the Senator and of the Senate to the fact that, as appropriate as they would have been, possibly, as explaining his vote upon the resolution which the President of the United States asked us to discuss freely, they may not be so appropriate—unless the Senator can change his mind as a chameleon changes its colors—to the resolution which was laid on the table. The difficulty is that the resolution which was offered here on the 25th day of February was opposite, in its intention and in its every word, to the resolution upon which the Senate acted.

I want to ask the Senator if he understood what he was voting for?

Mr. President, the Gore resolution was introduced on the 25th day of February. From day to day we sat in continuous legislative session to prevent debate upon the Gore resolution. Not until yesterday afternoon did the Senate adjourn so that, under its rules, the Gore resolution might be taken up for debate. On yesterday afternoon we were informed, in a carefully prepared speech by the chairman of the Foreign Relations Committee, that the President had demanded discussion and action upon the Gore resolution. He expressed his desire that we should no longer continue the legislative day, but should adjourn, so that action might be had upon this resolution at once; that it might be discussed, that it might go out to the country, that the people might not be left entirely to the newspapers for information, but might through the informing function of the coordinate branch of the Government understand what Senators were called upon to vote for and what the President of the United States was and had been doing.

Every effort was made to prevent discussion. At the last moment, upon the demand of the President that the Gore resolution should be discussed, action such as I have described was taken.

The Gore resolution is as follows:

*Resolved*, That it is the sense of the Congress, vested as it is with the sole power to declare war, that all persons owing allegiance to the United States should in behalf of their own safety and the vital interest of the United States forbear to exercise the right to travel as passengers upon any armed vessel of any belligerent power, whether such vessel be armed for offensive or defensive purposes; and it is the further sense of the Congress that no passport should be issued or renewed by the Secretary of State, or by anyone acting under him, to be used by any person owing allegiance to the United States for purpose of travel upon any such armed vessel of a belligerent power.

Now, sir, we were informed through our only source of information—the press of the United States—that for weeks, if not for

## ONE-MAN RULE REPUDIATED

months, the President of the United States has been insisting that he will hold Germany to a strict accountability in the event of the loss of the life of an American citizen sailing upon an armed belligerent ship, and that he considered the Gore resolution not in accordance with his contentions, and therefore that it was an interference with his power, and that he demanded the action and the sentiment of Congress upon it. He wanted to know whether the Congress of the United States was with him, or whether the Congress of the United States stood behind the Gore resolution.

Ah, sir, the chairman of the Foreign Relations Committee informed us that it was his purpose to seek the sacred precincts of the committee room, and there assiduously to labor in the effort to bring forward a resolution which would reconcile the Congress of the United States and the President; that he himself was not in accord with the sentiments of the President of the United States—he apparently was more nearly in accord with the sentiments expressed in the Gore resolution—but that it should be his aim to attempt to present to the Senate a joint resolution which would meet the desires of all, which would reunite the executive and the legislative branches of this Government, and would show to the world that the United States presented a united front to a common foe.

What did he do? He walked in this morning with a motion not to discuss but to shut off debate, to table the Gore resolution; and at the last moment the resolution was amended by changing it entirely. It was not the resolution upon which the President demanded discussion and action, but was an entirely different resolution, announcing an entirely contrary doctrine:

*Resolved*, That the sinking by a German submarine, without notice or warning, of an armed merchant vessel of a public enemy resulting in the death of a citizen of the United States would constitute a just and sufficient cause of war between the United States and the German Empire.

We are legislating for a democracy, sir. This is not an autocracy nor an empire. The people of the United States commissioned us here to attend to their business, and they are entitled to know not only how we attend to it but the motives which actuate us in casting our votes. We are responsible to the people, or at least I am, and to no man who sits in the White House.

I do not believe in secret diplomacy. In a democracy it is unfitting. The people are entitled to know what is going on. They are entitled, as a matter of fact, to know what is

done when the galleries are cleared and the doors closed and we go into secret session, unless it is upon some most important matter then pending, and never are they entitled to be cut off from information as to any matter whatsoever having a present status or any proposition of importance of this kind submitted for their consideration. So long as I remain here, sir, my vote in season and out will be for the people of the United States to be informed and not be compelled to obtain their information purely from the newspapers, great sources of information as they are.

Mr. President, right here I wish leave to quote from an authority I think calculated to sustain the propositions which I have advanced:

[From *International Review*, August, 1879, vol. 7, p. 147.]

At its highest development, representative government is that form which best enables a free people to govern themselves. The main object of a representative assembly, therefore, should be the discussion of public business. They should legislate as if in the presence of the whole country, because they come under the closest scrutiny and fullest criticism of all the representatives of the country, speaking in open and free debate. Only in such an assembly, only in such an atmosphere of publicity, only by means of such a vast investigating machine can the different sections of a great country learn each other's feelings and interests. It is not enough that the general course of legislation is known to all. Unless during its progress it is subjected to a thorough, even a tediously prolonged process of public sifting, to the free comment of friend and foe alike, to the ordeal of battle among those upon whose vote its fate depends, an act of open legislation may have its real intent and scope completely concealed by its friends and undiscovered by its enemies, and it may be as fatally mischievous as the darkest measures of an oligarchy or a despot. Nothing can be more obvious than the fact that the very life of free, popular institutions is dependent upon their breathing the bracing air of thorough, exhaustive, and open discussions, or that select congressional committees, whose proceedings must from their very nature be secret, are, as means of legislation, dangerous and unwholesome. Parliaments are forces for freedom; for "talk is persuasion, persuasion is force, the one force which can sway freemen to deeds such as those which have made England what she is"—or our English stock what it is.

The author proceeds to say—and listen, Senators:

Congress is a deliberative body, in which there is little real deliberation; a legislature which legislates with no real discussion of its business. Our Government is practically carried on by irresponsible committees. Too few Americans take the trouble to inform themselves as to the methods of congressional management; and as a consequence not many have perceived that almost absolute power has fallen into the hands of men whose irresponsibility prevents the regulation of their conduct by the people from whom they derive their authority.

Mr. President, an irresponsible committee—

## PEACE OR WAR?

I would not say an irresponsible committee had not the words been uttered for me—goes to the secrecy of its chamber and reports back a resolution with a motion to table it, and the resolution is changed in its every word and every line and every syllable and every phrase and every meaning, and the motion of the committee is adopted by an overwhelming vote, without discussion and few knowing the message which has been sent by this body today by the motion to table to the Kaiser of all Prussia.

The author of this article, Mr. President, is Woodrow Wilson, and it is taken from an article in the *International Review*, volume 7, page 147. I understand that this Woodrow Wilson is the same Woodrow Wilson who demanded open and free discussion and manly action on the part of this honorable body.

Mr. THOMPSON. Mr. President, I fully concur in the views of the law entertained by the President and by the Senators who have expressed themselves upon it relative to the freedom of the seas. That neutrals have the absolute right to travel upon merchant vessels of belligerents armed for defensive purposes and that it is a direct violation of international law for a belligerent to sink such vessels without sufficient warning to enable the passengers to save their lives. However, I believe that true, loyal American citizens, with due regard for their own safety as well as for the safety of their country, ought not to travel on armed merchant vessels during these perilous times. Indeed, they ought not to risk their own lives and endanger the country by traveling at all if it is possible to avoid it. But I do not believe that any warning from Congress, or from the President, or from any other source would aid in the least in preventing it.

Mr. NORRIS. Mr. President, if we have a few more confessions we shall find out really how Senators feel on this important question. [Laughter.] We can not get the correct idea of it, evidently, from their votes. There is a majority one way, so far as the voting record is concerned; but if you will count up the confessions which have been made you will pretty soon find out that the real majority is on the other side. Senators, one after another, get up and say that they are in favor of warning American citizens to keep off the so-called defensively armed merchant vessels, but they vote with the President, who does not agree with them in that idea, but who wants to protect everyone who desires to go on such a ship; and he is opposed to giving any such warning to the people. Evidently some Sena-

tors are voting as they fear and not as they feel.

Mr. JONES. Mr. President—

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

Mr. NORRIS. I yield to the Senator.

Mr. JONES. The Senator means that they think they voted with the President of the United States.

Mr. NORRIS. Well, I will give them the benefit of the doubt. Mr. President, it will be a good defense among the constituents at home to circulate a speech, in which the Senator said he was in favor of giving notice to American citizens that they ought not at this time to travel on armed merchantmen, and they can still retain their standing with the man at the head of the "pie counter" by voting the other way.

It seems to me, Mr. President, that the illustration given by the able Senator from Illinois [Mr. LEWIS], when he described conditions just prior to the Spanish-American War, ought to be reversed, and would in fact be reversed if the proper application were made. The Senator said, in substance, that at that time Congress was a turbulent body, demanding war, while President McKinley, standing out as best he could to preserve peace, was by Congress finally driven into war. The Senator argued, therefore, that this Congress was going to drive the President into war. If Congress passes a resolution asking American citizens to keep off armed merchant vessels, that is just exactly contrary to what the President wants. He does not want any such resolution passed. Hence ON THIS OCCASION IT IS CONGRESS THAT IS TRYING TO PRESERVE PEACE AND KEEP US OUT OF WAR, AND THE ONLY DANGER OF SUCH WAR COMES FROM THE POLICY OF THE PRESIDENT, when he says he is opposed to giving any such warning, but is going to defend every man who wants to rush out ruthlessly and endanger his own life in such a ship, and thus bring the balance of the country into imminent danger of war.

What would the passage of this resolution mean? Could it be construed as disrespectful to the President? I refer to the Gore resolution in its original form, or what, to me, seems the more appropriate resolution, the McCumber resolution, the effect of which is to warn American citizens, to ask them, while this terrible war is on and this question is yet unsettled and undetermined, but is under negotiation between the President and foreign nations—while that condition is on to save

## PRESIDENT FOR WAR; CONGRESS FOR PEACE

their country trouble and save the probability or the liability of war and to stay off such ships. Can any man say that is any disrespect to the President? If the President has a different idea—and I concede he has a right to it; I would not question his right to hold it—can the President say to Congress, the only branch of the Government that under the Constitution has the right to declare war, "You shall not express your opinion if it conflicts with mine"? In the case put by the Senator from Illinois Congress was crowding the President and the country into war. In this case it is the reverse. **THE PRESIDENT IS LEADING TOWARD WAR AND CONGRESS IS HOLDING BACK, TRYING TO KEEP THE COUNTRY AT PEACE. THE OBJECT OF WARNING OUR PEOPLE TO KEEP OFF OF ARMED VESSELS IS TO MAINTAIN PEACE. I FEAR THE COURSE OF THE PRESIDENT WILL LEAD OUR COUNTRY INTO WAR, AND FOR THAT REASON I WANT CONGRESS TO WARN OUR PEOPLE TO KEEP OFF OF ARMED VESSELS AND THUS AVOID FRICTION.**

*In the Senate, Saturday, March 4, 1916*

*(Legislative Day of Friday, March 3, 1916)*

Mr. LODGE. There has been a widely circulated statement that Great Britain, during the Russo-Japanese War, issued a warning to her citizens not to take passage on belligerent merchantmen. The Legislative Reference Division of the Library of Congress examined this very thoroughly. They found that the only origin of the report was in a letter signed by one C. L. Schlens, in the New York Sun, in which he stated that such a warning had been issued by the British Government. They endeavored to find Mr. Schlens, but his name did not appear in the New York directory and nothing could be learned.

His letter to the Sun was reprinted in the Gaelic-American and also in the Fatherland, but the Fatherland admitted they had been entirely unable to confirm the statement either by the State Department or from official foreign sources. It was repeated in the Outlook in an article by Prof. Stowell, February 23. The Legislative Reference Division of the Library telegraphed to Prof. Stowell and asked him what his documentary authority was. He replied that he had none; that he had simply taken it from the newspapers.

The Reference Division also examined the London Gazette, the British Foreign and State Papers, the British Parliamentary Papers, In-

ternational Law Treatises, the British Consular Reports, the Hongkong Blue Book, the Hongkong and Shanghai newspapers and the London Times. The statement was that it was issued by the consul at Shanghai. They could find nothing about it.

On receiving that I thought I would see if I could find it directly, and I applied to the British Embassy here, and received from them this memorandum:

BRITISH EMBASSY, *Washington.*

Some time last August a statement appeared in the Fatherland and other papers to the effect that His Majesty's Government issued a notification at the beginning of the Russo-Japanese War that no protection would be extended to British subjects who took passage on board vessels of either belligerent.

The embassy inquired of the foreign office whether any such notification had been issued, and received the reply that the above statement was not true. The foreign office added that they never heard that any consular officer issued such a notice, but that, if he did so, it was contrary to instructions sent to all such officers to abstain from giving advice to merchants or other persons.

In short there never was any such order. I give the document, which I ask to have printed, from the Library of Congress and the statement of the British Embassy.

Mr. NEWLANDS. I will ask the Senator from Massachusetts whether in his inquiry his attention was called to a notice purporting to be signed by the British consul general at Shanghai?

Mr. LODGE. That is the precise statement made in the Sun by Mr. Schlens. No such statement ever was made.

Mr. NEWLANDS. Did that statement quote the notice itself?

Mr. LODGE. Mr. Schlens's note to the Sun, on which the whole thing is based, purports to give an order from the consul general at Shanghai. No such order was ever issued by the British consul general at Shanghai. The whole thing rests on that unauthorized statement of Mr. Schlens, whom nobody could find.

Mr. HITCHCOCK. The Senator from Massachusetts does not take the position that no country has ever issued such an order?

Mr. LODGE. Mr. President, I thought I made it clear that I was dealing with the report that the British Government issued it in the Russo-Japanese War.

Mr. HITCHCOCK. I understand; but I wondered whether the Senator took the position that no country had issued such an order.

Mr. LODGE. I have not investigated any other country, for I have not heard it alleged of any other.

Mr. HITCHCOCK. The Senator is aware

## PEACE OR WAR?

that Sweden recently, in the present emergency, issued such an order.

Mr. LODGE. I saw that Sweden had done so.

Mr. HITCHCOCK. There is no question about there being ample precedent for it.

Mr. LODGE. I do not know whether there is ample precedent or not. I saw that Sweden had done it.

Mr. McCUMBER. Mr. President, I confess I have great difficulty in bringing my mind and reason to concur in the proposition that while an armed merchantman may, without warning, use its weapon to sink and destroy a submarine, the submarine may not, without warning, use its only weapon, the torpedo, to destroy the armed merchantman. I am not unmindful of the argument advanced to meet this, that the one is a war vessel whose only function is destruction, and the other a peaceful vessel whose real function is noncombatant, except in a very limited defense equipment. But so long as passenger ships are regarded in international law as lawful prizes, and so long as the submarine would endanger its own existence by exposing itself to the sting end of this peaceful ship, I submit that there is fair ground for some new rule as to the rights of a merchant vessel to carry guns if she wishes to be immune from assault without warning, and, I might add, as to the right of neutrals to insist upon protection if they travel on such armed merchant vessels.

Mr. President, our contention and insistence upon any rule of conduct to be followed by any belligerent ought to be founded upon justice, not alone to ourselves, but to the nation against which it is urged. Our contention should be unquestionably right, absolutely fair, and everlastingly consistent.

I confess I can not see anything fair in the proposition that while a submarine—which may easily be sunk by a single shot from one of these defense guns—must give notice before it fires at the armed merchant vessel, the armed merchant vessel need not give notice that it purposes to fire at the submarine. If I know that you are armed for the very purpose of shooting me if you see me coming toward you, I can not convince myself that a code of action which says that you can shoot me at sight but that I must give you timely notice to surrender is entirely free from question.

What would we do under the same circumstances? We now propose to build a large number of submarines. These new war vessels are to be constructed that they can be used both as coast defenses and as commerce raiders. Suppose we were at war with some

great, powerful nation. Suppose there were some basis in what I regard as mere hysteria, the cry of danger of invasion. We find a belligerent vessel, with a defensive gun, carrying munitions to our foes. We are maneuvering for position to give it notice. In its attempt to escape it is endeavoring to get us within range of its defensive gun. What would the captain of that submarine do? If he should take that chance and the defensive gun should send his submarine and its crew down to death, what would our verdict be? Would we say "That is all right"? No, Mr. President; the order would be given by our admiralty to all submarine commanders, "Your first duty is to protect yourselves." What we would command in our war we ought at least to consider a questionable privilege in the war now pending.

The question, at least, Mr. President, is of such a nature and of such delicacy that it seems to me that it is the moral duty of every patriotic American to relieve his country from embarrassment by refraining to travel on such armed vessels. He has no right by his recklessness or audacity, to endanger the good relations of this country with any nation now at war.

If these propositions be true—and I can not see how they can be denied—if it is the duty of the true American, irrespective of legal right, to refrain from travel on such armed vessels, then it logically follows that Congress or the President may with entire propriety call his attention to that duty and even enforce such duty by prohibiting armed vessels to leave our ports with passengers.

Mr. CLAPP. Mr. President, I am inclined to think that a misapprehension prevails in some sections as to the scope of the original Gore resolution—that it is an attempt to prohibit American citizens from going abroad on armed merchantmen and that it is in some way an abatement or an abandonment of a right. I desire to call attention through the RECORD of those who are interested in the matter to the fact that the original Gore resolution was in harmony with the action which the Government took under two administrations in regard to Mexico, and took the third time under the present administration in its note of October 14, 1915, that it is no abandonment of a right, no surrender of an honor; that it was simply a suggestion that there are times in the history of a nation, as in the history of an individual, when it may be wise to forego the insistence upon a mere technical right rather than hazard the consequences of the insistence upon that right, and to encourage foregoing



## INVITING WAR FOR A "THRILL"

the insistence by withholding passports to persons going upon armed merchantmen.

The Senator from North Dakota [Mr. McCUMBER] has suggested that after this discussion there ought to be enough patriotism in the American people to refrain from taking a step which may entail unmeasured trouble and loss of life upon the American people. But as showing that there are still those in our midst who have no regard for the consequences of their acts to themselves or upon the millions of this country who dread and abhor war and pray for the averting of war, I desire to submit an article which I find in the Herald this morning, entitled "Americans sail on armed liner." I ask that the Secretary read the article.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

### AMERICANS SAIL ON ARMED LINER— WHITE STAR STEAMER "CANOPIC" TO MOUNT GUNS AT GIBRALTAR.

NEW YORK, March 3.

Before the White Star Liner *Canopic* sailed today for the Azores, Gibraltar, and Naples, Capt. R. W. James notified the passengers that the vessel will be armed on her arrival at Gibraltar with guns to be used in case the *Canopic* is attacked by submarines in the Mediterranean.

There were 350 persons, including passengers and crew, on board. Among them were three American citizens.

Mr. and Mrs. Charles Bellows, of Brooklyn, said the arming of the liner would not deter them. They have made three trips through the war zone. The third American citizen who sailed was W. W. Nichols, of Chicago.

Mr. CLAPP. Mr. President, it is not my province or right to pass upon the moral action of others or the action of others which involves a moral question. I have put this in the RECORD that if in that voyage after that ship leaves Gibraltar, armed as the officers notified these people it would be, it will be for the American people to determine what course they should take, what they shall bear as the consequence of the reckless bravado of these people, who, with this notice, take their chances upon that ship after she leaves Gibraltar and sails into the Mediterranean—that when that time comes there can be no question here or elsewhere but what these people, in a spirit of reckless bravado, dared the danger of the war zone, and that in dealing with what our responsibility is for the injury of those people we may have in mind that they took this fate upon themselves.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Sena-

tor from Minnesota yield to the Senator from Iowa?

Mr. CLAPP. I do.

Mr. CUMMINS. I wish the Senator would have a further paragraph in the article read if it be the same one which I read this morning—the paragraph which states the pleasure the passengers felt in the thrill of danger.

Mr. GALLINGER. That was in the Post.

Mr. CUMMINS. It may be, as suggested by the Senator from New Hampshire, that it is an article in another morning paper. I was quite impressed with the reason which the passengers gave for incurring the hazard of the voyage.

Mr. CLAPP. Yes; the article I had read is from the Herald, and has been read in full. The article the Senator from New Hampshire refers to must be from some other paper.

Mr. JONES. Mr. President, there is an article in the Washington Post this morning referring to the same matter the Senator from Minnesota called attention to. I find, in addition to what the Senator had read, the article says—I will read this account:

Capt. James said that in the event of his encountering an enemy submarine he would make every effort to elude it. The use of the guns would depend on circumstances.

Two of the Americans were Mr. and Mrs. Charles Bellows, of 30 Pierrepont Street, Brooklyn. Mr. Bellows is an importer, and with his wife has made the trip through the danger zone three times. When asked if he did not fear to sail in view of the captain's announcement, he said:

"By no means. I have run blockades before this, and so has my wife, and I really enjoy the thrills that come with it."

Mr. President, I am not going to discuss international law and the finespun theories with reference to the rights of American citizens under it. Here is a concrete example of the disposition of those who now under the present condition of things want to travel upon armed belligerent ships.

The American people may not comprehend fully the finespun theories as to their rights under international law based upon the piratical conditions of a hundred years ago, but they will understand what the disposition is on the part of those who insist upon traveling on these ships, and they will not consider that the Nation's honor is at stake in seeing to it that some individual shall enjoy the "thrill" that comes from traveling upon an armed merchant ship.

In this condition of things, and in considering the right of individuals who simply seek the enjoyment of such "thrills," it seems to me that we ought to place over against their desire the happiness and welfare and peace of

## PEACE OR WAR?

a hundred millions of people who are willing to stay at home and who are willing to deny themselves the exercise of rights that they may have in order that the country may continue to remain at peace.

Is it possible that if this boat should be sunk and this man lose his life it would be held that we are justified, in maintaining the national honor in the assertion of his right to enjoy a "thrill," to embroil the whole American people in this conflict?

Mr. President, we may find that under international law this man had a right to do what he is doing, but the American people will never stand behind such a proposition as that and try to enforce it at the expense of their peace and their welfare. They will never fight for a thrill.

*In the Senate, Monday, March 6, 1916*

*(Legislative Day of Friday, March 3, 1916)*

Mr. McCUMBER. Mr. President, I desire to have read an editorial from the New York Times of Sunday, March 5, bearing upon the subject which was under consideration last Friday, which, it seems to me, it would be very appropriate to answer in a very few words.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none. The Secretary will read.

Mr. McCUMBER. The subject is under the heading "The flag on the Capitol."

The Secretary read as follows:

### THE FLAG ON THE CAPITOL.

For some days, thanks to the multitudinous lies, radiated over the country from the central source at Washington, Americans have been boiling with anger at the thought that not an American but a German Congress was sitting there. They knew that foreign intrigue and domestic malice were doing their worst to set the legislative branch against the Executive, to filch from the latter one of his constitutional powers, to weaken the President in a grave moment of international difficulty, to create the impression abroad that the United States Government was divided in opinion, that the people were on one side and the President on another.

They saw Senators and Representatives eager for a cowardly surrender of the right of Americans to travel on the high seas. They read the concocted tabulations showing a majority in Congress—in the House a majority of two to one—in favor of that surrender. They saw, with shame and anger, a Senator in the Senate Chamber rolling out unctuously a falsehood, which he took good pains not to inquire into, about the President's wish for war. They heard from the American ambassador to Germany of the erroneous or sophisticated opinion prevailing in Germany, of the injury done to the United

States by replication in Berlin of the studiously propagated report that Congress was hostile to Mr. Wilson's submarine policy.

Not even in the days when earlier aliens and fomentors of sedition were making the United States the football of foreign interests has the United States seemed so pitiable. Then it was young, weak, unconsolidated, full of generous recent friendships and enmities. Now, in its height of power, had it become the puppet of a foreign influence, a child in the hands of a foreign master? Was its Congress not its own, but that master's? Dark days for Americans.

It seemed as if the Congress was ready to haul down the American flag from the Capitol, spit on it, run the black, white, and red up in its place. But Tuesday the President called on the Germans in Congress to stand up and be counted. They stood up in the Senate Friday, 14 in all, a sorry lot. The Senate stamped on the counsel of division and dishonor. The Senate was American. The German flag was not going up on the Capitol. There was still an America, instinct with national patriotism, hot to resent and prevent the sacrifice of the least tittle of American rights, calm and majestically strong in upholding the President, who was striving in stormy times to maintain peace, but with no diminution of national right, no stain upon national honor.

The Senate is American. It is for the House to prove amply and unmistakably by its vote on the McLemore resolution that it is also American. The cloud of lies is not yet wholly scattered. The German flag will still seem to be dangling from the Capitol staff until the House has acted.

Mr. McCUMBER. Mr. President, whenever we get ready for war, the editorial writer for the New York Times will find no divided sentiment in the Senate of the United States, and in my opinion very little division of sentiment among the people of the United States. But, Mr. President, if the writer of this article thinks for a single moment that the American people are hunting for an excuse to get into this European war, that they want Americans to expose themselves and to be killed so that we may be compelled to assert ourselves by armed conflict, he is sadly misinformed.

No, Mr. President; the country, while ever ready to defend our undoubted rights, does not want its citizens to needlessly lead it into this war. The sentiment of the people is patriotic, but it is not jingoistic. And, Mr. President, if this country is ever forced into war its victories will be achieved not by the bully or braggart, not by the jingo declaimers, but by the great army of true American patriots who are more concerned that their cause shall be a just right, approved by their hearts and their consciences, than a mere naked legal right.

Mr. President, no American has ever condoned or will condone the sinking of an unarmed indefensible merchant ship without first signaling for surrender, and without adequate protection of the lives of passengers and crew.

## A TORY LEAGUE DENOUNCED

That has now been conceded by all belligerents. The controversy has now narrowed down to a question as to whether an armed merchant vessel or a submarine should be permitted to shoot first. And without passing judgment on that question, but leaving it in the hands of the President, I insist that true American patriotism demands that so long as that disputed question has not been settled, so long as it is the subject of diplomatic negotiation and conference, no American citizen should by his needless act jeopardize the peaceful settlement of the question or precipitate a crisis, and no American who purposely does so, and no one who advises him to do so can claim to be governed by real, true patriotic motives toward his own country. The highest patriotism of the American people to-day is to prevent precipitating the country into an armed conflict during the negotiations concerning this most delicate question.

Mr. JONES. Mr. President, when I heard the editorial read that the Senator from North Dakota sent to the Secretary's desk I wondered whether the writer of it belonged to a certain league that seems to be organized in the city of New York for a certain purpose, which is sending out documents urging that all means be taken possible to bring about a diplomatic rupture between this country and some of the belligerent nations.

This league is called "Citizens' League for America and the Allies," and one of its purposes is thus expressed:

This league is formed to use all lawful means to put this nation in a position of definite sympathy with the allies, and in an equally definite position of moral disapprobation of the purposes and methods of the Central Teutonic Empires.

Mr. President, this document which this league sends out is an address delivered at Tremont Temple, Sunday, January 30, 1916, by Josiah Royce, LL. D., professor in Harvard University. He closes with these words—and I simply ask the people to judge whether or not he is working in the interest of the United States and of the people of the United States and of the neutrality which our President so wisely and patriotically urged us all to maintain some time ago:

Let us do what we can to bring about at least a rupture of all diplomatic relations between our own Republic and those foes of mankind, and let us fearlessly await whatever dangers this our duty as Americans may entail upon us, upon our land, and upon our posterity. We shall not thus escape suffering, but we shall begin to endure as Belgium to-day endures, for honor, for duty, for mankind.

Mr. President, the 14 Senators referred to in this editorial have no other desire and no

other purpose than to promote the welfare, the happiness, the peace, and the prosperity of the American people. They are not interested as citizens of this country in either side of this great controversy, but are trying to keep their country out of just what this league is trying to get us into.

Mr. OLIVER. Mr. President, as one of those not numbered among "the immortal fourteen," I wish to say that in my opinion the editorial which was read at the request of the Senator from North Dakota [Mr. McCUMBER] does not reflect the views and was not written by a legitimate champion of the men—the sixty and odd Senators—who voted with the majority a few days ago. I am satisfied, Mr. President, that every Senator who then voted, no matter on which side, voted in accordance with what he thought was best for the American people.

I voted as I did because I think the Congress is not the proper forum at this time for the discussion of this question. The Constitution places in the hands of the President the responsibility for dealing with our foreign affairs; and I, as a Member of the Congress, no matter how I may differ from the President and from his administration on domestic questions, feel that it is not up to me to interfere in any way with his conduct of foreign affairs in accordance with the dictates of the Constitution and of the duties which the people have called upon him to perform.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from New Hampshire?

Mr. OLIVER. I shall be through in one moment, Mr. President.

The PRESIDENT pro tempore. The Senator from Pennsylvania declines to yield.

Mr. GALLINGER. I simply wanted to ask the Senator from Pennsylvania a question at that point.

Mr. OLIVER. In one moment I shall yield to the Senator.

Mr. President, I deprecate such utterances as are contained in that editorial, and I decline to acknowledge that the men who give utterance to such expressions represent me in any way whatever. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I am gratified to hear what the Senator from Pennsylvania has stated, because I believe it is the honest feeling of every Senator, no matter how he voted on that misunderstood resolution; but I wanted to ask the Senator this question: Does the Senator feel that in voting

## PEACE OR WAR?

an opinion that the Executive might well warn American citizens not to travel on armed merchantmen is interfering with the President's constitutional prerogative in any way?

Mr. OLIVER. Not at all, Mr. President, if a Senator feels that it is his duty to give expression to that opinion. For my part, I do not feel that it is my duty to give expression to any opinion upon the subject at this time.

Mr. GALLINGER. Mr. President, the question I have propounded arose from the fact that the Senator from Pennsylvania seemed to intimate that in some way we were trying to encroach upon the prerogatives of the Executive. I have been utterly unable to see—I may be dense on the subject—how we were doing that in any way, if we simply felt and expressed the view that a warning of this kind might well be given to our people. That is all. That is the only thing I want to vote on. I believe such a warning ought to be given, just as Sweden has given it, just as the President practically gave it in reference to Mexico; and I certainly would be one of the last Senators to take from the Executive any right that belongs to him or to hamper him in the discharge of his duty in trying to keep the country out of war. I do not want war, Mr. President. I want peace, and any vote I cast will be cast in that direction.

Mr. OLIVER. I realize that fully, Mr. President. I believe that that is the feeling of every Senator and of every Member of the House of Representatives. As to whether we should give expression to our views on this subject, as I said before, that simply marks an honest difference of opinion between the Senator from New Hampshire and myself.

Mr. GALLINGER. That is all.

Mr. POMERENE. Mr. President, about 10 days ago I received a letter from a constituent urging me to support the resolution of the Senator from Oklahoma [Mr. GORE] and giving as a reason for making that request a precedent which had been set by the British Government during the war between Russia and Japan. I at that time made some investigation in the State Department and satisfied myself that no such order had ever been issued by the British Government; at least, that was the information which was given to me. I should not have referred to this subject but that on Saturday the Senator from Massachusetts [Mr. LODGE] referred to it and discussed it at some length, presenting some documentary evidence showing that no such order had been issued. I then took the matter up again with the State Department

in order that the Senate might have the benefit of such knowledge as the State Department had had upon the subject, and I now have from the Secretary of State a letter, which I send to the desk and ask that it may be read for the information of the Senate.

The PRESIDENT pro tempore. Unless there is objection, the Secretary will read as requested. The Chair hears none.

The Secretary read the letter, as follows:

DEPARTMENT OF STATE,  
Washington, March 6, 1916.

The Hon. ATLEE POMERENE,  
United States Senate.

MY DEAR SENATOR: Referring to your oral inquiry on Saturday last in regard to an official order reported to have been issued at Hongkong or Shanghai by British authorities warning British subjects not to travel on belligerent ships during the Russo-Japanese War. I am advised that no such order or warning has been published in the British official organ or in the North China Herald, of Shanghai, and that British representatives and consular officers were expressly instructed to abstain from giving any advice to merchants, etc., by a circular of February 15, 1904. It is understood that if any such warning was issued it was without the authority of His Majesty's Government and contrary to their instructions.

Very sincerely, yours,  
ROBERT LANSING.

*In the Senate, Tuesday, March 7, 1916*

*(Legislative Day of Friday, March 3, 1916)*

Mr. SUTHERLAND.\* Mr. President, it is quite natural in a great war such as now involves almost the whole of Europe that individual American citizens should sympathize with the cause of one side or the other, and this is particularly to be expected in the case of those of foreign birth or of recent foreign ancestry. There is nothing in such a sentiment to condemn or even deplore. For a citizen of German birth or descent to sympathize with or look forward with anxious hope to the success of Teutonic arms, or for a citizen of English or French or Russian birth or descent to sympathize with and pray for the victory of the allies, is precisely what might be anticipated, and constitutes no breach of civic duty as far as this Government is concerned. Such an attitude of mind is entirely consistent with unimpaired loyalty to this country and readiness to bear arms in its defense, if need be, against even the land of one's birth and ancestry. To say that the individual citizen, in the face of the passionate and titanic struggle which holds the foremost nations

\*Mr. Sutherland was born in Buckinghamshire, England.

## AN ARGUMENT FOR ARMAMENT

of Europe in the very shadow of destruction, should remain neutral in thought and speech is to talk nonsense and to ask an impossibility.

On September 19, 1914, in the early days of the war, Mr. Lansing, then Acting Secretary of State, in a circular relating to armed merchantmen, which was sent to representatives of all foreign powers, among other things announced this general rule: "A merchant vessel of belligerent nationality may carry an armament and munitions for the sole purpose of defense without acquiring the character of a ship of war." My understanding is that this correctly states the rule recognized by substantially all the authorities who have spoken upon the subject. In the great struggle which is now raging our position is one of extreme delicacy. The belligerent nations are engaged in a war for what they believe to be their very existence. What they do is done in hot blood; what we do should be done in cool blood. It may not always be possible for us to determine as between conflicting claims what is precisely the wise and impartial thing to do, but there is one general policy that we can creditably follow, and that is to ascertain definitely what were the rules of international law affecting the question of neutrality in force at the opening of hostilities, and then adhere to them strictly and impartially, whatever may be the incidental effect of our adherence upon any of the belligerent powers. If we do that, we shall at least preserve our attitude of neutrality. It is possible that we may modify our position and still preserve that attitude, but we are more likely to be guilty of unfairness to somebody, and indeed, as I shall presently show, to be guilty of a breach of neutrality or a distinctly unfriendly act, which may involve serious and perhaps disastrous consequences.

These general observations have a bearing upon the two questions that have led to much recent discussion; first, that relating to the arming of merchant vessels for defensive purposes and the use of such vessels by our citizens for travel; and, second, that relating to the trade of our citizens in munitions of war. I desire very briefly to discuss both of these matters, and first that of the right of a merchant vessel of a belligerent nation to carry arms for defensive purposes only. That such right exists is clearly laid down in the circular of the State Department from which I have already quoted. The general rule is established by substantially all the authorities and has nowhere been more clearly stated than by Mr. A. Pearce Higgins, in a recent article, from which I quote as follows:

The right of a merchant ship to defend herself and to be armed for that purpose has not, so far as I am aware, been doubted for two centuries, until the question has again become one of practical importance. The historical evidence of the practice down to the year 1815 is overwhelming. Dr. Schramm, in his elaborate denial of the right fails to distinguish between the position in which a belligerent warship stands to an enemy merchant ship, and that in which it stands to a neutral merchant ship. This failure is important and goes to the root of the matter, for whereas the visit of a belligerent warship to an enemy merchant ship is, under existing law, merely the first step to capture and is itself a hostile act, and is undertaken solely in order to enable the captor to ascertain that the ship is one which is not exempt by custom, treaty, or convention from capture, the visit to a neutral ship, though justified by the fact of the existence of war, is not a hostile act. By long custom a belligerent warship has a right of visit and search of all neutral merchant vessels, and this right is exercised in order to ascertain whether a vessel is in fact neutral and not engaged in any acts such as attempting to break blockade, the carriage of contraband, or the performance of any unneutral service which would justify its detention and condemnation. "It has been truly denominated a right growing out of and ancillary to the greater right of capture. Where this greater right may be legally exercised without search (as in the case of enemy ships) the right of search can never arise or come into question." A belligerent warship has a right to capture an enemy merchant ship, and the latter is under no duty to submit; it has a corresponding right to resist capture, which is an act of violence and hostility. By resisting, the belligerent violates no duty, he is held by force, and may escape if he can. But forcible resistance, as distinct from flight, on the part of a neutral merchant ship is universally admitted as a just ground for the condemnation of the ship, for a neutral is under a duty to submit to belligerent visit. (S. Doc. No. 332, 64th Cong., p. 32.)

It is said, however, that the advent of the submarine, a new weapon, weak in defensive power, has brought about an alteration of the rule, upon the principle embodied in a very old and respectable maxim of the common law, *cessante ratione legis cessat ipsa lex*—the reason of the law ceasing, the law itself ceases. No one doubts the wisdom of the maxim, but does it apply? We must not confuse the *reason* which gives life to the law with the *incidental circumstances* which may accompany the operation of it, but do not condition the law itself. The crime of murder was never dependent upon the character of the instrument by which it was committed. The crime itself antedated the invention of gunpowder, but the advent of that substance in no way altered the constituent elements which characterized the crime. When the gun took the place of the knife and the bludgeon as the implement of assassination, these constituent elements were not in any manner affected. The rule of international law was that a belligerent merchant ship might arm for defense and might forcibly defend herself against the at-

tack of an enemy—not an enemy armed in a particular way, but an enemy armed in any way. It is true that a merchant vessel so armed seldom, if ever, resisted the attack of a warship, but that was not because it had no right to resist, but because resistance was futile. The rule was, further, that the merchant ship could not lawfully be sunk until after warning and an opportunity given crew and passengers to escape in safety. The claim that the submarine is a war vessel of such weak defensive ability that a merchant vessel may not defend against its attack, and that it is absolved from giving warning because to do so might invite its own destruction, does not, in my judgment, present a case that calls for the application of the maxim. The rule allowing defensive armament upon and requiring previous warning to a merchant vessel was not based upon the reason that a ship of war was in no danger from the slight defensive armament that was carried, but it was based upon the supreme right of self-defense, and upon the consideration that it was not in accordance with the principles of civilized warfare that the lives of civilian crews and passengers should be destroyed without previous warning and full opportunity to save themselves. That reason, founded upon the dictates of humanity, is not affected in the least because a vulnerable submarine may be used in place of an invincible man-of-war. This humane rule has heretofore existed without qualification. If it could not be complied with for any reason, it was not admissible to destroy the ship and jeopardize the lives of her crew and passengers.

The proposition now insisted upon, baldly stated, is simply this, that when a new engine of destruction is invented that can not be made entirely effective without violating the law, the law is *ipso facto* automatically modified. Under these circumstances my own view of the matter is that the new weapon must yield to the law and not that the law must yield to the new weapon. What would be thought of a similar claim made by a citizen with reference to a domestic law, namely, that if new and unforeseen conditions arise rendering it highly inconvenient to comply with the law compliance must be dispensed with? It seems to me a far more logical conclusion is that if the submarine can not be utilized effectively without violating this long-established and humane rule of international law that fact constitutes persuasive ground not for repudiating the law but for holding that the submarine, since it can not be used in accordance with the law, may not be used at all against

merchant shipping, but must be confined to operating against vessels of war alone. However this may be, according to all fundamental principles and rules of logical construction, the invention and use of a new weapon of warfare should not be considered as depriving the noncombatant civilian of long-established and heretofore universally recognized rights. If we concede that the rule no longer applies to ships armed for defense alone we must be prepared to face a probable condition much more serious than that involved in the destruction of an armed vessel without warning. To concede the right of a submarine to sink a vessel so armed without giving warning and opportunity for crew and passengers to escape in safety will be to invite the sinking of unarmed vessels without warning as well, since it is well-nigh impossible for the officers of a submarine, under the conditions which surround them, to determine in advance whether a given vessel is armed or not. They will, therefore, be tempted to act upon conjecture or suspicion. It is said that the ship can not be halted in order to make an inspection, for that would be to risk the destruction of the submarine if it turned out that the merchant ship was in fact armed. Indeed, that is the basis of the claim that an armed vessel may be sunk without warning. It is a general rule that if one is authorized to do a thing upon the existence of a particular condition he is justified in acting upon the reasonable belief that such condition does in fact exist.

If therefore the commander of a submarine claims to act upon appearances, we shall never be able to determine whether these appearances justified his conclusion until after the vessel and her crew and passengers have gone to the bottom of the sea, and in some cases not even then. The result will be that unarmed vessels, while possessing immunity in theory, will have none in fact; and while ostensibly conceding the right to sink armed vessels only, we shall in fact have conceded the right to sink unarmed vessels as well, since if the submarine possess the right to sink an armed vessel, the claim of justification will be difficult to meet whenever the commander, sinking any vessel, insists that he had reasonable ground for the belief that it was armed.

The question next arises—and, indeed, it is really the crucial question—shall our citizens be officially advised to forbear from traveling upon belligerent merchant vessels armed for defense only? Or, indeed, shall we go further, as some people insist, and forbid their doing so under penalty for disobedience? If I am correct in what I have already said, namely,

that these merchant ships have the right to carry defensive armament, it follows that such a ship has the same status as though unarmed and that the right of a neutral citizen to transport his goods or travel upon either is the same, and not a different right; and that, in fact, is the decision of our own Supreme Court in a great case decided many years ago and never since overruled or modified. (*The Nereide*, 9 Cranch, 388.) The decision was rendered by Chief Justice Marshall, and in the course of it he said:

A belligerent has a perfect right to arm in his own defense, and a neutral has a perfect right to transport his goods in a belligerent vessel. These rights do not interfere with each other. The neutral has no control over the belligerent right to arm—ought he to be accountable for the exercise of it? \* \* \* The object of the neutral is the transportation of his goods. His connection with the vessel which transports them is the same whether that vessel be armed or unarmed. The act of arming is not his; it is the act of a party who has a right to do so. He meddles not with the armament nor with the war. Whether his goods were on board or not, the vessel would be armed and would sail. His goods do not contribute to the armament further than the freight he pays and freight he would pay were the vessel unarmed. It is difficult to perceive in this argument anything which does not also apply to an unarmed vessel. In both instances it is the right and the duty of the carrier to avoid capture and to prevent a search. There is no difference except in the degree of capacity to carry this duty into effect. The argument would operate against the rule which permits the neutral merchant to employ a belligerent vessel without imparting to his goods the belligerent character. The argument respecting resistance stands upon the same ground with that which respects arming. Both are lawful. Neither of them is chargeable to the goods or their owner where he has taken no part in it. They are incidents to the character of the vessel, and may always occur where the carrier is belligerent. *If the neutral character of the goods is forfeited by the resistance of the belligerent vessel, why is not the neutral character of the passengers forfeited by the same cause?* The master and crew are prisoners of war; why are not those passengers who did not engage in the conflict also prisoners? That they are not would seem to the court to afford a strong argument in favor of the goods. *The law would operate in the same manner on both.*

Nothing, Mr. President, it seems to me, could be more clear and more conclusive than that statement made by the great Chief Justice.

If, therefore, a citizen take passage upon a ship so armed and lose his life by the sinking of the ship without warning, what must be the contention and claim of this Government? To my mind, clearly this: That the citizen in the exercise of a clear right has been deprived of his life by the deliberately illegal act of the belligerent Government which sent the submarine on its mission of death. Others are welcome to their own opinions, but I can conceive of no other position for this Government to as-

sume; and unless it is willing to forfeit the respect of mankind by becoming a craven thing, it must be prepared to sustain that position at whatever cost or consequence. However desirable it may be that our citizens for their own sakes should refrain from traveling upon defensively armed ships, it is quite another matter for the Government to advise or order them to do so. So long as he violates no law an American citizen may pursue his business in his own way, even though it may be a dangerous business or a dangerous way. It is not to be presumed that he will recklessly or needlessly put his life in danger—indeed, all presumptions are to the contrary—and no resolution of Congress can possibly advise him of any danger of sea travel which he does not already fully understand. But, Mr. President, what of the American citizens scattered about the world engaged in lawful pursuits who are from time to time obliged to travel upon the sea from and to ports between which neutral ships do not ply? What is the citizen so placed to do? Is he to indefinitely maroon himself, however imperatively his presence may be required elsewhere? If not, and he be entitled to the protection of his Government in the exercise, and perhaps in the vitally necessary exercise, of his lawful right of travel upon a belligerent merchant vessel armed for defense, upon what theory consistent with national courage and self-respect can Congress or the Executive interfere with or forbid the use of his own discretion in the matter? I am one of those who desire peace. I detest the bully and the brawler among nations as I do among individuals. I would sacrifice much to avoid war—pride of opinion, money, property, comfort—I would fight over no wrongs which money could compensate—but a nation, when all other means fail, that will not resent a flagrant and illegal attack upon the lives of its own citizens is only less detestable than a man who will not fight for his wife and children. And so, sir, believing as I do about that, satisfied as I am that—advice or no advice—if the life of an American citizen be again taken by the illegal and deliberate sinking without warning of a merchant ship, unarmed or armed only for defense, that this Government should hold the offending nation to a stern reckoning, I shall never give my consent to the issuance of a formal and official notice such as has been proposed, which, if not heeded, would, without minimizing our duty in the least, have the effect of embarrassing and weakening our moral standing if we should once more be under the sad necessity of seeking reparation for the

## PEACE OR WAR?

destruction of the lives of our people. I repeat, sir, that I do not want war at any time, and I pray God that it may not come now; but I would rather have war with all its sacrifices and suffering than that this Nation, with its long history of heroism and glory, should play the poltroon when confronted by a supreme national duty, because it places a greater value upon its ease than upon its honor.

*In the Senate, Wednesday, March 8, 1916*  
(Legislative Day of Friday, March 3, 1916)

Mr. STONE. Mr. President, I have a notice standing on the Calendar to the effect that I would on to-morrow address the Senate on the subject of armed merchant ships and on other related subjects. With much care I have prepared a speech which I purposed to deliver, and in which I joined issue with some Senators who have spoken on these questions, particularly as to the law, if indeed there be a law established and recognized, touching the subject of armed merchantmen. There are potent reasons why I would be glad to lay these matured views on this and correlated subjects before the Senate; but some of my colleagues, in whose judgment I have great confidence, a number of them being substantially in accord with my views, have expressed to me their belief that it would be wiser and better in every way if I should defer the delivery of this address for the time being. I recognize the force of what they have said to me, and in fact sympathize with their suggestions.

Last night I had another very frank talk with the President—I say frank talk, for that is the way we talk with each other, when we talk, as we should. I am sure I will not offend if I say that so far from the President desiring to involve this country in this disastrous European war, his supreme wish is to avoid that calamity. I may not be in accord with some of his views; I have already stated on the Senate floor that I am not; but it should be impossible for any Senator to believe that the President has so changed the attitude he has so long maintained as an advocate of peace as to wish now to make this country a party to this conflict.

As Senators well know, I have from the first been earnestly opposed to having any of these questions presented in any formal way to the Senate, and I have been equally opposed to any public discussion of these questions while they were the subject of diplomatic consideration. In view of this situation, I have determined that I could better serve the cause

I have at heart—that is, the maintenance of peace in this country—by withholding any expression of my opinions so long as the questions at issue are the legitimate subject of diplomatic negotiations. I PROFOUNDLY HOPE THAT NO OCCASION WILL ARISE WHEN I SHALL FEEL OBLIGED TO TAKE THESE SUBJECTS UP IN A PUBLIC WAY; BUT IF PERCHANCE SUCH AN OCCASION SHOULD ARISE I WILL SPEAK AND ACT AS I THINK. IN THE MEANTIME, I SHALL GIVE THE PRESIDENT WHATEVER SUPPORT I CAN IN THE DISCHARGE OF THOSE DUTIES DEVOLVED UPON HIM BY THE CONSTITUTION. ALL THROUGH HIS SERVICE AS PRESIDENT I HAVE COOPERATED WITH HIM, AND WITH ALL MY HEART I WISH TO CONTINUE THAT COOPERATION; AND SO I HAVE CONCLUDED NOT TO SAY ANYTHING AT THIS JUNCTURE THAT MIGHT BE MISUNDERSTOOD, ESPECIALLY IN FOREIGN CAPITALS, AND WHICH MIGHT BY ANY CHANCE CONTRIBUTE TO THE DIFFICULTIES WITH WHICH THE PRESIDENT IS BESET.

*In the Senate, Thursday, March 9, 1916*

Mr. VARDAMAN. Mr. President, there is no danger, I apprehend, of the legislative department of the Government usurping any of the powers that belong to the executive department. But there is danger of the President dominating and controlling the Congress in a way not contemplated by builders of the Constitution. I have been apprehensive at times that Executive interference with the legislative function is one of the real menaces to the permanency of our system of government. The votes that have been taken by the Congress in the last few days on the question of permitting American citizens to travel on belligerent merchant ships, I respectfully submit, were NOT VOTES OF CONFIDENCE, BUT, RATHER, VOTES OF OBEDIENCE; they were not votes of counsel, expressing the convictions of the individual Congressmen upon this grave question, but, rather, I fear, in many instances, but the SULLEN, SILENT SUBMISSION to what was thought to be the demands of the presidential will and to meet the exigencies of party politics.

But, Mr. President, I am not willing to delegate to the President or any other officer the right to perform a duty for me which means



## THE PRESIDENT DECLARED PRO-ALLY

as much to the American people as is involved in the issue which confronts the country to-day. I am not willing to leave to the discretion of the President or any other officer to say whether American citizens shall be permitted upon merchantmen belonging to belligerent countries, when we have been told by the President that if a person thus traveling should lose his life by the sinking of a merchantman by a German submarine that he would consider it a gross violation of international law, and I think I am within the facts of recent history when I say he intimated that the breaking off of diplomatic relations with Germany would follow. I am not willing to submit even to the President a matter of such vital moment to the people of Mississippi and America when I have assurance that he would decide the question against what I believe to be their best interests. And in taking this position I should dislike for anybody to conclude that it is because of a lack of confidence in the President's honesty or done in a spirit of hostility.

**I HAVE AN IMPRESSION, CREATED BY WHAT HAS HAPPENED IN THE LAST FEW MONTHS, THAT THE PRESIDENT DISTINCTLY LEANS TOWARD THE ALLIES IN THE EUROPEAN CONFLICT,** and whatever he may think his duty in the premises he will do, just as I am not going to leave undone anything which should be done, that I have a right to do, and which is my duty to do as a Member of this Congress, that would render impossible an unnecessary war with any of the belligerent powers of Europe. If I may be pardoned for the diversion, I want to say just here, that I have the greatest admiration and respect for the learning of the extraordinary man who is the present Executive head of this Republic. He has written some good books—splendid books; he is familiar with the history of the rise and fall of civilizations, whose skeletons mark the shores of time; he knows the causes that produced them, and he is doubtless familiar with the influences that caused their disintegration and downfall. But, even conceding all that, I do not think he possesses a corner on all political wisdom, nor do I believe that he is any more patriotic than the majority of the Members of Congress, who share with him the responsibility of this Government. I might concede to him all the qualities with which the perfervid love-tinted imaginations of his self-constituted special senatorial defenders, partisan friends, and devoted adherents in Congress clothe him, but even then, Mr. President, I SHOULD STILL BE IN FAVOR OF THE

**CONGRESS EXERCISING ITS PROPER FUNCTION AND NOT LEAVE ALL THE RESPONSIBILITY OF THE GOVERNMENT TO THE PRESIDENT.** The President is a mere man, whose heart is filled with the hopes and hates, loves and limitations, fears and forebodings, favorites and fancies incident to mortality. His brain is the storehouse of ambitions, vanities, virtues, faults, and frailties that belong to the human race. Only a man—just a man—that's all.

The flames that are consuming Europe are throwing their sparks across the dividing ocean, and the sense of security which a few months ago we enjoyed has given way to soul-disturbing apprehensions. The opportunities for investment, the greed for gain, the cupidity which is eating out the hearts of a certain class of citizens in some sections of this Republic, the bad advice of such individuals who are enjoying enormous profits from the manufacture of munitions of war, together with the public press, which has become the active agent of the harpies of predatory interests and is now engaged in the diabolical work of inculcating false sentiments, to the end that their masters may, from the wreck and carnage of war, grow richer still and fill their capacious coffers with gold coined of the blood and tears, the suffering and sacrifices of the victims of war.

Is the interest of an irresponsible, imprudent, vagrant, fool-hardy creature, knowing the perils of the sea, to outweigh with the Congress the peace and happiness of 100,000,000 of prosperous and law-abiding people? Is it fair, is it just, is it reasonable, is it humane that these few irresponsible, notoriety-loving individuals should be permitted to involve this country in a war, the horrible consequences of which words may be inadequate to describe?

If the question were submitted to the American people to-day as to whether or not the United States should go to war with Germany for the sinking of a merchantman belonging to Great Britain with an American citizen upon it, is there a Senator in this Chamber, is there a reasonable, patriotic man on this continent who believes that the American people would vote to permit this vagrant citizen to travel on belligerent merchant ships if they knew it meant war for the United States? Do you believe there is a mother in America who would be willing to offer her son upon the altar of such a cause? Is there a loving wife who would give her husband to be sacrificed that the rights of such a reckless individual might be upheld, or that the ancient principle of international law, which has long since become obsolete, might be vindicated? Oh, no; you

## PEACE OR WAR?

know they would not. There is no question about that. There is no difference of opinion between us on this subject. I believe I have as much reverence for the American flag as any man who lives beneath its sacred folds. I yield to no man in my devotion to America, my reverence for its past, and my hope for its future. I want the flag of our Nation to float as an emblem of courage, of honor, of justice, and of humanity. I would not, knowingly, do anything, or permit anything to be done, or left undone that should be done, to preserve the independence, the integrity, and the honor of this Government. It is my Government. Every fiber of my being, every impulse of my soul, every pulsation of my heart beats in unison with its every purpose and pleads for the fulfillment of its great destiny. And for that reason, Mr. President, I shall not dishonor that flag and I shall not betray my Government by a failure on my part to take every necessary precaution against unnecessary, unprovoked, and unjustifiable war. I should not knowingly, not even to save my own life, do anything or leave anything undone that is necessary to be done, to save the American people from the horrors of war. I shall not be intimidated by the mendacious newspaper editors who are the servile tools of that greedy gang of Government wreckers, who would coin the blood and tears of the men, women, and children of this Republic into dollars that they may grow richer still.

If the belligerent countries of Europe desire to purchase American goods, let them come and get them. But I shall never consent to go to war because some venturesome, foolhardy creature, hired, possibly, to sail upon the British ship as a mascot to protect it against the assault of an enemy engaged in a death grapple. If the resolution proposed by the Senator from Oklahoma had been adopted by the Congress as it was originally introduced, in my judgment, the probabilities of war with Germany would have vanished as a nightmare from the troubled brain of innocence. And I am sorry the Senator from Oklahoma did not allow the resolution, as originally introduced, to be voted on. If I had been in the honorable Senator's stead, I should have forced a vote upon it. I should have held my flag in the air until it was shot from my hands. But he saw fit to do otherwise, and I have no criticism to offer for his conduct. But I am not sure we would have war even if an American citizen should lose his life on a belligerent merchant-ship. It might result in the severance of diplomatic relations between Germany and the United States, but even then, I am not sure that war

would follow. Germany has shown a disposition to do well nigh any and every thing demanded by the United States in order to avoid war, and it is my deliberate judgment that if we should have war with Germany, and God forbid that we may, it will be after Germany has made every possible concession to avoid it. Germany has been quite as respectful and observed the rules of international law in her dealings with the United States as the allies. It is also my deliberate judgment that some of the gentlemen who hold the bonds of the allies and are probably carrying large accounts against the allies for munitions of war would be very glad to see the United States drawn into this vortex of slaughter and death. Meetings are being held in some of the Eastern States urging the United States to take action. Some of the hired organs of the bondholders and munition manufacturers are taunting the United States with being cowards, and saying that Great Britain and the allies are fighting America's battles. **IT HAS BEEN INTIMATED THAT THERE IS A LEANING OR SYMPATHY IN HIGH OFFICIAL CIRCLES IN WASHINGTON TOWARD THE ALLIES, AND I DO NOT HESITATE TO SAY THAT UNLESS THIS CONGRESS TAKES AFFIRMATIVE ACTION LOOKING TO THE PROHIBITION OF AMERICANS FROM RIDING ON BELLIGERENT SHIPS, THERE IS A POSSIBILITY; AYE, MORE, A PROBABILITY, THAT THE UNITED STATES GOVERNMENT, UNDER PRETEXT OF DEFENDING THE RIGHTS OF THE AMERICAN CITIZEN, WILL BE DRAWN INTO THIS HORRIBLE MAELSTROM.**

I do not hesitate to say that to follow the lead of the President in the matter of prohibiting by law Americans to travel on belligerent merchant ships involves a violation of my every idea of duty to my constituents. It involves a violation of my sense of loyalty to the right and a betrayal of the American people. The sacrifice is too great to ask a self-respecting American Congressman to make. I will not be guilty of such a perfidious crime against my own conscience.

Mr. President—

Though every leaf were a tongue to cry Thou must, I will not say the unjust thing is just.

*In the Senate, Friday, March 10, 1916*

Mr. LA FOLLETTE. Mr. President, pursuant to a notice which I gave to the Senate two or three days ago, I wish to address myself very briefly to what I conceive to be a

## IS A PRESIDENT ABSOLUTE?

question of supreme importance which has grown out of the recent controversy as to the action of the Congress upon certain resolutions.

Mr. President, it is not my purpose to discuss generally the resolutions which were introduced warning or requesting American citizens to refrain at this time from travel upon armed belligerent vessels. But in the demand that Congress should vote down such resolutions, President Wilson has raised an issue of the gravest importance to the future well-being of our Government.

As I understand the pending controversy, the President assumes it to be the exclusive prerogative of the Executive to pursue any foreign policy, whatever the issue, independent of any suggestion from either or both branches of Congress.

The peremptory manner in which the administration forced action upon the resolution in the Senate, the extraordinary proceedings by which the resolution was changed and tabled, without opportunity for debate or explanation, warrants the belief that the President denies Congress the right to express its opinion upon a matter which lies within its constitutional authority quite as much as that of the Executive.

We must infer from what has transpired that the President in his personal conference with Senators and Representatives made it understood that he considered the whole matter so exclusively within the field of Executive authority that he regarded the introduction and consideration of resolutions advising our citizens to refrain from travel upon armed merchantmen as an interference with his prerogative. Congress was made to understand that a vote of confidence would not suffice, and that nothing less than a complete denial of any intent or purpose to express an opinion or offer advice on the part of Congress would satisfy the Chief Executive.

In his work on "Constitutional Government in the United States," published in 1911, President Wilson clearly defines his views as to the unlimited and exclusive prerogative of the Executive in dealing with foreign affairs:

One of the greatest of the President's powers I have not yet spoken of at all—his control, which is very absolute, of the foreign relations of a nation. The initiative in foreign affairs which the President possesses without any restriction whatever is virtually the power to control them absolutely. The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy; and to guide diplomacy is to determine what treaties must be made if the faith and prestige of the Government are to be

maintained. He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

I am quoting from President Wilson's work on "Constitutional Government," published in 1908 and republished in 1911; and I quote from the latest edition.

Mr. President, this statement of the views of Mr. Woodrow Wilson, writing on constitutional government in 1911, might be passed without concern. But if there is warrant to believe that President Wilson may, on the verge of a great world crisis, predicate vitally important and decisive action on that declaration, then, sir, it ought not to go unchallenged.

**IF THE PRESIDENT IS CLOTHED WITH SUCH UNLIMITED POWER, IF IN CONDUCTING FOREIGN AFFAIRS HE CAN GO UNHINDERED OF CONGRESS TO THE LIMIT OF MAKING WAR INEVITABLE, AND IF THE CONGRESS HAS NO ALTERNATIVE BUT TO ACCEPT AND SANCTION HIS COURSE, THEN WE HAVE BECOME A ONE-MAN POWER, THEN THE PRESIDENT HAS AUTHORITY TO MAKE WAR AS ABSOLUTELY AS THOUGH HE WERE CZAR OF RUSSIA.**

Mr. President, the extent and horror of the European war has caused widespread hysteria. But it has also compelled people to think, and among thoughtful people throughout the world there is a deeply settled conviction that this conflict with all its appalling sacrifice, is the result of an evil system of secret diplomacy. It is a system, sir, where the fate of nations and the lives of hundreds of millions, in ignorance of a fact or a circumstance in issue, may be sacrificed to win a relatively unimportant diplomatic victory.

If it be asserted that the power claimed by the President rests upon express constitutional and statutory authority, sanctioned by a century of unvarying precedents and custom—which I deny—then the democracy of America instructed by the bloody history of the last two years, will rewrite our Constitution and our statutes.

The enlightened citizenship of these United States, the men who would be called upon to go into the trenches of hell and death when war comes will demand and will secure a voice either directly or through their Representatives in deciding for or against war. They will no longer submit to have their Representatives—serving as mere automatons—vote empty approval of war, by formal declaration, after war has become inevitable, or has actually

## PEACE OR WAR?

been inaugurated by some act of war committed upon the orders of a President.

It will hardly do to say that no President will assume the responsibility of plunging this country into war.

When he became President, there was in the mind of James K. Polk a settled determination to acquire California as one of the achievements of his administration.

I quote from Reeves's American Diplomacy:

The Mexican War was waged for the purpose of conquest, for the fulfillment of Polk's designs upon California.

Writing of Polk's administration, Schouler, in his History of the United States, says:

Without a word of warning, however secret, to Congress, which was in full session, with no conference on this subject further than to hint repeatedly, as the Oregon difficulty gave him double excuse for doing without exposing his game that it *was prudent in times of peace to prepare for war*, he ordered Gen. Taylor to advance and take a position on the left bank of the Rio Grande [thus invading their disputed territory]; he also assembled a strong fleet in the Gulf of Mexico. \* \* \*

To provoke this feeble sister Republic to hostilities, at the same time putting on her the offense of shedding the first blood, was the step predetermined, if she would not sign away her domain for gold.

This was the program: To let loose the demon of war and under the smoke of defending the fourth part of Mexico we had just snatched from her, to despoil her of another. The program succeeded after a struggle, but the dark catastrophe locked up in our bloody acquisitions was hidden for many years.

The President had his way. We acquired California. But as stated by Webster in his arraignment of President Polk:

*No one declared war. Mr. Polk made it.*

Mr. President, less than two years have gone by since President Wilson sought the advice and cooperation of Congress upon a situation so grave in its character, so overripe in its development, that it culminated in bloodshed before it was possible for Congress to act at all.

The immediate incident which led on to the landing of the United States troops on foreign soil and the capture of a foreign city and port had transpired on the 9th of April. On that day a boat loaded with American sailors in the uniform of the American Navy landed at the wharf in Tampico, Mexico. They were arrested by a Mexican officer in charge of a guard. They were presently returned to the boat, released from arrest. The action of the officer making the arrest was promptly disavowed by the de facto government. The officer making the unwarranted arrest of our sailors was placed under arrest by his government. The commandant at Tampico apologized for the act. The head of the de facto government also promptly apologized. Admiral Mayo—our na-

val commander at the port—not being satisfied that sufficient amends had been made for the affront committed, made further demand that the Mexican military commander at the port of Tampico should fire a salute of 21 guns, with special ceremony.

The government de facto consented to fire a salute, but disagreement arose as to the number of guns which should be fired and what were the proper and customary incidents in the way of returning the salute.

Finally, on the 20th of April, the President, in an address made in person, submitted a very brief statement of the matter to Congress, assembled in joint session, and asked its approval that he should use the armed forces of the United States to enforce the demands which had been made.

The President prefaced his request for the approval of Congress to use the armed forces of the United States to enforce the demands made by Admiral Mayo with the assertion that he had the power to act in the premises without the approval of Congress, the prefatory statement being made in the following language—and I quote from President Wilson's message delivered in person before the joint session of the two Houses—

*No doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to Congress and yet not exceed my constitutional powers as President.*

The President's address was concluded at 3.12 p. m. on April 20, when he retired from the Hall of the House.

That prompt action was desired by the President upon his message to Congress was made known to the House immediately by Mr. UNDERWOOD, of Alabama, who said:

Mr. Speaker, I merely wish to state to the House that the President informs me that it is of the utmost importance that action should be taken to-day in reference to his message just received. I wish to ask each Member of the House to remain here until the resolution can be passed through the House at a later hour this afternoon.

The resolution passed the House that day, and while it was under consideration in the Senate on the following day the wires brought the news from Mexico that our soldiers had been landed at Vera Cruz and that fighting was in progress in the streets of that city.

Mr. President, I have briefly presented the essential facts of this important event at this time because of its bearing upon the issue which has been raised between the President and Congress.

The differences between the President and the head of the de facto government of Mexico

## CONGRESS MUST ASSERT ITSELF

growing out of the Tampico affair had reached such a stage before he sought the cooperation of Congress and while that matter was at his request under consideration by Congress, that he ordered the armed forces of the United States to capture and hold the port of Vera Cruz and plant our flag on Mexican soil. This order was issued over a disagreement as to whether 5 or 21 blank cartridges should be fired by the Mexicans to accentuate their apology, which had already been voluntarily tendered for the offending act of a subordinate officer. He acted without authority from Congress. We invaded Mexico with an armed force. Bloodshed on both sides followed as the inevitable result.

Had it been Great Britain or Germany or any other great power on earth, instead of poor, weak, bankrupt, distracted Mexico, we would have been involved in a war the cost and sacrifice and suffering of which is beyond the imagination of man to portray.

Not to digress, I might say, in view of the attack made yesterday upon Columbus, N. Mex., by a band of Mexicans led by the outlaw Villa, that the pursuit of raiders who have violated the rights of American citizens upon American soil across the borders into their own country has the sanction of innumerable precedents. It is easily distinguished in fact and principle and presents an entirely different question from that raised by the Vera Cruz incident.

If the President has the power to order the forces of the United States to invade a foreign country, capture a city, and slay its people, as in the case of Vera Cruz, he has the absolute power to make war at will.

I do not believe the framers of our Constitution ever intended to invest him with such power, either directly or as an incident to any power directly conferred upon him.

In his letter to Senator STONE the President says:

But in any event our duty is clear. No nation, no group of nations, has the right while war is in progress to alter or disregard the principles which all nations have agreed upon in mitigation of the horrors and sufferings of war; and if the clear rights of American citizens should very unhappily be abridged or denied by any such action we should, it seems to me, have in honor no choice as to what our own course should be.

In view of this alternative which we are told we must face, Congress, if mindful of what happened at Vera Cruz, as well as of the lessons of history and of the appalling consequences of the involvement of the United States in this European war, was bound to take action, to express its views, and to offer

counsel which might avert the pending disaster.

In my opinion we have fallen short of our obligation and duty rather than exceeded it.

**WE ARE, INDEED, PLACED IN AN EXTRAORDINARY POSITION BEFORE THE WORLD, IF CONGRESS MUST UNCONDITIONALLY SURRENDER ALL RIGHT TO VOICE THE POPULAR WILL IN A SITUATION SUCH AS NOW CONFRONTS US.**

The grave consequences of such a result are foreshadowed in the announcement of three Members of Congress that they will voluntarily retire from public life because of the course they felt compelled to follow on their vote in the House on the resolution of warning.

One Member of high standing, serving his seventh term, brother of the ambassador to England, thus states his position:

The President is not satisfied with an unreserved expression of confidence on the part of Congress, but demands a vote upon the warning of American citizens to refrain from using armed vessels of belligerent countries, asking that it be voted down. This shifts to the conscience and convictions of Members of Congress a responsibility that the Constitution imposed upon the Executive.

Of course I do not agree with that view. Continuing Mr. PAGE said:

Having the responsibility thrust upon me, I claim the right to exercise my own judgment and convictions and not have them dictated by some one else. I do not believe that an American should insist upon the exercise of any abstract right that will jeopardize the peace of his country.

Mr. President, if our Constitution and laws are so fundamentally weak in this hour of need as to cause such sacrifice of conscientious men in the public service, then let us proceed without delay to amend them and make our Government in fact, as well as in form, what it was intended to be—a democracy.

**BUT IS IT TRUE THAT THE CONSTITUTION VESTS SUCH UNLIMITED AND UNCONDITIONAL AUTHORITY IN THE PRESIDENT THAT IT BECOMES AN OFFENSE FOR CONGRESS TO TAKE SUCH ACTION AS HAS BEEN PROPOSED IN THE SENATE AND THE HOUSE?**

It was far from the intent of the constitutional convention that the President should have absolute power in the conduct of foreign affairs. Fearful of kingly prerogative the framers of the Constitution were not at first inclined to let the President have much to do with foreign relations. The Continental Congress kept this function of government in its own hands or under its own control. But this had not proven entirely satisfactory.

## PEACE OR WAR?

The original proposal to the Constitutional Convention was to give the power to declare war to Congress, and the power to make treaties, to appoint and receive ambassadors to the Senate.

Very late in the deliberations it was suggested by Madison that the President should have a share in the treaty-making power. The convention had been in session from May to September, and it was only 13 days before its final adjournment when the Executive was given a part in the conduct of foreign relations. And it is important to note that the only power then committed to the President exclusively was that of *receiving foreign ambassadors and ministers*. This was done because it would be inconvenient to call a special session of the Senate whenever a new ambassador or minister was to be received.

Out of this exclusive power to receive official representatives of foreign countries was evolved the general presumption that the recognition of belligerency and sovereignty belongs solely to the President.

Rawle, in his great work on the Constitution, says:

The power of receiving foreign ambassadors carries with it, among other things, the right of judging in the case of revolution in a foreign country whether the new rulers ought to be recognized.

Willoughby, in his work on the Constitution, qualifies even this prerogative of the recognition of sovereignty, as follows:

At times the claim has been made that this power of recognition is one to be exercised at the dictation of Congress, but precedents are against the claim. It is to be presumed, however, that when the recognition of a status of belligerency or of the independence of a revolutionary Government is likely to institute a *casus belli* with some foreign power, the President will be guided in large measure by the wishes of the legislative branch. Upon the other hand, it is the proper province of the Executive to refuse to be guided by a resolution on the part of the Legislature, if, in his judgment, to do so would be unwise. The Legislature may express its wishes or opinions, but may not command.

But Congress in the matter recently before us, has been practically denied the right of even expressing an opinion.

President Jackson in a message to Congress, December 21, 1836, referring to the fact that the two Houses acting separately had passed resolutions at the previous sessions to the effect—

That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power—

said:

Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belonged the power of originally recognizing a new State—a power the exercise of which is equivalent under some circumstances to a declaration of war; a power nowhere expressly delegated, and only granted in the Constitution, as it is necessarily involved in some of the great powers given to Congress, in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations.

\* \* \* \* \*

It will always be considered consistent with the spirit of the Constitution and most safe that it [the power to recognize new States] should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared and by whom all provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guaranty to all other nations of the justice and prudence of the measures which might be adopted.

Referring to the recognition of States, Rawle says:

It would not be justifiable in the President to involve the country in difficulties merely in support of an abstract principle if there was not a reasonable prospect of perseverance and success on the part of those who have embarked in the enterprise. \* \* \* The power of Congress on this subject can not be controlled; they may, if they think proper, acknowledge a small and helpless community, though with a certainty of drawing a war upon our country; but greater circumspection is required from the President, who, not having the constitutional power to declare war, ought ever to abstain from a measure likely to produce it.

Rawle further says:

In case of war breaking out between two or more foreign nations, in which the United States are not bound by treaty to bear a part, it is the duty of the Executive to take every precaution for the preservation of their neutrality, and it is a matter of justice, both to those nations and to our own citizens, to manifest such intention in the most public and solemn manner. The disquietude of the belligerent parties is thus obviated, our own citizens are warned of the course it becomes their duty to pursue, and the United States avoid all responsibility for acts committed by the citizens in contravention of the principles of neutrality. It is the office of the Legislature to declare war; the duty of the Executive, so long as it is practicable, to preserve peace.

Alexander Hamilton, discussing in the *Federalist*, No. 75, the treaty-making power, defines the combined authority invested by the Constitution in Congress and the President upon broad general principles. His argument and conclusion are directly applicable to the present controversy, and they are most illuminating.

Though several writers on the subject of government place that power (the power of making trea-

ties) in the class of executive authorities, this is evidently an arbitrary disposition; for, if we attend carefully to its operation, it will be found to partake more of the legislative than of the executive character, though it does not seem strictly to fall within the definition of either. The essence of the legislative authority is to enact laws; or, in other words, to prescribe rules for the regulation of society; while the execution of the laws and the employment of the common strength, either for this purpose or for the common defense, seem to comprise all the functions of the executive magistrate. The power of making treaties is plainly neither the one nor the other. It relates neither to the execution of the subsisting laws nor to the enacting of new ones, and still less to an exercise of the common strength. Its objects are *contracts* with foreign nations, which have the force of law, but derive it from the obligation of good faith. They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign. The power in question seems therefore to form a distinct department and to belong properly neither to the legislative nor to the executive. The qualities elsewhere detailed as indispensable in the management of foreign negotiations point out the executive as the most fit agent in these transactions, while the vast importance of the trust and the operation of treaties as laws plead strongly for the participation of the whole or a portion of the legislative body in the office of making them. \* \* \*

*The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.*

Other high authority may be cited to the effect that the constitutional right to recognize foreign States should not at all times be exercised exclusively by the President, it being consistent with the spirit of the Constitution and most safe at critical times, as Jackson points out, for the President to confer with Congress as to this prerogative, the only one specially conferred on the Executive.

This being true, how preposterous that Congress, the people's representative body, should have no voice whatever in matters of great moment that may determine the ultimate fate of the Nation.

However, it is now reported, apparently upon authority, that the State Department proposes to accomplish indirectly the object that the warning resolutions of Congress were intended directly to accomplish. If this is true, it serves to emphasize even more strongly that the only purpose of the President's remarkable course was to maintain a clear title in the Executive to conduct foreign affairs without any suggestion from Congress. He was enforcing to the letter his views expressed in the paragraph which I have quoted from his work on Constitutional Government.

Up to the present time, so far as I have been able to investigate the matter, **NO PRESI-**

**DENT HAS ATTEMPTED TO ENFORCE SUCH EXTREME VIEWS.** Congress has always exercised the privilege of expressing opinion, giving counsel, and not infrequently has taken the initiative in suggestions as to conduct of foreign affairs.

Hinds' Precedents, volume 2, chapter 49, cites many instances where Congress has asserted its right to a voice in foreign affairs. In 1811 the House originated and the Senate agreed to a resolution as follows:

Taking into view the present state of the world, the peculiar situation of Spain and of her American Provinces, and the intimate relations of the territory eastward of the River Perdido, adjoining the United States, to their security and tranquillity: Therefore

*Resolved, etc.,* That the United States can not see with indifference any part of the Spanish Provinces adjoining the said States eastward of the River Perdido pass from the hands of Spain into those of any other foreign power.

In 1821 Mr. Clay introduced the following resolution, which passed the House:

*Resolved,* That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish Provinces of South America, which are struggling to establish their liberty and independence, and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said Provinces.

On behalf of the committee appointed to present the resolution to the President, Mr. Clay reported:

That the President assured the committee that, in common with the people of the United States and the House of Representatives, he felt great interest in the success of the Provinces of Spanish America which are struggling to establish their freedom and independence, and that he would take the resolution into deliberate consideration, with the most perfect respect for the distinguished body from which it had emanated.

In 1825 there was a long debate in the House relating to an unconditional appropriation for the expenses of the ministers to the Panama Congress. According to Mr. HINDS'S summary of this debate the opposition to the amendment, led by Mr. Webster, was that—

While the House had an undoubted right to express its general opinion in regard to questions of foreign policy, in this case it was proposed to decide what should be discussed by the particular ministers already appointed. If such instructions might be furnished by the House in this case, they might be furnished in all, thus usurping the power of the Executive.

James Buchanan and John Forsyth, who argued in favor of the amendment—

contended that it did not amount to an instruction to diplomatic agents, but was a proper expression of opinion by the House. The House had always exercised the right of expressing its opinion on great

## PEACE OR WAR?

questions, either foreign or domestic, and such expressions were never thought to be improper interference with the Executive.

In April, 1864, the House originated and passed a resolution declaring that—

It did not accord with the policy of the United States to acknowledge a monarchical government erected on the ruins of any republican government in America, under the auspices of any European power.

On May 23 the House passed a resolution requesting the President to communicate any explanation given by the Government of the United States to France respecting the sense and bearing of the joint resolution relative to Mexico.

The President transmitted the correspondence to the House.

The correspondence disclosed that Secretary Seward had transmitted a copy of the resolution to our minister to France with the explanation that—

This is a practical and purely executive question and the decision of its constitutionality belongs not to the House of Representatives or even to Congress, but to the President of the United States.

After a protracted struggle, evidently accompanied with much feeling, the House of Representatives adopted the following resolution, which had been reported by Mr. Henry Winter Davis from the Committee on Foreign Affairs:

*Resolved*, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States as well in the recognition of new powers as in other matters; and it is the constitutional duty of the President to respect that policy, not less in diplomatic negotiations than in the use of the national force when authorized by law.

That is not the entire resolution. Before I read the remainder of it, permit me to say that the House, before it was voted upon, divided this resolution at the point at which I have just concluded reading. A vote was had first upon that portion of the resolution which I have read. It was adopted by the House, as I remember, by a vote of 119 to 8. The remainder of the resolution was submitted to another vote and was also adopted, but by a smaller majority.

The second part of the resolution was as follows:

And the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition, while pending and undetermined, is not a fit topic of diplomatic explanation with any foreign power. \* \* \*

The joint resolution of 1898 declaring the intervention of the United States to remedy conditions existing in the island of Cuba is re-

cent history and familiar to all. This resolution embodied a clear declaration of foreign policy regarding Cuba as well as a declaration of war. It passed both branches of Congress and was signed by the President.

After reciting the abhorrent conditions, it reads as follows:

*Resolved, etc.*, First, That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Mr. President, it will be remembered that this administration *did warn* American citizens to leave Mexico for their safety and to avoid international complications.

President Wilson might have accepted the adoption of the resolution warning American citizens not to travel upon armed merchantmen at this time as an indorsement of his policy in Mexico. He certainly did not regard it as an abject relinquishment of the sacred rights of American citizens to order them to abandon their property and to seek the shelter of the home country in order to avoid the responsibility of protecting them in their rights in Mexico. I believe he was right in pursuing that course. It was a small sacrifice on the part of the few to preserve the peace of the Nation.

But, Mr. President, how much less sacrifice is required for our citizens to refrain from travel on armed belligerent ships! Or, as pointed out by the Senator from Minnesota [Mr. CLAPP] in the course of the discussion recently, what is the difference in spirit in withholding a passport by act of Congress and the letter of the Department of State of October 4, 1915, which said:

The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for pleasure, recreation, touring, or sight-seeing.

It would hardly be practicable, if it were lawful, to inquire and to distinguish as to all the varying motives which prompt the many thousands of people who travel abroad.



Whatever power the State Department exercises regarding this or any other matter is such and only such as is conferred upon it by act of Congress.

Clearly a law might be enacted prohibiting American citizens from traveling upon armed merchantmen that would come within the power of Congress to regulate commerce with foreign nations. Congress has enacted numerous laws in the interest of the safety of passengers. The seaman's law, for example, is in point, as well as the law that steamships carrying certain high explosives are required not to take passengers, and so a long list of other laws might be cited.

It is certainly plain, Mr. President, that it would have been entirely within the province of Congress to have gone much further than merely to warn its citizens. No one could question that Congress might legislate on this subject. For example, a joint resolution or bill might be passed to the effect that the protection provided for in section 2000 of the Revised Statutes should not be accorded to any citizen, whether native born or naturalized, while traveling on an armed vessel of a belligerent country during the present European war. Congress might refuse to consider such legislation, and the President might veto it if passed by Congress, still there would be no more reason why the President should object to the introduction and consideration of such a measure than for his protesting against measures proposing disarmament or embargo or any other policy that might arouse conflicting emotions in the belligerent nations.

Sir, I am bound to believe that a more thorough and exhaustive review of all the authorities and precedents will convince all concerned that Congress has still ample power to advise and legislate for the safety and protection of our citizens far beyond what has yet been proposed.

Mr. President, I have been moved by my convictions to submit these observations at this time. I believe it to be vital to the safety and perpetuity of this Government that Congress should assert and maintain its right to a voice in declaring and prescribing the foreign policy of the United States.

And, sir, there is a larger international aspect of this question, with its accompanying responsibility, that can not be shirked or ignored. Across the water the nations of Europe are giving their lifeblood in a fratricidal struggle, which in its inception the people neither desired nor sanctioned.

**SHALL WE IN THIS CRISIS OF THE WORLD'S HISTORY FAIL TO ASSERT**

**OUR CONSTITUTIONAL RIGHTS AND BY OUR NEGLIGENCE AND DEFAULT PERMIT THE ESTABLISHMENT IN THIS COUNTRY OF THAT EXCLUSIVE EXECUTIVE CONTROL OVER FOREIGN AFFAIRS THAT THE PEOPLE OF EUROPE ARE NOW REPENTING AMID THE AGONIES OF WAR?**

**MR. PRESIDENT, THERE NEVER WAS A TIME IN HISTORY WHEN IT WAS MORE FUNDAMENTALLY IMPORTANT THAT WE PRESERVE INTACT THE ESSENTIAL PRINCIPLE OF DEMOCRACY ON WHICH OUR GOVERNMENT IS FOUNDED—THAT THE WILL OF THE PEOPLE IS THE LAW OF THE LAND.**

The PRESIDING OFFICER. The Senator from Rhode Island.

MR. COLT. Mr. President, I interrupted the Senator from North Dakota [Mr. McCUMBER] the other day in the course of his able speech, and I merely wish to say a few words now in support of the position I then took.

Mr. President, it is a settled rule of international law that merchant ships armed for defense only are as much entitled to warning before destruction as armed merchant ships; and hence the proposal by Germany to sink all armed merchant ships without warning is a violation of international law.

The real question, then, which is involved in the proposition to warn Americans not to travel on armed merchant ships is whether the United States as a neutral nation should concede to Germany the right to alter a settled rule of international law under the existing circumstances.

Germany bases her right to change the law mainly upon the ground that changed conditions in modern warfare owing to the invention of the submarine justify such action.

This position is manifestly unsound, because if a belligerent has the legal right under international law to change existing rules by reason of changed conditions it becomes the legal duty of neutrals to submit to all violations of international law which the belligerent may commit in the enforcement of this legal right. It follows, then, that any new invention in the art of war, or any substantial change of any character in conditions, such as increased facilities for transportation whereby commerce is more readily carried on between neutral and belligerent countries, or the increased size of merchant ships whereby the right of search at sea becomes more difficult, constitutes a justification for the violation by a belligerent of ex-

## PEACE OR WAR?

isting rules of international law, no matter how injurious this may be to the rights of neutrals.

Again, if we concede to Germany the right of altering the rules of international law upon the ground of changed conditions, we must concede the same right to Great Britain, France, Russia, Italy, Japan, and Turkey, since to concede this right to one belligerent and to deny it to the other belligerents would manifestly be an unneutral act because it would be granting a concession or favor to one which was not granted to others.

In our note of October 21, 1915, the charges against Great Britain for the violation of the rules relating to neutral commerce are summarized under 35 separate heads. Great Britain's justification for these alleged violations is based mainly upon changed conditions in this war. Hence if we concede that Germany is right in her contention, Great Britain has a perfect legal answer to our charges; in other words, Great Britain stands entirely justified in modifying existing rules relating to the right of search, blockade, and conditional contraband such as foodstuffs.

The truth of the matter is that changed conditions, self-preservation, and retaliation are simply the excuses which are urged by belligerents for modifying existing rules of international law, and if the United States as a great neutral power admits the legal validity of these excuses the result would be the entire destruction of neutral rights.

Mr. THOMAS. Mr. President, the rights of neutrals on the high seas are clearly defined by the principles of international law. They have been the subject of much and of frequent controversy since the present war began. Great Britain, Germany, and Austria have been charged with repeated infractions of these rights, and protests have been registered against one or more of them by virtually all of the neutral nations. These infractions have not, generally speaking, been categorically denied. Rather have they been explained or defended as due to the exigencies of warfare, the development of the submarine, and to a campaign of reprisals made necessary by mutual violations of hitherto accepted methods of marine warfare.

The recently announced determination of Germany to make war upon all enemy vessels without regard to their character or armament, because her submarines, at once the most formidable and most helpless engines of marine destruction ever devised by the malign genius of man, might otherwise be at the mercy of merchantmen armed for defense as

permitted by the laws of maritime warfare, and warning neutrals from such craft has precipitated a crisis in America, fraught with possible serious consequences. That this attitude is opposed to a right as old as international law itself is not vigorously disputed. That the causes underlying its recognition and establishment have disappeared, and that the law itself should therefore not be longer observed may, perhaps, be successfully maintained; but for a belligerent to declare or assume in a time of war that the rule is obsolete and then proceed upon its own declaration, is not only indefensible in principle but establishes a most perilous precedent. Any action of ours which involves an admission of the right to do this, or acquiescence in its assertion even under protest, can not, in my opinion, be safely done or seriously considered.

Nor, Mr. President, am I able to concur in the view either that because the character and structure of the submarine are incompatible with the practice of defensive armament, or that because piracy and privateering have disappeared from the high seas thereby making its exercise needless, the right of search, seizure, and capture with due regard to the lives of passengers and of crew, and the rights of neutrals to the carriage of person and of goods in unarmed enemy vessels should therefore be abridged or disregarded. Until such rights shall have been modified or abrogated by the deliberate consensus of maritime nations they should be observed and respected. The law of nations was not born yesterday. Its code of rules was designed far more for times of war than of peace. It is a combination of precept and of custom born of the experiences and the needs of the past, and crystallized into essential rules of action and of restraint by the common sense of justice and the common consent of civilized communities. It may be true that its provisions yield to the strain of great human crises at times when they are most needed, and that the experiences of recurring conflicts require the reform and remolding of many of its rules, but it is obviously true that they can not without great danger to the peace of neutrals, and therefore to the very fabric of civilization, be altered or set aside in times of war as the purposes or the advantage of belligerents may suggest. And to us, the only first-class power still removed from the deadly circuit of war, is committed the duty in our own, and the interests of all the world, to maintain these rules and protest against their disregard by any or all belligerents. It is this duty which the American administration has steadfastly and constantly recognized and sought to discharge.

## ONE SENATOR WOULD ABDICATE

Mr. President, I have given much anxious thought to the proposal embodied in the resolutions the discussion of which has recently agitated both ends of the Capitol. I have been impressed by some of the arguments and by the deep and eloquent convictions of their advocates, whose earnestness and whose patriotism are above criticism and beyond reproach. I share their abiding horror of war and their desire to avoid it so long as it can be avoided without impairing the national dignity and the national duty. I believe, with them, that no seemingly trivial cause can justify the interruption of our peaceful relations with any belligerent. I have been eager to discover, with them, some method of avoiding the possibility of collision over the contingency of further destruction of American lives upon the high seas. And I regret that I am altogether unable to accept the propositions embodied in these resolutions as a solution of the difficulty. I am convinced, as the result of long and anxious and deliberate reflection, that instead of effectuating a method of avoiding a crisis the principle embodied in the resolutions would commit the Government to a course of procedure at variance with the conceded law regarding the rights of neutrals at sea, and wholly inconsistent with the attitude it has taken on account of the *Lusitania* tragedy, and which it has resolutely maintained up to this hour. If I am correct in this view, it would be safer and more satisfactory to retire from our past and present contentions than to act upon the spirit of the resolutions. Let me attempt to demonstrate the justice of my conclusion.

A request or warning by the Government to its citizens to refrain from taking passage upon belligerent merchantmen armed for defense is not the merely cautionary and harmless act which its advocates assert and believe it to be. It must, if issued, be general in its application. It can not well distinguish between those who need not and those whose personal or business exigencies require them to take passage abroad. It would be the official act of the administration, however phrased, and therefore clothed with the importance which authority necessarily imparts. At home and abroad it would be interpreted as an official order, whether issued by the President at his own instance or at the request of Congress. If obeyed by those to whom directed, it would operate as a recognition of Germany's contention of the right to sink enemy merchantmen carrying any sort of guns as completely and effectually as though her warning were form-

ally accepted and acknowledged as law, under the seal of the Republic.

But if disregarded by any citizen who, unmindful of its suggestion, took passage and lost his life through the destruction of the vessel conveying him across the sea, America's demand for disavowal and reparation would be answered by the curt, though conclusive reminder that she had foreclosed her case by her warning and her citizen had come to his end by his fatuous disobedience of it. Surely this result would follow or the cautionary act would be worse than meaningless. It would be misleading and of no avail. If the warning was not without a sanction, if it was not intended to apprise citizens that their disregard of it would place them beyond the pale of national protection, and they would therefore violate it at their peril, it could have no intelligent nor effective purpose, for if intended merely as an official expression of what individual conduct with regard to belligerent merchantmen should be, leaving every citizen at entire liberty to act in all respects as though the warning had not been given, and with the implied assurance that, whatever his conduct, there would be no diminution of governmental protection, no relaxation of governmental duty or responsibility to him or to the country in the event of disaster, the issuance of the warning would be worse than blunder. It would approach the dimensions of a great public wrong. It would be to trifle with a momentous national crisis, and possibly be productive of consequences for which we would be largely responsible, and subject us, in the contingency of disaster, to the grave charge of encouraging a belligerent to persist in a policy of marine warfare that we might use it as a pretext for a declaration of hostilities. The most earnest advocate of peace, even of peace at any price, if there be such, desires the development of no such possibilities as an outcome of his country's diplomacy.

It was Mr. Calhoun's contention that sovereignty is indivisible. It can not inhere in two or more governing elements. The Nation and States can not both possess it. The attempt to distribute can only result in demonstrating the impossibility of its divided exercise. One or the other must yield in the conflict which the attempted division inevitably produces. This great truth has found demonstration in American history in every contest between the States and the Nation since April, 1861.

It is equally certain that the President and Congress can not concurrently exercise the power to shape the national conduct upon an issue like this which involves the very essence

of sovereignty. Joint authority by no means presupposes or secures unity of action. It is the more likely to cause division and dissension. The present condition graphically illustrates the fact. The President has constantly and consistently asserted the rights of neutrals at sea. Prominent Members of the Senate and House, equally conscientious and patriotic, differ from the administration and insist upon a policy which, whatever their views may be and however expressed, will be interpreted by the world as a temporary abandonment of neutral rights at the dictation of a belligerent, which may seriously imperil other equally important principles of international law. But were these gentlemen right and the President wrong, the resultant conflict of opinion officially expressed would be most deplorable. Indeed, its serious consequences can not be overestimated.

The fact, therefore, that the lodgment of authority over this tremendous question with both the executive and legislative branches of the Government never could have been intended by the framers of our Constitution will fully justify, if justification be needed, our acquiescence in the sole responsibility of the Executive.

The makers of the Constitution, after due deliberation, intrusted the executive to a single man. They were convinced that efficiency and responsibility could not be otherwise secured.

Alexander Hamilton, discussing this proposition in the *Federalist*, said:

Wherever two or more persons are engaged in any common enterprise or pursuit there is always danger of difference of opinion. If it be a public trust or office, in which they are clothed with equal dignity and authority, there is peculiar danger of personal emulation and even animosity. \* \* \* Men often propose a thing merely because they have had no agency in planning it or because it may have been planned by those who they dislike. But if they have been consulted and have appeared to disapprove, opposition then becomes, in their estimation, an indispensable duty of self-love. \* \* \* No favorable circumstances palliate or atone for the disadvantages of dissension in the executive department. Here they are pure and unmixed. There is no point at which they cease to operate. They serve to embarrass and weaken the execution of the plan or measure to which they relate from the first step to the final conclusion of it. They constantly counteract those qualities in the Executive which are the most necessary ingredients in its composition, vigor and expedition, and this without any counterbalancing good. In the conduct of war, in which the energy of the Executive is the bulwark of the national security, everything would be to be apprehended from its plurality. \* \* \*

But one of the weightiest objections to a plurality in the Executive is that it tends to conceal faults and destroy responsibility. \* \* \* It often becomes impossible, amidst mutual accusation, to determine on whom the blame or the punishment of a

pernicious measure, or a series of pernicious measures, ought really to fall. It is shifted from one to another with so much dexterity and under such plausible appearances that the public opinion is left in suspense about the real author. \* \* \* "I was overruled by my councils. The council was so divided in their opinion that it was impossible to obtain any better resolution on the point." These and similar pretexts are constantly at hand, whether true or false. And who is there that would either take the trouble or incur the odium of a strict scrutiny into the secret springs of the transaction?

The power to declare war is committed to the Congress. This wise provision imposes upon the people's representatives the final word upon the gravest and most important of national alternatives. It rests with us alone. The President may not draw the sword save with our authority, whatever the need may be. His foreign policy may, indeed, influence or possibly control our final action, but this does not justify our undue interference with his authority. That, under our form of government, must be left to that great body of public opinion which, in the last analysis, is really the Government of the United States. It would be as appropriate, in my judgment, for the President to assert the right of jointly exercising with Congress the power to declare war as for the latter body to assert the right to jointly exercise with the Executive authority to conduct our foreign affairs, except as expressly authorized by the Constitution. It may be that this was not the wisest arrangement or division of powers, but I have yet to perceive anything in history or in the inherent merits of the subject which convinces me that some other scheme would have been wiser or more practicable.

Mr. McCUMBER. Mr. President, yesterday morning the press dispatches contained a statement, as emanating from the Department of State, which reads as follows:

Seagoing Americans will presently find themselves as effectually warned against passage on armed merchantmen as though this Government had in fact put into force either the Gore or the McLemore resolution.

This declaration from the State Department, bearing the earmarks of authenticity, coupled with the latest answer of the German Government to the contentions of the United States—which indicated the possibility of an understanding being arrived at between the Governments and that the German Government might possibly concede the right of merchantmen armed for defense only to have all of the rights of unarmed merchantmen and be exempt from attack without notice—induced me to withdraw the resolution which I then had pending before the Senate covering this subject.

Since that time, Mr. President, I notice the

State Department denies that it has any intention of notifying American people not to travel upon armed liners. But inasmuch as that was not the declaration charged to the State Department, but, rather, that "seagoing Americans will presently find themselves as effectually warned against passage on armed merchantmen as though this Government had in fact put into force either the Gore or the McLemore resolution," I assume that the statement as published was substantially correct.

There is no question, Mr. President, as to what international law has heretofore been on the subject. The contention of this Government as to what that law has been is correct. There is, however, a question as to whether international law obtaining before a war may be modified by a belligerent during war. While that question is immaterial to the issue now before the Senate, it has a bearing upon the bona fides of the claim put forth by the parties involved in the controversy. I do not agree that international law can not be modified or that some of its requirements may not be changed by a belligerent during the progress of a war. While all of those provisions of international law, founded on justice and humanity, never should be modified or repudiated, there may arise many conditions which, by every principle of right, would justify a nation at war in declining to follow old rules and which would justify the promulgation of new rules to cover new conditions. Every nation at war does that very thing. It must adapt itself, within proper bounds, to new war environments. International law is not statutory. It is neither made by statute nor modified by statute. How, then, is it made and how, then, can it be modified? Why, Mr. President, every international rule pertaining to war is made by one or more of the belligerents in that war. Every modification is made in the same way, and it becomes a rule when it is acquiesced in by the nations generally. If that were not true, then an international rule of war could never be changed.

And, Mr. President, he must be hidebound, indeed, who would deny that the vast changes in warfare brought about by these divers new instrumentalities of destruction, would not work some change in the rules governing the rights, duties, and responsibilities of both neutrals and belligerents. Secretary Lansing himself, during this very controversy, has recognized that new conditions may bring some of the old rules within debatable grounds. But, Mr. President, whether the position taken by the central powers has any element of reasonableness, it is asserted and asserted strongly, and each Government is now engaged in at-

tempting to bring the other to its viewpoint. The matter is still unsettled. It is still a subject of controversy. We are hoping that an agreement will be reached. We are compelled, however, to admit that the situation is still delicate and critical.

Now, what is the bounden duty of American citizens under these particular circumstances and while these negotiations are proceeding? If an armed belligerent passenger vessel is torpedoed by a submarine without notice, and the life of an American citizen is destroyed thereby, that means either a square backdown by one country or the other, or it means war. And, Mr. President, if such an event should occur, neither of them could then back down. With the hot blood that would be immediately engendered on both sides, the people of each nation would prevent any retreat.

Now, let me put this question straight to you, Mr. Senator. Would you by your act bring on such a crisis? Would you forestall any possible peaceful settlement of this question by your haste or recklessness? Would you plunge this country into war by your audacity? I know what your answer is. You would not do so. Well, then, if you would not do so, would you be unpatriotic by advising other American citizens, many of whom may fail to see the seriousness of their act as you see it? Assuming even that your legal right and that of other American citizens to travel on armed merchant vessels, was beyond any possible question, would you not feel that it was your patriotic duty to your country to refrain from exercising that right? And if that is your patriotic duty, are you not led by your own logic to admit that to exercise that right at this particular time is therefore unpatriotic? If one course is a patriotic duty, the opposite course must necessarily be unpatriotic. Can you then stand here and insist that it is improper to request an American citizen not to do an unpatriotic thing?

No, Mr. President, you can stand here until doomsday, weaving your fine-spun theories about national honor and pride, but you can never weave a veil so dense as to blind your own eyes as to the duty of every American citizen to refrain from any unnecessary act which would operate to plunge his country into the vortex of this accursed war.

Mr. President, the duty which a nation owes to its people is akin to that which a parent owes to his child. If, in some of these feudal warfares which so often occur in our own country, two leaders with their factions were attempting to destroy each other, and one should declare he would kill any person who

## PEACE OR WAR?

should approach within gunshot of his abode, can I answer the obligations of parental duty by saying to my child, "You have the right to go there, and if you get killed I shall avenge your death?" Mr. President, I can not answer the accusations of my own conscience by saying to such child, "You can do as you please." I can not fulfill my duty either to him or to myself unless I advise him to refrain from exercising that right. I would say to him, "While you have the clear right to go there, I am endeavoring to convince this man the wrongfulness of his threat, and while we are argu-

ing that question, you should not by an unnecessary assertion of your right, bring on a crisis which may not only destroy your own life which can never be returned to you, but is sure to bring another family into this feud and entail great bloodshed."

And, Mr. President, in my humble judgment, that is what Congress ought to say to the American people. By advising my child to refrain from going on dangerous premises I in no way recognize the right of the man making the threat, nor do I weaken the force or effectiveness of my own argument.

## PART II

### THE DEBATE IN THE HOUSE

*In the House of Representatives,  
Friday, February 18, 1916*

MR. McLEMORE. Mr. Chairman, I ask unanimous consent to extend in the RECORD some remarks on a resolution which I have introduced.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS.

Mr. McLEMORE. Mr. Speaker, the resolution which I have offered for the consideration of this House was conceived in an earnest desire to contribute toward the clearing of the dark atmosphere which overhangs the foreign relations of this Nation, and was framed with painstaking consideration of the many features of the problem and the many points of view from which that problem can be considered.

This House pursues from day to day the healthy, normal course of attending to the proper and pressing business of this Nation, which, in the happy nature of events, is now at peace; and yet, from time to time, insistent echoes of the terrible tragedy being enacted by most of the other great nations of the world have intruded into this Chamber, and the most optimistic of us must feel a dread certainty that some day we may be called on to make a decision on some points that can not be ignored.

When the *Lusitania*, the pride of Britain's innumerable merchant marine, was destroyed by the torpedo fired by a German submarine, Americans reacted in two distinct ways. Some held that the German act which had caused the loss, not only of the great ship and her cargo of war munitions but also of more than a thousand human lives, including more than a hundred Americans, was a crime and an outrage. Others felt at once that those who had lost their lives were themselves primarily to blame for having traveled on a ship which they

knew to be in danger; and many felt, furthermore, that a nation struggling for its life against a ring of enemies could not in justice to its own soldiers and to the women and children whom those soldiers were protecting refrain from sinking any and every possible enemy ship which carried in its hold the weapons of death. This opinion was voiced by some of America's leading men and held by more of the plain, straight-thinking people than the newspapers will admit. However, the President and other executive officials of the Nation took the former view, and as the result of long and careful negotiations the German Government, obviously at the sacrifice of advantages very precious to a nation at war and as an evidence of most welcome friendship for this Republic, has agreed to accept the American view as to the impropriety of such use of the submarine. Long since Germany promised to modify her submarine warfare in accordance with the views set forth by this Government, and how well she has kept that promise may be appreciated if one reflects on the perfect ease with which she accomplished the destruction of the *Lusitania* and reflects that she could unquestionably have sunk many another liner in similar facile fashion had she not refrained solely out of respect to our ideas. Austria-Hungary, too, has accepted our rules at a sacrifice of some of her belligerent interests.

One of the German pleas in justification of the sinking of the *Lusitania* was that that vessel was armed. It was cited that in 1913 she had been reported, in the New York Tribune, as armed; it was proved that she was built largely with English Government funds under a contract which specifically provided for her armament. Nevertheless the contention of the American Government that the *Lusitania* was not armed on her last trip seemed to be sustained, and upon this point the American Government insisted most strongly of all, in bringing the German Government to acknowledge that the fatal attack was not justified. In all the exchanges between the two Governments, it has been understood that the American Gov-

## PEACE OR WAR?

ernment stood for the immunity of unarmed ships from unwarned attacks, and the immunity of such ships, carrying non-belligerent passengers and crews, from attack, where it would be impossible for the passengers and crews to reach safety.

Now, Mr. Speaker, I do not believe that the German race is a bloodthirsty and cruel race. To believe that I should have to hold too low an opinion of American people. There are more than 8,000,000 American citizens of German birth or parentage; there are more than 20,000,000 Americans of predominant German stock. An average-sized number of the CONGRESSIONAL RECORD could easily be filled with the story of their contribution to the growth of America in prosperity and culture; but that story, from the days when the German farmers made a garden of Pennsylvania; from the days when Herkimer held back the English and their savage Indian allies at Oriskany; from the days when Muehlenberg presided over the first assembly of this House, to the present day, when Germans are preeminent in every art and science and business that goes to make our American civilization—that story is well known. I could not be proud, as I am proud, of the great and splendid State of Texas, if I believed that the German race is cruel and treacherous, for the German brand of hyphenated American swarms in Texas, and the land which they compel to yield fruit and grain, and the cities they have buildded, give praise to the Creator for them.

And I am convinced that the German people in Germany are mighty like the German-Americans whom we all know and honor. And so I see no deep and treacherous plot against innocent lives when the German Government solemnly states to the American Government that they have accumulated proof, through many months of warfare, that the English Government has played false in arming its merchant marine with guns under the name of "defensive armament," at the same time giving secret instructions that those presumably peaceful ships, with their "defensive armament," should take the offensive against German submarines. I do not condemn the English Government unheard; but I am anxious to examine that proof, and meanwhile I am anxious to judge the situation which has arisen in the light of American common sense, American fairness and American neutrality.

The German Government has submitted to the American Government a memorandum, which has not yet been officially given out by the State Department, but which is reported by the newspapers as cabled through London,

to be as follows, quoting from The Washington Evening Star of February 11:

### TEXT OF THE GERMAN NOTE IN REGARD TO TREATMENT OF ARMED MERCHANTMEN.

Berlin, February 11.

The text of the German memorandum is as follows:

"Memorandum of the Imperial German Government regarding treatment of armed merchantmen.

"Section I. Already, before the outbreak of the present war, the British Government had given British shipping companies an opportunity to arm merchantmen with guns. Churchill, then First Lord of the Admiralty, on March 26, 1913, gave in the British Parliament a declaration (text in appendix) that the Admiralty required shipping companies to arm a number of first-class passenger ships and liners for protection against dangers threatening under certain circumstances from swift auxiliary cruisers of other powers. These liners, however, were not to assume thereby the character of auxiliary cruisers.

"The Government was willing to place at the disposal of the companies owning these ships necessary guns, adequate munitions and personnel suitable for training gun crews.

### BASED ON ADMIRALTY STATEMENT.

"The English companies already acted on the requests of the Admiralty: The president of the Royal Mail Steam Packet Co., Sir Owen Philipps, could inform the stockholders of his company in May, 1913, that the company's larger steamers had been equipped with guns.

"The British Admiralty further published in January, 1914, a list showing that 29 steamers of various English lines carried stern guns.

"In fact, Germany established soon after the outbreak of the war that English liners were armed. For example, the steamer *La Correntina*, of the Houlder Line, of Liverpool, which was captured by the German auxiliary cruiser *Kronprinz Friedrich Wilhelm*, carried two 4-pound, 7-inch stern guns. A German submarine also was fired upon in the Channel by an English yacht.

### THEIR LEGAL STATUS.

"II. Regarding the character of armed merchantmen, according to international law: The British Government for its own merchantmen has taken the standpoint that such ships maintain the character of peaceful mercantile vessels so long as they carry armament only for defensive purposes. The British ambassador at Washington, accordingly gave the American Government, in a communication dated August 25, 1914 (Exhibit 2), most sweeping assurances that British merchantmen were never armed for purposes of offense, only defense, and that they therefore would never fire unless fired upon first.

"The British Government, on the other hand, had in the case of armed ships under other flags adopted the principle that they were to be treated as warships and expressly ordered in the prize-court rules published in an order in council, August 5, 1914, under No. 1, Order 1, that 'a ship of war shall include an armed ship.'

"The German Government has no doubt that merchantmen acquire a belligerent character through arming with cannon, no matter whether the guns shall serve only for defense or for attack. It considers every warlike activity of enemy merchantmen as contrary to international law, although it also takes into consideration the opposing view through



# THE BRITISH SECRET INSTRUCTIONS

the fact that it treats the crews of such ships not as pirates, but as belligerents.

"Its standpoint is specified in detail in a memorandum communicated October, 1914, to the American Government, and in content to other neutral powers, regarding the treatment of armed merchantmen in neutral harbors (Appendix 3).

"The neutral powers in part have adopted the British view, and, accordingly, have allowed armed merchantmen of belligerent powers to remain in their borders and roadsteads, not restricted to the limits which they have imposed on warships by their neutrality declaration. Some, however, have adopted the opposite standpoint, and subjected merchantmen of belligerents to the neutrality rules effective in the case of warships.

"III. In the course of the war the arming of British merchantmen was carried out more and more generally. Numerous cases came to light from the reports of the German naval forces in which British merchantmen not only offered armed resistance to German warships, but, on their own part, proceeded without further ado to attack them, in which attacks they frequently made use of false colors.

## IMITATED BY ENGLISHMEN.

"A compendium of such cases is given in Appendix 4, which, from the nature of the case, can comprise only a part of the attacks actually made. The compendium also shows that the described procedure was not limited to English merchantmen, but was imitated by merchantmen of England's allies.

"The explanation of the described procedure of armed English merchantmen is contained in confidential instructions of the British Admiralty, which are photographically reproduced in Appendices 5 to 12, found by German naval forces upon a captured ship. These instructions regulate in detail artillery attacks of English merchantmen upon German submarines. They contain precise regulations concerning the reception, treatment, activity, and control of British gun crews taken over from merchant ships, who, for example, must not wear uniforms in neutral harbors, and hence obviously belong to the British war marine.

"Above all, however, it is made manifest therefrom that armed ships do not wait for any action of German submarines under the laws of the sea, but are to attack them without further ado.

## RULES FOR ARMED SHIPS.

"In this regard the following regulations are especially instructive:

"(a) The 'rules for use of merchant ships which are armed for defense purposes' (Appendices 5 and 6) declare in article (battle) under section 4 that 'it is not advisable to open fire at a greater distance than 800 yards, unless the enemy has already opened fire.'

"According to this, a merchant ship is in principle obligated to open fire without regard to the conduct of the submarine.

"(b) The 'advice concerning submarines, issued for ships that are armed for defense purposes' (Appendices 9 and 10) prescribe under section 3: 'If a submarine is obviously pursuing a ship by day, and it is evident to the ship's master that she has hostile intentions, the ship pursued shall open fire in self-defense, notwithstanding that she (submarine) may not have committed any definite hostile act, such as firing a gun or torpedo.'

"To this also the simple appearance of a submarine in the wake of a merchantman suffices as the occasion for an armed attack.

## APPLICATION IS UNLIMITED.

"In all these orders, which do not simply confine themselves to the naval warfare zone around England, but are unlimited in their sphere of application (compare for Mediterranean Appendix 12), the greatest emphasis is laid on keeping them secret, and obviously with the purpose of keeping hidden from the enemy as well as neutral the conduct of merchant ships, which is opposed to international law and the British assurances (Appendix 2).

"By this it is rendered clear that armed English merchant ships have official commission treacherously to attack German submarines everywhere when they come near them—that is, to wage war against them unscrupulously. Inasmuch as England's rules for naval warfare are taken over by her allies as a matter of course, it must be considered that proof has also been adduced with respect to armed merchant ships of the other enemy States.

"IV. (1). Under the circumstances adduced above enemy merchant ships which are armed with guns have no right longer to be considered as peaceful merchant ships. The German sea forces will therefore, after a short period designed to protect the rights of neutrals, receive an order to treat such ships as warships.

"(2). The German Government informs the neutral powers of this state of affairs in order that they can warn their subjects from further intrusting their persons or property to armed merchant ships of the powers at war with the German Empire."

## APPENDICES TO GERMAN NOTE INCLUDE THE ALLEGED SECRET ORDERS OF BRITISH ADMIRALTY.

BERLIN, February 10.

The appendices attached to the German memorandum notifying neutral nations that armed merchantmen belonging to countries at war with Germany will be considered warships include alleged secret instructions by the British Admiralty found, on the British steamer *Woodfield*. The *Woodfield* was sunk November 3 last. A list of the crew aboard showed a gun captain and gun crew from the navy on board the vessel. The instructions opened by declaring:

"The ratings embarked as a gun crew will sign the ship's articles at the rate of pay communicated. \* \* \* Ratings are not required for duties not connected with armament except in case of emergency. \* \* \* They are to keep watch at sea and also when the ship is anchored at any place where it is liable to attack by a submarine. They will not mess with the crew, but in one of the officers' messes. Uniforms will not be worn in neutral ports."

The next section, under the title, "Drill and maintenance of guns," gives instructions for supplementing the gun crew from the regular members of the crew, for the supply of ammunition, gun practice, and so forth.

## CONTROLS SHIP IN ACTION.

The third section, which is headed "Action," opens as follows:

"The master is responsible for the handling of the ship and the opening and ceasing fire."

It then prescribes regulations for fighting submarines, among them being the following: "It is to be remembered that 'over' shots are useless. A short shot, by causing a splash confuses the enemy and may ricochet into the enemy. If the shell bursts on striking the water, as it usually does, some fragments are likely to hit the enemy. To get the best results at least half the shots should fall short.

## PEACE OR WAR?

\* \* \* It is inadvisable to open fire at a range farther than 800 yards."

The final section of the instructions for firing practice prescribes that practice shall take place out of sight of land and of other ships.

Appendix No. 6 is a duplicate copy of the preceding, except that the provision regarding the gun crews messing with the officers is blocked out.

### DRILL BOOKS ISSUED.

Appendix No. 7 contains an addenda to the preceding instructions.

Appendix No. 8 contains on its title page the following:

"Drill book for 12-pounder quick-firing guns. Issued to defensively armed merchant ships. Admiralty gunnery branch, May, 1915."

The contents of this book are only of military interest.

Appendix No. 9 is headed: "Confidential: In no circumstances is this paper to be allowed to fall into the hands of the enemy." It gives instructions regarding submarines, and is applicable to vessels carrying armament specified in the article of February 25, 1915. It was evidently superseded by instructions similarly headed and issued in April, 1915, which are photographically reproduced in appendix 10, as follows:

"1. Defensively armed vessels should follow generally the instructions of ordinary merchant ships.

"2. In submarine waters guns should be kept in readiness for instant use.

### SHIP SHOULD OPEN FIRE.

"3. If a submarine is obviously pursuing a ship by day and it is evident to the master that she has hostile intentions the ship pursued should open fire in self-defense, notwithstanding the submarine may not have committed a definite hostile act, such as firing a gun or a torpedo.

"4. In view of the great difficulty in distinguishing friend or enemy at night, fire should not be opened after dark unless it is absolutely certain that the vessel fired at is hostile.

"5. Before opening fire, hoist British colors under neutral colors.

"6. If a defensively armed vessel is pursued by a submarine, the master has two alternatives: (a) To open fire at long range immediately it becomes certain that the submarine really is in pursuit, or (b) to restrain fire until submarine has come into range, say, 800 yards, at which the fire is likely to be effective. In view of the great difficulty of distinguishing between a friendly submarine at long range (one British submarine already has been fired at by a merchant vessel which erroneously supposed herself pursued by a submarine) it is strongly recommended that course (b) should be adopted by all defensively armed ships.

### U-BOAT'S FLAG NO GUIDE.

"7. A submarine's flag is no guide to her nationality, as German submarines frequently fly the British colors.

"8. Vessels carrying defensive armament and proceeding to neutral ports must not be painted with neutral colors or fly a neutral flag.

"9. It is recommended that in neutral ports, particularly those of Spain, armaments should be concealed, as far as possible. A canvas cover is recommended for this purpose."

Masters are instructed to keep the above paper where it can be destroyed at a moment's notice.

The eleventh appendix gives a memorandum for

masters of transports carrying troops on the use of rifle and machine-gun fire against enemy submarines or torpedo craft. The final appendix reproduces typewritten instructions to British merchantmen in the Mediterranean. It was issued at Malta in June, 1915, and orders the merchantmen, among other things, "to carry out the procedure recommended by the Admiralty in the printed instructions if a hostile submarine is sighted."

On the basis of the allegations set forth in that memorandum as to the conduct recommended to English so-called nonbelligerent vessels by the English Admiralty, and followed by those English vessels, the German Government announces that after February 29 German submarines will sink on sight any enemy ship which displays guns. Now, let us see if this be a simple matter or a complex one.

To me it seems a very simple matter. If such things as private feuds existed under the same ultimate sanctions as make war a last resort of nations, and if I were a party to such a feud, and if I met a member of the other faction, and he had a perfectly capable automatic gun in his hand, cocked and pointed at me, I would not place much faith in his assurance that he was armed "for defense only." Rather, I would reach for my own gun and endeavor to get the first shot. If I met a member of the other faction unarmed, and he said, "I am not one of the belligerent members of my clan, but only a fetcher and carrier of their food and raiment," I would spare that man; but if he said those words to me and at the same time uncovered his shooting iron, I would shoot him for his treachery; for I would know very well that a shot from his "defensive gun" would kill me just as quick as a shot from an "offensive gun," and that I should be just as dead in the one case as in the other.

And I think that a shot from a "defensive gun" on the deck of an English, French, or Italian vessel will sink a German submarine and send its crew on their awful last journey as quickly as a shot from an "offensive gun."

It seems to me that it is not the concern of the American Government or the American people whether an English merchant vessel, armed with a "defensive gun," manages to sink a German submarine or not. It seems to me equally none of our business whether or not a German submarine manages to sink the English vessel so armed. I would greatly admire the pluck of the English people in their insistence on fighting the submarine peril at every turn, by every means, if they would frankly avow that purpose as one of their ways of conducting this war and would frankly consider an encounter between a German submarine and an armed English vessel as a naval combat, with victory belonging to the bravest

## ARE WE ONE OF THE ALLIES?

or the most skillful or the favorite of the awful and inscrutable god of battle. But the present English plea that an English ship is to be allowed to tote a gun and yet not be considered a fighting ship, is to be allowed all the advantages of armament but be exempt from all the penalties, does not impress my American mind. And if I suspect that England seeks to hide behind the coat tails of Uncle Sam, seeks to lure Americans on her armed ships as they sail out, hoping and praying that they may "pot" a submarine, and then expects America to step in and do her fighting for her if an American citizen loses his life, then I am quick to resent that conduct, and to resent it to the best of my ability.

The law of maritime warfare as it affects the rights of unarmed merchant ships is now undisputed by any nation. Such ships may not be sunk offhand nor without provision for their passengers and crews. But such ships must not refuse to halt if hailed by an enemy warship, and must not resist the exercise of the right of visit and search. Every nation is agreed perfectly that if a merchant ship so flees or so resists it may be sunk without pity. And now, Mr. Speaker, we come to a simple question, which, it seems to me, the English casuists are trying mightily to obscure. If England agrees to that law, as she does, and if England maintains that in arming her merchant ships she does not intend them to violate that law, and she does so maintain, then can any man tell me why England insists on arming such ships? Could Sir Edward Grey, with all his subtlety of mind and tongue, come upon this floor and convince anyone here that the safe, sane, plain procedure would not be to send such ships forth, like the merchant ships of any other nation, unarmed? If the object is to prevent the sinking of such ships as are not forfeit by reason of carrying contraband, if the object is to prevent the sinking of such ships without warning, then why not send them out unarmed and instructed to obey the rules of the sea and play the game fairly? The only answer the English seem to give, when cornered with this question, is that Germany can not be trusted to play fairly. Mr. Speaker, that sounds to me very much like an unmanly whine. I feel very fully convinced that the world is quite tired of the English device of blackguarding her enemies, of calling them names, and spreading about them stories which, for the credit of humanity, I am glad to note have been time after time disproved. England filled the world with similar ideas about Americans in 1776 and 1812. Since the sinking of the *Lusitania* and the mistaken and

repudiated attack on the *Arabic*, the German submarines have been continually active, but they have not violated the rules of the game as announced by America. The present administration can not be accused of slowness or reluctance to call Germany sharply to account upon any necessary occasion. The English plea that they can not trust Germany is almost an insult to the American people's intelligence. But if Germany can submit proofs that English ships carrying "defensive guns" can not be trusted, if Germany can prove that English merchant ships have violated the rules and have actually fired on and sunk German submarines, then it seems to me that what England wishes us to do is just this: England wishes us to say to Germany. "You must let the English have the first shot. Under penalty of our displeasure you must let the English ship always have the first shot. If you see a gun on an English ship pointing at you, you must not fire on that ship until after that ship has fired on you; then you may fire, if you are able." Mr. Speaker, if we take that attitude, will it not justify the words spoken in this Chamber a few days ago that "we are one of the allies"?

And, Mr. Speaker, is there a Member here who would consent, in the event of our country being involved in a war, that the brave commanders and crews of our submarines should be sent into action, sent out to sea, under such orders, under such suicidal restrictions as that? Certainly not!

Mr. Speaker, for several days the reports in the newspapers indicated that this Government saw the justice, the inevitable logic, the plain common sense of the arguments underlying the announced intention of the German Government and the Austro-Hungarian Government to sink armed enemy vessels at sight. Then, suddenly, there was a total and almost entire reversal of position. Are we to believe that the threats which the English representatives here have dared to make, that if we act according to truth and fact they will punish us by refusing us ships for our merchandise? ARE WE TO BELIEVE THAT THESE THREATS HAVE BEEN POTENT? I can not believe this thing. There are men in both Houses of Congress who have introduced bills to put an embargo on munitions of war, the food of death with which we are now feeding Europe. There are bills in Congress to retaliate against that proud nation which boasts that she rules the sea and whose manner of ruling it since this war began has inflicted on us a train of wrongs which would make the grievances set forth in the Declaration of Independ-

## PEACE OR WAR?

dence look like a mere selfish whine. There are men in the Congress who believe that we should forbid our citizens taking passage on any belligerent ship which carries contraband of war, whether armed or not, because the business of carrying contraband is a dangerous business and war is bloody work, and no nation is to be greatly blamed if its naval vessels sink vessels of the enemy carrying contraband, carrying munitions of war to kill their fellow countrymen. I feel sure that American naval commanders would act so, with the approval of the American people, if we were at war. And I believe these are the sentiments of the great majority of plain Americans. **Shall we then, when we merely propose to warn our citizens to stay off belligerent ships which are actually armed, which actually invite destruction, shall we be bullied out of that purpose by any nation or by any threats? Rather, I should say, answer such nation by a prohibition against all their ships and by an embargo on the munitions which alone enable them to continue this bloody and cruel war.**

But let us at least be firm in this matter of refusing to be a stalking horse for the game of shooting submarines with "defensive guns." Let us keep our people off such ships or let them go at their own peril, not involving us in any result. **Let us compel the belligerents, both of them, to play fair and be men, do their best for their own cause, and not whine about the result or run to your Uncle Sam for protection. Let us remember that the note which Mr. Lansing sent to all the powers at war, suggesting a set of rules for submarine warfare—a note which, to my mind, was the most constructive, intelligent, and humane stroke of statesmanship that has yet been brought forth by this war—let us remember that this note is the very basis of the German and Austro-Hungarian position. Let us stand by that note and let us warn every American that he, too, individually, must stand by it in all its implications or take the consequences.**

HOUSE RESOLUTION 143. Feb 17, 1916

[The "McLemore Resolution."]

OF TEXAS

Whereas the Governments of two of the powers at present in war in Europe and on the high seas have informed all neutral powers of their intention to instruct the commanders of their submarine naval vessels to attack upon sight after February 29 all armed vessels of their enemies, whether such armed vessels are admittedly naval vessels or carry their armaments under the name and guise of "defensive armament for merchant ships"; and

Whereas the government of Germany, one of the powers which have so informed the neutral powers, has submitted to the Government of the

United States photographic facsimiles of alleged secret orders of the British government which secret orders direct that such so-called "defensive armament for merchant ships" shall be used offensively and shall be manned and directed by naval officers and men of the navy of Great Britain, and that such so-called "defensive armament for merchant ships" and such naval officers and men shall be, as far as possible, concealed and disguised when in neutral waters and ports, with the evident intention to deceive; and

Whereas the only possible use for a "defensive gun" is the same as the use for an "offensive gun," namely, to shoot and, if possible, destroy or damage the enemy ship, whether submarine or other naval craft; and

Whereas the Government of the United States has no desire and no right to dictate to any of the powers whether they shall arm their merchant ships with guns or other armament or not, and has no interest in the success or failure of such ships so armed in using their armaments in the only way in which they could be effectively used, namely, in destroying or injuring enemy submarines or other naval vessels; and

Whereas the Government of the United States has no interest in the success or failure of the submarines or other naval vessels of any power in escaping or destroying such merchant ships so armed and has no desire or right to dictate to any of the powers what steps they shall take to protect their vital interests and pursue their legitimate belligerent operations; and

Whereas the Government of the United States can not look upon any naval engagement between any armed ships of opposing belligerent powers, no matter how such ships, or any one of such ships, may be designated or disguised, as other than a naval engagement undertaken by each belligerent with the purpose of destroying the other belligerent ships and the lives of the people thereon; and

Whereas, while it is indifferent as to quibbles about such terms as "offensive" and "defensive" as applied to guns on ships of powers at war, the Government of the United States is vitally concerned to offer its own citizens the best possible advice, counsel, and assistance in avoiding the hazards of war; and

Whereas the Governments of Germany and Austria-Hungary have given the Government of the United States positive assurances that unarmed ships carrying chiefly nonbelligerent passengers will not be sunk—unless while resisting the right of visit and search—unless it is certain that the nonbelligerent passengers can be removed to a place of safety; and

Whereas the Government of the United States is vitally interested to preserve to its own warships, submarine and other war vessels, full necessary freedom of action against an enemy, whether avowed or disguised, in any possible future war: Therefore be it

Resolved, That the House of Representatives of the Sixty-fourth Congress of the United States do, and it hereby solemnly does, request the President to warn all American citizens, within the borders of the United States or its possessions or elsewhere, to refrain from traveling on any and all ships of any and all the powers now or in future at war; which ship or ships shall mount guns, whether such ship be frankly avowed a part of the naval forces of

## CORRESPONDENCE WITH THE PRESIDENT

the power whose flag it flies, or shall be called a merchant ship, or otherwise, and whether such gun or guns or other armament be called "offensive" or "defensive"; and in case American citizens do travel on such armed belligerent ships that they do so at their own risk.

That when the President of the United States or the Secretary of State shall come into possession of the actual memorandum of the German Government, containing photographic facsimiles of alleged secret instructions issued by the British Government, which alleged secret instructions direct that so-called "defensive armament for merchant ships" shall be used offensively, and that so-called "defensive armament for merchant ships" shall be manned and directed by naval officers and men of the Navy of Great Britain, and that such so-called "defensive armament for merchant ships" and such naval officers and men shall be, as far as possible, concealed and disguised when in neutral waters and ports, with the evident intention to deceive, the President of the United States or the Secretary of State shall, at the earliest possible moment, transmit such actual memorandum of the German Government, with such facsimiles of alleged secret instructions of the British Government, and with all appendices whatsoever, to the Speaker of the House, that it and they may be laid before the House for its full information and for its assistance in performing its duty and function of guarding the welfare of the country and its citizens and for its assistance in performing its constitutional duty of advising the President of the United States with regard to foreign relations.

That the House expresses the determination of the people and Government of the United States both to uphold all American rights and to exercise care, consideration, and wisdom in avoiding actions which tend to bring American citizens and American interests into the zone of conflict where the passions of war are raging.

*In the House of Representatives,  
Tuesday, February 29, 1916*

Mr. MONDELL. Mr. Chairman, for some days in the recent past the newspapers of the country were filled with more or less exaggerated accounts of alleged disagreements between the President and members of his party in Congress as to whether, in the light of the attitude of certain of the warring countries of Europe relative to the practice and effect of arming merchantmen, it were wise, expedient, or proper for the administration or Congress to warn or prohibit American citizens from sailing on armed merchant vessels bound for the theater of war.

On this side of the House we are not supposed to be informed as to what transpired at conferences between Democratic Members of Congress and the President. The public has, however, been enlightened as to certain views held and expressed by those who participated in these conferences through a certain letter written to the President by Senator STONE,

chairman of the Committee on Foreign Relations of the Senate, and the President's reply thereto. These letters are as follows:

DEAR MR. PRESIDENT: Since Senator KERN, Mr. FLOOD, and I talked with you on Monday evening, I am more troubled than I have been for many a day. I have not felt authorized to repeat our conversation, but I have attempted, in response to numerous inquiries from my colleagues, to state to them, within the confidence that they should observe, my general understanding of your attitude.

I have stated my understanding of your attitude to be substantially as follows:

That while you would deeply regret the rejection by Great Britain of Mr. Lansing's proposal for the disarmament of merchant vessels of the allies, with the understanding that Germany and her allies would not fire upon a merchant ship if she hauled to when summoned, not attempting to escape, and that the German warships would only exercise the admitted right of visitation and capture, and would not destroy the captured ship except in circumstances that reasonably assured the safety of passengers and crew, you were of the opinion that if Great Britain and her allies rejected the proposal and insisted upon arming her merchant ships she would be within her right under international law.

Also that you would feel disposed to allow armed vessels to be cleared from our ports; also that you are not favorably disposed to the idea of this Government taking any definite steps toward preventing American citizens from embarking upon armed merchant vessels.

Furthermore, that you would consider it your duty, if a German warship should fire upon an armed merchant vessel of the enemy upon which American citizens were passengers, to hold Germany to strict account.

Numerous Members of the Senate and the House have called to discuss this subject with me. I have felt that the Members of the two Houses who are to deal with this grave question were entitled to know the situation we are confronting, as I understand it to be.

I think I should say to you that the Members of both Houses feel deeply concerned and disturbed by what they read and hear. I have heard of some talk to the effect that some are saying that, after all, it may be possible that the program of preparedness, so-called, has some relation to such a situation as we are now called upon to meet.

I have counseled all who have talked with me to keep cool; that this whole business is still the subject of diplomacy, and that you are striving to the utmost to bring about some peaceable adjustment, and that in the meantime Congress should be careful not to "ball up" a diplomatic situation by any kind of hasty and ill-considered action. However, the situation in Congress is such as to excite a sense of deep concern in the minds of careful and thoughtful men. I have felt that it is due to you to say this much.

I think you understand my personal attitude with respect to this subject. As much and as deeply as I would hate to radically disagree with you, I find it difficult for my sense of duty and responsibility to consent to plunge this Nation into the vortex of this world war because of the unreasonable obstinacy of any of the powers, upon the one hand, or, on the other hand, of foolhardiness, amounting to a sort of moral treason against the Republic, of our people recklessly risking their lives on armed

## PEACE OR WAR?

belligerent ships, I can not escape the conviction that such would be so monstrous as to be indefensible.

I want to be with you and to stand by you, and I mean to do so up to the last limit; and I want to talk with you and Secretary Lansing with the utmost frankness—to confer with you and have your judgment and counsel—and I want to be kept advised as to the course of events, as it seems to me I am entitled to be.

In the meantime I am striving to prevent anything being done by any Senator or Member calculated to embarrass your diplomatic negotiations. Up to the last you should be left free to act diplomatically as you think for the best to settle the questions involved. I need hardly say that my wish is to help, not to hinder, you.

With the highest regard and most sympathetic consideration, I have the honor, Mr. President, to be

Very sincerely, yours, WM. J. STONE.

To this letter the President replied as follows:

MY DEAR SENATOR: I very warmly appreciate your kind and frank letter of today, and feel that it calls for an equally frank reply.

You are right in assuming that I shall do everything in my power to keep the United States out of war. I think the country will feel no uneasiness about my course in that respect. Through many anxious months I have striven for that object, amid difficulties more manifold than can have been apparent upon the surface, and so far I have succeeded. I do not doubt that I shall continue to succeed. The course which the central European powers have announced their intention of following in the future with regard to undersea warfare seems for the moment to threaten insuperable obstacles, but its apparent meaning is so manifestly inconsistent with explicit assurances recently given us by those powers with regard to their treatment of merchant vessels on the high seas that I must believe that explanations will presently ensue which will put a different aspect upon it. We have had no reason to question their good faith or their fidelity to their promises in the past, and I for one feel confident that we shall have none in the future.

But in any event our duty is clear. No nation, no group of nations has the right, while war is in progress, to alter or disregard the principles which all nations have agreed upon in mitigation of the horrors and sufferings of war; and if the clear rights of American citizens should very unhappily be abridged or denied by any such action, we should, it seems to me, have in honor no choice as to what our own course should be.

For my own part, I can not consent to any abridgment of the rights of American citizens in any respect. The honor and self-respect of the Nation is involved. We covet peace, and shall preserve it at any cost but the loss of honor. To forbid our people to exercise their rights for fear we might be called upon to vindicate them would be a deep humiliation indeed. It would be an implicit, all but an explicit, acquiescence in the violation of the rights of mankind everywhere and of whatever nation or allegiance. It would be a deliberate abdication of our hitherto proud position as spokesmen, even amid the turmoil of war, for the law and the right. It would make everything this Government has attempted and everything that it has accomplished during this terrible struggle of nations meaningless and futile.

It is important to reflect that if in this instance

we allowed expediency to take the place of principle the door would inevitably be opened to still further concessions. Once accept a single abatement of right, and many other humiliations would certainly follow, and the whole fine fabric of international law might crumble under our hands piece by piece. What we are contending for in this matter is of the very essence of the things that have made America a sovereign nation. She can not yield them without conceding her own impotency as a Nation and making virtual surrender of her independent position among the nations of the world.

I am speaking, my dear Senator, in deep solemnity, without heat, with a clear consciousness of the high responsibilities of my office and as your sincere and devoted friend. If we should unhappily differ, we shall differ as friends, but where issues so momentous as these are involved we must, just because we are friends, speak our minds without reservation.

Faithfully yours, WOODROW WILSON

One paragraph of Senator STONE's letter is particularly clear and forceful. After stating that he understood the President was not favorably disposed to the idea of this Government taking any definite steps toward preventing American citizens from embarking on armed merchant vessels, he said among other things:

I find it difficult for my sense of duty and responsibility to consent to plunge this Nation into the vortex of this world war because of the unreasonable obstinacy of any of the powers upon the one hand, or on the other, of foolhardiness amounting to a sort of moral treason against the Republic of our people recklessly risking their lives on armed ships. I cannot escape the conviction that such would be so monstrous as to be indefensible.

In his answer to this letter of Senator STONE, it will be noted that the President, among other things, wrote as follows:

For my own part, I cannot consent to any abridgment of the rights of American citizens in any respect—

And so forth.

Those are fine bold words. Taken from their context and adopted as a rule and guide for the conduct of our foreign affairs, there is no one under the flag but would applaud them. When, however, we take into consideration the conditions under which they were used, the situation to which they were addressed, I am at a loss to know whether the picture they conjure up is that of Ajax defying the lightning or Falstaff on parade.

"For my own part I can not consent to any abridgment of the rights of American citizens in any respect." Fine words! Splendid sentiments! How unfortunate it is that the President could not have uttered and acted upon them three years ago and in the period that has intervened during which time the administration has done little else than not only consent but actually connive at and weakly and supinely submit to the abridg-

## HOW ABOUT "RIGHTS" IN MEXICO?

ment of the rights of American citizens in Mexico. Those were rights clearly defined by solemn treaty; fundamental rights questioned or challenged by none. The right to live, to liberty, residence and the conduct of lawful business.

What a difference between the fundamental and treaty rights of American citizens in Mexico and the alleged rights for which with fine Falstaffian fury it is now proposed to contend. The exercise of those rights could by no possibility of itself create a condition of friction, misunderstanding, or conflict. They were the natural, normal, and reasonable rights which all the world recognizes, which all nations agree to respect, and all nations are expected to maintain. On the contrary, the alleged rights to which the President refers are in some of their aspects to a greater or less degree challenged by all the world. Their exercise is not necessary to the comfort or happiness of any citizen, and even under the most favorable circumstances imaginable is likely to end disastrously for the individual and embroil the Nation in war over the foolhardy adventure of some philandering citizen.

What a pity the President could not have put in action his fine words of to-day instead of calling on our citizens, miners, merchants, and professional men in Mexico to abandon their rights, their homes, and their property. How about the rights of colonies of American farmers in Mexico, who by their toil, energy, and sacrifice had transformed desert places into fruitful fields, established their homes, and enhanced the honor of the American name. Without an effort to protect them worthy of the name all these were abandoned to their fate and given notice to leave, with the inference, which ripened into fact, that they would secure no protection if they remained.

"I can not consent to any abridgment of the rights of American citizens," said the President. How about the rights of American citizens in and about Tampico—men, women, and children. Their rights were not only abridged; they were wantonly denied. With full knowledge on the part of the administration, as shown by the official records, of the desperate plight of these people, they were over the repeated protests of the American naval commander abandoned to the mercy of an infuriated, drunken, outrageously abusive, insulting and murderous mob. But for the presence of English and German ships and the prompt action of English and German commanders, hundreds of Americans—men, women, and little children, abandoned to their fate by direct orders from Washington—would

have been the victims of the lust and fury of a Mexican mob. As it was, they were for hours tortured by the fear of death, and worse, and American men were compelled to stand by helpless and defenseless, in the presence of their wives and little ones, while every foul epithet and every unprintable insult the Spanish tongue is capable of uttering was heaped upon them.

Fifty thousand Americans lawfully and peacefully living in Mexico were warned by their Government to abandon their rights and compelled to leave their homes and property because their Government refused to afford them protection. American women were outraged. Hundreds of Americans, many of them wearing the uniform of their country, were killed; scores of them on our own soil. Millions of American property was destroyed or confiscated. The American flag was spit upon, dragged in the streets, trampled into the dust. American rights were everywhere flaunted, American prestige destroyed, American honor besmirched. And after all this, no part of which has been remedied to this day, the President tells us that he "can not consent to any abridgment of American rights."

What are the alleged rights for which the President contends so stoutly, in regard to which he thunders so valiantly in the index? Whatever definition may be given them, with a view of misleading and confusing the public mind, with a view of dodging or clouding the real issue, the alleged rights contended for are the right, if it be a right, to travel on a ship carrying guns more effective by far than any gun carried on the greatest man-of-war in the old days of the armed merchantmen; guns that would be effective against not only submarines, but unarmored cruisers; guns that are intended and expected to be used to deny the right and prevent the act of search and seizure; guns which make the merchantman in fact an effective fighting ship, equipped to fight, instructed to fight, and expected to fight.

I do not intend to go into a detailed discussion of the right of merchantmen to arm. I am perfectly willing to admit that a century ago, and before, merchantmen were quite generally armed, and that our courts held in the early part of the last century that a merchantman had the right to arm for defense. It is true that at that time, and even later, some of the authorities held that a merchantman was justified in using his defensive armament, if he was attacked, in an offensive way, even to the extent of overcoming and capturing his enemy, if possible. It is true that all this arming of merchantmen was a part of the general practice of the time of carrying arms on shore

## PEACE OR WAR?

and sea. It was the practice of the sea, comparable to the practice on shore in turbulent times, of going armed, and under which people of consequence never ventured abroad save with their armed guards.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. I will yield to the gentleman from Ohio.

Mr. FESS. Does the gentleman have in his possession Mr. Lansing's note that was made public on the 12th of this month, in reference to that very question, and from which the President's letter to Mr. STONE differs?

Mr. MONDELL. I have Mr. Lansing's note to the powers relative to the disarming of merchantmen, if that is the note to which the gentleman refers, and will refer to it a little later if I have time.

Mr. FESS. I think the letter from Mr. Lansing is confirmatory of the gentleman's position.

Mr. MONDELL. I think it is, and I thank the gentleman for calling it to my attention.

The arming of merchantmen was a custom that had no legal origin that any man may lay his fingers on, but one that grew out of the general turbulence of the times, the lack of authority and control in the open places on land and sea. France never recognized, in modern times, the right of a merchantman to arm. Toward the middle of the last century, with the suppression of piracy, the arming of merchantmen gradually fell into disuse. Then came the declaration of Paris, in 1856, and the abolition of privateering, so far as the signatories to that declaration, which included the present European belligerents, are concerned. As a matter of fact, the principle of the abolition of privateering was accepted by all the world.

Mr. TEMPLE. Will the gentleman yield?

Mr. MONDELL. Briefly.

Mr. TEMPLE. I notice the gentleman says that all belligerents were signers. There were seven nations present when the declaration of Paris was passed. There are more than seven belligerents now engaged in war.

Mr. MONDELL. There is not a nation on earth now that recognizes the right of privateering, whether they signed the declaration of Paris or not. All the major belligerents did sign, as I recall. Does the gentleman contend that we uphold the right of privateering because we did not sign the declaration of Paris? Certainly not.

The abolition of privateering following the suppression of piracy removed the reason and excuse for arming merchantmen, and from the close of our Civil War until very recently guns, except occasionally a small 1-pounder

for salute, were practically unknown on merchantmen. The fact is that the civilized world never unitedly accepted the doctrine of armed merchantmen. France refused to do so. So far as there was general agreement, it was limited to the right to arm against attack by piratical or irregular craft, including privateers. There never was definite agreement among the nations that merchantmen could arm or as to the extent to which a merchantman's armament could be used, but it was seldom, if ever, of a character to make it effective or tempt its use against the regular war-craft of the enemy. Furthermore, in the olden days such armament was never furnished by the Government. That would have constituted the merchantman a ship of war.

But I am not inclined to combat the claims of those who insist that an armed merchantman if attacked by any vessel of the enemy has the right to use its armament as it sees fit to ward off, beat off, or defeat the attack. The more valiantly and persistently and emphatically that kind of a right is contended for the more clearly, definitely, and compellingly is it evidenced that any neutral country that has regard for the lives of its citizens or for its own peace or honor will keep its citizens off such ships. [Applause.] No nation that desires to escape complications that may lead to war over mere definitions, finespun as a spider's web; over questions of fact which, involving issues touching national pride, become of such stupendous moment as to lead to bloody and devastating war, will not allow its citizens to thus wantonly and needlessly expose themselves to harm and their nation to the horrors of war. [Applause.]

I have just referred to the fact that after the suppression of piracy, the abolition of privateering, the establishment of order throughout the world, the arming of merchantmen for any purpose, save occasionally for salute, ceased. The custom having ceased, the rule based on custom may with reason and logic be said to have ceased to be operative. In fact, it was not revived for more than half a century, or until just before the outbreak of the present European war. It was the 26th of March, 1913, 16 months before the breaking out of the present European war, that Mr. Winston Churchill, First Lord of the British Admiralty, made a statement in the House of Commons in regard to a "new method" proposed by Great Britain, as it was alleged, "for the protection of the British trade." This statement was as follows:

I now turn to one aspect of trade protection which requires special reference. It was made clear at the second Hague conference and the London



## MERCHANTMEN EQUIPPED AS FIGHTERS

conference that certain of the great powers have reserved to themselves the right to convert merchant steamers into cruisers, not merely in national harbors but, if necessary, on the high seas. There is now good reason to believe that a considerable number of foreign merchant steamers may be rapidly converted into armed ships by the mounting of guns. The sea-borne trade of the world follows well-marked routes, upon nearly all of which the tonnage of the British mercantile marine largely predominates. Our food-carrying liners and vessels carrying raw material following these trade routes would, in certain contingencies, meet foreign vessels armed and equipped in the manner described. If the British ships had no armament they would be at the mercy of any foreign liners carrying one effective gun and a few rounds of ammunition. It would be obviously absurd to meet the contingency of considerable numbers of foreign armored merchant cruisers on the high seas by building an equal number of cruisers. That would expose this country to an expenditure of money to meet a particular danger altogether disproportionate to the expense caused to any foreign power in creating that danger. Hostile cruisers, wherever they are found, will be covered and met by British ships of war, but the proper reply to an armed merchantman is another merchantman armed in her own defense. This is the position to which the Admiralty have felt it necessary to draw the attention of leading shipowners. We have felt justified in pointing out to them the danger to life and property which would be incurred if their vessels were totally incapable of offering any defense to an attack. The shipowners have responded to the Admiralty invitation with cordiality, and substantial progress has been made in the direction of meeting it as a defensive measure by preparing to equip a number of first-class British liners to repel the attack of an armed foreign merchant cruiser. Although these vessels have, of course, a wholly different status from that of the regularly commissioned merchant cruisers, such as those we obtain under the Cunard agreement, the Admiralty have felt that the greater part of the cost of the necessary equipment should not fall upon the owners, and we have decided, therefore, to lend the necessary guns, to supply ammunition, and to provide for the training of members of the ship's company to form the guns' crews. The owners on their part are paying the cost of the necessary structural conversion, which is not great. The British mercantile marine will, of course, have the protection of the Royal Navy under all possible circumstances, but it is obviously impossible to guarantee individual vessels from attack when they are scattered on their voyages all over the world. No one can pretend to view these measures without regret or without hoping that the period of retrogression all over the world which has rendered them necessary may be succeeded by days of broader international confidence and agreement than those through which we are now passing.

It will be noted that Mr. Churchill called attention to the alleged fact that "certain of the great powers had reserved to themselves the right to convert merchant steamers into cruisers not merely in national harbors, but if necessary on the high seas."

He claimed that there was good reason to believe that a considerable number of foreign merchant steamers were so equipped that they could be rapidly converted into armed ships by

the mounting of guns. He did not claim that any were then carrying mounted guns. After calling attention to Great Britain's vast shipping and carrying trade, he said their vessels engaged in trade might in certain contingencies meet with foreign vessels thus armed, and therefore, he argued, the British ships should be armed in order to protect themselves against foreign ships which he said he had reason to believe carried guns which, under certain conditions, they might mount.

Mr. Churchill then went on to say that the Admiralty had felt it necessary to draw the attention of leading shipowners to this alleged condition of affairs and to point out to them what he conceived to be the dangers of life and property if their vessels were incapable of offering defense. To these advances of the Admiralty, Mr. Churchill told the House of Commons that the shipowners had "responded cordially" and a number of first-class British liners had, he said, been armed "to repel the attack of an armed foreign merchant cruiser." The British Government, Mr. Churchill told the House, was supplying the guns and ammunition for these ships and providing for the training of the members of the ship's company to form a gun crew.

And thus armed and equipped with the best of modern guns, capable of shooting with great rapidity and remarkable accuracy and of sinking any ship, except one heavily armored, at any distance less than 5 or 6 miles, these so-called defensively armed merchantmen are sailing the high seas. No wonder Mr. Churchill stated "no one can pretend to view these measures without regret or without hoping that the period of retrogression all over the world which has rendered them necessary may be succeeded by days of broader international confidence and agreement than those through which we are now passing."

Thus was launched upon the high seas a class of armed merchantmen which not even the first lord of the British Admiralty ventured to justify under international law or usage, for there is no rule of international law authorizing such armament, much less the orders affecting them.

Those are the armed ships and those like them which are sailing under the Italian flag, which raised the present controversy. And that is the kind of fighting ship, armed and equipped at the expense of the powers at war, under their orders to fight, and certain to fight to the limit if overhauled and ordered to stand by and submit to search and seizure, relative to which the President strikes a pose of mock heroism in support of his declaration that

Americans shall be allowed, which means encouraged, to ride on them.

I am not assuming to pass on the question of the proper status of such vessels as I have referred to. A simple statement of the situation makes it very clear to anyone that the controversy is not only serious but that it distinctly has two sides. Under the rules of international law a belligerent ship has, under certain conditions, the legal right of search and seizure of neutral ships and cargoes. A neutral ship resists the order of a belligerent warship to stop and submit to search at her peril; and no neutral ship would think of resisting an order of that kind made by a war vessel of any kind of one of the nations at war. Hence the passengers are safe, though the ships may be halted and searched.

Likewise, if all the merchant ships of the belligerent powers submitted to search and seizure by a warship of the enemy, including submarines, and the humane rule insisted upon by our Government and agreed to by the central powers, that crew and passengers should be placed in a position of safety before the vessel was destroyed, were adhered to, there would be little more danger on a belligerent than on a neutral merchantman. But if the merchantman is armed, ordered, expected to, and does resist and fire upon either a submarine or any other ship of war, the most humane intent possible to imagine on the part of the attacking ship does not remove the danger to which the passengers would be exposed through the perfectly legitimate attempt of the enemy ship to capture the fighting and resisting vessel.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. In case we do what the gentleman suggests, would that classify the vessels as auxiliary naval vessels?

Mr. MONDELL. What suggestion is the gentleman referring to—that we warn our people not to sail on an armed ship?

Mr. FESS. Yes.

Mr. MONDELL. My suggestion is contained in a bill which I introduced that provides that all citizens carrying American passports should be prohibited from riding on an armed merchantman of the kind referred to sailing from our ports.

Mr. FESS. Would that classify them as auxiliary naval vessels?

Mr. MONDELL. It would have no effect whatever on the classification of a ship. Its ef-

fect and action would be on the citizen to prevent him traveling on an armed ship, which if called upon to lay to by a ship of war will fight, thereby endangering life, even though the challenging ship does not go beyond or contravene any of the laws of war.

Mr. FESS. Would that be a change of international law during the progress of the war?

Mr. MONDELL. It would not, and if I have time I will discuss that feature of the matter.

The dangers to which passengers on armed merchantmen are exposed from submarines, even when the submarine is acting within its acknowledged rights as a ship of war, has been apparent to our State Department since the beginning of this controversy over submarines. The very first inquiry in the case of the destruction of a merchant ship by a submarine has been, "Was she armed?" "Did she use her guns to defeat search and seizure?" In other words, was she within her rights? In the case of the *Lusitania* it was made clear that she carried no arms and that there was no resistance and therefore her sinking was not an act of war, but plain brutal murder, unjustified and unjustifiable.

While Germany has not frankly and completely disavowed that act, the German Government has given assurances that nothing of the kind shall occur again in the case of an unarmed or unresisting vessel, and offered to do what little in the way of reparation for that frightful crime can now be done.

In some of the other cases where merchantmen have been torpedoed and sunk by submarines, conditions and circumstances have not been so clear and unquestioned. There have been some cases of reported attempt to escape by flight, some cases of attempt to ram. While these acts necessarily endanger the lives of passengers, they do not, of course, of themselves warrant sinking without removing crew and passengers. Thanks to the efforts of our Government, for which I wish to give all due credit, it has been definitely agreed that the lives of the crews and passengers of unarmed merchantmen shall be protected. Further, Germany has recently assured our Government that even in the case of an armed and resisting merchantman every reasonable effort will be made to save the lives of the passengers. In this connection, it is interesting to note that on the 18th of last January the Secretary of State addressed to foreign powers a communication, as follows

# THE FAMOUS JANUARY 18 MEMORANDUM

COMMUNICATION FROM THE SECRETARY OF STATE, JANUARY 18, 1916.

It is a matter of the deepest interest to my Government to bring to an end, if possible, the dangers of life which attend the use of submarines as at present employed in destroying enemy commerce on the high seas, since on any merchant vessel of belligerent nationality there may be citizens of the United States who have taken passage or members of the crew in the exercise of their recognized rights as neutrals. I assume your Government is equally solicitous to protect their nationals from the exceptional hazards which are presented by their passage on merchant vessels through these portions of the high seas in which undersea craft of the enemy are operating.

## UPHOLDS SUBMARINES' USE.

While I am fully alive to the appalling loss of life among noncombatants, regardless of age or sex, which has resulted from the present method of destroying merchant vessels without removing the persons on board to places of safety, and while I view that practice as contrary to those humane principles which should control belligerents in the conduct of their naval operations, I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce, since those instruments of war have proved their effectiveness in this practical branch of warfare on the high seas.

In order to bring submarine warfare within the general rules of international law and the principles of humanity without destroying their efficiency in their destruction of commerce, I believe that a formula may be found which, though it may require slight modification of the precedent generally followed by nations prior to the employment of the submarines, will appeal to the sense of justice and fairness of all the belligerents in the present war.

Your Government will understand that in seeking the formula or rule of this nature I approach it of necessity from the point of view of a neutral, but I believe that it will be equally efficacious in preserving the lives of noncombatants on merchant vessels of belligerent nationalities.

## BASIS OF PROPOSALS.

My comments on this subject are predicated on the following propositions:

First. A noncombatant has a right to traverse the high seas in a merchant vessel entitled to fly a belligerent flag, to rely upon the observance of the rules of international law and principles of humanity, and if the vessel is approached by a naval vessel of another belligerent, the merchant vessel of enemy nationality should not be attacked without being ordered to stop.

Second. An enemy merchant vessel when ordered to do so by a belligerent submarine, should immediately stop.

Third. Such vessel should not be attacked after being ordered to stop unless it attempts to flee or to resist. In case it ceases to flee or resist, the attack should be discontinued.

Fourth. In the event that it is impossible to place a prize crew on board of an enemy merchant vessel or to convoy it into port, the vessel may be sunk, provided the crew and passengers have been removed to a place of safety.

## OBSTACLES FOR SUBMARINES.

In complying with the foregoing principles, which, in my opinion, embody the principal rule, the strict observance of which will insure the life of a non-combatant on a merchant vessel which is intercepted by a submarine, I am not unmindful of the obstacles which would be met by undersea craft as commerce destroyers.

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel. This right seems to have been predicated on the superior defensive strength of ships of war, and the limitation of armament to have been dependent on the fact that it could not be used effectively in offense against enemy naval vessels, while it could defend the merchantmen against the generally inferior armament of piratical ships and privateers.

## POWERLESS IN DEFENSE.

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

Moreover, pirates and the sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

## INNOCENT LIVES AT STAKE.

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

## PEACE OR WAR?

In proposing this formula as a basis of conditional declarations by the belligerent Government I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal right, which may be denied on account of new conditions.

### STAND ON QUESTION SOUGHT.

I would be pleased to be informed whether your Government would be willing to make such a declaration, conditioned upon their enemies making a similar declaration.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

When and how did it become so tremendously sacred and important an American right to be privileged to ride on an armed ship, equipped and intended for hostilities, proposing to travel through a hostile zone in time of war? Such a ship is expected to fight. It proposes to fight, and in a fight of any kind at sea someone is sure to get hurt. In the case of such resistance an enemy ship would be justified in at least using the force necessary to stop, to capture, and to board the merchant vessel. Assuming the attacking vessel keeps within all the rules of war, danger to the passengers is very great and some loss of life is certain to occur. All of which makes it clear that the arming of merchantmen is not, under present conditions, justifiable, and if anyone persists in doing it our people should not place themselves in danger by sailing on such ships.

Why does not our President proclaim, defend, and insist upon the right of American citizens to travel on powder trains? Why not have a crusade in defense of the unquestioned constitutional right of the American citizen to bear arms as against the multitude of our laws and ordinances, limiting that right and in effect actually depriving the citizen of it?

I can understand how the thoughtless and heedless, the uninformed or emotional, might throw hat in air at any bombastic declaration that the rights of American citizens must not be abridged, without regard to the conditions that brought it forth or to which it was intended to apply. But when anyone fully informed contends that an American citizen has a right which should not be denied, curtailed or abridged, to travel on a ship armed to fight, purposed to fight, proposing to fight, and bound into the regions of war, at the present time and under present conditions, I am compelled to believe that the one so proposing and insisting is either playing politics with the national honor or is disposed to embroil the Nation in war. [Applause.]

I wish to repeat that no one, so far as I know, is proposing to change or modify international law. Even if we knew what it was in the case presented we would not expect by any act of ours to change it. We do, how-

ever, feel that it is our duty to prevent American citizens from plunging into danger and taking the chance of embroiling the Nation in war by doing something the abstract right to do which does not exist and the effect of which would be to subject us to grave danger.

Let the contending powers determine what the rule is so far as they are concerned. It is the duty of innocent bystanders to stand aside while the controversy goes on. We shall not attempt to change the rules so far as they affect the active players, but it is clearly our duty to protect the bleachers and the grand stand, at least the part of it we are responsible for, from reckless pitching, wild batting, and dangerous fouls. [Applause.]

Neither belligerent would have any cause to complain if we refused to allow our citizens to travel on armed ships. In fact, as a neutral Nation, I am inclined to the opinion it is our duty to refuse such ships clearance from our ports. I grant you that if there were no submarines in the world this situation would not be so acute, though with the class of guns now mounted on some foreign merchantmen, used as they claim the right to use them, the situation would involve great danger in the use of lightly armed cruisers. The craft that makes the trouble, however, is the submarine. Our proper contention is that the submarine must halt, search, remove passengers and crew to a place of safety before destroying a merchant ship. On the other hand, the President's contention seems to be that merchant ships must be allowed to arm, and that contention made now necessarily applies to merchant ships as now armed. Therefore the contention is that a merchant ship armed to repel a submarine, or sink it, and ordered to do so if overhauled, shall be allowed to sail the seas, entitled to the rights and immunities of a peaceful, unresisting ship. In its final analysis that means that submarines could not be used against ships so armed without grave danger, without almost a certainty of destroying life and thus, if neutral passengers were aboard, threatening new complications, and the extension and enlargement of the theater of war. The position which the President now takes therefore vir-

## CONGRESS WILL NOT ABDICATE

tually bars the submarine from action against merchant ships.

What is it the President said about changing the rules during the progress of the war? Heretofore the administration has made some of the most remarkable changes known to political history. But this proposal to change the rule with regard to submarines is the most remarkable of all in the history of the administration. For the right of the submarine to operate against and sink merchantmen has been fixed and is accepted, as it seems to be, that fact is due to the attitude of the President, assuming the State Department reflects his attitude, and by the acts and words of our State Department, more than by all other influences combined. On January 18 Secretary Lansing, in the note I have referred to, said, "I do not feel that a belligerent should be deprived of the proper use of submarines." And yet overnight the President reverses his rule, abandons the principle which he himself has declared, if it can be called a principle, and with flourish of trumpets announces in effect an entirely new rule, to wit: That submarines may not be used against merchantmen, and this, with the ink hardly dry on the suggestion of our State Department that owing to the acknowledged right to use submarines, the claim of the right of merchantmen to arm is presented in a new and dubious light.

We hope for peace, but some day unhappily war may come. If it does, we must rely largely on the submarine, and we would find ourselves sadly handicapped if we acknowledged a rule under which any merchantman might stand off our submarines with mounted guns, preventing use of the weapons of the submarine for fear of injuring passengers or crew. [Applause.]

I am not surprised that this sudden change of front on the part of the administration is applauded in certain influential quarters. It has been apparent for some time that certain influences, working for great military and naval establishments, are not averse to having the country brought into complications if thereby their propaganda may be promoted and strengthened. As the slimy film of Standard Oil smeared our policy in Mexico, so the interests of munition makers and foreign bondholders are now voiced by a thousand serviceable tongues. With what force and volume half a billion of foreign bond investments speak and the roar of an equal volume of munitions profits and expectations may be likened to the thunder of the attack and defense of Verdun. Some time since it was claimed and asserted that some of foreign birth or

parentage had so far forgotten their primary allegiance to America as to attempt "to debase our policies to the uses of foreign intrigue." Be that as it may, it is now patent to any one with ears and attentive to the talk around him that there are those who applaud the letter and attitude of the President out of their intense and, as I believe, unpatriotic partisanship for one of the contending alliances.

But the great heart of America still beats true to our faith and duty as a truly neutral power. As **OUR PEOPLE** have not and can not approve, but do condemn most severely every act of ruthlessness or barbarity on the part of any of the contending forces or nations, as they have and will insist on the assertion and defense of all American rights, even so they **WILL NOT ALLOW ANYONE, HOWEVER HIGH HIS STATION, TO LEAD THE NATION INTO THE PERILS OF CONFLICT BY THE ASSERTION OF OR INSISTENCE UPON FANCIED OR FANTASTIC RIGHTS.**

**CONGRESS IS STILL THE REPRESENTATIVE OF THE PEOPLE, AND IN THE FINAL SHOW-DOWN RESPONSIBLE FOR THE ISSUES OF PEACE AND WAR. CONGRESS WILL NOT ABDICATE ITS POWERS OR RESPONSIBILITIES, THOUGH IT WILL PATIENTLY AND LOYALLY ENDEAVOR TO SUPPORT THE ADMINISTRATION WHEN THE ADMINISTRATION FAITHFULLY ADHERES TO THE PATH OF GOOD JUDGMENT AND SOUND DISCRETION.**  
[Applause.]

*In the House of Representatives,  
Monday, March 6, 1916*

Mr. COLEMAN. I will ask the gentleman from Massachusetts, if the House is to pass upon the McLemore resolution, should it not have ample time to discuss the measure on its merits?

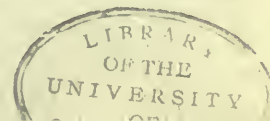
Mr. GARDNER. I understand, Mr. Chairman, that the rule provides for four hours' discussion. I should think that reasonable.

Mr. LONGWORTH. May I ask the gentleman from Illinois [Mr. MANN] if he will yield, so that I may ask the gentleman from Massachusetts [Mr. GARDNER] a question?

Mr. MANN. Yes.

Mr. LONGWORTH. The gentleman spoke of having an answer as clear as crystal on this proposition. Would he say that the action of another body on this matter was as clear as crystal?

Mr. GARDNER. Certainly not. The Sen-



ate was the victim of its own rules. Even if Senator GORE had warned the Senators six months beforehand of what he was going to do, they could not have helped themselves. Under their own rules they could not come to a vote excepting on the question of tabling the Gore resolution in whatever final form the Oklahoma Senator chose to present it. The Senate had to vote on the motion to table the Gore resolution just as it stood. The Senate could not amend it. So the Senate did the proper thing and tabled the whole business. The Senate was helpless. But we are not at the mercy of any individual Member. We are only at the mercy of the Committee on Rules, but we are not at its mercy one moment after it has reported a rule to the House. We can not force the committee to present a report, but once a report is presented we can do what we choose with that report.

Mr. MANN. Mr. Chairman, the gentleman from Massachusetts [Mr. GARDNER] has charged the membership of the House, in the consideration of the matters to which he referred off the floor, with having been actuated, first, by partisan reasons, and, second, by fear of how their constituents might treat their votes in the House. The gentleman from Massachusetts, in such matters, is entitled to speak for himself, but for no one else in the House. [Applause.]

I do not believe that either side of the House, in giving private consideration and discussion to the questions at issue to which the gentleman has referred, has been actuated either by partisan motives or by fear of votes at home. If there is anything to the question at all, it is too grave and great for the patriotic men of this House to determine how they shall act by base methods, as is suggested by the gentleman from Massachusetts. [Applause.]

I have not been in favor of bringing the matter before the House at all. I have been quite content to let the House attend to its constitutional duties [applause] and to let the President attend to his constitutional duties [applause], thinking that if at any time the President desired the action of the House he would come before the House or Congress and say so. [Applause.] There has been no complaint to speak of—at least voiced on the floor of the House—in criticism of what the President has done; certainly not from the Republican side of the House, and I think not from the Democratic side of the House. But gentlemen now insist that we shall record our views—upon what? Upon a grave question of international complications, or upon a reso-

lution which somebody dropped in the basket, and which resolution no one in the House had ever heard of or read until the matter was urged to be adversely acted upon. Nobody was asking that the resolution be passed. Some people suppose that when a bill or resolution is introduced into the House it is a matter of great moment. Anybody who is a Member of the House, and nearly anybody who is not, can secure the dropping into the basket of a formal matter, a bill or resolution, relating to anything under or above the sun, and the House does not treat these things too seriously. I dare say there are few Members of the House who would say that the McLemore resolution, so called, expressed his sentiments or his position; and I undertake to say that a majority of the Members of this House, if they expressed their opinions, are of the opinion that American citizens at this time ought not to complicate the situation by traveling in armed merchant vessels. [Prolonged applause.]

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. MANN. I yield.

Mr. GARDNER. Is the gentleman of the opinion that a majority of this House thinks we ought to abandon those American citizens if they do disregard that warning that the gentleman has given them?

Mr. MANN. I think that when that question arises we ought to meet it [applause]; but I hope that our citizens may be so advised that we shall never be put to the test whether we have to fight because some fool had entered upon a joy ride or voyage. [Applause.] If we leave the matter as it is, we have expressed no opinion. We have left the situation to the wisdom and the discretion of the President. But if we are forced to vote simply and solely upon the proposition to table the McLemore resolution, which is the proposition which the Committee on Rules will submit to the House, and we vote to table the resolution, we have voted that we invite American citizens to travel on armed merchant vessels, with the assurance that we will go to war if they do. [Applause.]

I am in favor of keeping out of war, if it is possible. [Applause.] Who is it that proposes that we have a square vote? Not the gentleman from Massachusetts. He thinks that we ought to have a square vote on the McLemore resolution, but that we ought not

## NO WAR FOR LIGHT CAUSE

to have a square vote on what we think ought to be done. [Applause.]

Now, gentlemen may say in denunciation of those with whom they do not agree that certain propositions are "fake" propositions. My idea of a "fake" proposition usually is one that I do not agree with. [Laughter.] Is the gentleman from Massachusetts, or anyone else in the House who is going to vote with him, willing that the House shall have a chance to amend the McLemore resolution? [Applause.] Putting up a man of straw and knocking him down is a favorite device, but it gets no one anywhere. If the President of the United States, for whom I have respect, desires to know what the Members of the House think upon a proposition, he certainly must desire to know what they honestly think upon it. [Applause.] If we take no action at all in the House, to that extent we do not endeavor to bind the hands of the President or to influence his conduct; to that extent it is a vote of confidence. But if we insist, or the Committee on Rules or the House insists, that we shall vote upon a question of grave international importance, I do not propose to register the will of anybody else, but to register my own judgment. [Prolonged applause.]

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] is recognized.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I never did believe in crossing a bridge until I came to it, or in anticipating trouble which may never arise, and especially when it is a matter which certainly is not now our concern, and I hope never will be.

The gentleman from Massachusetts [Mr. GARDNER] was mistaken in saying that the Senate was the victim of its own rules. It was no victim at all. It did the right thing, to kill whatever proposition came up under which Congress assumed without invitation to meddle with the diplomatic affairs of the country, which are peculiarly and constitutionally in the province of the President. [Applause.]

It makes no difference what the merits, what the substance of the resolution, or which side of any proposition the resolution favors, it ought to be defeated in the shortest and quickest and best possible way.

The question now, however, is not what the language or substance of our action should be, whether for or against the President's position; that is immaterial. It is none of the

business of Congress to interfere with diplomatic relations at all.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. ADAMSON. I have not time to yield. I am trying to tell the gentleman some truths, but he does not listen. I agree that if an American citizen has not sense enough to keep off of a belligerent ship—if he thinks advice will be more impressive than torpedoes—I am willing that we should continue our warnings in thunder tones, as has been done; and that warnings should come from the President and his Cabinet and Members of Congress, all the way down, but it is not necessary that Congress should do everything. The notice given, however, should not be for the illogical reason assigned by some gentlemen, that if these people are warned of their danger this Government will not be responsible if they are destroyed, but because their presence on such ships may involve this country in complication with other nations.

It is an international right of any neutral or noncombatant to ride on any merchantman or liner which is a ship of commerce hurrying from port to port and seeking no fight, whether armed or unarmed, and is not a battleship nor, like a battleship, carrying no commerce but seeking a fight. [Applause.] I do not care to discuss pro or con an international proposition that is now in the province of the President. I do not care to decide now whether I will vote to go to war or not. I do say **IT WOULD REQUIRE A VERY GRAVE SITUATION TO INDUCE ME TO INVOLVE MY COUNTRY IN WAR. IT MAY NOT BE, AS SOME MEMBER HAS SAID, THAT I WOULD NOT DO IT UNTIL AN ENEMY ACTUALLY INVADED THE DISTRICT I REPRESENT HERE, BUT THERE WOULD HAVE TO BE DANGER OF INVADING THAT OR SOME OTHER DISTRICT IN THE UNITED STATES.**

Mr. SHERLEY. Mr. Chairman, I believe that every man in this House is agreed upon the one proposition that he regrets the situation should have arisen which requires expression on the part of the membership of this House touching an international matter that is more or less acute at this time, but that regret has no practical bearing now. There has arisen a situation which makes it essential that the House of Representatives express its view. Now, why? It is true that the dropping in the basket of a resolution means nothing, but after a resolution is dropped in the basket and such agitation is had informally, it is true, not on the floor, but elsewhere, as to cause the news-

## PEACE OR WAR?

papers of the country to carry it out as one of the matters that was imminent in the House, and when, following that, statements are made by men in high and responsible positions in the House that such a resolution—and, mark you, the resolution was not only a resolution of warning but a resolution of repudiation of responsibility in case the warning was disregarded—I repeat that when men in high and responsible positions in the House carry to the world the statement that such a resolution would, if it came up, pass by a 2 or 3 to 1 vote, and the effect of that information or misinformation is to paralyze the Executive arm in dealing with international affairs, he has to use that common sense that should always characterize a man in his position in coming here and saying to the House, “I ask of you such action as will go to show what I consider the rights of America, represents the will of the American people or does not.” Here is the position. It is not whether we shall go to war because some fool sees fit to travel when he ought not. Oh, no; there is a great controversy touching sea warfare. One of the belligerents insists that because of facts that have developed touching that warfare that it is entitled to change the rule of international law as it existed when the war broke out so as to affect the rights of neutrals. America stands today as the one great Nation that can defend the rights of neutrals, and the day is coming in this world in the time of progress when the belligerents will learn that they are the outlaws, that they have only such rights as a peaceful world is willing to give them [applause], and that peaceful world has not simply such rights as it can take away from the outlaws of the world.

Now the President is standing for a great international issue. It may be that men conscientiously think that they are voting a warning simply as an indication of caution, but that is not the effect of it. The logical effect of it is that this Nation is not prepared to protect men in this right, and that right means more than in my time I can go into. It means much more than the approval of foolhardiness in traveling on a ship. Since the war broke out I have arranged for more than 20 Americans to come back to their country, and many of them had to travel on merchant vessels belonging to belligerents. Is America going to say that they are not to be protected in their right not to be killed, not to have a peaceful ship sunk without warning? If that be true, what need for dispute over the *Lusitania*? If the right is only to be upheld when it can be upheld with-

out any risk to us, God pity this country. [Applause.]

I am for my country, and I believe in standing for its real rights, let the risk be what it may. And men by foolish talk, by forcing an issue, giving aid, not intentionally but actual aid and comfort to the nation we are in controversy with, have made it necessary that this House shall say to the world that the President does not speak for himself alone but for all the people of America. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from West Virginia.

Mr. NEELY. Mr. Chairman, I avail myself of this opportunity to speak to the McLemore resolution, which will come up to-morrow under a rule that will probably admit of no general debate.

It was written long ago, in language so clear, concise and simple that the wayfaring man could not misunderstand it, that “Every city or house divided against itself shall not stand,” and “Every kingdom divided against itself is brought to desolation.” To-morrow we shall subject ourselves to the crucial test that will determine whether this House shall stand or fall. Our action on the resolution will proclaim to the world that we will either stand together and support our Chief Executive in his supreme struggle to maintain the honor, the dignity, and the prestige of this Nation, or that we have divided our House and caused it to fall in utter ruin and as an impassable barrier across the perilous pathway in which the President is successfully leading his people in peace while all the rest of the world is bleeding to death from the ghastly wounds of war.

The passage of the resolution would bind the President’s hands, annihilate his authority, and silence his tongue. It would be a confession that we have abandoned the right of making the law of nations to the international outlaws on the other side of the water; that we have repudiated the Declaration of Independence, and bowed the knee in fear and trembling before the brutal belligerents of the old world.

Some say that the rejection of the resolution will mean war. On the contrary, it will mean continued peace; for when the war-crazed nations of Europe once know that this country is united, from the White House to the Capitol and from the Capitol to the firesides of a hundred million patriotic people, then our rights will be respected in every land and our flag will be honored on every sea. But if the



## SOCIALIST OPPOSES WAR

rejection of the resolution should mean war—and no one shall go before me in opposing war or in confidently believing that we shall have none so long as we refrain from meddling with the President's business—but if the rejection of the resolution should mean war, were it not a thousand times better that we should all die in the trenches and national honor live than that we should all live to see the honor of this Nation ignominiously die?

This is a contest between European empire and the American Republic; a contest between might in the Old World and right in the New; a contest between military despotism and the peace-loving President of the United States. In such a contest I, for one, am against every foreign potentate, prince, and power—the world, the flesh, and the devil—and with the President of my country.

In God's name, let the resolution die and let the honor of the Republic live in unsullied grandeur forever and forever. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, this is a broader question than whether Americans shall be warned not to travel on armed merchant vessels of belligerents. It is a broader question than whether Congress has the constitutional power to warn American citizens not to exercise what is their undoubted right. It is a broader question than what has been the practices and the precedents of this country. The issue we are to vote upon to-morrow presents a question of whether in diplomatic negotiations going on between the Executive of this country and a foreign Government we shall stand with our President or with a foreign Government. [Applause.] It is whether you are going to stand with America or a Government with which America is negotiating; and when that time comes, Mr. Chairman, when that issue is presented, I believe that every patriotic Congressman—and I believe we have none here but patriotic Congressmen—will be found standing behind the President and behind this country. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the Gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, in view of the prevailing excitement I will, in an effort at self-restraint, begin with the reading of a resolution which I introduced a few days ago, and which I believe meets the situation.

Joint resolution (H. J. Res. 170) constituting a declaration by Congress of the policy and intention

of the people of the United States toward the belligerent nations.

Whereas the President of the United States has called upon Congress to uphold him in his view of the rights of Americans traveling in armed merchantmen carrying the flag of a belligerent nation; and

Whereas the belligerent nations, in their struggle to survive in the contest, have disregarded vital interests of neutrals in comparison with which the claim of the right to travel in armed merchantmen sinks into insignificance; and

Whereas the prevailing apprehension among the people of the United States that an attempt may be made to enforce American rights and claims by means of war, makes it imperative that a definite and unequivocal declaration of the policy and intentions of the United States toward the belligerents be made by Congress: Therefore be it.

*Resolved, etc.,* That Congress solemnly declares its unalterable opposition to war as a means of enforcing the claim that Americans may travel in armed merchantmen of belligerents.

**THAT CONGRESS SOLEMNLY DECLARES THAT, EXCEPT WHEN REPELLING AN ENEMY INVADING THE TERRITORY OF THE UNITED STATES, THERE CAN BE NO JUSTIFICATION FOR A RESORT TO ARMS.**

We are discussing in advance a rule which the Committee on Rules is to report to-morrow, and which will prevent any action on the McLemore resolution except that of tabling the resolution. The McLemore resolution proposes to warn Americans off armed merchantmen flying the flag of a belligerent nation. The Committee on Foreign Affairs recommends that the resolution be tabled. It will be made impossible to amend or improve the resolution. All discussion will thus be choked off. A matter of unprecedented magnitude, involving the gravest problem which can present itself in the life of a nation, will be disposed of, if the judgment of the committee prevails, without any discussion whatever. What a dangerous mistake; what a serious blunder. We are advised to refuse to consider on its merits a proposition which forms the subject of obstinate contention between our Government and that of another nation; a proposition which, we are told, involves the rights of neutrals under international law; a proposition the dispute about which threatens to bring this country to the brink of war.

**WILL OUR VOTE HERE MEAN THAT CONGRESS IS DETERMINED TO GO TO THE EXTENT OF PERMITTING A RUPTURE OF DIPLOMATIC RELATIONS WITH THE GOVERNMENT OF A FRIENDLY NATION? AND AFTER DIPLOMATIC INTERCOURSE HAS BEEN SEVERED, THEN WHAT? WAR? WHOLESAL MURDER? DEATH AND DESTRUCTION? CHAOS? THE MOST**

## PEACE OR WAR?

### POWERFUL NEUTRAL NATION ENGULFED IN THE MAELSTROM?

What we should do is not to table the Mc-Lemore resolution, but permit a free and full discussion of the entire subject; and, above all, we should adopt a clear and unequivocal declaration to the effect that, first, we have no quarrel with the people of any European nation; second, that any dispute which we may have with the government of any of the belligerents shall be submitted, after the passions of the war have subsided, to the determination of a board of arbitration; third, that we refuse to resort to physical force as a means of compelling respect for our rights.

**WE SPEAK OF FIGHTING FOR NATIONAL HONOR. WHAT IS NATIONAL HONOR? I CONTEND THERE IS ONLY ONE PEOPLE THAT CAN VIOLATE THE HONOR OF THE UNITED STATES. AND THAT IS THE PEOPLE OF THE UNITED STATES.**

Mr. TAYLOR of Colorado. Mr. Chairman, I yield two minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, it was no feeling of party loyalty nor desire to pay a tribute to the present occupant of the White House that was responsible for my action as a member of the Committee on Foreign Affairs. To my mind the broad question was, how far shall the President of the United States be interfered with in this crisis? How far shall we go in interfering with him? You gentlemen of this body, do you know the facts that are under consideration by the State Department? Are you conversant with the facts that are there in the archives? How far will you go in interfering to-day, with that department in dealing with other Governments?

Mr. MADDEN. Will the gentleman yield for a question?

Mr. RAGSDALE. I have only two minutes. I do not know the situation that confronts us to-day. I think few men in America know. I do know that we are in one of the worst crises that this country has ever been called upon to face and in which the President of the United States has preserved the peace of this country. I believe there are few men could have preserved that peace with the dignity and honor that has been maintained. [Applause.] Feeling this way, Mr. Chairman, realizing conditions that are almost intolerable across the water, knowing that we have from time immemorial vested the right of conducting foreign affairs in the President of the United States, I ask this House to stop and consider before any action is taken for which we may

repent too late. The President has not exceeded his authority, he has not transgressed our powers in this matter. This is our flag, our country, and our Executive. Let no personal or party consideration influence any Member against that which is due them in this crisis.

I beg this House will stop and consider whether we shall palsy the hand of the man into whose keeping we have placed the power of directing our foreign affairs. A blow at that power now is a blow against our flag and our country.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois [Mr. MANN] desire to reserve the remainder of his time?

Mr. MANN. I first yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I think the American people understand very well what the situation is. They know the character of armament now being carried on the merchant ships of certain great powers. They know the orders given to the masters of those vessels. They know that, without regard to what treatment they may be accorded by the attacking enemy, there is bound to be a fight when they meet and some one is certain to get hurt; that is likely to bring about international complications leading to war. And, knowing this, the American people are in favor of having our citizens warned to keep off these powder ships. [Applause.]

Further than that, the American people will not be fooled by any fake appeals to patriotism or any buncombe appeals for loyalty to the President when the question of loyalty to the President is not involved. The question is, Shall we be loyal to our convictions and loyal to our country? That is the question before us. It is not true that the warning of American citizens from armed merchant ships is an international question. No one dreamed that it was an international question until it was suggested from certain quarters. It is not true that action by Congress warning Americans from armed ships will in any way embarrass this Government in its negotiations with foreign States. The question is a purely domestic one, and it is one for us to determine.

It is true that if this House voted squarely on the question of warning our people from armed merchantmen and voted its convictions, such a warning would have the vote of at least two-thirds, if not three-quarters, of the Members of this House. That is so true that certain gentlemen who know it is true are trying to dodge the issue and, to a certain extent,

## WHY TWO STANDARDS OF HONOR?

they have been able to dodge the issue by presenting this matter to the House in a way making it impossible to have a square vote on a simple, plain proposition of warning.

The gentleman from Massachusetts and those who agree with him do not, in my opinion, want a square vote on the simple proposition of warning. There are people in this country who insist that American lives shall be sacrificed and American honor shall be put in jeopardy to insure the cargoes of certain American exporters. That is the proposition contained in a refusal to warn our people off these armed ships. The question is not one of diplomacy; it is not one coming wholly within the purview of the duties and responsibilities of the President. It is a duty and responsibility resting on us as representatives of the people to say, that in the condition of affairs now existing relative to the merchantmen of the world, armed to fight, purposed to fight, intending to fight, we warn our people to keep out of that kind of danger imperiling their lives and the peace of their country. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. It seems to me, Mr. Speaker, that in world affairs we have come to a juncture when we might well exclaim with Mark Anthony, "Oh, judgment, thou art fled to brutish beasts and men have lost their reason." The people of the United States expect us to maintain our sanity. They do not expect the Members of this House to lose their reason, even though madness stalks abroad on the other side of the Atlantic. [Applause.]

I have heard several gentlemen to-day speak of our national honor. I yield to no man in love of country or in a feeling of pride for the honor of the United States. To me our national honor should be maintained pure, unsullied, stainless. But it seems to me, Mr. Speaker, that we have come to a condition under which we have established a double standard of national honor. I remember a few weeks ago when 18 American young men—money earners, if you please—went into Mexico to find employment in the mines of that country. They were massacred in cold blood while en route to the place of employment by a band of Mexican insurgent soldiers. The people of the United States were horror-stricken when they heard the awful news. The relatives of the murdered men appealed to our Government to endeavor to have something done to bring the murderers to justice and prevent a repetition of such an outrage. It seems

to me that our national honor was involved in that instance. But the relatives of these men were told that their loved ones had gone into Mexico at their own risk. That they had been warned not to go into Mexico, and having refused to accept the warning they virtually took their lives into their own hands. That is one standard of national honor that has been set up by this administration.

And now, because some American wants a thrill, because some money spender, some blasé, foolhardy citizen wants to do something in order to spur his jaded appetite, we have another standard, a second standard of national honor; a standard that possibly might bring us into war because of some willfully foolish act of some reckless American citizen. Mr. Speaker, the American people do not want war. **THE AMERICAN PEOPLE DO NOT PROPOSE TO GET INTO THIS EUROPEAN CONFLICT. THEY LOOK TO US TO KEEP THEM OUT OF IT.** And the Congress and the President will find, if anything is done to bring this country into this European war, that, in the final analysis, the consequences, if war should come, will be placed upon the shoulders of those who will be responsible for forcing the country into war. I for one am satisfied that the Congress will do its duty; it will gladly take its share of responsibility. But it should also leave to the Executive his share of responsibility. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to my colleague from Illinois [Mr. STERLING].

Mr. STERLING. Mr. Speaker, it seems to me that some gentlemen are seeking to evade the very question upon which the President of the United States desired that this House should vote. A week ago he wrote a letter to the chairman of the Committee on Rules asking that Congress express its views on one of these several resolutions that have been pending in the committees since the opening of the session, and, so far as I know, those resolutions would be pending there still if it were not for the fact that the President of the United States insisted on the House voting on one of the resolutions with the hope that it might be defeated.

The newspapers for a week have set it out in the headlines that the President of the United States was demanding a "show-down." I for one believe that the President is entitled to a "show-down." I believe that he is entitled to know whether the Members of this House favor a resolution giving warning to American citizens or whether they are opposed to it.

## PEACE OR WAR?

Under this proposed plan this House intends to deny him that which he has asked for. It seems to me it would be far better and more manly to vote on the resolution to the end that the President may know what our convictions are. Presumably that is what he wants, and that is what he will not get under this plan to lay on the table.

When we have voted on this question to lay this resolution on the table, the President will not know how a single Member of this House stands on that question, except those who may have an opportunity to express themselves in debate on the floor. He will not know from the vote that is taken to-morrow on the motion to lay the resolution on the table where any Member stands on this proposition. The people of the country, our constituents, will not know where we stand on that question. The people in the capitals of foreign nations, if it makes any difference what they think about it, will not know, when we have taken this vote to lay on the table, whether the Congress of the United States approves the course of the President in his diplomatic negotiations or whether it disapproves that course.

And so I submit to you that that is the situation, whether or not we ought to take a vote to lay this resolution on the table, or vote on the resolution itself, and let not only the President but the people of the country know just where the House of Representatives stands.

Now, I say to you frankly that I am in favor of a resolution to warn American citizens to stay off armed vessels. I would not vote to deduct from the rights of Americans on the high seas, but a plain resolution of warning does not take away any right. It has for its sole and only end the high patriotic purpose of saving life and insuring peace.

Mr. MANN. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. FOCHT].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized for two minutes.

Mr. FOCHT. Mr. Chairman, it has been well said by the leader of the Republican side of the House that there has been nowhere any intimation of interference with the prerogatives of the President of the United States, or any suggestion that this House meant in any way to curtail his constitutional rights.

But we find a demand made upon this Congress to give an expression of its opinion in regard to what has been characterized or denominated here as a great crisis. We have heard of the President himself in public dec-

larations saying that war was only at arm's length, that it might occur to-morrow or in a week. And now we have Members on this floor to-day stating that there is information in the archives of the State Department that would make us tremble if we know of it.

I say to you, Mr. Chairman, if war is as near as that, and there is information in the possession of this Government of that character, I would like to know what patriotic citizen, be he President or anybody else, would withhold it from the sovereign body of Congressmen, the Representatives of the people, to whom, as the designers of the Constitution well provided, is intrusted the power to declare war, as a direct expression from the people, and to whom we are accountable. While the makers of the Constitution curtailed the powers of the President, they gave an unlimited sway in that regard to the Members of Congress. [Applause.]

Therefore, wherein is Congress subordinate or subservient to the President, and why instead is it not our duty to call on the Chief Executive to make a show-down by dignified message or some agency of mutual confidence than to submit to his attempt to "big stick" the death of a resolution that is vague and obscure and which can only confound and confuse as to its purpose and effect? This resolution and the method of attempting to kill it is unworthy of this great body, and especially at this time. If the President wants the resolution to be lifeless, it is that now; then why the absurdity of bringing it back to life only to kill it again? The action to-morrow on this question will prove no man's patriotism nor will it detract from any Member as to his love for his country. When I speak I do so for a section of Pennsylvania, seventeenth congressional district, which gave Lincoln his first troops, the Logan Guards, when followed thousands of men as brave as any, including Gen. John P. Taylor, Gen. Hulings, Gen. William McCall, Col. Gilbert Beaver, and that heroic student-captain of Bucknell University, Andrew Gregg Tucker, while the unspeakable tragedy of death and flame when Chambersburg was devastated by war's cruel hand, are all a token of that burning patriotism that will again be unloosened if ever a foe dishonors that sacred flag. [Applause.] There will be no faltering and no failing if war comes, which the record of history guarantees. But **THE PEOPLE DO NOT WANT THIS COUNTRY TO BECOME INVOLVED IN WAR AS THE RESULT OF THE MADNESS OF THE ENTHRONED BOSSES OF EUROPE**, and history will wonder and marvel,

## WHAT DOES THE PRESIDENT WANT?

then condemn this Congress if we accept the challenge as to our patriotism based on such a rayless, obscure, and beclouded document as this resolution. If a call were to come from the President ringing true with confidence and the worthy assurance that Congress will back him in every patriotic purpose he makes clear to this body, there would be a unanimous response, but he can not expect concert of action on this sort of a table juggling and shuttlecocking of a resolution which may be fraught with peril to the country.

Mr. MANN. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized for two minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, what is it the President of the United States wants? Gentlemen have indicated that he has been hampered in the performance of his constitutional duty. In what respect has the House of Representatives, which has been severely criticized throughout the country, hampered the President of the United States? Has the President of the United States come to the House of Representatives with a message upon a subject of world-wide interest involving any possible catastrophe to the people of this Nation?

I well remember, Mr. Chairman, when asked, along with my fellow Members, to stand by the President in another instance. We were told that the honor of the flag was at stake in Mexico. I voted to stand by the President then, in the war upon Huerta, the provisional President of that country. Did we sustain the honor of the people of the United States in that controversy? Was my vote to stand by the President in vain?

What is it that the President wants now? This House has constitutional privileges and prerogatives. Have they been consulted at all in this transaction up to date? Has the President exercised his constitutional right of calling upon this House to confer with it in a matter pertaining to the honor of the Nation?

What are we expected to vote upon? Is this House informed as to the conditions that seem to be familiar to the Committee on Foreign Affairs? If report be true, the President sought to smother the McLemore resolution in the Committee on Foreign Affairs. Ten days thereafter, if report be true, he sought to have the resolution voted upon. How can we vote upon that resolution in its present form and satisfy the President? Please tell us where the President stands, and what he wants the

Representatives of the sovereign people to do. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes.

Mr. LENROOT. Mr. Chairman, the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Virginia [Mr. FLOOD], I think, fairly stated the situation that will be before this House to-morrow; and the effect of their statements was that this House would to-morrow determine whether it will sustain the present policy of the President of the United States upon the international question of law concerning armed merchantmen to any extent that may be necessary to maintain the position which he had taken.

Now, Mr. Chairman, Germany or any other belligerent nation is interested in the attitude of this House only in one respect, and that is how far will the House of Representatives and the Congress of the United States go in sustaining the President. And we have only one constitutional duty to perform in that respect, and that is the making of a declaration of war.

Now, Mr. Chairman, I am not prepared, as a Member of this Congress, to decide that question now. I am not willing either to vote to sustain the President of the United States to the extent of war upon this question nor ready to vote that under certain circumstances I would not so vote; and so, Mr. Chairman, when the proposition comes before the House to-morrow I shall vote against the rule bringing up the matter for consideration, as I voted against it in committee to-day, because I want to keep myself free and untrammelled to vote upon that question when the question properly comes before the House.

Mr. MANN. I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I think there can be little doubt in the mind of any man that if this McLemore resolution had been called up for action in the committee it would never have been reported favorably to this House as it stands. I think there can be little doubt that if it had been reported favorably it never could have passed the House in its present form. The reason is not far to seek, because the resolution contains a lot of matter that would not meet with the approval of gentlemen of this House, both in its num-

erous preambles and in the body of the resolution itself.

Mr. FLOOD. Will the gentleman allow me to interrupt him?

Mr. TOWNER. I have only five minutes, but I will yield to the gentleman.

Mr. FLOOD. I will say that so far as I am concerned, and I think I can speak for the members of the committee, the reason we voted against amending the McLemore resolution so as to put it in more artistic form was because the McLemore resolution has become known abroad, and some foreign capital might say that the McLemore resolution was torn to pieces, and that the President of the United States was not indorsed.

Mr. TOWNER. Ah, Mr. Chairman, I am very much afraid that the gentleman is acting upon the suggestion of somebody else rather than upon his own judgment.

Mr. FLOOD. Well, I am not.

Mr. TOWNER. I will submit to the gentleman that I do not know upon what ground he is acting. However, Mr. Chairman, I think I am justified in saying that there is no man on the floor of this House who has examined the McLemore resolution—unless it is the author himself—who would approve of it. Yet, Mr. Chairman, there is in that resolution a sentiment and an idea that has gone abroad throughout the country as the McLemore resolution, which sentiment gentlemen in this House do approve. I am not qualified to speak for others, but, Mr. Chairman, from what I know of the opinion on both sides of this House there is a very general opinion among the Members that we ought to warn American citizens not to travel on armed merchant belligerent vessels. And that is the view of the people of the country. But if now we are going to have this McLemore resolution presented to us, we must believe that it is presented in its present form because some gentlemen who desire to have it voted down believe there are things in it that will cause men to vote against it who would not vote against the principal idea for which it stands and by which it is known. Now, that is just what we ought not to allow. It is as much the duty of gentlemen on the other side of the House as it is our duty to see that this question, if it is to be decided by the House at all, shall be decided fairly and squarely upon the only vital question which it stands for, and that these extraneous matters ought not to be allowed to become reasons why gentlemen may justify themselves in voting to table it and put it out of the way. So I say that these assertions that are made here, that we must stand or

fall by the McLemore resolution without any amendment, are made, in my judgment, for the purpose of discrediting it if possible in the view of some gentlemen. As it stands some Members will doubtless vote to table the resolution, not because they believe or do not believe in its vital principle, but because of some extraneous matter, and that ought not to be allowed. [Applause on the Republican side.]

Mr. MANN. I yield five minutes to the gentleman from Pennsylvania [Mr. Hopwood].

Mr. HOPWOOD. Mr. Chairman and gentlemen, I feel that the President has put up to us a question that he had no right to put up to us to begin with. It was not a question of such magnitude and importance as to demand solution by anyone except himself; and when he did put it up to this House, he ought to have put it up to us in a very different way. He ought to have sent to Congress what information he had and what correspondence he had, and to have given us such information as would have enabled us to act intelligently in regard to all the circumstances of the case.

The President was also very unfortunate in his speech that he made to the club the other night, when he said he would rather hear from the people at their firesides than from Congress in the cloakrooms. About 435 of us here represent firesides ourselves. Each of us represents probably 250,000 people on an average—that is about the number in my district—and there are a good many firesides in each district. I visit a great many of the firesides in my district when I am at home, and I know the people intimately who live there, because I have lived there 59 years. So I have known many of them, and I know many of their firesides. The President can not know as many firesides as 435 Members of this House can know. So I think he was very unfortunate in making that declaration.

The President wants a vote of confidence here. What does he want? It is pretty hard to tell just what he wants. At first he wanted this resolution kept in committee, and now he wants it out of the committee. Well, it is out and I am willing to vote on the square on that resolution or any other resolution; and my theory is that this country will never go to war and our people back home will never allow us to vote to go to war upon any foolish right of some foolhardy people traveling on these armed vessels. I do not care whether you call them war vessels or what you call them, they are armed with heavy guns, at least, and they can shoot a long distance, and the submarine, which is a new instrument of warfare, can not hope to cope with them in the open.

## "THE FIRE-SIDES OF THE COUNTRY?"

So if the submarine is any good in this war it has to do its work in the way it is doing it.

I am not saying that laws are to be changed during the time of war, but I do say that this instrument of warfare, is to be used in a different way from any other instrument, and the old rules and precedents do not apply. Laws are changed. International laws are not settled things. Who knows what international law is? It is changed with the years just as the common law has changed in centuries from the beginning or the inception of the common law down to this minute. The courts have ruled and ruled, and under new conditions and the common law changes. Under new conditions international agreements and international law has changed. So I say that this House ought never to vote for such a doubtful and nonessential right as they are claiming, and if Americans insist on traveling on armed vessels it should not make it a cause of war if that vessel be sunk. I will never go to war, nor will I allow my three sturdy sons, sturdier and stronger than I am, to go to war because some foolhardy person goes upon a vessel and loses his life.

I am free to vote on the question, however it may come up. I am not acquainted with the rules of the House. As soon as I learn one a new one comes up that I had not found out, and it will be a good while before I do know about them. [Laughter.] I do not know yet just how this question will come up; but what I do know is that if I can find out the question I know how I want to vote on it, and when I do vote I am going to vote against Americans traveling on armed vessels and bringing us into war by their foolishness. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, I have listened with very much interest to the remarks of the gentleman from Kentucky [Mr. SHERLEY] and the remarks of the gentleman from Virginia [Mr. FLOOD] upon this very grave and important question. It seemed to me that the force of the argument contained in their remarks was that any Member of Congress who opposed the tabling of the McLemore resolution was unpatriotic. Now, I do not believe that all the patriotism in this country lies with the gentleman from Virginia or with the gentleman from Kentucky or altogether with the gentlemen on that side of the House. Nor do I believe, Mr. Chairman, that in this Nation the sum total of patriotism and love of country lies alone with the President of

the United States. We have here a very simple question to meet. The President has seen fit to ask the membership of this House their judgment on a very plain question, on the question as to whether the membership of this House desires to have him warn Americans not to travel upon armed ships of belligerents.

This question fairly presented does not involve a question of restricting, denying, or repudiating any of the authority or powers any President of these United States has had in the past or rightfully and properly has to-day. The President's opinion and conclusion on this question is not the only opinion and conclusion that should have weight in determining the right policy to be pursued. A few nights ago the President said, in addressing a banquet in this city, that he wanted more to hear from the firesides of the country than from the halls of Congress. If to-morrow a proper procedure is adopted, and he hears squarely and honestly from this House on this question, he will have heard from the firesides of the country. The firesides of the country—of the East and of the West, of the North and of the South—to-day, by an almost unanimous voice, are in favor of urging and warning all American citizens to refrain from traveling upon armed vessels of belligerents during the continuance of this world war.

Not one good reason has been advanced why such warning should not be issued. None can be advanced. In this debate other questions than the real one at issue can be raised and have been raised. Arguments based on these questions are beside the real issue as to whether American citizens should or should not be warned and urged to keep off of armed vessels of belligerents during this war, and are arguments that have no proper place in this debate.

I have wondered how much the desire and influence of the powerful banking, manufacturing, and shipping corporations of this country that are carrying on a superlatively profitable trade with the allies to-day is responsible for the newspaper expressions and sentiment in opposition to a direct and decisive vote on this question by the Congress. I have wondered if the sentiment in some quarters against the adoption of the proposed resolution arises so much from a spirit of national honor and patriotism as from a spirit of private gain and profit.

Why was it right a short time ago to warn Americans not only to keep out but to get out of Mexico, and why is it now weak and dishonorable to warn Americans to keep off of

## PEACE OR WAR?

armed vessels of belligerents? Do we hold that Sweden has been weak and dishonorable in warning her citizens to keep off of armed vessels of belligerents during this war. I think not. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has six minutes.

Mr. MANN. I yield three minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, I do not understand how a Member of this House, especially a Republican Member, can criticize the President of the United States for warning people out of Mexico instead of protecting them and then in the same breath turn around and ask him to warn Americans off belligerent ships on the high seas. It seems to me that that is the apex of idiotic inconsistency. [Laughter.] And several Republicans have made speeches of that kind. Mr. Chairman, this is not a question of the rights of some blatant fool from New York or Brooklyn who says when he gets aboard a ship that he enjoys the "thrills" of going through the war zone. It is not a question of that kind at all. That sort of braggart would not travel on a ship where there were not a lot of other Americans where he would feel well protected. It is not a question primarily of trans-Atlantic travel. There are American men and women all over the world, many of them missionaries or engaged in errands of mercy or engaged in business, in building up American trade. They must travel sometimes, and they are compelled to travel on such ships as they can find. Now, some of these ships may carry a 6-inch gun or a machine gun of some kind, may be armed for defense. Are we going to serve notice on a foreign nation which is using submarines against merchant ships that she can torpedo any of those ships on sight, without warning? Are we going to serve notice that we do not propose to protect our American citizens if traveling upon such ships? We have not any ships of our own upon which they can travel. If we are going to stop them entirely from traveling, if we are going to be so cowardly as to say in advance that we are not going to give them any protection, I for one feel as though I would like to renounce my American citizenship. I do not like to belong to a country of such cowards. [Applause.]

Mr. MANN. Mr. Chairman, if this were not serious, it would seem to me like an opéra bouffe. On Saturday the Committee on For-

eign affairs reported the McLemore resolution with the recommendation that it lie on the table. That is the usual form of an adverse report upon a bill, and under the rules of the House, thereupon it was laid on the table. Nobody who favored the resolution asked to have it placed on the calendar, as was in order under the rules within three days; but, unfortunately, my colleague from Illinois [Mr. Foss], who, I understand, is opposed to the resolution, this morning asked to have it placed on the calendar. Being on the calendar, there is no way under the rules of the House, under our procedure, by which it can be reached for consideration. On Saturday it was on the table. This morning it was lifted from the table under the rules and placed on the calendar, hanging in the air, where nobody can reach it. To-morrow the Committee on Rules proposes to bring in a rule under which any gentleman will have priority and right of recognition to move to lay it back on the table, where it was Saturday and this morning. For Heaven's sake, how does that method of procedure settle any grave international complication? [Applause.] It is a silly procedure. Those who favored laying the resolution on the table are going to vote that way to-morrow. Why do they not leave it on the table to-day? They say they want a vote of the House. It will be no more tightly attached to the table if the House tables it than it was when the committee tabled it under the rules; but if gentlemen are on the square, if they really want to know the opinion of the House, then there ought to be an opportunity to amend the resolution so as to express the opinion of the House.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. MANN. I would if my time were not expired.

Mr. TAYLOR of Colorado. Mr. Chairman, how much time is there left?

The CHAIRMAN. The time of the gentleman from Illinois has been exhausted. The gentleman from Colorado has three minutes remaining.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I shall not attempt a detailed discussion of this important question, but, as an advocate of peace, will discuss what the McLemore resolution proposes and its effects. If the President did not already have in hand the delicate foreign diplomatic issues touched upon by this resolution, it would, to a great extent, present a different



## DEBATE ON RULES BEGINS

case, but we are confronted with a condition and not a theory. It is a matter upon which there is an honest difference of opinion. Others who are sincere are entitled to their opinions, and I, equally as sincere, am entitled to mine. Some one is mistaken in the correctness of their views, and, of course, I think the gentlemen of a contrary idea to mine are mistaken. There is no need for feeling. We are all Americans and interested in the welfare and glory of our great common country. I agree that Americans should stay off armed merchantmen flying belligerent flags and should do all in their power not to involve us, but the handling of the matter should be left with the President.

*In the House of Representatives,  
Tuesday, March 7, 1916*

Mr. POU. Mr. Speaker, I offer a privileged resolution from the Committee on Rules, which I send to the Clerk's desk:

The Clerk read as follows:

### HOUSE RESOLUTION 158.

*Resolved,* That immediately upon the adoption of this resolution the House shall proceed to consideration of H. Res. 147; that there shall be four hours of general debate, one-half to be controlled by the gentleman from Virginia, Mr. FLOOD, and one-half by the gentleman from Wisconsin, Mr. COOPER; that at the conclusion of said general debate the said resolution shall be considered under the general rules of the House.

Mr. POU. Mr. Speaker, by direction of the Committee on Rules I ask unanimous consent that the debate on this resolution be limited to 1 hour and 30 minutes, 45 minutes of that time to be controlled by myself and 45 minutes to be controlled by the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The Chair will inquire of the two gentlemen if it is the understanding that at the end of that hour and a half the previous question shall be considered as ordered.

Mr. POU. I would like to have that agreement.

Mr. CAMPBELL. Mr. Speaker, that was not in the agreement.

Mr. POU. That was not in the agreement. Of course, it is expected that the gentleman who closes the debate on this side will move the previous question. That is the understanding.

The Speaker. The gentleman from North Carolina [Mr. POU] asks unanimous consent that debate on this rule be limited to one hour and a half; 45 minutes to be controlled by himself and 45 minutes by the gentleman from

Kansas [Mr. CAMPBELL], and at the end of that time the gentleman from North Carolina will move the previous question.

Mr. POU. No, Mr. Speaker; the gentleman from Tennessee [Mr. GARRETT] will close the debate on this side, and move the previous question.

The SPEAKER. Is there objection to the request that debate continue an hour and a half, as stated by the gentleman from North Carolina.

There was no objection.

Mr. POU. Mr. Speaker, on the 22d day of February a resolution was introduced in the House by the gentleman from Texas [Mr. McLEMORE], requesting the President "to warn all American citizens within the borders of the United States or its possessions or elsewhere to refrain from traveling on any and all ships of any and all powers now or in future at war, which ship or ships shall mount guns, whether such ships be frankly avowed a part of the naval forces of the power whose flag it flies or shall be called a merchant ship or otherwise, and whether such gun or guns or other armament be called offensive or defensive; and in case American citizens do travel on such armed belligerent ships they do so at their own risk." This is, of course, not all of said resolution, but I think I have quoted the most important part. Almost immediately this resolution, known as the McLemore resolution, was telegraphed to the capitals of the nations now at war. At that very moment the President and the State Department were conducting negotiations and engaging in diplomatic conversations with the nations at war for the purpose of settling the question of the rights of American citizens to travel upon the ships described in the McLemore resolution. I think I may even say that a friendly agreement was in sight with the American contention almost agreed to by the central powers. It also developed that telegrams were sent to the capitals of these warring nations expressing the opinion that if the McLemore resolution or any similar resolution ever came to a vote in the House of Representatives the same would be adopted by an overwhelming vote.

It is well known that this Government had insisted and was insisting that Americans had the right to travel upon ships armed for defensive purposes, inasmuch as such right had been exercised for centuries under international law recognized by the civilized nations of the world.

At the time of the introduction of this resolution two of the great powers now at war had

## PEACE OR WAR?

informed neutral powers of their determination to attack without warning after February 29 all armed vessels of their enemies, even though such vessels might be merchant ships armed for defensive purposes.

It is well known that the President and Secretary of State insist that no nation has the right to attack merchant ships armed for defensive purposes; that if such attack is made advance warning shall be given and opportunity afforded for escape without loss of life of noncombatants traveling on said ships.

Very industriously the statement was published in foreign capitals that Congress was not with the President in his contention. It was announced that this McLemore resolution would pass this House by a large majority. The result was an immediate paralysis of all efforts of the President and State Department to secure recognition of American rights under international law by some of the nations at war.

On the 29th of February the President, knowing that the McLemore resolution was pending, learning that the charge was being circulated in foreign capitals that Congress would, upon a vote, repudiate the American contention, asked the Committee on Rules to take such action as would insure an early vote. The President believed the charges to be false, but the very fact that they were being industriously published and circulated was the cause of very damaging misunderstandings in our relations with some of the nations at war.

The McLemore resolution has been and is the cause of these misunderstandings. The Committee on Rules has therefore felt justified in reporting the resolution which I have presented in order that this House, after liberal debate, may by its vote let the world know whether we stand with the President or whether it is true that House resolution 147, introduced by the gentleman from Texas, has the support of the majority. A vote on this resolution raises the question. In no other way can this House answer the charges which the President believes to be false. In no other way can the charge be answered that this resolution would pass if a vote is taken.

And, Mr. Speaker, what is the contention of the President? It is that ships not intended to participate in war, ships engaged in peaceful commerce, merchant ships, liners, upon which Americans are traveling shall not be attacked without warning. The President demands of all the warring nations that they shall not endanger the lives of Americans traveling upon ships upon which they have the right to travel. He demands of these warring

nations that they shall not murder Americans without warning. He is standing for a right never seriously questioned, but which the McLemore resolution proposes to withdraw, never challenged by civilized men anywhere before the present great war. And, Mr. Speaker, the question is now raised whether the nations at war shall determine what rights the citizens of a neutral nation possess—whether that question shall be determined by the law of nations agreed upon by civilized people everywhere long before this, the greatest of all the nations was born. Think of the very audacity of the thing, if you please. Shall Americans exercise their rights under the law, or shall Germany or Austria be permitted to say just how and under what circumstances Americans shall travel? If that is to be the conclusion of this controversy, then for God's sake let us tell our own people to get their passports in future from some foreign Government and not from our own State Department.

No President save Abraham Lincoln ever occupied such a trying position as Woodrow Wilson. He has been so earnest in his efforts to keep us out of this war that not a few have said he was surrendering too much. He does not want war and he does not expect we will become involved in this war, but if you want to make war probable just throw him down in his fight for this admitted, undisputed right of American citizens. No; he does not want war, and nobody who has watched this man's course ought to say he does. Fools, liars, particularly those who are willing to misrepresent him to gain political advantage, may possibly bring this charge. He does not want war, but he is not willing to surrender part of the sovereignty of this Nation to prevent it. He will never involve us in war. If war comes, you may be dead sure it will be forced upon us when every honorable alternative has failed. You can bring us a little nearer a break by throwing him down in his efforts to uphold our admitted rights. Let not the American House of Representatives be a party to such a crime. [Applause.]

Just one word in conclusion. Perhaps it is a repetition of what I have already said. I feel that a deep injustice has been done the President—the suggestion that he wants war. No; he does not want war. He does not expect war. He does not expect that diplomatic relations with any nation will be broken off. These things may come; nobody can tell, but the President does not expect either war or the breaking of our diplomatic relations. [Applause.]

Mr. CAMPBELL. Mr. Speaker, the ques-

## A DOUBTFUL LEGAL RIGHT

tion first to be considered to-day will be upon the previous question on the rule. If the previous question be voted down, I shall offer the following substitute which simply warns American citizens of the danger of taking passage on armed ships of nations at war:

Strike out all after the word "debate" where it last occurs and insert the following:

"The resolution and preamble shall both be open to amendment with the following amendment considered as pending, to wit:

"Strike out both the preamble and the resolution and insert in lieu thereof the following:

"*Resolved*, That in the opinion of the House of Representatives citizens of the United States under existing conditions and irrespective of their legal rights ought to refrain from taking passage on armed vessels of belligerent nations," and the consideration of the resolution and amendments thereto shall proceed under the five-minute rule to a final vote on its passage."

This substitute does not go into all the questions raised by the McLemore resolution, and it brings the House of Representatives to a vote on the propositions upon which the President of the United States has asked the Congress to give full discussion and to express its opinion. If the previous question be not voted down, then, at the end of four hours of general debate, the gentleman from Virginia [Mr. FLOOD] will move to lay the McLemore resolution upon the table, and the House will not be able to express itself upon the main issue. That is the preliminary situation. The House of Representatives, therefore, will not do what the President has asked, namely, give him its unqualified opinion on the question of warning American citizens not to ride on the armed ships of nations at war.

There is no great question of national right involved at this time. We are not confronted with a great crisis in which the honor of the Nation is involved at this moment. The only question is on the doubtful legal rights of the citizens of a neutral country to ride on armed ships.

Mr. Speaker, the President warned American citizens to flee from war-stricken Mexico, and we appropriated money to aid them in their escape. Our Government limits the right of travelers in the war zones by restrictions on the issuance of passports. Citizens are not permitted to visit belligerent countries or pass from one belligerent country to another merely for "pleasure," "recreation," "touring," or "sight-seeing."

It is the undoubted right of an American citizen to remain in belligerent Mexico. It is the undoubted right of an American citizen to visit either or all the belligerent countries of Europe. That is not the question. The question of American rights was not the ques-

tion involved when the Government issued its warning to those in Mexico and issues passports with restrictions to those purposing to travel in Europe. It is the question of how far American citizens shall exercise their rights to their own danger and the possible danger to their country.

It is not less dangerous to take passage on an armed belligerent ship than to remain in Mexico or to travel as a sight-seer in the war zones of Europe.

I have here what purports to be the so-called secret orders of the British Admiralty with regard to the orders and instructions to armed merchantmen. They were published a few days ago for the first time in the United States. Merchantmen are directed in these instructions that it is important that submarines are not to be allowed to approach to short range, to which a torpedo or bomb launched without notice would almost certainly be effective. These merchantmen are instructed further that it may be presumed that any submarine that deliberately approaches or pursues a merchant vessel does so with hostile intention, and that in such cases fire may be opened in self-defense in order to prevent the hostile craft from closing to a range at which resistance to a submarine attack by a bomb or torpedo would be impossible.

That gives the order to a merchantman, armed, to open fire as soon as a submarine is seen approaching.

The difference between an armed merchantman, so acting, and an armed cruiser is not apparent to the average layman. The danger of taking passage on this sort of vessel was apparent to the administration as late as the 18th of January, 1916, when the Secretary of State, in a note to the foreign powers, said:

The use of submarines, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small caliber gun would be able to use it effectively for offense against the submarine.

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

In proposing this formula as a basis of conditional declarations by the belligerent Government, I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence

## PEACE OR WAR?

upon doubtful legal right, which may be denied on account of new conditions.

I would be pleased to be informed whether your Government would be willing to make such a declaration, conditioned upon their enemies making a similar declaration.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

Will the President say now, Will Congress to-day advise American citizens that they may ride upon an armed cruiser of a belligerent nation?

Mr. Speaker, I fear the President is not entirely frank with Congress. The letter of the Secretary of State to the warring powers dated January 18, 1916, takes the position that an armed merchantman is to all intents and purposes an armed cruiser, and the Secretary of State on that day advised foreign powers that our Government was contemplating issuing notice to American officials to treat these armed merchantmen accordingly.

What international question has arisen that has caused the administration to change its mind on the true character of an armed merchant ship, a question now so vital to our Republic and to the welfare of mankind? Both England and Germany have armed, and are arming, their merchant vessels ostensibly for defense. The Admiralty of England instructs her merchantmen to fire on approaching submarines before they get within the range of bombs or torpedoes. Those who contend for the niceties of international law must admit that that action on the part of the British Admiralty denies the right of search of merchant vessels and also makes futile international agreements that time shall be given for passengers and crew of merchant vessels to find safety before the ship is sunk.

Mr. Speaker, my fear is that the President is now undertaking to secure from Congress a reversal of the policy of the administration laid down in the letter of January 18, 1916, with regard to the character of armed merchant vessels in which they are held to be auxiliary cruisers. The President is responsible for the conduct of international negotiations. Every belligerent power understands this provision of the American Constitution. The President does not hold the war-making power. The warring nations of Europe also understand this provision of our Constitution. If, therefore, on the request of the President, the Congress, even at his request, reverses the

President's position on these negotiations, by laying the McLemore resolution on the table, the war-making power assumes the burden of responsibility for the positions taken.

Are the Members of this House to-day ready to say that American citizens shall without restraint exercise their doubtful legal right to take passage on the armed merchantmen of the nations at war? If so, are the Members of this House ready to take the next step and make a declaration of war on the nation that sinks an armed merchant ship upon which an American loses his life? To-day the question of national honor is not involved. The question of national rights is not involved.

The three citizens who sailed on Saturday on a merchant ship that is to be armed at Gibraltar said they enjoyed the thrill growing out of the danger. Are Members of Congress ready to declare war that such as these may have the thrills growing out of the danger they assume in taking passage on ships that are to all intents and purposes battle cruisers of nations at war?

For one, Mr. Speaker, I am not ready for war on any such grounds, and if the Executive refuses to warn American citizens of the danger they assume in taking passage on these ships, I shall vote, if I can make the opportunity to-day, to give all our citizens such a warning.

Let this Congress go on record to-day as issuing a solemn warning to the citizens of this country of the great danger they are in when they take passage on an armed belligerent ship. They owe this precaution to themselves, their families, and to their country. [Applause.]

Mr. POU. Mr. Speaker, I yield eight minutes to the gentleman from Mississippi [Mr. HARRISON]. [Applause.]

Mr. HARRISON. Mr. Speaker, this is not a partisan question. It should not be made a partisan question. We should not meet it simply as members of the Democratic Party or as members of the Republican Party or of the Socialist Party, but we should look at the question from the standpoint of "America first." [Applause.] The issue is clear-cut and well defined although there are gentlemen here who have tried to confuse the issue and muddle the situation. Sirs, by your votes to-day on the rule for the previous question, or on the motion to table the resolution which will follow the adoption of the rule, you will say whether you propose to further embarrass and hamstring the President in the exercise of his constitutional right to conduct the diplomatic negotiations of this country, to the delight of certain foreign governments and

## NO PATIENCE FOR TROUBLE-SEEKERS

their sympathizers in this country, or whether you will rise above the littleness of narrow partisanship and beyond racial influences to the heights of true patriotism and the satisfaction and pride of every red-blooded American. [Applause.] You can not confound the issue in this instance. You may offer your arguments as excuses for voting against the previous question on the rule, or the rule, but you know if the rule to-day is defeated the desire of the President to obtain a vote on the motion to table the McLemore resolution can not be granted, and when you do that, you sirs, delight and send joy to the hearts of people in certain foreign capitals but you stab your own President in the back. [Applause.]

The President has come to us with a simple and just request. He has said that because of the uprising in this House last week the impression has gone to foreign countries that this House is for the McLemore resolution by a vote of about 3 to 1, and that because of those impressions he is being handicapped and embarrassed in his handling of the diplomatic affairs of this Government, and he requests us, as Americans, to remove those impressions by voting to table the McLemore resolution. Are you going to deny that simple request? Are you going to offer arguments, which are but excuses, over technicalities? He says that he will be satisfied with a vote on the motion to table the McLemore resolution. If that is what he asks for, why parley over details.

Mr. CAMPBELL. Mr. Speaker, I yield seven minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Speaker and gentlemen of the House, for one I believe in responding fully and with entire frankness to the request of the President as to the attitude of Congress with reference to American citizens traveling upon armed belligerent merchantmen.

With Congress and it alone rests the power to declare war, and upon this diplomatic question submitted by the President to it it is well that we speak with great clearness.

Shall American citizens be permitted, except at their own risk, to embark upon armed belligerent merchantmen and travel within the zone of war?

If considered from the standpoint of expediency, there can only be one answer, and that answer must be in the negative.

To so journey exposes the traveler by either the attack of a hostile vessel, or by the accident of a mine, to possible destruction.

For the purpose of the argument and only for such purpose it may be admitted that it

would be the technical legal right of an American citizen to so travel on such armed vessel in the zone of war.

There is no more dangerous man or one more detestable than the man who at all times, at all hazards, under all circumstances, insists upon the full technical measure of his rights without regard to the disastrous effects that it may have upon others.

Such a man is either a fool or a knave, and usually both.

The people of this land will rise as one man to punish the nation, no matter what its name may be, that inflicts any injury upon us in any vital function, and all resources and all names will be placed at the need of that hour.

But for a technical right of a citizen to invade the theater of war upon an armed merchantman demanding protection against injury while doing so, hunting a chance for trouble, seeking to precipitate a land into a deluge of blood and suffering and the horrors of war, there will be neither toleration nor patience upon the part of our Nation.

Here civilization abides to-day, here reposes that balm that must heal the wounds of the earth, when reason has asserted itself with the contending forces.

Should we enter the maelstrom of hate, of bloodshed, of savagery, or of despair in a quixotic effort to protect a reckless traveler who thrusts himself within the reach of the maddened contenders?

And this brings us to the last question, even the consideration of which must make the pulses slow as the consequence of an affirmative answer are noted.

If injury comes to such citizens while so traveling upon armed belligerent merchantmen, should it be regarded as a cause of war.

Only one answer is possible, and that is that it would necessarily be a cause of war.

If the Congress of the United States to-day says to the citizen that he may safely travel upon such armed ships, and he accepts the right which we so tender him, and is destroyed, can we imagine that we are poltroons enough to say that our declaration of policy was only a sounding brass and a tinkling cymbal and that action was not intended?

Could we thus stultify ourselves? Could our President with honor do otherwise than diplomatically go to the verge of war?

Could Congress then refuse to act?

For one I am too good a friend of the Chief Executive of this Nation to commit him to such a course in advance of the condition arising that calls for such drastic action.

For one I do not propose in advance to de-

## PEACE OR WAR?

liver him into the hands of his enemies when the facts that are said to constitute the danger are wholly unknown to this Congress.

**FOR ONE I DO NOT PROPOSE TO COMMIT MYSELF TO THE PROPOSITION THAT THIS NATION SHALL ENTER THIS WAR EXCEPT TO REDRESS A SUBSTANTIAL INJURY TO THE VITAL RIGHTS OF THE NATION OR A DISTINCT AFFRONT TO ITS HONOR.**

Mr. **POU**. Mr. Speaker, I yield six minutes to the gentleman from Kentucky [Mr. **CANTRILL**].

The **SPEAKER**. The gentleman from Kentucky [Mr. **CANTRILL**] is recognized for six minutes.

Mr. **CANTRILL**. Mr. Speaker, as a member of the Rules Committee, I voted in committee for this rule, and of course I will vote for its adoption by the House. I will vote for the rule and earnestly hope that it will be adopted, because this is the only way in which this House can take a positive stand before the world on the McLemore resolution. In stating my own position in emphatic language, I do not in any way question the patriotism of those who vote differently from me. I concede to them the same love of country and devotion to American principles that I claim for myself. I feel deeply and strongly on this matter, because I believe that the honor and safety and rights of my country are now in the balance. The President of the United States has asked Congress to discuss fully in public the question at issue and then act upon it. This rule provides a full and open discussion and provides the only way possible for action by this House on a question which is to-day the one great question in every capital of the world. It is known that the defeat of the McLemore resolution is the specific thing that the President asks for in order that he might proceed unhampered in his negotiations with foreign countries in maintaining American rights and international law. The President is the spokesman of the American people in dealing with foreign nations, and in the great crisis which now confronts this Nation I would feel myself untrue to my country and to my flag if I did not comply with his request. This is not the time for divided counsel. It is not fair to this Government that foreign nations should longer be confused as to the position of the Congress of the United States, and I intend by my vote to help wipe out all doubt on the issue. This can be effectively and permanently done by the defeat of House resolution 147, known as the McLemore resolution. I ask for the adoption of the rule and the defeat of the

McLemore resolution, because such action, in my opinion, means a lasting peace for this Nation. President Wilson has kept this Nation at peace while all of the other great nations of the world are mad with war. Every true American citizen should thank God that Woodrow Wilson is our President in this great crisis. [Applause on the Democratic side.] There are those among us who say that the action which we wish to take to-day means war.

In my humble opinion it is the only sure way to guarantee peace, and an honorable peace is what we all devoutly pray for.

Mr. **CAMPBELL**. Mr. Speaker, I yield seven minutes to the gentleman from Wisconsin [Mr. **LENROOT**]. [Applause on the Republican side.]

The **SPEAKER**. The gentleman from Wisconsin is recognized for seven minutes.

Mr. **LENROOT**. Mr. Speaker, this House should either defeat this rule, leaving the matter where it now is, in the hands of the President, or else it should defeat the previous question and permit an amendment to the rule to be offered that will give this House the opportunity to express its real convictions upon the question before it, if it is to be voted upon at all. [Applause on the Republican side.]

Mr. **CRISP**. Mr. Speaker, will the gentleman yield for a question?

Mr. **LENROOT**. I can not, for I have not the time. If I have time later on, I will. Mr. Speaker, in the letter of the President of the United States to Mr. Pou, acting chairman of the Rules Committee, he said—

The report that there are divided counsels in Congress in regard to the foreign policy of the Government is being made industrious use of in foreign capitals. I believe that report to be false, but so long as it is anywhere credited it can not fail to do the greatest harm and expose the country to the most serious risks.

Mr. Speaker, if this House is to deal with this question at all through the adoption of a rule, the President is entitled to know whether or not there are divided counsels upon this question. That can not be determined by a tabling of the McLemore resolution. Vote down the previous question, and I assure you that instead of tabling the McLemore resolution you will have an opportunity to vote upon a resolution of simple warning to the American people, advising them to refrain from traveling upon armed ships of belligerent nationalities. [Applause on the Republican side.]

If you vote against the previous question, and permit an amendment to the rule, I repeat again that you will have the opportunity of

## SHOULD KEEP OFF ARMED SHIPS

voting for just exactly that proposition as a substitute for the McLemore resolution; but if you vote for the previous question, and thereby cut off the opportunity of amending the resolution, if trouble comes in the future, which we all hope will not come, you will have no opportunity to say, "I would have liked to have voted to avoid this crisis if I had had an opportunity; I would have done so, but I was not afforded the opportunity." You can not say that. The responsibility is upon you. If you are not willing to commit yourselves to a declaration of war against Germany if it does not see fit to yield to the demands of the administration, the responsibility is upon you now to vote against the previous question, to permit an amendment to this rule, to permit the House to express its real convictions upon this question, so that the President of the United States may know upon what he can rely. [Applause on the Republican side.]

Mr. **POU**. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken or who may speak hereafter on the rule may have permission to extend their remarks in the **RECORD**.

The **SPEAKER**. The gentleman from North Carolina asks unanimous consent that all gentlemen who have spoken or who may speak on this rule may have leave to extend their remarks in the **RECORD**. Is there objection?

Mr. **HUDDLESTON**. Reserving the right to object—

Mr. **MANN**. I object.

The **SPEAKER**. The gentleman from Illinois objects.

Mr. **POU**. I yield four minutes to the gentleman from New York [Mr. **FITZGERALD**].

The **SPEAKER**. The gentleman from New York [Mr. **FITZGERALD**] is recognized for four minutes. [Applause.]

Mr. **FITZGERALD**. Mr. Speaker, I favor the vigorous assertion and maintenance of every right of every American citizen, and I would go to any extent to express the confidence of this House in the President in his conduct of the present negotiations with other nations. I shall vote for the previous question and for the pending rule. I desire to vote for a resolution which expresses the sentiment of this House that Americans should refrain from traveling upon armed merchant ships of belligerents. It can be obtained as well by adopting this rule as by adopting what is proposed by the minority of the House. This rule is the fairest and most liberal one ever brought into the House to give the Members an opportunity to express their convictions. [Applause on the Democratic side.]

The President has made this request for a vote. I would not flout such a request at this time, and I shall vote to give the opportunity he requests. But when the opportunity comes I shall vote in accordance with my fixed convictions. I shall vote against laying the McLemore resolution upon the table [applause], because I know that under this rule if that motion fails full opportunity will be given to Members of this House to go upon record upon a simple and direct resolution to warn Americans against traveling upon armed merchant ships of belligerents. Such a resolution would not deny their rights, and it would not be an admission that our Government should not assert every right to the extreme limit. I agree with those gentlemen who have expressed the opinion that this country should not hazard the risk of war because of foolhardy, reckless, or mercenary Americans who persist in jeopardizing the welfare of our country by traveling on these armed ships. [Applause.]

Mr. **CAMPBELL**. Mr. Speaker, may I ask the gentleman from North Carolina how many speeches he has remaining?

Mr. **POU**. There will be three more on this side.

Mr. **CAMPBELL**. I wish the gentleman would use two of them. I have only one more.

Mr. **POU**. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. **FARR**].

Mr. **FARR**. Mr. Speaker, I shall vote to-day to table the McLemore resolution, because I want to vote in defense of that flag. [Applause.] Any other vote, no matter how conscientiously given under these circumstances when our national honor is imperiled, is to vote to put a yellow streak in it. [Applause.] History will so record it. We can not evade the real issue that confronts us to-day. I shall vote to table the McLemore resolution, which is a vote against it not only to strengthen the hands of the President in his conduct of foreign relations but for a vastly greater and more vital reason—to maintain our national honor and not to yield or abridge the rights of American citizens. [Applause.]

Mr. Speaker, this is a crisis in our national history. Patriotism demands a united front. Let there be no doubt about our position. It must be clear, unmistakable, and positive. [Applause.]

Mr. **POU**. Mr. Speaker, how much time did the gentleman use?

The **SPEAKER**. The gentleman yields back one minute.

## PEACE OR WAR?

Mr. **POU**. I yield four minutes to the gentleman from Pennsylvania [Mr. **GRAHAM**].

Mr. **GRAHAM**. Mr. Speaker, the simple question presented to us is whether or not we will attend to the business that belongs to us and allow the President to attend to his. [Applause.] Here is a negotiation progressing, a diplomatic negotiation, in regard to which there is nothing more delicate or difficult, and in the midst of it a resolution is thrust into this House, and one into the Senate, and in a measure the power of the President is hampered if not destroyed.

Mr. **CALLAWAY**. Will the gentleman yield?

The **SPEAKER**. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. **GRAHAM**. No, sir. [Applause.] It gives rise to the opinion in the capitals of Europe that we are a divided House and that there is no unity of purpose or sentiment, and how is the President going to conduct successfully any negotiation? He has requested simply some expression of opinion by this House upon the question whether or not this House will interfere with the progress of his diplomatic work. By the adoption of this rule, by the adoption of the previous question, by laying resolution No. 147 on the table, we simply say to the President while these negotiations are pending: "You have a free hand to go on and exercise your best judgment in discharging your constitutional duty." [Applause.]

Not for one moment are we advocating giving warning or refraining from giving warning. Many of the sentiments echoed here to-day find a response in my soul and the approval of my judgment. But I do not to-day want to be either pro-German, pro-Austrian, or pro-English, but only an American in favor of the American Nation standing up and facing the world upon its rights. [Applause.]

Mr. **POU**. Mr. Speaker, there will be but one more speech on this side.

Mr. **CAMPBELL**. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. **MANN**].

Mr. **MANN**. Mr. Speaker, if we are correctly informed by gentlemen on the floor, not having been informed directly by the President, either in a message or in person here, as to what he desires, the President desires our opinion on the subject of American citizens traveling on armed vessels of belligerent nations. We do not express any opinion on that subject by laying the McLemore resolution on the table [applause], unless such action shall be construed as an invitation to American citi-

zens to travel on these armed vessels. I am not willing to extend an invitation to American citizens to travel on armed vessels when to do so may bring us into serious complications, and I would not voluntarily offer to inject my own opinion upon this subject while the President is carrying on his negotiations; but when the President seeks to know what the American people may think on the subject as expressed by their Representatives, I think it is our duty, if we are to act at all, to meet the question fairly and squarely and express the opinion such as we have; and if we believe that American citizens, under at least ordinary circumstances, ought not to render this country liable to war, we ought to say so, and leave the President in his discretion and power to take care of the future. [Applause.] We have not sought to bother or annoy the President; we have not sought to interfere with the program of the President; but the President, it is said, asks our beliefs on the subject. Let us tell him frankly and fairly that we do not desire complications which will lead to war [applause]; and the only method by which we can now proceed under these circumstances, if we are willing to meet the question fairly, is to vote down, first, the previous question. I can not conceive how it will be considered that the President is informed through a parliamentary trick, such as is proposed by the Committee on Rules, to give the House no chance to vote on the real question at issue, but only to table a resolution which the House would not agree to under any circumstances. Let us be fair enough to the President, to ourselves, to the country, to meet the issue and express the opinion which we have, and thereby endeavor to prevent war, which we all hope will not come. [Applause.]

Mr. **POU**. Mr. Speaker, how much time have I remaining?

The **SPEAKER**. Nine minutes.

Mr. **POU**. Mr. Speaker, I yield the remainder of my time to the gentleman from Tennessee [Mr. **GARRETT**]. [Applause.]

Mr. **GARRETT**. Mr. Speaker, I do not rise to support this resolution because it is asked by Woodrow Wilson the man, great as is my admiration for the man. I do not rise to support it because it is asked by the titular leader of the political party to which I belong, anxious as I am for the continued success of that party. I rise, Mr. Speaker, to support this proposition because it is asked by the President of my country [applause], who, by virtue of that position, without reference to his distinguished personal attainments, is to-day the foremost man of all the world, and who is



# THE VOTE ON THE RULE

carrying the most tremendous responsibilities that have ever rested upon any individual as the head of a neutral nation. It may be, sir, that if I were in a different situation, so far as party affiliation is concerned, the temptation might be strong and might appeal to me with more force than I can now appreciate to endeavor to embarrass the party in power by the humiliation of its leader; but I believe, Mr. Speaker, that even if the President were one of opposite political faith and I desired to embarrass and humiliate him, I should at least try to pick upon some matter that did not involve the honor of my country. [Applause.]

Mr. Speaker, I move the previous question. The SPEAKER. The gentleman from Tennessee moves the previous question.

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. CAMPBELL. Mr. Speaker, I ask for a division.

Several Members. Ask for the yeas and nays.

Mr. POU. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from North Carolina demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 256, nays 160, answered "present" 1, not voting 17, as follows:

[Roll No. 26.]

YEAS—256.

Abercrombie	Casey	Estopinal
Adamson	Church	Evans
Aiken	Cline	Fairchild
Alexander	Coady	Farley
Allen	Collier	Farr
Almon	Connelly	Ferris
Ashbrook	Conry	Fields
Aswell	Cooper, Ohio	Finley
Ayres	Cooper, W. Va.	Fitzgerald
Bacharach	Cox	Flood
Barkley	Crago	Foss
Barnhart	Crisp	Foster
Beakes	Crosser	Freeman
Beales	Dale, Vt.	Gallagher
Bell	Dallinger	Gallivan
Blackmon	Davenport	Gandy
Booher	Decker	Gard
Borland	Dempsey	Gardner
Britt	Dent	Garner
Brumbaugh	Dewalt	Garrett
Burgess	Dickinson	Gillett
Burnett	Dill	Glass
Byrnes, S. C.	Dixon	Glynn
Byrns, Tenn.	Doolittle	Godwin, N. C.
Caldwell	Doremus	Goodwin, Ark.
Candler, Miss.	Doughton	Gordon
Cantrill	Dunn	Graham
Caraway	Dupré	Gray, Ala.
Carew	Eagan	Gray, Ind.
Carlin	Eagle	Gray, N. J.
Carter, Mass.	Edwards	Greene, Mass.
Carter, Okla.	Emerson	Greene, Vt.

Griest	Magee	Scully
Griffin	Maher	Sears
Guernsey	Mapes	Sells
Hamilton, N. Y.	Martin	Shackleford
Hamlin	Mays	Shallenberger
Hardy	Miller, Del.	Sherley
Harrison	Montague	Sherwood
Hart	Moon	Sims
Hastings	Morgan, La.	Sisson
Hay	Morin	Small
Hayden	Morrison	Smith, Tex.
Heflin	Moss, Ind.	Snyder
Helm	Mott	Sparkman
Helvering	Murray	Steagall
Hensley	Neely	Stedman
Hinds	Nicholls, S. C.	Steele, Iowa
Holland	Nichols, Mich.	Steele, Pa.
Hood	Oglesby	Stephens, Miss.
Houston	Oldfield	Stephens, Tex.
Howard	Oliver	Stiness
Huddleston	Olney	Stone
Hughes	O'Shaunessy	Stout
Hulbert	Overmyer	Sumners
Hull, Tenn.	Padgett	Taggart
Humphreys, Miss.	Page, N. C.	Tague
Husted	Paige, Mass.	Talbott
Igoe	Park	Taylor, Ark.
Jacoway	Parker, N. J.	Temple
James	Parker, N. Y.	Thomas
Jones	Patten	Thompson
Kelley	Peters	Tillman
Kennedy, R. I.	Phelan	Tinkham
Kettner	Platt	Treadway
Key, Ohio	Porter	Tribble
Kiess, Pa.	Pou	Vare
Kincheloe	Price	Venable
Kitchin	Quin	Vinson
Kreider	Ragsdale	Walker
Lafean	Rainey	Walsh
Lazaro	Raker	Ward
Lee	Randall	Wason
Leshner	Rauch	Watkins
Lever	Rayburn	Watson, Va.
Lieb	Reilly	Webb
Liebel	Riordan	Whaley
Linthicum	Rogers	Williams, W. E.
Littlepage	Rouse	Wilson, Fla.
Lloyd	Rubey	Wilson, La.
McAndrews	Rucker	Wingo
McClintic	Russell, Mo.	Winslow
McFadden	Sanford	Wise
McGillicuddy	Saunders	Young, Tex.
McKellar	Scott, Mich.	
McLaughlin	Scott, Pa.	

NAYS—160.

Anderson	Cary	Dyer
Anthony	Chandler, N. Y.	Ellsworth
Austin	Charles	Elston
Bailey	Chiperfield	Esch
Barchfeld	Coleman	Fess
Bennet	Cooper, Wis.	Flynn
Black	Copley	Focht
Britten	Costello	Fordney
Browne, Wis.	Cramton	Frear
Browning	Curry	Fuller
Bruckner	Dale, N. Y.	Garland
Buchanan, Ill.	Danforth	Good
Buchanan, Tex.	Darrow	Gould
Burke	Davis, Minn.	Green, Iowa
Butler	Davis, Tex.	Hadley
Callaway	Denison	Hamill
Campbell	Dillon	Haskell
Cannon	Dowell	Haugen
Capstick	Drukker	Hawley

P-E-A-C-E O R W-A-R?

Hayes	McCulloch	Siegel
Heaton	McKenzie	Sinnott
Helgesen	McKinley	Slayden
Hernandez	McLemore	Slemp
Hicks	Madden	Sloan
Hill	Mann	Smith, Idaho
Hollingsworth	Matthews	Smith, Mich.
Hopwood	Meeker	Smith, Minn.
Howell	Miller, Minn.	Snell
Hull, Iowa	Miller, Pa.	Stafford
Humphrey, Wash.	Mondell	Steenerson
Hutchinson	Mooney	Stephens, Cal.
Johnson, Ky.	Moore, Pa.	Stephens, Nebr.
Johnson, S. Dak.	Moore, Ind.	Sterling
Johnson, Wash.	Morgan, Okla.	Sulloway
Kahn	Moss, W. Va.	Sutherland
Kearns	Mudd	Sweet
Keating	Nelson	Swift
Keister	Nolan	Switzer
Kennedy, Iowa	North	Tavener
Kent	Norton	Tilson
King	Oakey	Timberlake
Kinkaid	Powers	Towner
Konop	Pratt	VanDyke
La Follette	Ramseyer	Volstead
Langley	Reavis	Watson, Pa.
Lehlbach	Ricketts	Wheeler
Lenroot	Roberts, Mass.	Williams, T. S.
Lindbergh	Roberts, Nev.	Williams, Ohio
Lobeck	Rodenberg	Wilson, Ill.
London	Rowe	Wood, Ind.
Longworth	Rowland	Woods, Iowa
Loud	Russell, Ohio	Young, N. Dak.
McArthur	Schall	
McCracken	Shouse	

ANSWERED "PRESENT"—1.

Taylor, Colo.

NOT VOTING—17.

Adair	Driscoll	Lewis
Brown, W. Va.	Edmonds	Loft
Clark, Fla.	Gregg	McDermott
Cullop	Hamilton, Mich.	Sabath
Dies	Henry	Smith, N. Y.
Doolling	Hilliard	

So the previous question was ordered.\*

The Clerk announced the following pairs:

On the vote:

Mr. Taylor of Colorado (for) with Mr. Hilliard (against).

Until further notice:

Mr. Brown of West Virginia with Mr. Edmonds.

Mr. Adair with Mr. Hamilton of Michigan.

Mr. TAYLOR of Colorado. Mr. Speaker, I wish to withdraw my vote of "yea" and vote "present." If my colleague was here, he would vote "nay."

The result of the vote was announced as above ordered.

\*The effect of the vote ordering "the previous question" was to cut off all further debate on the resolution (reported by the Committee on Rules). This rule was to the effect that the McLemore resolution would now be debated for four hours, half of the time to be controlled by Mr. Flood and half of the time by Mr. Cooper.

The SPEAKER. The question is on adopting the rule reported by the Committee on Rules.

Mr. CAMPBELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 270, nays 137, answered "present" 1, not voting 26, as follows:

[Roll No. 27.]

YEAS—270.

Abercrombie	Dowell	Hood
Adamson	Drukker	Houston
Aiken	Dunn	Howard
Alexander	Dupré	Huddleston
Allen	Eagan	Hughes
Almon	Eagle	Hulbert
Anderson	Edwards	Hull, Tenn.
Ashbrook	Emerson	Humphreys, Miss.
Aswell	Evans	Husted
Ayres	Fairchild	Hutchinson
Bacharach	Farley	Igoe
Barkley	Farr	Jacoway
Beakes	Ferris	James
Beales	Finley	Johnson, Ky.
Bell	Fitzgerald	Jones
Blackmon	Flood	Keating
Booher	Foss	Kelley
Borland	Foster	Kennedy, Iowa
Britt	Freeman	Kennedy, R. I.
Brumbaugh	Gallagher	Kettner
Burgess	Gallivan	Key, Ohio
Burke	Gandy	Kiess, Pa.
Burnett	Gard	Kincheloe
Byrnes, S. C.	Gardner	Kitchin
Byrns, Tenn.	Garner	Konop
Caldwell	Garrett	Kreider
Candler, Miss.	Gillet	Lafean
Cantrill	Glass	Lazaro
Carew	Glynn	Lee
Carlin	Godwin, N. C.	Leshner
Carter, Mass.	Good	Lever
Carter, Okla.	Goodwin, Ark.	Lieb
Casey	Gordon	Liebel
Church	Graham	Linthicum
Cline	Gray, Ala.	Littlepage
Coady	Gray, Ind.	Lloyd
Collier	Gray, N. J.	McAndrews
Connelly	Green, Iowa	McClintic
Conry	Greene, Mass.	McFadden
Cooper, Ohio	Greene, Vt.	McGillicuddy
Cooper, W. Va.	Griest	McKellar
Cox	Griffin	McLaughlin
Crago	Guernsey	Magee
Crisp	Hamilton, N. Y.	Maher
Crosser	Hamlin	Mapes
Dale, Vt.	Hardy	Mays
Dallinger	Harrison	Miller, Del.
Davenport	Hart	Montague
Davis, Tex.	Hastings	Moon
Decker	Haugen	Morgan, La.
Dempsey	Hay	Morin
Dent	Hayden	Morrison
Dewalt	Heflin	Moss, Ind.
Dickinson	Helm	Mott
Dill	Helvering	Murray
Dixon	Hensley	Nicholls, S. C.
Doolittle	Hicks	Nichols, Mich.
Doremus	Hinds	Oakey
Doughton	Holland	Oglesby

## DEBATING THE RESOLUTION

Oldfield Oliver Olney O'Shaunessy Overmyer Padgett Page, N. C. Paige, Mass. Park Parker, N. Y. Patten Peters Phelan Platt Porter Pou Price Quin Ragsdale Rainey Raker Ramseyer Rauch Rayburn Reilly Riordan Rogers Rouse Rowe Rubey Rucker	Russell, Mo. Sanford Saunders Scott, Mich. Scott, Pa. Scully Sears Sells Shackleford Shallenberger Sherley Sherwood Shouse Sims Sisson Small Smith, N. Y. Smith, Tex. Snyder Sparkman Steagall Stedman Steele, Iowa Steele, Pa. Stephens, Miss. Stephens, Nebr. Stiness Stone Stout Sumners Sweet	Taggart Tague Talbot Tavener Taylor, Ark. Temple Thomas Thompson Tillman Tinkham Treadway Tribble Van Dyke Vare Venable Vinson Walker Walsh Ward Wason Watkins Watson, Va. Webb Whaley Williams, W. E. Wilson, Fla. Wilson, La. Wingo Winslow Wise Young, Tex.	Tilson Timberlake Towner Volstead  Watson, Pa. Wheeler Williams, T. S. Williams, Ohio  Wilson, Ill. Wood, Ind. Woods, Iowa
--	---	--	--

ANSWERED "PRESENT"—1.  
Taylor, Colo.

NOT VOTING—26.

Adair Bailey Barnhart Brown, W. Va. Buchanan, Ill. Caraway Clark, Fla. Cullop Dies	Dooling Driscoll Edmonds Estopinal Fields Gregg Hamilton, Mich. Henry Hilliard	Lewis Loft McDermott Neely Randall Sabath Sutherland Young, N. Dak.
--	--	--

So the rule was adopted.\*

The Clerk announced the following pairs:

On this vote:

Mr. Dies with Mr. Hamilton of Michigan.

Mr. Sabath (for rule) with Mr. Young of North Dakota (against).

Mr. Taylor of Colorado (for rule) with Mr. Hilliard (against).

Mr. Adair (for rule) with Mr. Buchanan of Illinois (against).

Mr. Clark of Florida (for rule) with Mr. Sutherland (against).

Until further notice:

Mr. Brown of West Virginia with Mr. Edmonds.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] is recognized for two hours.

Mr. FLOOD. Mr. Speaker, may we have the resolution reported again?

The SPEAKER. Without objection, the Clerk will report the resolution.

The Clerk read as follows:

House Resolution 147.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the rule adopted, is the resolution to be reported?

The SPEAKER. If there is no objection to the reading of the resolution, it will be again reported.

Mr. MANN. I have no objection to the gentleman having it read in his time.

Mr. FLOOD. I do not care to have it read in my time. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. RAGSDALE].

The SPEAKER. The gentleman from South

\*The effect of the vote adopting the rule reported by the Committee on Rules was to open the McLemore resolution to four hours' debate.

NAYS—137.

Anthony Austin Barchfeld Bennet Black Britten Browne, Wis. Browning Bruckner Buchanan, Tex. Butler Callaway Campbell Cannon Capstick Cary Chandler, N. Y. Charles Chiperfield Coleman Cooper, Wis. Copley Costello Cramton Curry Dale, N. Y. Danforth Darrow Davis, Minn. Denison Dillon Dyer Ellsworth Elston Esch Fess Flynn Focht Fordney Frear Fuller Garland	Gould Hadley Hamill Haskell Hawley Hayes Heaton Helgesen Hernandez Hill Hollingsworth Hopwood Howell Hull, Iowa Humphrey, Wash. Johnson, S. Dak. Johnson, Wash. Kahn Kearns Keister Kent King Kinkaid La Follette Langley Lehlbach Lenroot Lindbergh Lobeck London Longworth Loud McArthur McCracken McCulloch McKenzie McKinley McLemore Madden Mann Martin Matthews	Meeker Miller, Minn. Miller, Pa. Mondell Mooney Moore, Pa. Moores, Ind. Morgan, Okla. Moss, W. Va. Mudd Nelson Nolan North Norton Parker, N. J. Powers Pratt Reavis Ricketts Roberts, Mass. Roberts, Nev. Rodenberg Rowland Russell, Ohio Schall Siegel Sinnott Slayden Slemp Sloan Smith, Idaho Smith, Mich. Smith, Minn. Snell Stafford Steenerson Stephens, Cal. Stephens, Tex. Sterling Sulloway Swift Switzer
--	--	---

## PEACE OR WAR?

Carolina [Mr. RAGSDALE] is recognized for five minutes.

Mr. RAGSDALE. Mr. Speaker, I read:

"Sir, I know of only one principle to make a nation great, to produce in this country not the form but real spirit of union, and that is to protect every citizen in the lawful pursuit of his business. He will then feel that he is backed by the Government; that its arm is his arm; and will rejoice in its increased strength and prosperity. Protection and patriotism are reciprocal. This is the road that all great nations have trod."

Just a little over 100 years ago John C. Calhoun, the most illustrious statesman that has yet graced this Hall as a Representative from my State, and who appeared at the time when this country was called upon to face one of the greatest crises that it has ever yet been called upon to face, gave utterance upon the floor of this House to the sentiments I have just quoted, when he maintained the principle that no fear, no lack of preparedness, no question of dollars and cents, should govern our action, but the one great question to which he addressed himself was that the President of the United States should maintain the rights of American citizens on the high seas without regard to results.

Coming here to-day as the unworthy follower of him who represented the State of South Carolina in that crisis, I voice the real sentiment of our people when I declare that I want peace, when I say that I believe the present occupant of the White House will maintain that peace with the same dignity and honor that have characterized all his actions in handling the negotiations on the part of his country with all other countries.

With that conviction, Mr. Speaker, feeling to-day that no condition has arisen wherein it has been demonstrated that the President has gone beyond the authority with which he has been properly vested; feeling that this resolution would merely interfere with the proper discharge of his duties; feeling that no good could be accomplished by it; and that nothing could thereby be gained to this Nation, I hope that the resolution which has been offered here will lie on the table.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CHANDLER].

The SPEAKER. The gentleman from New York [Mr. CHANDLER] is recognized for five minutes.

Mr. COOPER of Wisconsin. The gentle-

man from New York is not here for the moment, Mr. Speaker, and I yield five minutes to the gentleman from Minnesota [Mr. ELLSWORTH].

The SPEAKER. The gentleman from Minnesota is recognized for five minutes.

Mr. ELLSWORTH. Mr. Speaker and gentlemen of the House, I want to start by putting myself on record as saying I will not vote on any matter in this House to abridge a single right of the most humble American citizen.

I want to follow that by making the statement that I believe there is not at this time a question of the national honor at stake.

I say this because to my mind the real question involved, the real impulse in the hearts of the Members of this House, and the real question in the minds of every man is not so much a question of what we shall do as to warning or not warning an American citizen to do or not to do a thing on which there might be a question as to the matter of legal right, founded upon formal international law, but it is purely and solely a matter after all, in its last analysis, of what now international law is as considered by our Nation, as considered by the President, as considered by the State Department, and as considered by the nations and powers of the world. I do not think that the written law existing among nations, as obsolete as the hieroglyphics upon the pyramids of Egypt, can be recognized by any nation as international law. I thoroughly believe there is no such a thing in existence to-day as an "armed merchantman." I say that if you arm a merchantman you have converted that merchantman into an armed cruiser, into a war cruiser, for it can then destroy a submarine; and upon that theory and belief, and that being my judgment, I say that even though this resolution may become a mixed question to some extent, even though it may or may not be a warning, if we would settle the real question a warning would not then be at all necessary.

Following it to its logical sequence, not having an opportunity, as I would like to have, to vote upon the real question, now that it has been injected into this body, of whether or not the particular status is that of a war cruiser and not a merchantman, then I say I will stand for the resolution in this question of warning citizens, because I believe it a step in the right direction and that it takes away no right of any citizen of this country to so warn him.

I have heard the objection that you would change the rules during the playing of the game; that this changes the rules during the

## A MEMBER WAXES ELOQUENT

game. But I answer, that is what Lincoln did when he signed the Emancipation Proclamation.

After Napoleon the Great had been banished to the island of Elba and came back through France, the old veterans who had surrendered but who followed him to Waterloo, while the Congress of Vienna was in session, changed the rules of the game. When the *Merrimac* steamed out into Hampton Roads she changed the rules of warfare, and when Ericsson's invention, the *Monitor*, steamed in from the north and annihilated her, she changed the rules. I am not afraid to change the rules, and I say to you gentlemen of this House that it takes more courage for America to say to the nations of the world that in these days an armed merchantman does not exist except as a figment of the imagination, but that such a craft is in fact a war cruiser, and one on which no citizen of any nation, in these times when there is no piracy to fight against, should assume for one moment to take passage than to quibble over technicalities. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is recognized for five minutes. [Applause.]

Mr. HEFLIN. Mr. Speaker, at a time like this it is fortunate for the country that there are patriots in the House who can rise above partisanship and stand for America against the world.

Mr. Speaker, this is no time for divided loyalty, no time for partisan politics. [Applause.] The American Representative here to-day with divided loyalty is unworthy the name of American citizen. The party that plays partisan politics at a time like this deserves the condemnation of the American people. [Applause on the Democratic side.] I am glad to note that there are Republicans over there big enough and brave enough to break away from the petty partisanship of their leader [Mr. MANN] and take their stand by the President of the United States in his controversy with the Kaiser of Germany. [Applause.] Gentlemen, you can not get away from the issue here. This is a diplomatic controversy between Bernstorff and Lansing, the Kaiser and the President. [Applause.] Why, Mr. Speaker, I have seen telegrams here to-day that said to Members on this floor, you can serve Germany best—putting Germany first—and the people of the United States by voting for the McLemore resolution. Ah, gentlemen,

this is not the time for partisan politics. This is the time when every liberty-loving and self-respecting American citizen should put his country first. [Applause.] Where does the South stand—God bless her! In this hour when a foreign propaganda stalks through this Capitol seeking to embarrass and discredit the chosen head of our Government, where stands Tennessee, the home of Gen. Jackson, who conquered the flower of the British Army at New Orleans? What will be the answer of the Old North State, with Kings Mountain standing there as an everlasting monument to her patriotism and courage? What says the Old Dominion, the State of Washington, Jefferson, and Madison, who laid the foundations of the Republic? Where stands Kentucky, the home of Beck and Clay, and the birthplace of Lincoln and Davis, the two leaders of the conflict that resulted in cementing the sections in the bonds of an everlasting Union? [Applause.] Where in this critical hour stands the splendid old Commonwealth of South Carolina, the home of Calhoun and Hayne? Where will Mississippi be found, the home of Prentiss, George, Lamar, and John Sharp Williams? [Applause.]

Mr. CANDLER of Mississippi. She will stand by the President. [Applause.]

Mr. HEFLIN. Yes; I know where she will stand. What says Alabama, the home of Admiral Semmes, William L. Yancey, and John T. Morgan. On her soil, Mr. Speaker, stood the first capital of the Confederacy, and here she stands to-day in the glorious sisterhood, loyally supporting the President of the United States. [Applause.] Louisiana, Florida, and all the States in the South will join hands with the patriotic Representatives in other sections and show to the world an undivided country standing solidly behind the great President of the United States. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DECKER].

The SPEAKER. The gentleman from Missouri [Mr. DECKER] is recognized for five minutes. [Applause.]

Mr. DECKER. Mr. Speaker, in Germany the issue was, Will we stand by the Kaiser? In England the issue was, Will we stand by the King? In Russia the issue was, Will we stand by the Czar, the little Vicar of God? If war comes, we will all stand by the President of the United States. [Applause.] But this, thank God, is a representative Government. [Applause.] And I wish to say to the insinuating gentleman from Alabama [Mr. Heflin] the question now is, Will you stand by the

## PEACE OR WAR?

American people? [Applause on the Republican side.] You can not dodge the question, gentlemen of the Southland and gentlemen of the Northland. The question is, Will you go to war on what Mr. Lansing says is a doubtful legal right? [Applause.] I am willing to go to war if necessary. My people have borne their part. My father and my uncles fought to preserve that flag. But I say to you, the private citizens of this country, the men who pay the taxes, the men who, if there is war, will die in the trenches, the men who will breathe the asphyxiating gas, the mothers of the boys whose flesh and blood will be spattered on the fields of battle, want to know before war is declared why they have to go to war. [Applause.]

I have stood by the President of the United States. I have stood by him in his efforts to carry out the mandate of the American people. He has said that if an American citizen on board an armed merchant ship is drowned by a German submarine without warning, he will hold Germany to strict account. Stripped of its diplomatic language it means that if an American life is lost as the result of the sinking of an armed merchant ship without warning—it means war. I am willing to go to war for an American right, but not for a “doubtful legal right,” as Mr. Lansing says this is. [Applause.] I am willing to go to war for an American right, but it must be a vital right. [Applause.] Our people had rights down in Mexico. They were valuable rights. They were definite, specific, and certain, based upon treaty obligations. Oh, I know there was no responsible Government down there to call to account for the violation of those rights, but nevertheless we could have sent our Army to maintain those rights. [Applause.] But I believe the President did right when he said, in behalf of the lives and the welfare of the mass of American citizens, “We will not sacrifice the lives of our American boys for the sake of a few Americans in Mexico,” and warned those Americans in Mexico to come home. Now, if it is right to warn Americans in Mexico to come home, who have certain definite and established rights there, in the name of God, why am I a traitor and a coward when I stand in the halls where Henry Clay stood and say, “You shall not hurl the miners and the farmers of my district into this hell of war; you shall not take the sons from the mothers of my district and sacrifice them at Verdun or in the trenches of Europe in order to maintain a doubtful right.” [Applause.]

Mr. FLOOD. Mr. Speaker, I yield five

minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, it seems a pity to disillusionize the gentleman who has just spoken and who cries out about the danger of war. Danger from whom? “At the hands of the President,” they say. Forsooth, the hands of the President, who during these two years has been bearing weight and responsibility such as have been borne by few of our Presidents, and who has received criticism from those who have contended that he was not sufficiently rigid in maintaining our rights, that he has not sent armed forces into a neighboring Republic, and that the rights of American citizens on the high seas have not been maintained.

There may be gentlemen in this House who believe in peace, and I am one of them. For that matter, I believe the entire membership of the Congress ardently desires the maintenance of peace, but no one believes in it stronger or will more strenuously strive to preserve peace than the President of the United States. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CHANDLER].

Mr. CHANDLER of New York. Mr. Speaker and gentlemen of the House of Representatives, it has been repeatedly asserted on the Democratic side of this House that the great issue of to-day is whether we shall support the President of the United States or not. It suggests itself to me that a false issue is being discussed. The question is not whether we shall support the President of the United States but whether in our votes to-day and in our voices in debate we shall represent the overwhelming sentiment of the people of the United States. [Applause.]

For weeks I have been flooded with telegrams and letters. When I found that I was getting 10 telegrams and 10 letters in favor of warning American citizens to keep off armed ships to 1 that proposed to support the President of the United States I began an investigation to see if this was the experience of other Congressmen. I made a trip through the House Office Building and talked with Members, and also with Members on this floor. I found that 9 out of 10 had exactly the same experience that I had. [Applause.] And I say to you—and you know—that the people of the United States are overwhelmingly in favor of the principle embodied in the McLemore resolution. [Applause.]

If this be true, the question is not whether we shall support the President sentimentally

## REPRESENTATIVE GOVERNMENT THREATENED

or officially; it is a question whether we as honest, loyal American Representatives shall by our votes inform the President of what the people of the Republic think and what they want him to do. [Applause.] If the people desire that Americans be warned to keep off armed merchantmen, it is not for the President to desire something else. If the people desire a certain thing, it is not for you to betray your trust by saying that you will ignore their wishes in order to please the President.

If the flood of messages contained in letters and telegrams tell you that the people are in favor of the passage of the McLemore resolution, it is your duty to pass it, regardless of what the President of the United States desires or thinks. And if you yield to the power of presidential blandishments, when you know that his views and wishes are not in harmony with the predominant sentiment of the people of the Republic, you have violated a sacred trust and have shown yourselves to be unworthy Representatives of a great Nation.

IF MR. WILSON CAN DOMINATE THE CONGRESS BY A MERE REQUEST WHICH THE SENTIMENT OF THE PEOPLE DISAPPROVES, AND IF CONGRESS IS COWARDLY AND OBSEQUIOUS ENOUGH TO BE THUS DOMINATED BY THE PRESIDENT, TRUE REPRESENTATIVE GOVERNMENT IS AT AN END. IF A SINGLE MAN, HOWEVER GREAT HIS TALENT, RIGHT-EVOUS HIS MOTIVES, OR HIGH HIS PLACE, CAN SET ASIDE THE COLLECTIVE JUDGMENT OF THE PEOPLE, THEN THIS IS NO LONGER "A GOVERNMENT OF THE PEOPLE, BY THE PEOPLE, AND FOR THE PEOPLE." IT IS A BENEVOLENT DESPOTISM, A MONARCHY VEILED UNDER REPUBLICAN FORMS.

The mock heroism, the false chivalry of this hour, and of the request of the President are a disgusting exhibition in the American Congress. The Teutonic powers are fighting odds of five to one. Their fleet is bottled up. In case of war with them, it would be impossible for us to reach them or for them to reach us. And yet the President wishes to give an exhibition of national courage in making academic demands upon Germany and her allies. How much better it would look, how much more appropriate the exhibition if he would instruct the Secretary of State to serve notice upon England that he would hold her to a strict accountability for her repeated violations of international law resulting in damage to American commerce and in insult to and outrage

upon the rights and privileges of American citizens. England is free and able to fight us. The world would applaud our courage and admire and trust our sincerity, if we were to seriously throw down the gantlet to a foeman worthy of our steel. **THE WORLD WILL HAVE ONLY CONTEMPT FOR US WHEN WE INDULGE IN THE BRAVADO AND FARCE OF A MIMIC WAR UPON GERMANY, WHOSE ARMY AND WHOSE FLEET COULD NEVER REACH US.**

This Congress should by resolution, if need be, request the President of the United States to tell us why England treats us with the contempt of ignoring completely our notes of ministerial protest, and why she refuses absolutely to give any satisfaction for insults to our citizens, destruction of our commerce, and outrages upon the international mail service. **BRAVE MEN THROUGHTOUT THE WORLD WILL DISTRUST OUR SINCERITY AND CONDEMN OUR COWARDICE AS LONG AS WE LET ENGLAND ESCAPE AND ATTEMPT TO LAND GERMANY TO A STRICT ACCOUNTABILITY.**

I hold no brief for the German people. I am not pro-German, nor am I pro-ally. I am pro-American, but I do insist that a square deal for all is the only fair test and sure indication of sincere neutrality. Let us make Germany toe the mark if she violates our rights, but let us likewise serve notice upon England that in dealing with her an even-handed justice shall hold the scales. But in no case let us plunge the country into a bloody war upon a mere technicality.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Speaker, I am thinking, as the time approaches for me to vote upon this proposition, of the carnage over there at Verdun. I am thinking of 3,000,000 boys less than 17 years of age in the trenches on the western front. I am thinking of the hills and the plains of that locality that yesterday were white with snow, the color scheme of which to-day has been changed to red. I am thinking, Mr. Speaker, of the foreign mother who kneels by the empty pillow where lay her little lad before he became a soldier. I am thinking of the mothers of Europe who in the lonely solitude of their homes to-day are listening for the music of a voice that is silent, for the sound of steps that are still. I am thinking not of the President of the United States, but I am thinking of the quiet places out yonder

## PEACE OR WAR?

in America. I am thinking of the homes and the firesides from which the President has expressed the desire to hear. I am thinking of the youth whom we are training for the duties of citizenship. Europe is killing hers; we are equipping ours. [Applause.] And I say to you that for no doubtful international right will I sacrifice the lives of the Nation's youth. [Applause.] I will not go to the homes and the firesides of this Nation and deny the right to live to the boys of my country. I will not put grief, anguish, and despair in the homes of America and compel the parents of the land to stand by the graves of buried hopes in order that some man, some irresponsible, crazy man, shall have the right to travel upon the armed ships of belligerent nations when neutral vessels leave our ports every day. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I yield eight minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, it is no longer a question as to whether we shall pass the McLemore resolution warning the people not to travel on armed merchantmen, and repudiating our responsibilities if they do, but the question has become a greater one—whether or not we will stand by the President or whether we will tie the hands of the Executive not only in this but in future negotiations.

If Congress should step in and grab the reins, with a membership of over 500, nothing but confusion would result. There could be no definite policy because of so many and varied views; in fact, our whole diplomatic relations would be so upset and so subject to change that no country would feel like respecting them nor would they know what to expect because of the confusion.

I have heard much said about war in the event this resolution was not passed, but I believe, Mr. Speaker, that if we would continue peace we must have a settled policy, as we have had, and that the man who has brought us safely through thus far can confidently be relied upon to carry us to the end without war and without trouble with foreign nations.

I have constituents in my district who are descended from the people of all the great Governments of Europe. I feel that they have every confidence in the Executive who now occupies the White House. There is no better district in this broad land than the one which I have the honor to represent. While the people are derived from all the nations of Europe, they are Americans first; they are not the enemies of any particular nation, but they believe

that every nation should respect our flag and those republican principles and precepts for which we stand. Having such a constituency, who understand the question before us and want the President sustained, I sincerely hope that Congress may stand united behind the Executive in the onerous work in which he is engaged.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Speaker and gentlemen of the House, this resolution is so worded as not to be entirely clear. In the main the question raised by it is whether or not Americans should be warned to stay off of armed belligerent merchantmen or armed belligerent ships. It carries with it a sort of a blanket indorsement of the President's diplomatic policy. The real object of the motion to table the resolution is to give an indirect indorsement of the President on his diplomatic policy and to directly refuse to warn Americans to stay off of armed belligerent merchantmen and armed belligerent ships.

The questions raised in this resolution should have been presented separately and in clear, definite, and certain language so that this House could have had the opportunity to meet the two questions fairly and squarely and to express their views upon them, independently of each other.

The motion to table the resolution is a political ruse. This is no time for politics. There is no politics in this question, and it should not be injected into it in this manner. This is a question of patriotism and of an expression of true, loyal American citizenship, and should receive the most candid and most serious consideration, without regard to political affiliation. It is no time for foolishness. It is a time when we should be serious and honest and true to ourselves and to our country. We can not express our loyalty and patriotism to this great country by voting to table this resolution; and that is exactly what the adoption of this rule means.

I can not agree with the President that Americans should not be warned to stay off of armed belligerent ships. In my judgment, this warning should be given to each and every American citizen, for in this way we may prevent this country from being dragged into the war. This warning to Americans can in no way embarrass, hinder, or disturb the President in his diplomatic negotiations. He is the head of the Diplomatic Service, and if American citizens should be warned to keep off of armed belligerent merchantmen or



## THE MEXICAN WARNING

armed belligerent ships, the President might be saved a most glaring embarrassment in the future. This Nation should not be dragged into war by heedless, foolhardy, and reckless conduct on the part of an American citizen who may take passage on an armed belligerent merchantmen or an armed belligerent ship and lose his life. If he should be permitted to take such passage upon an armed belligerent merchantman and lose his life, this Nation of necessity would most certainly be immediately forced to cut off all diplomatic relations with the country whose submarine caused the loss of the life of such an American citizen, and this action on the part of this Government, in my judgment, would finally and most certainly drag us into war with that country. Therefore it seems to me the part of wisdom and of precaution that Americans should be warned not to take passage upon any armed belligerent merchant ship. I feel that it is the sincere and absolute duty of Congress to give this warning, and I have not been able to see wherein or whereby such warning would in any manner embarrass, hinder, or disturb the President of the United States in his diplomatic negotiations. It would not prevent the President from standing firmly for his principles. It does not take from him the right to stand for the principles which he maintains. Wherein could it do harm? It would not be yielding a point or making a concession. It is not even a tentative concession. It is a precautionary measure intended to protect and preserve American citizens and relieve this Nation of embarrassment that would eventually result in war to this country.

During the great conflict in Mexico Americans were warned not to go into Mexico, because by so doing they might drag this Nation into war with that country, and they were further told that if they did go into Mexico that they went at their own risk and peril. The personal and property rights of American citizens living in Mexico have not been protected by this Nation as they should have been. Many Americans have been slaughtered by the warring forces in that country, and many of them have suffered great loss of property. All of which has been brought to the knowledge of the present administration and to the knowledge of Congress and the people of this country, and yet we have kept quiet. We have refrained from war. We have accepted the fate of the Americans and the loss of their property without making very much fuss about it. I do feel that Americans and American rights should be protected anywhere in the world, but at the same time I do not feel that any one

American citizen should jeopardize the peace of his country.

Nearly 50,000 Americans lawfully and peacefully living in Mexico were warned by this administration to abandon their rights and were compelled to leave their homes and property because their Government refused to afford them protection. Many Americans wearing the uniform of their own country were killed. Some of them were killed on our own soil.

The President claims that he is contending for a great principle. If his contention is good now, why should it not have been good as to Mexico?

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Speaker and gentlemen of the House, I am in favor of warning American people to stay off belligerent ships that are armed for defense. I do not believe that any citizen of the United States has the moral right to menace the safety and liberty of the United States by taking passage upon a vessel that is liable to be destroyed by submarines without notice. I am not afraid of the sane man's conduct bringing the country into a crisis of that character, but it is the man who has no regard for the rights and liberties of his countrymen of whom I am afraid.

And I say when the question of warning can be squarely presented to the House not associated with any diplomatic problem, I shall vote in favor of it. But that is not the proposition here. My friends, the question presented in this controversy is whether we shall stand by the President in this crisis or not. That is the issue for us to settle, and not whether we want war or whether we do not want war. Gentlemen affirm their patriotism and say that they are in favor of supporting the President not only in the negotiations on diplomatic affairs but in all interests wherever we come in contact with a foreign country. That is not disputed; but what we want to do, gentlemen, is to inform the courts of Europe that you stand by the President, and not inform us. That is the proposition before the House now.

Now, what do we propose to do in our report? The Committee on Foreign Affairs in its report as presented recognizes in the President his exceptional right, or his right established by precedent and practice, to negotiate all diplomatic relations between this country and any other country. We also propose in that report to recognize the rights of Congress as provided in the Constitution and by the precedents and practices established under it.

## PEACE OR WAR?

And we state in our report also this other fact, that when the President has reached a period when he can no longer proceed with the diplomatic relationship which we sustain, he shall bring his correspondence to Congress, and then we will take such action as in the premises seems necessary.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS of Massachusetts. Mr. Speaker, there is one thing in this discussion that must have been impressed upon the minds of all. Almost without exception every speaker who has been before you to-day has said that he believed the American people should be warned to keep off of armed merchant ships of belligerents, and yet about half of them in the next breath have said, "Stand by the President." How can we stand by the President better than by giving him an honest opinion in this House on that very question of warning American citizens to keep off armed merchantmen? [Applause.] And yet we all know the cards have been so shuffled and dealt that this House will have no opportunity whatever to give to the President that which he has asked of us, to wit, our opinion as to warning Americans to keep out of the danger zone.

Why, we are told that we will give up the inalienable right of American citizens to travel wherever they will, upon any means of conveyance they choose, if we say to them in this time of peril and great crisis, "You must not go into the danger zone expecting the protection of your Government behind you."

Last summer I had an experience that in a measure, it seems to me, is on all fours with the present international complication. I had occasion to travel from the State of Massachusetts, through New Hampshire, into the State of Maine. Now, the Constitution of the United States gives me an inalienable right to travel at will upon the highways of all the States in this country. And yet on a highway in New Hampshire I saw a sign on a fence across that highway saying to me, "Detour. This road is passable, but dangerous. If you go on it it is at your peril."

I wonder if any Member of this House would think his inalienable right of citizenship had been abridged in the slightest by the action of the authorities in New Hampshire? I wonder if any sensible American would for a moment have thought of calling upon the Federal Government to compel New Hampshire to guarantee his safety if he exercised his inalienable right and traveled over that road, which he was told was dangerous? I did not

feel that my rights of citizenship had been abridged or taken from me. Rather, I was thankful that the State had warned me that danger lay ahead and had pointed out to me how I could avoid it.

Gentlemen to-day have told what their constituents think of this question of warning Americans. I have been receiving letters for months past from constituents in my district asking me why the President did not notify American citizens to keep off armed ships, and others said, "Why does not this Government compel Americans to keep off these armed merchantmen and not imperil the peace of this great country of 100,000,000 people?" It seems to me, my friends, the situation to-day is well set forth in I Corinthians vi, 12, wherein St. Paul, the evangelist, says:

All things are lawful unto me, but all things are not expedient.

[Applause.]

We can say to-day that without any loss of national honor or diminution of American rights it is not expedient for our people to go into the danger zone, and I can not bring myself, for one, to believe that such a warning issued to the American people surrenders in the slightest degree any American rights. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, a resolution adopted by this body warning American citizens not to travel upon armed merchant vessels of belligerents would have no legal effect whatever. It would be merely advisory. It would not in the slightest degree cut off the right of any American citizen to travel on such ships. The right of American citizens to travel the high seas was not granted to them by our country, but was granted to them under the principles of international law. They do not owe it to the American Government, but they owe it to the practices of the civilized nations of the whole world.

Any resolution which this body might adopt could neither abridge nor could it to the slightest extent extend that right. The only effect that the adoption of such a resolution would have would be as the expression of an opinion, merely, unless we intend to indicate thereby that we will not protect our citizens, that we will not defend them in the exercise of their legal rights. To adopt such a resolution in the setting in which it is presented to us would be to go into bankruptcy upon our international

## CONGRESS NOT A RUBBER STAMP

liabilities and say to American citizens by implication, "You have the right. It is yours. We can not take it away, but we serve you with notice in advance that we are too cowardly, too contemptible, too craven, to defend you in its exercise." [Applause.]

I do not doubt that all of us, if interrogated in a private capacity, would say that we did not favor an American citizen taking passage upon one of these ships. It is the duty of our citizens not to take any chances in embroiling our country in war, and we should all of us unhesitatingly say so.

But, on the other hand, when we come here to vote upon this question we must take it in the setting in which it is presented. We must pass upon the question with all the implications and intendments which inhere in the entire situation. We can not act merely upon the abstract question of whether a citizen should ride or should not ride upon an armed merchant vessel.

Had this matter been presented to the Congress in a time of peace, the vote of warning would perhaps have been carried. Had it been presented in any less unfavorable setting than it is to-day, it would have received a much larger vote. But we must not forget the frame in which this picture is placed. Our country is negotiating with foreign countries. A question which was originally simple is so vastly widened in its aspect as to fill the whole horizon.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. MEEKER].

The SPEAKER. The gentleman from Missouri [Mr. MEEKER] is recognized for five minutes.

Mr. MEEKER. Mr. Speaker, in the first place, I think it might be well to remind the gentlemen who talk about partisanship that this resolution originated on that side of the House. [Applause on the Republican side.]

In the next place, the President either wants a vote on this or he does not. I want a vote. [Applause.] Eighty-five per cent of the men who have talked have said they were in favor of a warning. Do you presume Germany will not hear that? Do you think your talk will not go there, as well as the report of your vote? You talk one way and then propose to table a resolution in order to duck and say it never came to a showdown. [Applause and laughter.]

As I understand it, this is the Congress of the United States and not a rubber-stamp

concern like there was a year ago. [Applause.] We have been asked for our opinion. We are given the privilege of expressing it, five minutes at a time, and then are offered the opportunity of voting for or tabling a resolution which you would not permit to have amended and in which you have left the objectionable things, because you knew if you took them out the President would come in about 1 to 10. [Applause.]

We had just as well call a spade a spade. I voted against the rule a while ago because I wanted an opportunity to do what the President has said, by correspondence with a committee—not with the House, but with the members of a committee—that he did not want, and which he now wants; a thing which a few days ago he wanted real badly, but is not sure now whether he wants it or not. [Applause.] The purpose of this whole program this afternoon is to give opportunity for exploitation to a lot of gentlemen who talk loudly and bravely about patriotism, but who never come to a show-down on this vote. [Applause.]

Gentlemen, on the question which we are discussing to-day, according to the letter of our Secretary of State on the 18th of January, and according to the secret orders of the British themselves in regard to armed merchantmen, we are not divided. The English look upon those as a part of the Admiralty. They have given their secret orders as to what is to be done, and we stand here between tweedledee and tweedledum trying to deny both what our own Secretary said and what the English Government recognizes. [Applause.] I do not imagine if instead of that being a warship or a merchant vessel it was a wagon loaded with ammunition, with two armed soldiers on it, traveling between the lines, that we would vote to save the fellow citizen of ours who got his head shot off. These munition boats are trying all the time to use the cheapest insurance they can get, and that is an American citizen aboard. [Applause.]

Now I am not pro-German or pro-ally, but I am pro-United States and have pro-horse sense. [Laughter and applause.] You men on that side of the House do not dare come to a show-down on a vote, and you know it. [Applause.]

Talk about standing by the President. Every speech you have made has undermined him this afternoon. By your words you are condemned out of your own mouths as to what you really believe, and are trying to make a play here solely for the purpose of saying that he was vindicated. How can he be vindicated? If he wants the opinion of this House, let him

## PEACE OR WAR?

have it. If he does not, stand up and say so like men, instead of coming in here and talking about patriotism on that side. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Rhode Island [Mr. KENNEDY].

The SPEAKER. The gentleman from Rhode Island [Mr. KENNEDY] is recognized for five minutes.

Mr. KENNEDY of Rhode Island. Mr. Speaker, the Committee on Foreign Affairs, of which I am a member, has reported the so-called McLemore resolution to the House with the recommendation that it lie on the table.

The undisputed question, if I correctly understand it, is whether American citizens have the right to travel on belligerent merchantmen that are armed for defensive purposes only. The answer to this question is a matter of international law and not a consideration of sentiment. My own examination of the law and precedents together with the opinions of distinguished lawyers on this question have led me to the conclusion that Americans have this right in accordance with a principle of international law that has been well established for centuries.

Entertaining this view, therefore, I can not lend my support to any proposition of compromise. There are some things which can not be compromised. One of them is an established American right. [Applause.] As a member of the American Congress I deem it my first duty to uphold and defend the rights of American citizens. Any action which would tend to injure or abridge those rights is not the better part of statesmanship. [Applause.]

More than once since the origin of this debate have I heard it openly averred that a failure at this crisis to warn Americans against traveling on the merchant vessels of belligerents will inevitably lead us into war. Personally I am not ready to yield to such an imitation of prophecy. I hope that war may never come, but if it does come, and as a Nation we are called upon to face it, my own conviction is that it will be less likely to follow from a steadfast enunciation of our rights than from a stupid renunciation of them. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker. This resolution would have gone the way of thousands of other documents and bills—made good waste paper—except for one thing. President Wilson, with his keen insight into English

expression, realized that this resolution would be so objectionable that it never could be adopted, so instead of leaving it peacefully slumbering in a dusty pigeonhole of the Committee on Foreign Affairs we are suddenly informed that this resolution must be tabled in order that, by inference, the people will say President Wilson has been indorsed by Congress. What a situation! A few days ago the Democratic leaders were soft-peddling the resolution, but when the White House passed the word up they jump with special rules and all the Democratic machinery to table the resolution. It was effectively tabled when in committee. Why not leave it there? The committee now having reported it adversely, under parliamentary rules it is still on the table. Why these continued efforts to resurrect a worthless resolution?

If a straight vote on warning or no warning has been wanted, why did not the President and his congressional errand boys bring that question before us? For my part I should consider American citizens had received all the warning needed without action here. The press of the country has been filled for days and weeks with notices of attendant danger in travel. There should be no need of an official warning to any American citizen to keep off of belligerent vessels. Personal safety coupled with common sense ought to warn every American to keep off such vessels at the present time irrespective of the duty every American owes his country by not exposing himself in such a way as to involve the country in war. I am opposed to any official curtailment of the rights of American citizens and therefore am opposed to the warning. I am convinced that it is within the authority of the Executive, who at this time is Mr. Wilson, to protect the rights of Americans at home, abroad, and on the high seas, and that such power is given the Executive by the Constitution itself.

So were the question of warning or no warning actually before us, I should vote "no." The actual question is whether we shall vote to table an impossible and improper resolution. I shall vote "yes"—not at the request of President Wilson, but in spite of his request.

Mr. FLOOD. I yield to the gentleman from Massachusetts [Mr. GALLIVAN].

The SPEAKER. The gentleman from Massachusetts [Mr. GALLIVAN] is recognized. [Applause.]

Mr. GALLIVAN. Mr. Speaker, it is true, as the gentleman from Missouri has said, that this proposition originated on this side of the House; but I want to say to the gentleman from Missouri that no one on this side of the House is proud of that fact, with perhaps the

single exception of the gentleman from Texas [Mr. McLEMORE], who has enjoyed the spotlight of notoriety that never would have been his but for this freak resolution of whereases. [Applause.]

Mr. Speaker, these are days for patriotic officeholders as well as for patriotic common citizens, and, regardless of any man's political affiliations, he should place the interests of his country and his flag first. The really traitorous American who in this crisis which confronts America demands his rights upon the seas deserves no sympathy and no protection. While I believe that the President should give his advice to his fellow-countrymen to beware of travel on the armed ships of the warring nations, I can not support this resolution for this reason. In my opinion it is an unwholesome mass of conglomerated hodgepodge which, instead of being laid on the table, should be torn into tatters and scattered to the March winds, never to be brought back into these Halls to worry the minds and bother the hearts of you Representatives of the American people. [Applause and laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes. [Applause.]

Mr. LENROOT. Mr. Speaker, gentlemen have said repeatedly throughout this debate that this proposition of Americans traveling upon armed merchant ships is an unquestioned right under international law. With reference to that I want to call the attention of the House to the fact that upon January 18, a little over six weeks ago, the present Secretary of State, in a note written to the allied powers, used this language with reference to what is now said to be an unquestioned right. He said:

In proposing this formula as a basis of conditional declaration by the belligerent Governments, I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal rights, which may be denied on account of new conditions.

"Doubtful legal rights" is what the State Department termed this on the 18th day of January. When since then did it become an unquestioned legal right, concerning which there can be no difference of opinion upon the part of patriotic Americans?

The note concludes with this language:

I should add that my Government is impressed with the reasonableness of the argument that a

merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government, and is seriously considering instructing its officials accordingly.

Now Mr. Speaker, the question that presents itself to us is, Shall we by voting to table this McMomore resolution say that this right which six weeks ago was a doubtful right—that this right which six weeks ago the Government said was so doubtful that it was considering instructing its officials to treat armed merchant vessels as war vessels—shall we say by voting to table the McMomore resolution that that right is now so clear and unquestioned that this House, if called upon, will be ready to vote for a declaration of war against Germany in case an American citizen loses his life upon one of these armed merchant vessels?

Mr. Speaker, I am not ready to so vote, and because I am not ready I propose to vote against tabling the McMomore resolution, because if it is not tabled there will then be an opportunity to amend it, expressing the convictions of the House, giving the House an opportunity to vote for a simple resolution of warning, and thereby give notice to your President and to my President that in the opinion of this House that right is not so clear, is not so unquestioned, as to justify this country in going to war for a violation of it. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield seven minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Speaker, I can not listen to this debate or take part in it myself without expressing my deep regret that the question has ever been brought before the House under present conditions. There is little of that calm deliberation without which a wise conclusion can not be reached.

On the surface the question seems to be merely whether this Government ought to advise its citizens not to take passage on an armed merchant ship of a nation which is at war. On that question, if it stood alone, if there were no complications, if there were no interference with other things, and if I were to speak the sentiments of my own heart, I would without hesitation advise any man that contemplates sailing on such a vessel, that he had better take a vessel sailing under a neutral flag, preferably the flag of the United States. [Applause.]

But although that may seem on the surface to be the question, it is important that we look more deeply and see what may be beneath the surface. There is a controversy between the United States and Germany on one question,

## PEACE OR WAR?

between the United States and Great Britain on another question—delicate controversies, and of great importance, that should make this House hesitate to interfere by passing a resolution that can have no legal effect.

The resolution now before the House is not a bill that would become law if passed, it is not a joint resolution that would have the effect of law, it is not a concurrent resolution that would go to the Senate, it is an expression of opinion of this House only. If passed here by unanimous vote it would have no more legal effect than a similar resolution passed in a chamber of commerce in any American city. [Applause.] Its only conceivable effect would be to embarrass this Government in its negotiations with foreign powers. [Applause.] There is no proposal to give it any legal effect, it is only an expression of opinion about the business of another department of the Government.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield four minutes to the gentleman from Missouri [Mr. IGOE].

Mr. IGOE. Mr. Speaker and gentlemen of the House, the gentleman from Pennsylvania [Mr. TEMPLE], it seems to me, confuses the issue that confronts this House to-day. We are not concerned with the right of these armed vessels to enter or clear from American ports. We are concerned with the American citizens riding on these vessels, and the only question is between those citizens and this Government, and by taking action upon that question we do not change international law. The gentleman has read some notes of this Government, and I want to read a part of a note from the Secretary of State of this Government to the German Government while this war has been in progress. The concluding sentence of that note to Ambassador Gerard is this:

Please bring the foregoing to the attention of the German Government, and in doing it express the hope that they will also prevent their merchant vessels from entering the ports of the United States carrying armament even for defensive purposes, though they may possess the right to do so by the rules of international law.

Mr. Speaker, is that asking the great German Government to do a dishonorable thing? If it is not, is this House dishonorable in asking our citizens to remain off of these armed merchant vessels that we asked the great German Government, and by implication other Governments, to keep from the ports of the United States? [Applause.] Gentlemen talk, Mr. Speaker, about this being dishonorable. It may be all right for some gentlemen upon the Republican side to raise that question, but when Democrats upon this floor have approved the

course of this administration in warning citizens out of Mexico, how can they stand here to-day and vote against warning our citizens off of these armed merchant vessels? [Applause.] And again, the State Department of this Government is curtailing the rights of American citizens to passports in foreign countries. Here is the rule they have laid down:

The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for pleasure, recreation, touring, or sight-seeing.

The gentleman may say that that relates only to pleasure, but if an American citizen has a right to a passport he has a right to it to travel for any purpose that he sees fit.

Mr. FLOOD. If the gentleman will permit, the gentleman does not contend that an American, because he has a passport, has the right to go to a foreign country without the consent of that country?

Mr. IGOE. No; but if we deny an American citizen a passport, we are curtailing a right he has from this Government [applause], a right that he gets from this Government, to which he pays taxes and to whose protection he is entitled. The Government of Sweden tried to protect its citizens according to all reports, and has called upon them to stay off of these armed merchant vessels, and no one in this House has accused that country of doing a dishonorable thing. [Applause.]

The SPEAKER. The time of the gentleman has expired

Mr. FLOOD. Mr. Speaker, I yield eight minutes to the gentleman from Pennsylvania [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I shall vote to approve the report of the Committee on Foreign Affairs to lay this resolution on the table, because I believe it is the proper solution of a very ugly matter. These are no times for partisanship.

If the President desires the McLemore resolution defeated because a public discussion of it is interfering with our negotiations with foreign Governments, he would receive my support, notwithstanding the fact that the Foreign Affairs Committee was told by him on February 22, the day the McLemore resolution was introduced in Congress, that it was having such an effect, and 10 days later, in the Pou letter, demanded that it be brought out for full and complete discussion. I can not understand why a public discussion is not as dangerous to our foreign negotiations to-day as it was on the 22d of February. Neither can I understand why he should tell us in the Pou letter to do the very thing which 10 days before he said was paralyzing his negotiations with

## THE RIGHT TO A PASSPORT

the German Empire. Does the President desire the McLemore resolution defeated because it interferes with the prerogatives of his office? If this be the reason, I will be glad to vote according to his wishes. Does the President desire the McLemore resolution defeated because it has been improperly presented to the House and involves a lot of matters with which none of us are in harmony? If so, I will vote with him. But if he desires the House to pass upon this vital question whether or not American citizens should be warned from armed merchantmen of belligerent nations without sending us a message, as all former Presidents have done under similar circumstances, accompanied by all of the correspondence and other data connected with the matter, then I am against him with all the power that is in me.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield four minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Speaker, I am curious to find out what has become of all those men on the Democratic side of the House who for the last three or four weeks have been talking in the cloak-rooms about the international situation. [Laughter.] The vote here to-day has not disclosed any of them. They have all faded away.

What is the question before us when it is stripped of the fog? The question is, Shall we speak for the American people? I consider this a domestic question. The question of notifying American citizens not to ride on belligerent armed ships is not an international question, according to my view. We have a perfect right to so advise them; and, in fact, we have a right to enact a law to prevent them. Then, what is the question before us? Does the President want our advice as to what he shall do in the negotiations with the belligerent nations abroad or does he simply want us to lay this resolution on the table? Judging from the vote taken to-day and the attitude of the Democrats upon that question, I think that they construe his meaning to be that he wants no advice.

There is no division of sentiment among the American people as to what shall be done to sustain the President of the United States when the honor of the Nation is involved. Every man upon this floor and every man in the Union will stand as one to protect the rights of America and her citizens. [Applause.]

But there is no question here to-day which calls for that kind of unity of action? The question before us is, Have we the right to advise our citizens to so exercise their privileges of citizenship as to not involve the rest

of the hundred million of people in America? That is the question. [Applause.] And I believe that no man, no matter what his privileges under citizenship may be, has the patriotic right to so exercise that right as to involve the business and the happiness and prosperity of America. We ought to be for America first, last, always. [Applause.] And I BELIEVE IF WE HAD THE OPPORTUNITY TO-DAY TO VOTE FOR A SIMPLE RESOLUTION OF WARNING IT WOULD RECEIVE ALMOST THE UNANIMOUS VOTE OF THIS HOUSE. IF THAT QUESTION WERE SUBMITTED TO THE AMERICAN PEOPLE, NINE OUT OF TEN OF THEM WOULD VOTE TO GIVE THE WARNING. AND WHEN WE VOTE TO-DAY TO PLACE THIS RESOLUTION UPON THE TABLE WE VOTE TO REFUSE TO CONSIDER THE WISHES OF THE AMERICAN PEOPLE. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. GOODWIN].

Mr. GOODWIN of Arkansas. Mr. Speaker, the great Napoleon once said that the time would come when all of Europe would be either Cossack or republic. I am neither a prophet nor am I the scion of a seer, but if I portend aright the signs all of Europe in the future will be republican and no part Cossack, and thus every European throne will be subverted and overturned.

Sir, if these aspirations, if these hopes of millions of people in Europe are to be finally realized, their freedom attained by this happy event, the question might well be propounded to this Congress, "Shall the American people and the American Republic maintain their independence, their freedom, and their liberty, or be suspended as a mere satrapy and dependency to the belt of some war lord in Europe whose eyes are red with the blood of Mars?"

Now, if by strict observance of international law, by remaining neutral as we are to-day, we are to get into trouble with Germany and the central powers, what might happen to the American people if we violate international law by passing this resolution, and thereby offend another group of powers now engaged in this awful hell of war, this holocaust across the sea? Much has been said in recent times of the so-called yellow peril in the Far East. Might we not become the target of that growing giant over there? Might she not undertake to seize the Philippines and Hawaiian Islands, seek to drive us from the Pacific, attempt to exclude our commerce from the Ori-

## PEACE OR WAR?

ent, not to mention the irreparable damage that might be inflicted upon our western coast or the world struggle that would follow? Had we thought, Mr. Speaker, that Japan is an ally of England to-day, and that to offend the allies by our attempt to violate international law as this resolution seeks to do, we might thereby imperil this Nation more than by obeying international law and defeating this resolution? If we are driven from one position by one power, we may expect to be driven, sir, from other positions by other powers, until we finally abandon every right guaranteed to us by the law of nations, thus becoming contemptuous in the eyes of all the world.

In common with the great majority of the people of this country I hope that no American will endanger the peace of his Republic by venturing upon an armed merchantman; but it is the unquestioned right of all the people to travel the seas in times of war as well as in times of peace. If we accede to the demands of Germany, may we not likewise be driven to accede to the demands of England and her allies? The latter have rifled our mails, have restricted our commerce, have seized millions and multiplied millions of dollars worth of the products of our fields and factories, but we have not said they have a right to do these things, and these are questions yet to be settled and none of them so far have been settled. The President has sought to settle them all by diplomacy and not by the sword. I am willing to trust him and so are the American people. [Applause.]

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MCKINLEY].

Mr. MCKINLEY. Mr. Speaker, I voted against the rule just offered because it seems to me cowardly. It seems to me unfair to the President, who represents us in our foreign relations, when we side-step and decline to come out squarely and tell him where we stand. [Applause.] I know that I am voicing the feelings of 100 per cent of the people in the Central West when I say that party politics should be ignored and the President, as our representative, should receive our full support in all proper efforts to maintain the dignity of the United States and the safety of its citizens. I think we should have an opportunity to so vote. Also I am satisfied that 90 per cent of the people in my locality believe with me that American citizens should be requested to travel upon neutral ships and American vessels so far as it is possible to do so.

I think, without a doubt, three-fourths of the

membership of this House would so vote if they were given a fair opportunity so to do. It seems to me very unfair to them and to the people they represent that they are prevented by a parliamentary quibble from so voting. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, with the gentleman's permission. I will occupy a little time now.

Mr. FLOOD. All right. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, We have repeatedly heard it urged here that "we must follow the President"; "we must stand by the President."

Then let us see just what is the President's attitude. Let us have an exact understanding of the facts about it. There have been charges and denials as to his position, but we can get the President's attitude in mind very clearly by examining the letter of Chairman Stone, Senator from Missouri, to the President, which was published in the Washington papers of February 25. The Senator says:

DEAR MR. PRESIDENT: Since Senator KERN, Mr. FLOOD, and I talked with you on Monday evening I am more troubled than I have been for many a day. I have not felt authorized to repeat our conversation.

Something that the President had said troubled Senator STONE "more than he had been troubled for many a day." In the same letter the Senator defines his own attitude. He says:

I think you understand my personal attitude with respect to the subject. As much and as deeply as I would hate to radically disagree with you, I find it difficult for my sense of duty and responsibility to consent to plunge this Nation into the vortex of this world war because of the unreasonable obstinacy—

What had the President said? The Senator wrote that he hated to disagree with him.

Much as I would hate to radically disagree with you, I find it difficult for my sense of duty and responsibility to consent to plunge this Nation into the vortex of this world war because of the unreasonable obstinacy of any of the powers, on the one hand, or, on the other hand, of foolhardiness, amounting to a sort of moral treason against the Republic, of our people recklessly risking their lives on armed belligerent ships. I can not escape the conviction that such would be so monstrous as to be indefensible.

The Senator earnestly declares that he is opposed to war in support of such "foolhardiness," such "moral treason against the Republic." He intimates that in this he disagrees with the President. What did the President say at that Monday night conference? Here is what the President said, as set forth in this letter of Senator STONE:

Furthermore, that you would consider it your duty, if a German warship should fire upon an armed



merchant vessel of the enemy, upon which American citizens were passengers, to hold Germany to strict account.

Strict account! How is the President going to hold a belligerent nation "to strict account" in the midst of war except by handing passports to its representative and employing force? How otherwise than by becoming a party to the war can the United States hold a belligerent to strict account? Senator Stone declared that he hated to disagree with the President, but his sense of duty compelled him to oppose plunging into the vortex of war on any such pretext as that. The President said, "I would hold Germany to strict account."

On the next day, Tuesday, the Members of Congress heard all about what was said in that Monday night conversation, through reports emanating from the men who participated in it, and those reports agreed precisely with what Senator STONE understood to be the issue between him in favor of warning Americans not to risk their lives and the President opposed to warning them.

I invite attention now to what the President himself said in his letter in reply to Senator STONE:

If the clear rights of American citizens should unhappily be abridged or denied by any such action, we should, it seems to me, have in honor no choice as to what our own course would be.

"No choice!" Protect the foolhardy people at any hazard! "No choice!" There is but one thing to do when Americans thus risk their lives on armed belligerent ships. Enforce their rights! And Senator STONE would not have this country go to war for such a cause, and he hated to disagree with the President, and he was greatly troubled after that conversation with the President. What was it that the President had said? Answer me, not as partisans. Forget what Hallam called that worship of a party name which makes up the politics of vulgar minds. Do you propose at the call of party to forget your country? Do you say that if the ship which left for the zone of war two or three days ago, having on board an American who said in New York that he had run the blockade three or four times and enjoyed the thrill—do you say that if that ship be sunk and carry that reckless American to the bottom of the sea we will hold one of the belligerent nations to strict account? You have an opportunity to answer that question, and can answer it either as partisans or as patriots.

Now, the President wished nothing to be done about this McLemore resolution. If I am to believe the chairman of the Committee on Foreign Affairs, of which committee I am a

member, and I do believe him, the President urged that no action be taken respecting the resolution, and, to use a common expression, asked the chairman and his Democratic colleagues, constituting a majority of the Committee on Foreign Affairs, to sit on the lid. They obeyed and sat on it. They did not know that the President had changed his mind. They were not notified that he desired them to get off of the lid. [Applause and laughter on the Republican side.] But without warning them the President suddenly wrote a letter to the gentleman from North Carolina [Mr. POU], a member of another committee, and, in the opening sentence notified everybody that Mr. HENRY was in Texas. [Laughter.]

Ignoring the committee which, under the rules of the House, had exclusive jurisdiction of the resolution, he requested the gentleman from North Carolina to have his committee bring the resolution before the House of Representatives. His letter continues:

This matter is of so grave importance, and lies so clearly within the field of Executive initiative, that I wish—

The trouble is that the President wants not only the right to take the initiative, but he wants also the right to issue the ultimatum. [Applause on the Republican side.] Senator STONE, in that letter, betrayed it all—

I dislike to disagree with you, but I can not agree that this would be justification for going to war.

Mr. DAVIS of Texas. Amen!

Mr. COOPER of Wisconsin. Mr. Speaker, the distinguished gentleman from Pennsylvania, Dr. TEMPLE, took much pains to emphasize the word "defense" when speaking of armed merchantmen. He contended that these merchantmen are armed for defense. Let us see whether they are armed exclusively for defense. The London Times of February 10, 1916, contains the following:

Armed liners.

The American note criticized.

Heavier guns needed.

By our naval correspondent.

The P. & O. steamer *Kashgar*, when off Malta on her way to India, saw a submarine periscope and fired at it—

The armed merchantman at once attacked the submarine by firing at it—

obliging the boat to dive. It reappeared on the opposite side of the liner and was again fired at, if not hit, when the submarine dived and was seen no more. The Ellerman liner *City of Marseilles* also had a similar encounter off the Sardinian coast 10 days earlier. In her case the submarine opened fire without any warning, but after two shots the liner's gun got to work and discharged eight shells at the U boat, after which the latter disappeared.

Now follows a striking statement:

The third instance is that of a French ship, the

## PEACE OR WAR?

*Plata*, owned by the Transports Maritimes, which, on January 27, sighted a submarine half a mile away. Fire was opened—

I pause here to remark that the gentleman from Pennsylvania, Dr. TEMPLE, has spoken, as also have other gentlemen, about these vessels always having their guns at the stern of the boat and only for defense.

I will read that again:

The third instance is that of a French ship, the *Plata*, owned by the Transport Maritimes, which on January 27 sighted a submarine half a mile away. Fire was opened from the stern of the steamer, and the hostile craft, believed to be struck in a vital part, soon dived and made off.

Armed purely for defense, it immediately attacks with its stern guns and hits the other craft in a vital part!

How conclusively all this shows the change in conditions and demonstrates that as against the submarine these armed merchant vessels are ships of war. This is exactly what was contended for by this Government in the Lansing letter of January 18.

### **SOME DAY THE GOVERNMENT OF THIS UNITED STATES MAY WISH TO USE SUBMARINES IN ITS OWN DEFENSE.**

At this point I will read the letter of January 18 which Secretary of State Lansing sent to the belligerent powers, and demonstrate that it is not only the letter of Secretary Lansing but also the letter of the President of the United States. Let us see what were the views of the President and the Secretary in January upon this vastly important subject. The letter is most interesting:

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel. This right seems to have been predicated on the superior defensive strength of ships of war, and the limitation of armament to have been dependent on the fact that it could not be used effectively in offense against enemy naval vessels, while it could defend the merchantmen against the generally inferior armament of piratical ships and privateers.

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

The President and Secretary Lansing say that even a small-caliber gun would make a merchantman strong enough to wage successful offensive warfare against a submarine. The letter goes on:

Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

In January we hear the President and Secretary saying that any armament on a merchant vessel would seem to have the character of an offensive armament.

If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. COOPER of Wisconsin. No; I have not the time to yield. The letter continues:

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

Here in January was our Government declaring that under present conditions it would be reasonable and just "that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever."

Some of these vessels are armed with 6-inch guns, some have four guns, and one of these inoffensive belligerent merchantmen, armed "only for defense" with 6-inch guns and with shells filled with high-power explosives, could have sunk any battleship of the glorious fleet that Farragut commanded during the Civil War.

I now ask especial attention to what is one of the most important paragraphs of the letter:

In proposing this formula as a basis of conditional declarations by the belligerent Government I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal right, which may be denied on account of new conditions.

The letter urges "the humane purpose of saving the lives of people rather than the insistence on doubtful legal right." And yet this right which was "doubtful" in January

is the same right which, if violated, the President indicated to the men who called on that Monday night he would go to war to enforce. If it was doubtful in January, what has made it vital now? If it was honorable to write these views in January, why is it dishonorable to hold them now?

The letter proceeds:

I would be pleased to be informed whether your Government would be willing to make such a declaration, conditioned on their enemies making a similar declaration.

It is the next paragraph which contains the evidence that the President was entirely familiar with the contents of this letter:

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government, and is seriously considering instructing its officials accordingly.

Who was "my Government"? Not the Postmaster General nor the Secretary of the Treasury. Who was "my Government"? Is it to be supposed that the President of the United States would permit Secretary Lansing to write a letter of this tremendous import to the belligerent nations without consulting him? If the President of the United States—and I do not believe it—is so lax in the discharge of his duty that he grants such power to a subordinate he ought not to be President. I acquit him of such neglect of duty, and I acquit Secretary Lansing of being so presumptuous as, upon his own initiative, to have written and mailed that letter. Of course, "my Government" in this letter means the President of the United States. But it is said that we must not change the rules of the game while the game is going on. Let us see what "my Government" thought about that proposition on the 18th of January.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

In January we see that the President was seriously considering instructing our officials to hold armed belligerent merchantmen to be auxiliary cruisers, because he said it would be only just and reasonable so to consider them.

My Democratic friends, do you pretend to believe that when the President, through Secretary Lansing, informed those foreign Governments that he, as the President, was seri-

ously thinking of notifying our officials that under the changed conditions merchant ships ought not to be armed that he was trying to change the rules wrongfully? No; for he said that it would be right under the circumstances to require that no merchantman go armed.

IS THIS RUSSIA OR IS IT AMERICA? STAND BY THE PRESIDENT? IT IS SAID THAT SOME OF THE IGNORANT OF THE COSSACKS SHOUT, "STAND BY THE CZAR NO MATTER WHAT HE MAY DO." STAND BY THE PRESIDENT! I HAVE GREAT RESPECT FOR THE OFFICE OF THE PRESIDENCY AND FOR THE PRESENT INCUMBENT OF THAT EXALTED PLACE BUT IN ORDER FOR ME TO STAND BY A MAN IT IS FIRST NECESSARY THAT THE MAN SHALL STAND STILL (LAUGHTER) OR, AT LEAST, BE REASONABLY STATIONARY.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, there is a sharp division of opinion in this House. Of course we all recognize that; but there is no division of opinion upon one point. We are all agreed that peace must be maintained, if peace can be maintained with honor. The gentleman who has just spoken dealt very eloquently with the horrors of war. There is no dissent from the proposition that war is horrible. There is no occasion to voice that sentiment to-day. The only question is, What course should be pursued by this House in order to avoid war and to avoid it honorably?

I maintain, Mr. Speaker, that the surer and the sounder and the wiser way to avoid war is to support the President and not tie his hands. [Applause.] And, Mr. Speaker, I favor, in pursuance of that course, the killing of this McLemore resolution as promptly and as effectively as we possibly can. If in the course of killing it the death be made painless, I have no objection to that.

The question of whether we are going to uphold the hands of the President in his diplomatic negotiations with Germany thereupon became the McLemore resolution, and the vote upon that resolution to-day is a square vote of upholding or a square vote of not upholding, as the case may be. [Applause.]

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. COOPER] has 10 minutes remaining.

Mr. COOPER of Wisconsin. Mr. Speaker, how much time has the other side?

The SPEAKER pro tempore. Forty-nine minutes.

## PEACE OR WAR?

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. Foss].

Mr. FOSS. Mr. Speaker, the situation presented here to-day is not of our choosing, but it is here and we must meet it in a patriotic manner.

The framers of the Constitution were wise and farsighted in the establishment of our Government when they provided for three separate branches—the legislative, executive, and judicial. That document gives the President the power, by and with the advice and consent of the Senate, to make treaties and to nominate and appoint ambassadors and other public ministers, and also the right to receive ambassadors and other public ministers. Under these powers is invested in him the right of initiation and control of our diplomatic negotiations with other countries, and whenever he comes to an agreement or conclusion he can report treaties to the Senate for ratification; he can give information at any time to Congress on the state of the Union. The attempt on the part of Congress to pass any resolution upon the present subject matter of diplomatic negotiations in the course of negotiation is clearly an interference and an infringement of the constitutional prerogative of the Executive and fraught with great danger to our country. What a spectacle we would present to the world if the Congress of the United States, composed of two bodies, one with nearly 100 Members and this with 435, oftentimes in disagreement, if it should take out of the hands of the Executive the handling of diplomatic and foreign relations.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. THOMPSON].

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. THOMPSON] is recognized for five minutes.

Mr. THOMPSON. Mr. Speaker, I regret very much that the question has not come before the Congress squarely and fairly, so that the Members of this House could be put upon record and be permitted to express their honest convictions on the plain and simple proposition as to whether or not foolhardy and madcap or financial American citizens ought to travel on belligerent ships, armed, at this time of peril in our country's history. I had intended, Mr. Speaker, to vote this morning against the previous question on the rule, but when the gentleman from Illinois [Mr. MANN] took the floor and said it was the purpose of the minority to offer this resolution to strike out both the preamble and the resolution and insert in lieu thereof the following:

*Resolved*, That in the opinion of the House of

Representatives citizens of the United States under existing conditions and irrespective of their legal rights ought to refrain from taking passage on armed vessels of belligerent nations except in case of imperative necessity.

And on the consideration of the resolution and amendments thereto the House should proceed under the five-minute rule to a final vote or passage I found myself an orphan and unable to vote for that resolution, because it meant if we refused to adopt the previous question we were compelled to vote for this resolution submitted by the gentleman from Illinois.

I can not vote for this substitute for the reason that it would permit those citizens of this country who have sold arms and ammunition to any of the belligerents to travel in safety on armed ships, while it would warn off those of our citizens who are engaged in agriculture or productive occupations.

Now, if it were left to me, my record is made. I voted in the Committee on Foreign Affairs to substitute, first, the Shackelford resolution, which is well known to the membership of this House, and which requests all citizens to refrain from taking passage on armed merchant ships in this time of peril, and when that was voted down I voted to substitute the Senate provision, which negatively warns them from taking such passage, so that the Members of the House, if they could not be put upon positive vote as to whether or not American citizens should travel upon armed belligerent vessels, they ought at least to be permitted to vote negatively on the question. I submitted the provision that was submitted to the Senate, and when that was voted down I was left an orphan; and when we come in here to-day we find ourselves without the opportunity to express our opinion as to whether or not a fanatical citizen of the United States for financial reasons should be permitted to engage 100,000,000 people of the United States in war. [Applause.]

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. HAMILL] is recognized for half a minute.

Mr. HAMILL. MR. SPEAKER, I DEEPLY DEPLORE THE NECESSITY WHICH COMPELS ME TO DIFFER WITH THE PRESIDENT and to vote against the motion to table the McLemore resolution, but I WILL NOT BECOME A PARTNER IN ANY PROCEEDING TO PLUNGE THIS COUNTRY OF 100,000,000 OF HUMAN BEINGS INTO THE EUROPEAN INFERNAL OF SLAUGHTER AND THEN SEEK TO JUSTIFY MY TREACHERY TO AMERICA UPON THE FLIMSY PRETEXT OF PARTY LOYALTY. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield three

minutes to the gentleman from New York [Mr. OGLESBY].

Mr. OGLESBY. Mr. Speaker, I believe that nine hundred and ninety-nine out of every thousand people in the United States earnestly desire peace. Of all the men in this peace loving Republic, I believe there is not one to whom war is more repugnant than to Woodrow Wilson. As proof of this we have only to point to the history of the last 18 months. How many Members of this House would advise running up the white flag as a means of insuring peace? Did you ever see an effort to keep out of a fight succeed by showing the white feather? Any schoolboy will tell you if you make a cowardly backdown and surrender of your rights one day, every coward in school will pick a fuss with you the next day just for the fun of seeing you run.

Voting to table this resolution will not make for war, but for peace.

I have had many letters and telegrams from men in my district, whose friendship I prize, urging me to support this resolution. I believe these men are honest in their convictions and that they are patriotic Americans. If they could foresee the result of our interference with the President as it appears to me, I am sure they would urge me just as strongly against doing what they now ask me to do.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentlemen from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, there are two classes of Members who have spoken in favor of a warning resolution. There is that class who believe it desirable to express the sentiment of the Congress that men should not travel upon belligerent ships, because of the risk that might come of involving the country in war, and who would stop there. There is another class, who believe that that warning ought to be issued either with the express declaration or the tacit understanding that if the warning is disregarded America does not propose in any way to uphold the rights of her nationals to so travel. Now, these men in some instances have considered what underlies this proposition, and some of them have ignored it and sought to confine the whole issue simply to that proposal. For my own part I do not believe it possible now to issue a warning so worded that it will not convey necessarily the impression, not in America, but to those with whom we are dealing and with whom we have a controversy, that America is prepared now, if need be, to back down from the position that the President has taken touching the rights of neutrals upon belligerent mer-

chant ships. If my time lasts I shall endeavor to state just what the issue is.

Now, it is one thing for men to think in their own minds that people ought not to travel. It is an entirely different thing for the Congress of a great sovereignty solemnly to make such a declaration, and it could only be made intelligently with the idea that that sovereignty proposed not to stand for the rights of such nationals so to travel.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, two minutes is rather a short time in which to discuss a question of this importance. I think we all understand what this resolution provides. On this side we did not bring it in, and now that it is brought in on that side you propose to kill it. Much has been said along these lines upon each side. So far as I am concerned, I voted against the previous question on the rule and against the rule. This matter is of that importance, and if it be of that importance that Members claim, with gentlemen differing on both sides, it seems to me that further time might be taken for discussion.

Can we further discuss it if it is not laid upon the table? Yes. Are we confined to the amendment to be offered, as notice was given, by the gentleman from Kansas [Mr. CAMPBELL]? No. If we refuse to kill it by laying it on the table, it is open to the widest amendment or amendments that are germane; and so, under all the conditions and all the circumstances, the President not having appeared and addressed Congress, nor given us full information, nor sent a message to Congress—everything considered—I have made up my mind to register my vote against laying this resolution on the table; not that I am for it without amendment, but the House might well take one day, two days, three days, with freedom of amendment that is germane, to further consider this question. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I yield eight minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Speaker, since this issue arose, now almost two weeks ago, I have endeavored to the best of my ability to learn the real issue involved. There are pending in the Committee on Foreign Affairs of this House several resolutions, the purport of which is to warn Americans from taking passage on certain classes of belligerent ships. That resolution which it was the pleasure of the majority of this House to present here for consideration and vote is the one that they thought by its terms, if brought here in such

## P E A C E O R W A R ?

a way as to prohibit amendment, would be the one to command the least support, and prevent a record of the honest convictions of the membership of the House. [Applause on the Republican side.]

But why should we be asked to lay it upon the table? For no purpose but one, namely, that men who here think one way may vote another. [Applause.] The recommendation of the Committee on Foreign Affairs is that we sidestep, table, this resolution, because we have no business to pass upon it, but the President has said that we have business to pass upon it, because he asks it. They tie a fire escape to their own vote. For myself, I ask none such. The President has the right to know and the country wants him to know what the country and what we think of American citizens taking passage upon a ship when taking such passage is likely to embroil us in war. You and I know what the position of the people of the Nation is in that regard.

Mr. FLOOD. Mr. Speaker, I do not think any Member upon this floor misunderstands the issue that we shall vote upon this afternoon. I do not care for what reason Members oppose the McLemore resolution. In every essential it is as well drawn, as good a resolution, as the one the Republican Members of the Committee on Rules brought into this House to-day. I do not care what excuses a good part of the Republican leadership may make for their partisan fight on an issue involving a great international question. The question which presents itself to this House is whether its vote will be such as to sustain the hands of the President of the United States in the diplomatic controversy he has at this time with the German Government. It undoubtedly will. The Senate has taken action that is satisfactory to the country. [Laughter on the Republican side.] I know it is not satisfactory to Republicans who would run the risk of plunging this country into war to make capital for their party, but the action the Senate has taken is satisfactory to the country. I believe the House in a few moments will take action that will be just as satisfactory to the country.

Under the Constitution the conduct of diplomatic negotiations is one of the prerogatives of the President; under the unbroken precedents and practice in this country our Chief Executive has been allowed to carry on negotiations, without interference from any other branch of the Government. But the question presented to us is broader and deeper than constitutional prerogative or precedent. It is a question of whether this House is standing with its Government or a foreign Government.

I have no doubt about what the House of Representatives will do. Let us do it by an overwhelming majority. Let us uphold the hands of the President and the Government. Let us be for our country, because it stands in the light while other nations are groping in the dark, because it stands for law, because it stands for principles and ideals that will prevail, and because it is our country. [Applause.]

Mr. FLOOD. Mr. Speaker, I move that House resolution 147 be laid on the table.

The SPEAKER. The gentleman from Virginia moves to lay House resolution No. 147 on the table.

Mr. COOPER of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 276, nays 142, answered "present" 1, not voting 15, as follows:

[Roll No. 28.]

YEAS—276.

<p>Abercrombie Adamson Aiken Alexander Allen Almon Ashbrook Aswell Ayres Barkley Barnhart Beakes Beales Bell Blackmon Booher Borland Britt Browning Brumbaugh Burnett Byrnes, S. C. Byrns, Tenn. Caldwell Candler, Miss. Cantrill Caraway Carew Carlin Carter, Mass. Carter, Okla. Casey Cline Coady Collier Connelly Conry Cooper, Ohio Cooper, W. Va. Cox Crago Crisp Crosser Curry Dale, Vt. Dallinger</p>	<p>Danforth Darrow Davenport Dempsey Dent Dewalt Dickinson Dill Dixon Doolittle Doremus Doughton Dunn Dupré Eagan Edmonds Edwards Edwards Emerson Estopinal Evans Fairchild Farley Farr Ferris Fess Fields Finley Flood Fordney Foss Freeman Gallagher Gallivan Gandy Gard Gardner Garner Garrett Gillett Glass Glynn Goodwin, N. C. Goodwin, Ark. Gordon Gould Graham</p>	<p>Gray, Ala. Gray, Ind. Gray, N. J. Greene, Mass. Greene, Vt. Griest Griffin Guernsey Hadley Hamilton, N. Y. Hamlin Hardy Harrison Hart Haskell Hastings Hay Hayden Heflin Helm Helvesing Hicks Hinds Holland Hood Houston Howard Howell Huddleston Hughes Hulbert Hull, Tenn. Humphrey, Wash. Humphreys, Miss. Husted Jacoway James Johnson, Ky. Johnson, Wash. Jones Keister Kelley Kennedy, R. I. Kettner Key, Ohio Kiess, Pa.</p>
---	--	--

THE RESOLUTION TABLED

Kincheloe	Oliver	Smith, Idaho	Lobeck	Powers	Steenerson
Kitchin	Olney	Smith, Mich.	London	Ramseyer	Stephens, Cal.
Kreider	O'Shaunessy	Smith, Tex.	Longworth	Reavis	Stephens, Nebr.
Lafean	Overmyer	Snell	McCulloch	Reilly	Sterling
Lazaro	Padgett	Snyder	McKenzie	Ricketts	Sulloway
Lee	Page, N. C.	Sparkman	McKinley	Roberts, Mass.	Sutherland
Lehlbach	Paige, Mass.	Steagall	McLemore	Roberts, Nev.	Sweet
Leshner	Park	Stedman	Madden	Rodenberg	Switzer
Lever	Parker, N. J.	Steele, Pa.	Mann	Rowland	Tavener
Lewis	Parker, N. Y.	Stephens, Miss.	Matthews	Russell, Ohio.	Timberlake
Lieb	Patten	Stiness	Meeker	Schall	Towner
Liebel	Peters	Stone	Miller, Del.	Shallenberger	Van Dyke
Linthicum	Phelan	Stout	Miller, Minn.	Shouse	Volstead
Littlepage	Platt	Sumners	Mondell	Siegel	Watson, Pa.
Lloyd	Porter	Swift	Mooney	Sisson	Wheeler
Loud	Pou	Taggart	Moore, Pa.	Slayden	Williams, T. E.
McAndrews	Pratt	Tague	Morgan, Okla.	Slemp	Wilson, Ill.
McArthur	Price	Talbott	Moss, W. Va.	Sloan	Wood, Ind.
McClintic	Quin	Taylor, Ark.	Mudd	Smith, Minn.	Woods, Iowa
McCracken	Ragsdale	Temple	Nelson	Smith, N. Y.	Young, N. Dak.
McFadden	Rainey	Thomas	Nolan	Stafford	
McGillicuddy	Raker	Thompson	Norton	Steele, Iowa	
McKellar	Randall	Tillman			
McLaughlin	Rauch	Tilson			
Magee	Rayburn	Tinkham			
Maher	Riordan	Treadway			
Mapes	Rogers	Tribble			
Martin	Rouse	Vare			
Mays	Rowe	Venable			
Miller, Pa.	Rubey	Vinson			
Montague	Rucker	Walker			
Moon	Russell, Mo.	Walsh			
Moores, Ind.	Sabath	Ward			
Morgan, La.	Sanford	Wason			
Morin	Saunders	Watkins			
Morrison	Scott, Mich.	Watson, Va.			
Moss, Ind.	Scott, Pa.	Webb			
Mott	Scully	Whaley			
Murray	Sears	Williams, W. E.			
Neely	Sells	Williams, Ohio			
Nicholls, S. C.	Shackleford	Wilson, Fla.			
Nichols, Mich.	Sherley	Wilson, La.			
North	Sherwood	Wingo			
Oakey	Sims	Winslow			
Oglesby	Sinnott	Wise			
Oldfield	Small	Young, Tex.			

ANSWERED "PRESENT"—1.

Taylor, Colo.

NOT VOTING—15.

Adair	Dies	Henry
Brown, W. Va.	Dooling	Hilliard
Chiperfield	Driscoll	Loft
Clark, Fla.	Gregg	McDermott
Cullop	Hamilton, Mich.	Stephens, Tex.

So the motion was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. BROWN of West Virginia with Mr. HAMILTON of Michigan.

Mr. CLARK of Florida (for) with Mr. CHIPERFIELD (against).

Mr. TAYLOR of Colorado (for) with Mr. HILLIARD (against).

Mr. TAYLOR of Colorado. Mr. Speaker, I would like to ask if my pair shows that I am in favor of the motion, and my colleague [Mr. HILLIARD] is against the motion?

The SPEAKER. It does.

The result of the vote was announced as above recorded.

The SPEAKER. The resolution is on the table.

*In the House of Representatives,  
Wednesday, March 8, 1916*

Mr. ELSTON. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent to be permitted to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. ELSTON. Mr. Chairman, I agree that

NAYS—142.

Anderson	Copley	Haugen
Anthony	Costello	Hawley
Austin	Cramton	Hayes
Bacharach	Dale, N. Y.	Heaton
Bailey	Davis, Minn.	Helgesen
Barchfeld	Davis, Tex.	Hensley
Bennet	Decker	Hernandez
Black	Denison	Hill
Britten	Dillon	Hollingsworth
Browne, Wis.	Dowell	Hopwood
Bruckner	Drukker	Hull, Iowa
Buchanan, Ill.	Dyer	Hutchinson
Buchanan, Tex.	Eagle	Igoe
Burgess	Ellsworth	Johnson, S. Dak.
Burke	Elston	Kahn
Butler	Esch	Kearns
Callaway	Fitzgerald	Keating
Campbell	Flynn	Kennedy, Iowa
Cannon	Focht	Kent
Capstick	Foster	King
Cary	Frear	Kinkaid
Chandler, N. Y.	Fuller	Konop
Charles	Garland	La Follette
Church	Good	Laugley
Coleman	Green, Iowa	Lenroot
Cooper, Wis.	Hamil	Lindbergh

## PEACE OR WAR?

Congress should not invade the prerogatives of the President with regard to international matters. A few days ago, when the President claimed this prerogative, Congress, with the exception of a few Members, showed no disposition to interfere with the President's negotiations. Thus the matter rested, and would have rested for all time. Suddenly the President demanded from Congress an expression of opinion. He thereby abdicated his right to decide the question and placed the responsibility upon us. In effect it was a referendum to the people on the question of warning. We were not asked to table or dismiss the issue. We were not asked to say that diplomatic questions do not belong to Congress. We were asked to face the issue squarely upon the merits and say whether it is right or proper to warn. In this situation I feel impelled to express my honest conviction in favor of warning American citizens from embarking on armed merchant ships. The graver the issue the more imperative becomes our duty to be fair, considerate, and candid. We can be firm without being imperious. Without loss of honor or prestige Lincoln tempered Seward's haughty message to England and avoided war. A warning to Americans to keep off armed ships would not undermine the President in his diplomatic controversy. Warning means

danger, and the danger is the possibility of war. There could be no war except for the President's avowed determination to maintain the right of Americans to travel on armed ships. Warning therefore implies strict adherence to his contention. If we do not court war, why should we not reduce this real danger to a minimum by warning? Is it wrong or imprudent or unpatriotic to warn? No. It does not deprive any citizen of his right or deny protection if that right be violated. It merely requests him not to put to sure and certain proof the determination to protect him. It merely cautions him not to involve his country in war by his voluntary act. We do not warn him for his own safety, but for the safety and welfare of his country. We warn him against the possibility of war involved in the President's determination to hold Germany to strict accountability for his death. We say by warning that the President means business in his contention that international law should be upheld, but that we are a peace-loving people, determined by every fair and considerate means to avoid unnecessary acts on the part of our citizens that may lead to conflict. The President himself would have performed a patriotic act if in this situation he had seen fit to issue warning, as he did in the Mexican situation.



## PART III

### *EXTENSION OF REMARKS BY CONGRESSMEN*

x Mr. McLEMORE. Mr. Speaker, the resolution under consideration is an American measure, intended to protect American interests and no other interests on earth. And I believe, moreover, that it is a measure which accurately embodies the wishes of an overwhelming majority of the American people, for in a critical hour like this the spirit, the soul, of a nation has ways of making itself manifest, and I think every man in this Chamber has felt during the last few days that the spirit of America is appealing to us for wise action, for patriotic action, for action which shall preserve us in peace, for action which shall be just and fair to all nations.

It has been contended by some very distinguished gentlemen that the Government should take and declare a positive stand in opposition to the German and Austro-Hungarian intention to sink armed ships on sight. They have told us how long ago the practice of arming merchantmen originated and have cited statutes and enactments of the reigns of Charles I and other English monarchs to prove the justice of that practice.

I am unwilling to follow these distinguished gentlemen and their school of thought so far back, or, indeed, to the other side of the ocean at all; but I invite them and those who think as they do to follow me, not backward but forward, not across the ocean to the atmosphere of either British or German interests, but to the realm of pure American interests.

Mr. Speaker, it is a most remarkable fact that there is not a single American right or a single real American interest threatened by the intended German-Austrian submarine campaign against armed ships. Armed ships! Why, Mr. Speaker, there are no American armed ships except our warships. There are no American "armed merchant vessels." There are no American merchant ships sporting "defensive guns." I reiterate, I emphasize, I invite the most earnest at-

tention of this House and of every American to that remarkable fact, that not a single American ship is affected or threatened by the action which Germany and Austria-Hungary propose.

WHY, THEN, IS THIS REPUBLIC DIVERTED FROM THE NORMAL COURSE OF ITS PEACEFUL PROGRESS TO GRAVELY DEBATE A POSSIBLE WAR WITH GERMANY AND AUSTRIA-HUNGARY? WITH NOT A SINGLE AMERICAN SHIP INVOLVED, IN HEAVEN'S NAME WHAT ARE WE CALLED UPON TO PROTECT AGAINST GERMANY, AGAINST AUSTRIA? Why sir, we are called upon to protect English ships, Italian ships, perhaps French ships, if France is induced by her predominant ally to abandon the hitherto unbroken French policy, which, mark you, is that a merchant ship has no right to bear arms. Yes; that is the only meaning of it—we are called on to protect the ships of one faction in the present war against the ships of the other. WE ARE CALLED ON TO TAKE SIDES IN THIS WAR; WE ARE CALLED ON TO TAKE PART IN THIS WAR.

We are told that we should break with the people who have contributed the second largest element of our own Nation. And what is our only excuse? That we demand that heedless and adventurous American citizens who, disregardful of their Nation's peace, insist on traveling on armed ships of a power at war. Was there ever a more uncalled-for proposition? To protect them in their foolish conduct we are to sacrifice the ancient tradition of the Nation, the more than century-old friendship of Germany.

Mr. Speaker, if anyone seeks evidences of denial of American rights at sea, let him examine why cotton is contraband; why milk for starving babies and rubber gloves can not go to Germany; why not a pound of American produce can move from any Atlantic or Gulf port to

## PEACE OR WAR?

any neutral port in the world without the permission of an English consular spy; why hundreds of cargoes have been taken into English ports, confiscated or ruined; why not a single piece of mail can leave America for Europe with the assurance that it will reach its destination; why the American ships, "Hocking" and "Genesee" and "Kankakee," are to-day impressed into English service, though they had not even attempted to cross the ocean, but only to sail along the coast of America. Let us learn why a distinguished American woman was stripped of every piece of her clothing by men in the presence of men—English "gentlemen," doubtless—because she talked to a German on a Dutch ship! Let us look upon these matters and we shall find plenty of stern business to do in the line of protecting the freedom of the seas!

Mr. Speaker, for the past three years American citizens who lived in Mexico and had their all invested in that country under treaty rights and a guaranty of the law and Constitution, have been repeatedly warned by our Government to get out of Mexico, and they were notified that should they remain they would do so at their own peril. It has often been proclaimed that this policy which we applied to American citizens residing in Mexico was adopted by our Government "to keep us out of the war," and with this conclusion fresh in mind, I could not help but feel that the administration would welcome any movement that would mean a continuance of this same peaceful policy if applied to American citizens in countries other than Mexico.

In my resolution warning American citizens against traveling on the armed vessels of the belligerent nations, it was not even so much as intimated that Americans do not have the right to travel on such vessels, for most undoubtedly they have; but **WHAT I CONTENTEND FOR, MR. SPEAKER, IS THAT THEY HAVE NO RIGHT TO PLUNGE THIS COUNTRY INTO A WAR WHOSE CONSEQUENCE NO ONE CAN FORETELL, SIMPLY BECAUSE A FEW AMERICAN CITIZENS MAY COMMIT AN ACT OF FOLLY AND INDISCRETION.**

Mr. HUDDLESTON. The McLemore resolution was widely approved by the common sense of the American people. We are a practical people; we wish peace; we are not willing to go to war over a technicality. The spirit of America is to shed the last drop of blood in defense of its institutions; to die, if need be, for its liberties.

**IT IS NOT THE AMERICAN SPIRIT TO PLUNGE INTO WAR OVER TECH-**

**NICAL DIPLOMATIC DISPUTES, TO FIGHT BLINDLY AND UNQUESTIONABLY AT THE BEHEST OF GOVERNMENTAL AUTHORITY.** This is fitting as the spirit of a great democratic people, a self-governing people.

For the reasons stated, many Representatives at the time the McLemore resolution was introduced were inclined to support it as the best way out of the difficulty. Had the question been presented as a naked abstract question, so that action upon it might have been free from implications, I should myself have voted for the resolution. No American citizen should take passage upon an armed merchant vessel of a belligerent. Even if he has no regard for his own life, he should not take a chance of embroiling his country in a controversy with another nation. He should value the peace and security of America to the extent that he would not do anything to jeopardize it.

With all this clamor the still small voice of true Americanism and clear-visioned wisdom was drowned out.

American citizens should not travel upon belligerent ships even though armed for defense only. Every consideration of patriotism dictates this, even if the travelers have no regard for their own safety. The peace of our country is the most important thing that any citizen can have in mind. He should do nothing which would jeopardize that peace, and I believe that every Representative in this Chamber, if the question were presented to him, would advise citizens to refrain from such travel. I would most unhesitatingly do so.

Mr. FESS. Mr. Speaker, there are moments in the life of a nation when human destiny seems to hang in the balance. With most of the world in a death struggle and our peace threatened upon every hand, our Nation has reached such a moment.

The questions at issue are not only delicate, but the forces arrayed are insistent. From the very beginning we have realized the danger of a neutral country. It is inevitable that neutrality will be both suspected and misunderstood. It is bound to provoke hatred.

The exercise of our rights and the recognition of international customs and practices will be resented by those not favorably advantaged by our neutral position. Knowing the delicacy of the position, we at once took our stand upon the code of international law. We have repeatedly quoted the declaration of Paris, the Hague conference, and the declaration of London as the most recent expressions of international practices. We have also impressed upon all the belligerents the necessity of strict obedience to

the code of international procedure in times of war.

The Constitution wisely intrusted diplomatic relations with foreign countries to the executive department. The questions are naturally too delicate to be placed in the political department of the Government, where unity of decision would be difficult to obtain. When diplomacy is exhausted and stronger methods are necessary, then the Congress has the final word.

Whether or not I agree with the results of our diplomacy, it is not of such character that we should transfer it from the proper constitutional and historical body to the Congress of the United States.

This proposal of Congress to interfere by the enactment of a resolution warning American citizens off defensively armed vessels is not wise. It interferes with the proper channels for such negotiations, and it will in all likelihood be fraught with grave consequences.

We have taken our stand upon international law, and our only protection is to prove our sincerity to all belligerents by obeying its decrees ourselves while we press them upon the warring nations.

Should we warn citizens and withdraw the Government's protection from them if they go aboard these vessels, we not only surrender our rights upon the sea but we classify these vessels as dangerous, because they are naval auxiliaries. In that case Germany will exercise her right to so treat them and will demand that we do likewise.

Whether Americans should go upon such vessels there is no doubt in my mind. Whether this country should withdraw protection from him if he does go on is another question. Whether the Congress should forbid him going on is still a graver question.

The first raises the question whether any citizen has the moral right to do what might involve the Nation in war. It would be difficult to justify anyone in such conduct. The second raises the question whether any nation can maintain its honor and dignity by abandoning its citizens because it fears the consequences of the proffered protection. That would be a virtual surrender of national honor. Waiving both of these questions, the warning is most serious. If the warning is issued, it will be placed upon the grounds of our note of January 18, made public the 12th of last month. In that note we declared that a small-caliber gun can be used effectively against a submarine. We also declared that "any armament on a merchant vessel would seem to have the character of an offensive armament." We also declared that "merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever" in order that

submarines might respect the laws of search and seizure. We also declared it reasonable to consider a merchant vessel carrying any armament whatever as an auxiliary vessel.

Mr. Speaker, in the light of this note there can be no doubt in my mind what a warning resolution would mean to all the world. It would be a reaffirmation that any vessel carrying any gun is an auxiliary naval vessel. Germany so regarded it or she would not have at once announced her renewal of submarine warfare against armed merchant vessels without warning.

Mr. BAILEY. Mr. Speaker, it is difficult for me to bring myself to accept the view of those who hold that to warn American citizens against taking passage on armed belligerent merchantmen is in some way to compromise the dignity of the Nation and to degrade this Government in the estimation of the chancelleries of the world.

My rights as an individual are limited by the equal rights of my neighbor. I think I have a right to travel the high seas, but not if in so doing I endanger the rights of the American people, as would be the case were I to take passage in an armed belligerent merchantman sailing into the zone of danger and falling a victim to an enemy submarine. My act would endanger the safety of the Nation; it would tend to draw the United States into the maelstrom of war; it would invite complications the outcome of which might be almost too serious for thought; and surely there should be no encouragement for me in this Congress or in any other quarter if my mind were set upon so foolhardy, so thoughtless, or so mercenary a course.

From the very beginning of this great tragedy across the seas I have urged in every way I could the importance of keeping the country out of it. At every opportunity I have spoken and written in praise of President Wilson's efforts to steer the United States clear of any entanglement with the warring nations. With the most devout, I have thanked God for Woodrow Wilson. And I still thank God for the patience, the forbearance, the skill he has shown in dealing with the perilous situation which the conflict abroad has presented.

But, Mr. Speaker, I confess myself unable to see how we at this end of the Avenue can excuse ourselves if we do not take some thought regarding this situation. It is one that concerns us very closely. Unfortunately we are ignorant of most of the facts. We are children groping in the dark. We are uncertain as to what lies ahead. We can not know what precipice may be at our very feet. If we were in possession of all the facts, as we are in possession of the law, it were a simple matter then to reach a fair judgment to shape our course confidently, to grasp the duty which the law and the facts impose. But

## PEACE OR WAR?

we are not thoroughly informed. All the evidence is not before us. And in reaching a conclusion in the matter now presented we must therefore trust to intuition rather than to knowledge.

My intuition is against lending encouragement even by indirection to thoughtless, foolhardy, or corrupt Americans who may be disposed to risk the dangers of travel in armed merchant vessels sailing under belligerent flags. It seems to me that in some way the temper of this body on the subject should be made known. I am the last man to do anything to hamper the President in safeguarding the interests of the country. He is my President. He is the leader of my party. I sat in the Baltimore convention and voted for him 46 times.

I have supported him earnestly in all his great work since taking office, except in so far as it has related to increased armament, which I think unnecessary and dangerous. I feel that in this matter the best support which can be given him is that which will tend to restrain Americans from any act or any course in the least likely to involve us in complications with any power now at war. And, feeling thus, I have consistently used every resource at my command in the effort to inculcate that patriotism which is the highest and the noblest, the patriotism that makes for peace. The patriotism which makes for war is not patriotism at all; it is diabolism.

That Congress has already made its position reasonably clear to the world is my firm conviction. No formal action is required to make that position clearer. The temper of this body is almost obviously opposed to any act or effort, whether on the part of those in high places or in low, that may tend to embroil us in war. This country is for peace. It loves Woodrow Wilson because he has stood for peace. It stands with him to-day, because it still believes that his face is set against the jingoes who for one reason or another would drag us into the awful tragedy through which Europe is wading in its own blood. And the country has not concealed its thought from the Members of this body. My mails have been filled with letters imploring me to use every effort possible in keeping our Nation from plunging into the vortex of war. My own people seem to be almost a unit in favor of restraining Americans from taking passage on armed belligerent merchant vessels. And the mails of other Members have borne to them similar messages. **THE PLAIN PEOPLE BACK HOME ARE NOT SWAYED BY THE WAR TRAFFICKERS AND THE WAR LORDS. THEY ARE NOT OBSESSED WITH A FALSE PATRIOTISM WHICH FINDS ITS EXPRESSION IN TERMS OF FORCE. THEY**

**ARE BELIEVERS IN PEACE AND IN ALL THAT MAKES FOR PEACE,** and they profoundly feel that it will make for peace if we shall discourage Americans from risking their lives unnecessarily under conditions so fraught with evil possibilities in this hour of cruel stress and storm, when all the world is mad with passion and we alone with reason left and a sense of justice remaining.

Mr. ROGERS. On February 22—on Washington's Birthday of all days in the year—a Texas Member of this House introduced a long and rambling resolution, the kernel of which requested the President to warn all American citizens to refrain from traveling upon a merchantman of any belligerent even though armed only for defense, and specifically stating that "in case American citizens do travel on such armed belligerent ships they do so at their own risk."

Naturally feeling that the passage of this resolution would be an invasion of his prerogative to conduct diplomatic negotiations, the President called into conference several of the majority leaders of this House. After their conference the report was spread broadcast through the newspapers that these very distinguished gentlemen, whose words were necessarily entitled to great weight, had told the President and the newspaper men that in their judgment the McLemore resolution would pass two or three to one.

The German newspapers, and through them the German public, were promptly advised that the President and his leaders in Congress were hopelessly out of accord. Speaking of the determination of Germany to destroy all British merchantmen, the *Vossische Zeitung*, for example, says:

It is not without risk; but the risk, perhaps, is smaller since the American Congress shows signs of demanding that the decision in international affairs be taken from the President's hands and placed in those of Congress.

Under these circumstances it can not, I think, be regarded as surprising that the President has insisted upon a square declaration by Congress whether it believes in the McLemore resolution. The President still, of course, feels that the matter is Executive and not legislative, but certain majority leaders of Congress having seen fit to express themselves to the President and to the press that Congress would overwhelmingly pass the McLemore resolution if given the opportunity, the President finds it necessary to have Congress itself repudiate the utterances of its leaders if his hand is to be effective in dealing with Germany.

What of the duties of the individual? Of

course, he should avoid traveling on an armed merchantman of a belligerent, except in cases of extreme necessity. Manifestly, too, it is proper for the State Department to do as it has been doing—namely, to issue passports only in cases of the gravest consequence. There is nothing more damnable than the spirit of the man who sails for fun, and in the spirit of adventure or for the resulting thrill. But that has no bearing upon the duties of the Congress. We must as a Nation maintain our rights, even though as individuals we should be sparing in their exercise.

Mr. KONOP. Mr. Speaker, we have warned American citizens to desert their property and their homes and get out of Mexico. I believe that we have even appropriated money and provided ships to get them out of that country. We did it for the simple reason that we did not want to be involved in a war with Mexico. If it was not dishonorable to warn the American citizens to desert their property and homes in Mexico, it is not dishonorable now to ask American citizens to keep off armed belligerent ships.

We have had international difficulties with the belligerents. We have maintained that the sinking of indefensible merchant ships by a submarine without signal for surrender and without adequate protection for the lives of passengers and crew was contrary to international law. This position of our country has been conceded by all the belligerents. This question has been settled.

But what is the question now? What are the allies doing now, and what are they doing it for? They have armed and are arming their merchantmen with guns big enough to have sunk any and all warships used during the Civil War. They are arming them with 6-inch guns to do what? To sink submarines of the enemy. Just because some law of by-gone pirate and barbaric days permitted merchantmen to arm for defensive purposes only, the allies are arming merchantmen to sink submarines. Our own Secretary of State, Mr. Lansing, in his note of January 18, stated that the right to arm merchantmen was a "doubtful legal right." What do the central powers propose under these conditions? They serve notice and propose to sink armed merchantmen on sight without warning. Mr. Speaker, the question whether or not the allies have a right to arm their merchantmen, and the central powers a right to sink them when armed, is a question which I am willing to leave to the President to handle diplomatically; but whether or not while this question is being considered diplomatically our American citizens should needlessly bring about a war by traveling on armed merchantmen is a question for us to settle. Will any man claim that it is dishonorable to warn American citizens to keep off

these armed ships while these questions are being settled? Shall reckless and indifferent men who take passage on armed belligerent ships "just for the thrill of it" plunge this country into war? No! Mr. Speaker, it is the exercise of the highest patriotism for our countrymen to forego and postpone the exercise of a "doubtful legal right" and for us, their Representatives, to warn them of the danger to our country.

Mr. BRITT. Mr. Speaker, there is a law of the nations of the earth. We are one of the great nations. This law is therefore the law of the United States. We helped to make it; we owe it obedience; and we are entitled to its protection. Under that law the citizens of the United States have a right to travel on the armed merchant ships of nations at war with other nations, and we have a right to immunity from all hurt from either belligerents or neutrals. It is nothing to say that it would be foolish for neutrals to take passage on such ships. That goes without saying.

If my neighbors are carrying on a pistol duel across my yard I should be a fool if I needlessly went on the firing line, but if I should permit my neighbors to deny me the right to go into my yard, then I am worse than a fool, I am a miserable coward. The question is not whether there are still fools in the world. That question is closed. Like the poor, they are always with us. It is a matter of fundamental right. It is a question of whether we shall claim our rights under the law, or whether we shall yield them. As for warning against taking such passage, all sensible men are already self-warned. Due regard for life should be its own monitor. But there is a difference, a vast difference, between discretion and right.

We are not called upon to say whether we shall give warning to save a few who are scarcely worth saving, but whether we shall save for ourselves, for this Nation, for future generations, those great fundamental rights by which we live and move and have our national being.

Mr. DECKER. Mr. Speaker, I believe it is my duty to vote for a law that will prevent a few people from riding upon armed merchant ships of belligerent nations, or to vote for a resolution that will warn them that if they travel upon these ships they travel at their own risk.

I believe when we consider that the nations of Europe are in a death struggle for existence and dangers lurk in every quarter of that war-stricken sphere, that this is not an unreasonable or humiliating precaution. American citizens had legal rights in Mexico that were valuable, definite, and certain, based on treaty obligations: In that anarchy-ridden country there was no government

## PEACE OR WAR?

to call to account for the violation of these rights, but nevertheless we could have sent our Army to maintain those rights. We did not send our Army to maintain those rights; but for the sake of the lives and welfare of the great mass of American citizens we warned the few American citizens in Mexico to come home. An American citizen has the legal right to receive a passport to travel in a belligerent country for business, pleasure, or any honorable purpose; yet the State Department has rightly refused to issue passports to persons who wish to travel in belligerent countries for pleasure or sightseeing. If it is wise for the State Department to use its discretion and restrict American rights, who will say that it is humiliating or unwise for the lawmaking body of this Government to use its discretion and restrict the American's right to travel on armed ships of a belligerent nation for the purpose of saving this country from war?

**THERE ARE MANY PEOPLE WHO DO NOT APPRECIATE WHAT A CALAMITY A WAR BETWEEN THE UNITED STATES AND GERMANY WOULD BE, REGARDLESS OF WHO WON. THERE IS AN OPINION THAT WE WOULD ONLY BE EXPECTED TO SEND OUR FLEET. THIS IS FOLLY. NOT ONLY WOULD WE HAVE TO SHARE THE STUPENDOUS COST OF THIS WORLD WAR, BUT WE WOULD CONTRIBUTE OUR QUOTA OF LIVES AND BLOOD.** When America goes to war her men and boys will not be content to let the men and boys of other nations do their fighting.

I have no desire to embarrass the administration. My loyalty and devotion to the President has been measured by my capacity. I have helped in his every effort to carry out the mandate of the people who elected him as well as Congress. The issue is not "Shall we stand by the President?" The issue in Germany was, "Shall we stand by the Kaiser?" The issue in England was "Shall we stand by the King?" The issue in Russia was "Shall we stand by the Czar?" The people there did not know why they were called upon to die. This is a representative Government. If war is declared, we will stand by the President, but now the issue is "Shall the Representatives of a hundred million people, in order to prevent war, regulate the conduct of a few Americans who wish to travel on armed merchant ships?"

**IN THIS SOLEMN HOUR I AM NOT THINKING OF POLITICAL PARTIES OR FACTIONS. I AM THINKING OF MY COUNTRY. I AM THINKING OF THOSE WHO RIDE ON THE SHIPS AT SEA, BUT I AM ALSO THINKING OF THOSE BRAVE MEN AND BOYS WHO, IF**

**WAR COMES, WILL HAVE TO DIE.** I am not thinking so much about the price of zinc ore as I am thinking about the men who dig the ore. I am thinking not so much about the price of wheat and corn as I am about the men and boys who till the soil. I am not thinking so much about the success of business men as I am about the sons of business men who will follow the flag when the call comes. And it is in behalf of these that I BELIEVE THAT CONGRESS SHOULD ACT AND USE ITS LEGISLATIVE AUTHORITY TO PREVENT WAR BEFORE DIPLOMACY HAS BROUGHT US, AS IT DID THE NATIONS OF EUROPE, SO CLOSE TO THE BRINK OF WAR THAT IT IS IMPOSSIBLE TO DRAW BACK.

It grieves me to differ from my friends. The situation may not be as grave as I think it is. I hope it is not. But entertaining the convictions which I do, my course is clear and I must follow it regardless of the effect on my political fortunes.

Mr. BARNHART. Mr. Speaker, it would not be candid for me to say that I believe it impossible to in some way warn our people to keep off of armed belligerent ships and at the same time preserve all our rights under international law. Instead, I believe it could be done and that it ought to be done by influential authority, and that such action would solidify our people more completely behind our President than to ask them, by implication at least, to jeopardize our lives, our property, and our well-being by permitting, without protest, that the daring or the designing may invite trouble for us by unnecessarily risking their lives and our national safety by taking passage on armed ships which they know are liable to be blown up. It is a clear case of the safety of 100,000,000 people on one side against the probably reckless and unnecessary risk of a very few on the other.

From information in hand I believe that a large majority of the people of the district I represent believe that wise precaution would be conserved by some warning to our people to keep off of belligerent ships. But the President, who more fully than any other man in this country knows our real international situation, insists that such action now would seriously complicate his plans to continue our neutrality and our peace, and therefore the rule to bring the matter into parliamentary form so as to lay it on the table until a safer time for its consideration neither commits us to reversal of our opinions as to the wisdom and efficacy of keep-out-of-unnecessary-danger action nor places us out of harmony with the President's position that it is his right and his

## CONGRESS' APPROVAL MUST BE SOUGHT

constitutional duty to have unhampered and unquestioned charge of negotiations and settlements of international disputes without interference of Congress unless its action is necessary.

Finally, our action here to-day will also be openly indicative, as set forth in the report of the committee and its approval, that the Congress, the people's direct representation for public welfare, shall be informed and its approval invoked and guaranteed before any radical action against a foreign nation is taken. And not only is such injunction binding while Congress is in session, but it implies that, if emergency arises, the President call Congress in special session for consultation and advice before relations with any other nation are formally broken off.

Mr. IGOE. We warned our citizens to get out of Mexico, not once but many times. They had to abandon their property and suffered many indignities. Some did not heed the warning and lost their lives. I believe the country sustains the administration in its action in warning citizens in Mexico and does not consider it either dishonorable or a base surrender of our rights.

Further, in his note to the American ambassador to Germany, November 7, 1914, Mr. Lansing discussed the efforts of this Government to see that only defensively armed merchant vessels were cleared from our ports. In concluding his letter, Mr. Lansing wrote this remarkable sentence:

Please bring the foregoing to the attention of the German Government, and in doing so express the hope that they will also prevent their merchant vessels from entering the ports of the United States carrying armaments even for defensive purposes, though they may possess the right to do so by the rules of international law.

Here we asked a great belligerent power to "prevent" its citizens from exercising a right upon the high seas if they wished to use our ports. If it was not dishonorable for the German Government to do this, why is it dishonorable for us to merely request (not prevent) our own citizens not to take passage on armed merchant vessels?

Just a few days ago the Government of Sweden, in the interest of the peace of that nation, warned its citizens not to take passage on armed merchant vessels. Sweden is trying desperately to preserve her neutrality. Has she done a dishonorable thing in warning her citizens?

Our own State Department has adopted rules and regulations relating to passports. As a general proposition American citizens have the right to go where they please throughout the world, and it is our duty to protect them

wherever they go. But while the present conflict is going on we have restricted this right of our citizens somewhat by refusing passports to those who would visit belligerent countries for pleasure. The rule adopted by our State Department is:

The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for pleasure, recreation, touring, or sightseeing.

It must be admitted that this rule is reasonable. Has anyone charged us with doing a dishonorable thing in thus restricting the rights of our citizens?

I can not do otherwise than place myself on record as favoring a warning resolution. I do so because I feel that while our citizens may have a technical right to take passage on armed belligerent merchant vessels, they should refrain from exercising that right in the interest of the peace of the country and the happiness of their countrymen.

Mr. BEAKES. Mr. Speaker, on this momentous day, when we as Representatives of the American people are called upon to take a stand in reference to a question which requires delicate diplomatic handling, I wish to raise my voice as an American, and to raise it for peace.

I do not regard the American who would, out of a spirit of bravado or needlessly, expose his country to the danger of war by traveling on merchant ships of the warring nations as an American patriot. But certainly if threats of a torpedo would not deter him a warning by this body would have no effect. If he is unpatriotic enough to risk the welfare of his country he would care little for the mere warning of an American Congress. And certainly the State Department, without issuing any statement that it is not prepared to defend American rights, is doing more than a mere warning can to keep American citizens out of danger by making it extremely difficult to secure the passport necessary to board the ships unless clear proof of the necessity of travel is shown. But what can be thought of any representative of the American people who would vote for a resolution that would say to any nation on earth that they could with impunity take the life of an American citizen traveling in a manner hitherto recognized in international law as lawful?

Mr. THOMPSON. Mr. Speaker, I am sure no Member of this House would permit a member of his family to take passage on an armed merchantman without a word of warning. If such a word would be proper to members of our families, why would it not be the right thing to do when the destiny of 100,000,000 people is involved? If it be proper to warn our citizens against going into Mexi-

## PEACE OR WAR?

co; to warn those already there to flee; to refuse passports to travelers in belligerent countries, why is it not proper to request American citizens to refrain from traveling on armed ships on the high seas, and who, by their foolhardiness, may at any moment engulf us in an awful sea of blood and carnage?

Requesting our citizens to refrain from taking passage on armed merchantmen of belligerent nations by the Congress would be the exercise of an undisputed right. It is also in consonance with sound public policy. There is on the statute books of the United States at this time a law prohibiting the carrying of passengers on trains which convey explosives. If this is a wise provision of the law, why is it not also a good statute when applied to the sea? We now prohibit, by statute, the carrying of concealed weapons and, in many States, all character of weapons. We prohibit marriages between the whites and the blacks. In a number of States the sale of liquors is prohibited, and in practically all of the States it is impossible to purchase poisons or narcotic drugs. In times of great excitement and riot people are prohibited from congregating on the streets and all saloons and places of public amusement are closed. When riot stalks abroad in the land and the passions of men run high, people are warned to remain at home and not add fuel to the maddening flames. Why is all this done? It is the result of ages of experience and organized society has decreed, under circumstances of this kind, the individual citizen should for the moment curtail his pleasure in the interest of the whole people and for the public good.

Mr. Speaker, the people of the United States are not yet quite ready to issue an insurance policy on every cargo of ammunition that sails from our ports aboard armed merchantmen, forsooth, because some hired madman, a citizen of this country, may be a passenger. When we flash the news to the world that the United States proposes to take a hand in this war if an armed ship carrying one of its citizens is sunk, there is little doubt that such a ship will be sunk and an opportunity afforded us to engage in the contest. The belligerents on both sides would like an ally that could furnish the ammunition and food and pay the bills. This is a splendid time for patriotism—a patriotism that places the interests of our country above the interests of any or all of the countries of the Old World.

The fact that the premium on an insurance policy for the safety of armed merchantmen of any of the foreign countries now at war would be paid in the blood of our young men should sober us and not permit action to be taken here to-

day that is likely to involve us in the inferno of slaughter now being enacted on the snow-crowned battle fields of distressed Europe.

Mr. HAMILL. Mr. Speaker, why should we permit a few foolhardy Americans who are either reckless of their own safety or perhaps procured and paid to protect a cargo of munitions of war bring down upon America all the multiplied misery and havoc which attaches to modern warfare? Is not the protection of the very flower of our manhood and the welfare of our women and children and our aged of more consequence than the guaranteeing of protection to a fool in his folly? A day or two ago I saw a press notice that a certain American loved to travel through the war zone because he enjoyed the thrill of being chased by a submarine. He is, no doubt, a fair type of the class of citizen the prospect of the abridgement of whose rights occasions us such poignant grief.

How morbidly sensitive we are to-day over the invasion of our technical rights as compared with the exemplary resignation and placidity we exhibited when our dearest and most substantial rights were being ruthlessly trampled under foot in Mexico. I am not expressing any opinion on our Mexican diplomacy, and only for the sake of illustration do I refer at all to that harrowing page of human history.

Sweden as a neutral nation has adopted the policy of warning her citizens to refrain from traveling on belligerent ships, and there is the soundest reason why we should follow her wise example.

Those who advocate tabling this resolution offer no sound or even plausible reason to induce a vote in their favor. Uphold the President, they reiterate, and do not repudiate him; stand for the honor of the country. This is an intensely appealing demand and if grounded on righteousness should meet with an unhesitating favorable response. But let us look the situation in the face and take note of the facts.

The honor of the country is not involved in any manner. It is still intact and stainless. True it is that the Government strongly insists upon the right of notice to armed ships carrying American passengers; true it is that the expression of our desire for warning and the defeat of this motion may weaken or even cause the withdrawal of that contention. But this would not compromise the honor of the Nation. Why? Because the contention is still under discussion and has not been presented as an ultimatum. Diplomatic negotiations are still in progress and the final word has not been spoken. The situation is, indeed, delicate, but it is, nevertheless, in a state of flux capable of being changed, altered, or adjusted without loss of



## SHOULD NOT PLUNGE INTO CONFLICT

prestige to either of the participants. Let us hope it will be settled as the voice of justice and the welfare of America plainly directs.

What force lies in the demand that we stand by the President and not repudiate him? The President has not demanded our support, but has invited an expression of our honest opinion after full and free discussion. He has requested information and it can be no repudiation to tell him truly what we believe the country wants and is thinking about. He is not compelled to come here for support, for under the Constitution he alone has the right and power to conduct diplomatic negotiations. I admit he would be pleased if the view expressed by the House coincided with his own, and it may be he almost unalterably believes he is right. **But are we to agree with him whether we think him right or wrong?** I would hesitate to affirm that the President desires a vote recorded on that principle. Let us be not his flatterers but his friends. Let us in this delicate crisis tell him what we candidly believe particularly when he has waived his constitutional privilege to come here and ask for our belief.

**I DEEPLY DEPLORE THE NECESSITY WHICH COMPELS ME TO DIFFER WITH THE PRESIDENT. I ENTERTAIN A TRULY AND LOFTY ADMIRATION FOR HIS SINCERITY OF PURPOSE, AND ONLY AN OVERPOWERING CONVICTION THAT HE IS IN ERROR CAUSES ME TO WITHHOLD THE SUPPORT I GLADLY WOULD RENDER.** He is, besides, the leader of the Democratic Party, and except for gravest reason is entitled to my support. **BUT I CAN NOT COMPLACENTLY FOLLOW ANYONE IN A COURSE WHICH MAY INEVITABLY HURRY THE COUNTRY INTO THE HORRORS OF WAR.** I will not become a partner in a proceeding to plunge 100,000,000 of human beings into the European inferno of slaughter and then seek to justify my treachery to America on the flimsy pretense of personal esteem and party loyalty.

Mr. LEHLBACH. Mr. Speaker, it has been said that the passage or defeat of any resolution suggesting the inexpediency of Americans sailing upon armed belligerent merchantmen would mean either that Congress did or did not support the President in his insistence upon the rights of American citizens; and, further, that its passage would embarrass the President and injuriously affect the progress of the negotiations he is now conducting. That is not so. A resolution so drawn does not expressly or impliedly surrender a single right we have under the established principles of international law, nor does it serve notice upon the President or any foreign

Government that Congress does not expect him to insist upon every American right. Congress does demand and the people do demand that the President preserve the dignity and the honor of the country by insisting that our rights everywhere be respected, whether on land or sea. In Mexico or in Europe, the people insist not only that their lives be safe but that their mail shall be inviolate and that their commerce with other neutrals be free. No American wants any American right surrendered. Every American wants American rights maintained, from whatever quarter they are invaded.

But such a resolution gives some sound advice to those people who are so unspeakably wicked or so abysmally foolish as wantonly to jeopardize the peace and welfare of their hundred million of fellow citizens by the exercise of a technical right. Abstention from the exercise of a right is not at all inconsistent with the assertion of the existence of the right.

Mr. MILLER of Pennsylvania. Mr. Speaker, I favor the adoption of a resolution by the House warning all citizens of the United States, except in cases of absolute necessity, to refrain from traveling on any and all ships which shall mount guns, whether such ships are part of the naval forces of a belligerent power or merchant ships and whether such gun or guns or other armament be called offensive or defensive, and in case American citizens, after warning, do travel on such armed belligerent ships that they do so at their own risk.

I do not deny the right, under international law, of any of the powers at war to arm a merchant vessel for defense. Neither do I deny the right under international law of an American citizen to take passage on a merchant ship of a belligerent power armed only for defense. But, sirs, the armament carried by these merchant ships, it is admitted, is suitable and adapted for either offense or defense, and the passenger has no control over the armament; therefore, under existing conditions, I affirm that an American citizen should not willfully, premeditatedly, and recklessly disregard warning and take passage on an armed merchant ship.

Go ask the fathers and mothers and wives out on the farm, the fathers and men in the shops, or in the busy marts of trade. Do not ask the man that has no intention of going to the front. Do not ask the munition manufacturer. Do not ask the man that is now bravely talking war, but when war comes will seek the comfort, the joys, and the seclusion of his home, far removed from the blare of war trumpets and the sound of cannon. Do not ask the millionaire who already holds the bonds of one or other of the belligerent nations. Go ask the plain, honest common peo-

## PEACE OR WAR?

ple if they would not advise Congress to warn American citizens to keep off an armed merchant ship, and go by the slower, but safer way under a neutral, or the American flag, that floats over an unarmed ship.

Mr. COLEMAN. Mr. Speaker, if we can forego rights in Mexico for the sake of peace, surely we can waive the right to travel on armed merchantmen of the powers now engaged in war, for the same noble cause. I have heard much in this debate of maintaining every right of an American citizen and of upholding the honor and the dignity of our Government. No one wishes to lessen the dignity of his country or in any sense to besmirch its honor. Nor do I believe that waiving the right to travel on armed merchant ships, with a view to preventing the slaughter of the young men of our land, can in any true sense be considered as reflecting upon the honor or the dignity of our Nation.

Certainly it is physically possible for our citizens to refrain from travel on armed ships, and just why the President should so firmly insist on our citizens traveling on whatsoever vessels they please, in view of his warning them out of Mexico, is difficult to understand. But just why the honor of our country is so much involved in the action of this House on a warning resolution, in the judgment of the supporters of the President, is not easy to explain in view of the President's action in ordering our armed forces out of Mexico without obtaining that salute for which they were sent to that country.

Mr. BROWNE of Wisconsin. Mr. Speaker, Senator STONE, who is the spokesman for the President upon this subject, in his speech before the Senate, March 2, said:

The President is firmly opposed to the idea embodied in this resolution. He is opposed to any form of official warning to American citizens to keep off so-called armed merchantmen.

This being President Wilson's position, it follows that if Congress sustains the President by laying this resolution on the table and an armed merchant vessel is sunk and an American life lost, that it will be followed by a declaration of war by the United States.

Our citizens in Mexico were warned by this Government to leave Mexico, and left their property which meant to many a loss of their savings for a lifetime and made them paupers, and for what reason? Because if our citizens remained in Mexico and were killed it would result in international complications and maybe war.

There was no question whatever but what our citizens had a right to remain in Mexico. No one would contend for a moment that under any interpretation of international law a peaceful

citizen in the pursuit of his business could be molested in another country.

The exercise of many individual rights have to be withheld when their exercise is incompatible with the safety and peace of a whole nation.

Blackstone has said in his Commentaries "that any man that exercises all his legal rights was a scoundrel."

In times of quarantine the Nation, under its great police power, quarantines a whole community, and if necessary a whole State, withholding for the time from the people their most sacred right, the right to move from place to place. The right of the few have to yield to the rights of the many.

In this case the rights of the few should yield to the safety of the many.

No country can complain of the United States warning its own citizens on a matter that concerns their own safety, and any citizen that objects to this Government warning him can not object to taking his own risk when he refuses the friendly advice of his country. Peace is now within our borders and should remain. **CONGRESS CAN NOT AFFORD TO ENDANGER THAT PEACE ON THE PRETEXT OF GIVING THE PRESIDENT A VOTE OF CONFIDENCE.**

Any American citizen who desires to go to the European countries can travel on vessels of neutral countries, or if he desires he can travel on merchant vessels of the belligerent countries. He can do this without inconvenience to himself and with perfect safety, and be protected by the United States.

What more can any sane citizen of the United States want?

There are a sufficient number of these vessels that do not carry guns to enable any citizen to travel to any part of the world without any inconvenience. What good reason, then, can any citizen of the United States give for wanting to become a passenger on a vessel of one of the belligerent nations that is carrying guns?

If there be such a citizen who wants to endanger his own safety, threaten the relationship of the United States with the belligerent powers, I say that such a citizen is foolhardy, and that the indiscreet act and willful disregard of such a citizen for his country's safety should not be allowed to involve this country in war.

I do not believe in protecting the lives of these hazardous, foolhardy citizens of the United States who desire to travel on armed vessels, if by so doing it will jeopardize the peace and safety of the United States with its 100,000,000 citizens and involve this country in war, which may result in the loss of life of many thousands and maybe millions of people.

## MORE WILLING TO FIGHT ENGLAND

The question of giving notice to merchant vessels that are not armed and do not carry guns has been the subject of much discussion by our State Department and other countries. I indorse the stand taken by the United States in that particular, and Germany and all nations have conceded that our demands were right, and that matter has been entirely settled.

I believe that the American people would fight quicker on account of the outrages perpetrated in seizing our merchant vessels bound for neutral ports, carrying noncontraband goods, and rifling United States mail than they would to go to war because a citizen of the United States insisted upon traveling on an armed merchant vessel of one of the countries at war and lost his life by reason of his recklessness.

Mr. FULLER. Mr. Speaker, I am in favor of Congress passing a resolution warning all Americans not to take passage on armed ships of any nation now at war. I could not vote for the McLemore resolution unamended, and I do not think there are a dozen Members of this House who would do so. I do not see why the Committee on Foreign Affairs could not have brought in a simple warning resolution, on which Members could vote intelligently for or against. Laying this resolution on the table means nothing. It is not an expression of the views of the Members in any respect. It is a farce. On the same day the McLemore resolution was submitted, February 22, I also submitted a resolution, which was also referred to the Committee on Foreign Affairs, as follows:

### House concurrent resolution 17.

Whereas it is manifestly unsafe, owing to the unusual conditions prevailing throughout the world, for American citizens to take passage on belligerent ships that are armed or that carry war munitions; and

Whereas the taking of such chances at this time may involve this country in serious trouble in its efforts to protect American lives and interests; and

Whereas it is the earnest desire of all our people that this country shall remain absolutely neutral as between the warring nations of Europe: Therefore be it

*Resolved by the House of Representatives (the Senate concurring),* That the President of the United States be authorized and requested to issue a proclamation warning all American citizens of the great danger of taking passage on any belligerent ship that is armed or that carries munitions of war, and requesting them, for their own safety and in the interest of this country's neutrality, to refrain from so doing.

A vote on that resolution would mean something, but it seems Members are to be denied the privilege of recording their votes on the direct proposition of warning Americans off from

armed ships of belligerents. The people will not be deceived by any such hocus-pocus, and if anyone can get any satisfaction from the action of the House in this matter they are easily pleased. The people of this country do not want war; they desire to remain at peace with all the world. They are in favor of this country maintaining a strict neutrality, favoring neither one side nor the other, and of letting the belligerent nations of Europe settle their differences themselves, without our aid or hindrance. It is little enough to ask of all loyal Americans that they do not travel on armed ships of belligerents and thereby involve the country in international complications, possibly leading to war. Patriotic citizens will not thus run the risk of plunging this country into the maelstrom of European war.

There is no controversy over the fact that if a belligerent ship is sunk by a submarine, and no lives of Americans are lost or imperiled, it is not our fight and we are not as a Nation under any duty or obligation in the matter. Then let us not put a chip on our shoulder and dare some one to knock it off.

Mr. GALLIVAN. Mr. Speaker, the really traitorous American who in this crisis which confronts America demands his rights upon the seas deserves no sympathy and no protection. While I believe that the President should give his advice to his fellow countrymen to beware of travel on the armed ships of the warring nations, I can not support this resolution for this reason: In my opinion, it is an unwholesome mass of conglomerated hodge-podge, which, instead of being laid on the table, should be torn into tatters and scattered to the winds of March, never to be brought back into these Halls to worry the minds and trouble the hearts of you Representatives of the American people. [Applause and laughter.]

In my humble judgment, after a painstaking and careful analysis of this McLemore resolution, I have come to the conclusion that by its adoption there would follow in its wake confusion worse confounded. [Applause.] I want to see the President of the United States take some action which would prevent foolhardy or fortune-seeking Americans endangering the peace, the happiness, the homes, and the lives of 100,000,000 of their fellow countrymen. I believe that to embroil this Nation now, after so many anxious months, in a war in which there is no compelling interest—either of honor or of safety for our being embroiled—will seem to sensible citizens a wicked thing to do. But the whole situation is in the hands of the President, and Congress as yet has no business to interfere with one of

## PEACE OR WAR?

the gravest crises in the history of this Republic. [Applause.]

Oh, how true the words of a Boston friend who wrote a few days ago that both country and Congress have learned enough about the results of modern war to realize that it is almost national suicide, that it means untold suffering and brings a nation to the verge of bankruptcy, that its only possible excuse is to preserve national integrity!

When the State Department hinted to the allies that the United States was contemplating adopting the policy of regarding armed merchant ships as auxiliary cruisers, the step which has brought us so near to war was taken. The allies refused to be influenced by the semithreat and Germany took it up. Together with this, the stress which the President repeatedly laid in his *Lusitania* notes upon the fact that that vessel was unarmed did much to bring about the difficult diplomatic position of this country.

Most leaders now question the theory that a nation must go to war merely to save the faces of its clumsy diplomats. In the history of the world anxiety for diplomatic reputations has too often been the cause of war. **THE NOTION THAT A FOREIGN MINISTER, AN AMBASSADOR, OR EVEN AN EXECUTIVE CAN MANEUVER HIS COUNTRY INTO A POSITION FROM WHICH WAR IS THE ONLY HONORABLE ESCAPE IS NOT A DEMOCRATIC IDEAL.** Some of our representatives are sufficiently free from Old World tradition to appreciate this.

Mr. PARK. Mr. Speaker, I detest that spirit in any citizen of the United States that prompts him, for purposes of financial profit or for pleasure, to enter the war zone of the warring nations on an armed merchantman belonging to a belligerent nation, knowing, as he does, and having full warning through the press and the discussions in Congress, that an armed merchantman belonging to one of the countries at war may be struck by a submarine torpedo and thereby create cause upon which this country might sever diplomatic relations with one of the warring nations.

I would never be willing to vote for war, which would hurl the sons of the South to death and destruction because some fool or idiot or nonpatriotic rascal who has no good reason to risk a test being made at this time as to whether or not his death on a belligerent armed vessel at the hands of a submarine would be sufficient provocation for war.

In the event Germany, by her submarine policies, should sink such a vessel, I would be governed largely by the situation presented in each individual case. No one denies that circumstances might arise in which any American would vote for war rather than have

his country disgraced or dishonored in the sight of the world. And, so far as the Congress is concerned, I do not believe in the bottom of the hearts of the Members that they would be willing to declare war on Germany solely for sinking an armed merchantman of Italy or England on which is carried some American fool or idiot, traveling for pleasure or for profit. The very fact that such a citizen so disregards the safety of his country, is so reckless of plunging his country into war as to cause such a situation for pleasure or profit to himself, would make me feel that such a citizen was unworthy of the protection of this Government. And while I would be willing to demand a proper indemnity to be paid to his family—if he was worth anything to them—from the country whose submarine occasioned his death, I would not be willing to risk the lives of those who have to fight the wars of this country to avenge the death of such a contemptible fool.

Mr. REILLY. Mr. Speaker, for some time I have had the conviction that Congress should give expression to the sentiment that American citizens should refrain from traveling on armed merchant ships of the warring powers, and my views as to the duty of Congress in this regard are well known, and have been repeatedly expressed to my constituents in communications addressed to them in response to letters of inquiry as to my position on that question.

I believe that, pending the settlement of the law and the facts of the present submarine controversy, for American citizens to travel on armed belligerent merchant vessels is highly unpatriotic, and that those of our citizens who insist upon traveling on such ships have no regard for their own lives or for the peace and happiness of their country, and are richly deserving of severe censure and condemnation.

I regret very much the necessity for differing with the President of the United States on the best means of accomplishing a common end—the keeping of our country out of war—but I felt that I would be recreant to my duty, as a Member of this House, if I did not vote my honest convictions on the question.

Mr. CLINE. Mr. Speaker, under a square presentation of the question of warning American citizens to refuse to take passage on an armed merchantman of a belligerent, unmixed with any problem of diplomacy, I would vote to request them to stay off. The doctrine that a neutral has a right to take passage to any port at any time and upon any vessel is not questioned as an abstract proposition under international law. All rights are relative, and no man in a moral sense is justified in the exercise of a pure-

## A CONSPIRACY SUSPECTED

ly abstract individual right when such enforcement endangers the peace and safety of others. I have no concern but that the sane, level-headed man will not only pursue such a course as will insure his own safety and that of his fellow man; I am concerned about the unwise, foolhardy man that does not propose to surrender his right that he seeks to exercise for the good of his fellow citizens. One man has no moral right to involve a hundred millions of men in war when the right he seeks to enjoy is not a substantial one.

Mr. McCULLOCH. Mr. Speaker, in voting against tabling the McLemore resolution I felt that I voiced the sentiments of the sixteenth congressional district. I can not see where any other course could be justified. I concluded, after careful consideration, that it was the part of wisdom and common sense to warn Americans of the dangers of traveling on armed merchant ships of belligerents.

Mr. SLAYDEN. Mr. Speaker, when it was first suggested that Americans who proposed to cross the ocean on an armed merchant ship of any one of the nations of Europe now at war should be warned of the danger of such a voyage and asked not to put themselves in peril or to do a thing that might involve the United States in war I resented the idea. At once I said to myself, "Americans have a right to travel on such ships, and I am not willing to have any American right surrendered." Then I did a little more thinking, got a little more information, and finally decided definitely and firmly that my first opinion was wrong. I was moved to this change of view by what is happening in Europe in the greatest, most expensive and most disastrous war in all history. I ALSO CAME TO SUSPECT THE EXISTENCE OF A CONSPIRACY TO FORCE OUR COUNTRY INTO A WAR WITH GERMANY AND WAS INFLUENCED BY THAT SUSPICION.

The McLemore resolution, reduced to a simple phrase, merely meant that if foolish and reckless Americans insist on their right to travel on armed merchant ships of warring countries they shall do so at their own risk. Is it not a great deal better that they should take the risk than to have a hundred million people thrown into a horrible war in Europe? I think so and that is why I shall vote for the resolution to warn American travelers to keep off the armed ships of England, Germany, France, and Italy.

A great and influential lobby operating about the Halls of Congress and through the press is urging two things. First, they demand that we shall reverse our traditional, nonmilitary policy and shall build up an army and a navy to the size of those of the European kingdoms; and, second,

that we shall employ our enlarged military forces in Europe.

Have our people forgotten the sound advice of George Washington that we should not meddle in the affairs of other countries; that, above all things, we should avoid entangling foreign alliances? It seems so, and unless the American voter interposes his veto it will be done.

Mr. BLACK. Mr. Speaker, I would really like to know, stripped of all its technicalities and legal phraseology, how many people in this country believe that the peace and safety of these United States should be imperiled by a few adventurous Americans and globe-trotters who persist in being allowed to travel on these armed merchantmen. In these troublesome times, when the United States is the only great neutral in the world and civilization is hanging in the balance, how many are there among us who want to flash the saber to defend this abstract right? The White Star Liner *Canopic* sailed from New York March 3, with orders from the British Admiralty to mount guns at Gibraltar, and on board this ship sailed Mr. and Mrs. Charles Bellows, of Brooklyn, N. Y.; and Mr. Bellows, when asked if he did not fear to sail on this ship in view of the captain's announcement of the orders from the British Admiralty, said:

By no means. I have run blockades before this, and so has my wife, and I really enjoy the thrills that come with it. (See speeches of Senator CLAPP and Senator JONES quoting this interview, CONGRESSIONAL RECORD March 4, 1916.)

Now, suppose this White Star Liner *Canopic*, after it mounts its guns at Gibraltar, is sunk by a German submarine and Mr. and Mrs. Bellows go down with the ship. Are we to hold Germany to a strict accountability as indicated by President Wilson in his letter to Senator STONE, February 25, 1916, and plunge this Nation into the awful vortex of the European war because of the loss of these Americans "who enjoy the thrills that come with running a blockade"? I for one, am not willing to do it. I believe that this Nation should warn its citizens of the dangers that attend such travel on these armed merchantmen, and officially request them to take no further passage on such ships until the disputed points are settled and agreed upon by the nations involved.

Mr. RODENBERG. Mr. Speaker, I do not accuse President Wilson of deliberately planning to get us into war with Germany. I do not even go as far in impugning his motives as does his former political friend and adviser, Senator Gore; but I MAKE THE STATEMENT, AND MEASURE MY WORDS IN DOING SO, THAT IF THE PRESIDENT PERSISTS IN THE AUTOCRATIC AND AR-

## PEACE OR WAR?

**BITRARY COURSE THAT HE IS NOW PURSUING THE IRRESISTIBLE AND INEVITABLE RESULT WILL BE THAT THE UNITED STATES WILL BECOME INVOLVED IN WAR WITH GERMANY.**

If we were at war with Japan to-morrow and a Japanese armed merchant vessel was engaged in transporting a cargo of munitions to her shores, to be later used to kill and mangle American soldiers and sailors, does any sane and sensible human being believe for a moment that an American submarine would hesitate to attack such Japanese vessel because, forsooth, there were Chinese citizens aboard? An American administration that would stand sponsor for such an absurd and spineless policy in time of war would be execrated and denounced by every red-blooded citizen and would be instantly swept into deserved oblivion. I maintain that we have no moral right to take advantage of an unprecedented situation and by the adoption of bullying methods attempt to coerce a nation with which we have always maintained the most friendly relations into doing that which we ourselves would refuse to do under similar circumstances.

Sweden has issued a warning to her subjects not to take passage on belligerent merchant ships, and if the President of the United States were still animated by the same lofty considerations of humanity that caused him in the beginning of the great European conflict to set apart Sunday, October 4, 1914, as a day of prayer for peace, he would welcome similar action by the American Congress. In fact, he would have carried out the plain purport of Secretary Lansing's note, and instead of now insisting on the recognition of a "doubtful legal right" which may plunge us into war, he would have issued a warning notice on his own volition, without waiting for congressional action; and in doing so he would have earned the plaudits of the vast majority of his fellow citizens who are unalterably opposed to war. But a change seems to have "come over the spirit of his dreams." Suddenly and without warning he has seen fit to assume a bellicose attitude. He is willing now to run the risk of involving us in war with a friendly power in defense of a principle which, as late as January 18 of this year, he himself regarded as a "doubtful legal right." Is it possible that the continued vitriolic attacks of a certain warlike ex-President are responsible for the change in the attitude of Mr. Wilson, or has he, perhaps, permitted himself to be influenced by a partisan press, under the mistaken impression that they properly reflect public sentiment?

The President and his friends in this House insist that the McLemore resolution be tabled. They do not want the resolution to be stripped of its verbiage so that a fair and square vote

may be had on a simple question of issuing a warning to American citizens not to embark on armed belligerent vessels, as provided in the Campbell substitute. They know that if the parliamentary situation were such that a vote could be had on this plain and simple proposition the prediction recently made by Speaker CHAMP CLARK would be fulfilled and a resolution of warning would pass this House by a majority of more than 2 to 1. They know that the McLemore resolution in its present form will not pass and, taking advantage of the parliamentary situation, they prefer to have the false impression go out that the House is not in favor of the resolution of warning but is content to permit the President to follow his own course and to shape the policy of the Government in one of the most vital matters that has confronted the United States since the Civil War.

I have a most profound respect for the dignity and the prestige of the office of President of the United States. I do not belong to that class of men, however, who affect to believe that when an American citizen is elevated to the Presidency he immediately becomes endowed with superior knowledge and at once secures a monopoly of the wisdom of all the ages. I regard even a President as being properly subject to mortal limitations.

**THE THEORY THAT THE CHIEF EXECUTIVE IS ALONE CAPABLE OF CONDUCTING OUR FOREIGN AFFAIRS IS A RELIC OF DESPOTISM WHICH WE SEEM TO HAVE INHERITED FROM THE EUROPE OF 100 YEARS AGO.** When this Republic was founded the framers of the Constitution liberalized every part of the system of government in vogue in the Old World at that time with the single exception of this: **WE STILL ADHERE TO THE MONARCHIAL TRADITION THAT OUR FOREIGN RELATIONS SHOULD BE DEALT WITH BY THE PRESIDENT ALONE, TO THE EXCLUSION OF THE REPRESENTATIVES OF THE PEOPLE.** Such unlimited power placed in the hands of one individual may easily prove a serious menace to the peace of a nation. **UNDER OUR CONSTITUTION THE POWER TO DECLARE WAR IS RESERVED TO CONGRESS. IT IS QUITE REASONABLE TO ASSUME THAT THIS POWER CARRIES WITH IT THE UNQUESTIONED RIGHT TO DISCUSS FOREIGN AFFAIRS AND TO ASSIST IN SHAPING FOREIGN POLICIES.** If Congress has the sole power to declare war, it is plainly our right to be fully advised of every development in a controversy with a foreign power, and it is our duty, as representatives of the people, to

## NO SECRET DIPLOMACY WANTED

take cognizance of every move that is made and every step that is taken by our Government, so that we may be in a position to protect the interests of the country. The tendency in all civilized countries to-day is in the direction of a larger share of co-operation on the part of the people in the management of foreign relations, and this tendency unquestionably makes for peace, because as a rule the great masses of the people are not in favor of war when it can be honorably avoided.

I have long been opposed to secret diplomacy. I do not believe in enveloping our diplomatic negotiations in a cloak of mystery. I believe that the President owes it to the people to take them into his confidence. The people of this country are called upon to decide all questions of domestic policy. Why should they not have a voice in determining the most vital question of all, namely, the question of life or death, of peace or war?

I believe that the American people are practically a unit in their opposition to war. I believe, also, that fully 90 per cent of the people living west of the Alleghanies, where there are few munition factories and little or no financial connection with London, are in favor of issuing a warning to our citizens against taking passage on armed merchant ships because of the very manifest danger involved to the nation's peace. No American worthy of the name has a moral right to so conduct himself as to endanger the peace of his own country. If he should persist in willfully disregarding the duty that he owes to his fellow man by following a foolhardy course which, under a logical interpretation of the present attitude of the President, will result in war with a nation which has given us every evidence of loyal friendship in the past, then I regard it as high time for Congress to act and to notify such an individual that he can no longer claim the protection of the Government of the United States.

Mr. SMITH of Michigan. Mr. Speaker, if the question was squarely submitted to the House and I was required to vote upon the separate proposition of warning Americans bound for Europe not to take passage or sail on armed passenger or merchant ships belonging to one of the belligerent nations now engaged in that greatest of all wars. I certainly would vote to give such warning. In fact, I think sufficient notice has already been given to all fair-minded and considerate persons that it is the desire of the people of this country that Americans wishing to travel abroad should not sail on armed ships of the warring nations. People must all know by this time that in taking passage on such armed merchantmen they not

only imperil their own lives, but jeopardize the peace and tranquility of our Nation.

Mr. Speaker, we take no chances in warning people against this danger. And it would seem to me that a person considerate of the welfare of himself and his country would abstain from taking passage on such a ship. It is thought by some that even after the notice already given and after knowing the desire of the Government to have them refrain from traveling on armed belligerent ships that those committing such indiscretion should take their own chances, and if they lose their lives it ought not to be a cause of war. But I am not now discussing the question as to whether or not an American should be permitted to travel on a ship which does not carry an armament. I would be slow not to allow them that privilege, as a matter of abstract right. Neither am I saying that a merchantman that carries a gun for defensive purposes only is an armed cruiser. If in effect such notice would deny an American citizen the right to travel on the high sea, in a neutral or unarmed ship, I would not want to consent to that.

Mr. GILLET. Mr. Speaker, in the present juncture I am thoroughly in accord with the President's position that neutrals have the right to travel in safety on the ships of belligerents, though armed for defense. That is a well-established doctrine of international law, sanctioned by the decisions of our Supreme Court. And that is the practical issue before us now. I do not think good judgment has been shown in the method of bringing it before us. The woeful weakness of tactics was illustrated by the fiasco in the Senate, and I regret that the exact issue is not placed before us more explicitly to-day. Whether it is accidental or intentional, whether the administration leaders have bungled or are disingenuous and do not dare to face a clear issue, I can not say.

This is not, as is generally believed, a mere resolution of warning and caution. A resolution which meant only that would have little opposition. I certainly think no American ought to sail on an armed merchantman and risk involving his country in serious complications except in case of stringent necessity. But the McLemore resolution does not mean simply that Congress disapproves such sailing. It says explicitly that he sails at his own risk. Our protection is withdrawn from him. A citizen of the United States fleeing for his life from Turkey, for instance, and taking passage wherever he can find a ship, will not be protected in the right which the law of the world and of his country assures to him. To such a resolution I am unalterably opposed.

Mr. AUSTIN. Mr. Speaker, a few days ago there appeared in the public press two remark-

## PEACE OR WAR?

able statements made by Members of this House—the Hon. Robert N. Page, of North Carolina, and Gen. Isaac R. Sherwood, of Ohio—which deserve to be placed in the enduring records of Congress, and for this reason I will include them as a part of my remarks.

The declared purpose of these gentleman is to return to private life, and their reasons are given in the statements mentioned. Mr. Speaker, the excuses assigned for retirement are, in my judgment, all convincing why our colleagues should continue their invaluable services in this House. No constituency should permit, if possible, the withdrawal of men from Congress who possess the ability, the energy, the training, experience, courage, and patriotism of the Members from North Carolina and Ohio. [Applause.] If the proposition was submitted to this House, I am sure there would be a unanimous vote of confidence and a desire to have these honored Members, who enjoy the respect and friendship of every Member, regardless of political affiliation, remain in Congress as long as they desire. North Carolina is honored in having upon the rolls of her able delegation the name of ROBERT N. PAGE; and will, with this House and the Nation, suffer a loss if he should retire. [Applause.] His refusal to surrender his honest convictions and violate his conscience on a great public question is convincing proof of his greatness and entitles him to the admiration, loyalty, and devotion of his constituents and the respect of every American. [Applause.]

All I have justly said about our colleague from North Carolina can be truthfully said of the Member from Ohio who never failed to prove his great courage, not only in war but during his patriotic service in Congress. The survivors of the Union Army and their millions of friends will always love and revere the name of Isaac R. Sherwood [applause], who should, by common consent, be returned to Congress as long as he lives. [Applause.]

Mr. Speaker, the poet had in mind men like our two colleagues when he gave utterance to the following:

God give us men!

Men whom the spoils of office can not buy,

Men whom the lust of power will not kill,

Men who are honest, men who will not lie,

Men who can stand before a demagogue

And damn his treacherous flattery without winking;

Tall men, sun crowned, who live above the fog

In public duty and in private thinking.

Mr. Page's statement:

Many patriotic citizens of North Carolina are writing me and wiring me to support the President in his diplomatic controversies with European coun-

tries. Many just as patriotic, are telling me to support a resolution warning American citizens against taking passage on armed vessels of belligerent countries.

The Constitution vests in the President all diplomatic questions, and I as one Member of Congress am willing that he should exercise this prerogative. I do not think that Congress or any other large body of men can successfully negotiate matters of diplomacy with other countries. When the President demanded that Congress pass upon a resolution warning American citizens against taking passage on armed vessels of belligerent nations I suggested the following resolution:

"Whereas the Constitution vests in the President all matters of diplomacy:

*Resolved*, That the Senate and House of Representatives in Congress assembled hereby express confidence in the President in the exercise of this prerogative for the protection of the lives and liberties of American citizens and the honor and peace of the Republic."

The President is not satisfied with an unreserved expression of confidence on the part of Congress, but demands a vote upon the warning of American citizens to refrain from using armed vessels of belligerent countries, asking that it be voted down. This shifts to the conscience and convictions of Members of Congress a responsibility that the Constitution imposed upon the Executive. Having the responsibility thrust upon me, I claim the right to exercise my own judgment and convictions and not have them dictated by some one else. I do not believe that an American should insist upon the exercise of any abstract right that will jeopardize the peace of his country.

To vote against a resolution of warning places upon me the responsibility for the death of all Americans who, in absence of such warning, may lose their lives by the destruction of an armed vessel of some one of the warring powers, and perhaps thereby plunge this country into war. I can not gain the consent of my conscience, much as I would like to gratify the President and meet what seems to be the demands of my constituents, regardless of my own conscientious convictions, to in every matter vote as the President requests, thereby assuming responsibility for the loss of a single American life, or even indirectly stain my hands with his blood.

In this instance I am sure that I am in possession of facts which a partial press has kept the people I represent in ignorance of.

**JESUS CHRIST NEVER UTTERED A MORE PROFOUND TRUTH THAN WHEN HE DECLARED. "WHERE YOUR TREASURE IS, THERE WILL YOUR HEART BE ALSO." THE LOAN OF \$500,000,000 TO ENGLAND BY AMERICAN CAPITALISTS, TO SAY NOTHING OF THE PROFITS OF MUNITION MANUFACTURERS, HAS DESTROYED THE SEMBLANCE EVEN OF NEUTRALITY IN THE UNITED STATES AND WILL PROBABLY LEAD US INTO WAR.**

I have no pro-German or pro anything sentiment or inclination other than pro-American. I realize very forcibly my obligation and responsibility to my immediate constituency and to the American people. I will not stultify my conscience or stain my hands with the blood of my countrymen, neither will I do violence to my conscientious conviction of duty, thereby forfeiting my self-respect.

And now while so far as I am informed I would



## THE PRESIDENT'S ASTOUNDING CHANGE

have no opposition for renomination in the approaching primary, I desire to announce that I will not be a candidate for the nomination.

I can never express the depth of my gratitude to the Democrats of the seventh district for their support and friendship. I would not be in any degree worthy of it if I did not maintain my self-respect and intellectual integrity by retiring instead of remaining your Representative without either.

### GEN. SHERWOOD'S STATEMENT.

It is evident to my mind that the St. Louis convention will adopt a platform that would carry the country into militarism, with the biggest Army and Navy in the world. I am opposed to militarism, and have been since the Civil War. I have made speeches in every Congress against it.

I think it is due the Democrats in my district to have a candidate in harmony with the platform, some candidate who believes in the military propaganda being exploited and indorsed by the President. Therefore not to embarrass the party, I thought I would decline to be a candidate.

This is the first time in the history of the country when any political party and any President have advocated in time of profound peace the biggest Army and Navy in the world. I think it is a departure from the policy founded by the fathers and a step in the direction of a military autocracy. I am not standing for it.

I voted to-day to table the McLemore resolution against my better judgment, so that I will not be accused of any disloyalty to the President or the party. Since they made this a party question, I voted as a loyal member of the Democratic Party on this resolution, though my convictions are strong the other way.

I would vote, if I had the opportunity, to warn all American citizens off armed merchantmen. The talk of international law is a farce, as applied to the present situation. There is no international law touching submarines. It is a new instrument of warfare. We are building submarines now, and I suppose we will use them, if we have war, as England and Germany are using them.

Any merchantman armed with a gun is in reality an armed cruiser so far as the submarine is concerned. This was recognized and acknowledged in the note of the President of January 16 to the allied Governments.

Mr. GREEN of Iowa. Mr. Speaker, the position taken by the President in the middle of February was far stronger than any ever taken so far by any Member of this House, for it would have made necessary the detention as auxiliary cruisers all armed merchantmen belonging to belligerents. There is no necessity that I should determine whether I would have followed him to that extent, but I am lost in astonishment that he should expect this House to follow him in the astounding change which he has made in his reasoning and in his policy.

It is idle and useless to say that the rights of merchantmen to arm has never been questioned, when it was abandoned by our own State Department, disputed by lawyers, and denied by publicists. The most favorable

claim that could be made for this rule would be that, although doubted and denied, it had existed in the past and ought to be continued in the future. The President, however, has said that the honor and self-respect of the Nation are involved. If so, no man more firmly than I would insist upon their preservation; but when, Mr. Speaker, did our honor become involved in hazy, doubtful, and self-abandoned principles? When did it become a patriotic act to encourage our citizens to recklessly and needlessly expose themselves on foreign territory—the deck of a foreign ship—to the perils of warfare, either legitimate or illegitimate? These are new definitions of honor and patriotism, adopted, I fear, by some who have failed to see that they have been invented to build up the waning political fortunes of their originators. I can understand how Members on the other side, shackled by party ties and driven by the party lash, may vote against their judgment on this matter, but I have yet to comprehend how Members of my own party can be so misled by hollow phrases which neither express the fact nor appeal to the reason.

The President says that if we fail to adopt his conclusion it would be an "abdication of our hitherto proud position as spokesman." Mr. Speaker, **HOW TIRED WE HAVE BECOME OF THE USE OF THIS WORD "PROUD" SINCE WE LEARNED LAST YEAR THAT WE WERE TOO PROUD TO FIGHT FOR ANYTHING, AND NOW FIND THAT WE ARE SO PROUD THAT WE ARE TO CREATE SOME FANCIED ISSUE IN ORDER THAT WE MAY FIGHT.**

The cry has been raised "Support the President in international difficulties." Mr. Speaker, under this administration we have heard this cry before and this House has harkened to it too often. It supported the President by furnishing him with the means to perpetrate the colossal blunder of assaulting Vera Cruz whereby nothing was gained except to promote the interest of Villa, one of the most blood-thirsty villains that ever cursed God's footstool, and to sow the seeds of hatred which this generation will never live to see uprooted. How many Members are there in this House who then gave the President their vote that do not regret it? We have been compelled to follow the President through the alternate retreats and advances of his Mexican policy and its tortuous and devious course until at last it has become so inextricably involved that neither he nor Congress can tell what the future has in store for us except that it is sure to bring further trouble and probably will re-

## PEACE OR WAR?

sult in war. Shall we permit the European situation to fall into the same condition?

What if we grant, as you may, that in fact this right exists? How does it abridge or deny it if we tell those who claim it that it is not well at this time to exercise it? Our citizens went into Mexico when it was a peaceable country. They were there with rights that were unquestioned and unchallenged, but they were warned to leave and abandon their property. Shall we now listen to the same voice that issued this command when he tells us that to warn our citizens off all armed ships would be a dishonorable abandonment of our rights?

The State Department for some time has been advising our citizens not to go abroad, and refusing passports even to persons who desired to go abroad for business purposes. I know of one case where a passport was refused to a party who wished to go to London on urgent business; but only newspaper correspondents are given passports to visit the scenes of the conflict. The resolutions warning our citizens to keep off of armed vessels, and resolutions that were introduced refusing passports to citizens who took passage on such vessels, are merely in line with what was the policy of the administration until very recently. If the authors of these resolutions are to be censured as being disposed to give up some right of this Nation or in some way infringe upon its honor, then not only Secretary Lansing but the President himself was subject six weeks ago to the same censure for the same reasons.

I have always been ready to go further than the administration in maintaining our honor and self-respect. Our citizens have been cruelly murdered in their own homes and in their own land. I would strike hard, fast, and far until a swift and terrible retribution overtook those who were responsible for this, and would first try to make secure and safe American homes which are being devastated by a refinement of cruelty of which only a monster in human form is capable. If the administration will do this it will have my fullest and heartiest support. When we think of the insults, degradation, and cruelty that have been heaped upon us by organized bands, both in Mexico and on our Mexican border, the question now raised shrinks into absolute insignificance.

Mr. DYER. Mr. Speaker, on yesterday the distinguished gentleman from North Carolina, the Hon. ROBERT NEWTON PAGE, a Democrat and a Representative in this House from the seventh district of that State for going on 14 years, said, in a public statement, that—

Jesus Christ never uttered a more profound truth than when He declared, "Where your treasure is there will your heart be also." The loan of \$500,-

000,000 to England by the American capitalists, to say nothing of the profits of munition manufacturers, has destroyed the semblance even of neutrality in the United States and will probably lead us into war.

Another distinguished Democrat, the Hon. THOMAS P. GORE, United States Senator from Oklahoma, said in the Senate a few days ago that he understood the President to have said that it would be a good thing for humanity if the United States could get into this war. By doing so the war would be ended in a few months.

I do not know whether the President ever made such a statement, but I DO TRULY BELIEVE THAT HE IS NOT MAINTAINING A NEUTRAL POLICY AS REGARDS THE PRESENT WAR. I ALSO BELIEVE THAT HE WOULD NOT REGRET THIS COUNTRY BECOMING INVOLVED IN A WAR WITH GERMANY. This is going a good way to say that of the President of the United States, but, all things considered, I have no doubt of it in my own mind, and I shall not have upon my head the blood of my fellow Americans by refusing to do that which, in common justice, honor, and right, I feel deeply my duty to do.

To me the important question here is, Should a neutral Government place itself in a position whereby, through the consequences of an act of an alien over which it has no control and which may result in injury or death of its citizens, it is to be made a cause of war, or permit its citizens to assume such risks under the idea that their safety is provided for by international law through the backing of their Government? COMMON SENSE WOULD SEEM TO INDICATE THAT THE POLICY OF A NEUTRAL, WHERE QUESTIONS OF WAR ARE INVOLVED, SHOULD BE BASED ON THE BROAD GROUNDS OF INTENTIONAL AND DIRECT INVASION OF ITS RIGHTS AND NOT THE INCIDENTAL CONSEQUENCES OF AN INTENTIONAL ACT OF A BELLIGERENT AGAINST AN ENEMY.

Mr. WATSON of Pennsylvania. Mr. Speaker, I shall vote against laying the McLemore resolution on the table, not to embarrass the President, but that every Representative may have the privilege of fully discussing the direct issue.

Mr. BURKE. Mr. Speaker, it is a very regrettable fact that the majority of this body has been so unfair as to refuse to permit a direct vote to be taken upon a simple, domestic, plain, and patriotic proposition of issuing such an official warning. It is easy for me to see from the debate upon this question this afternoon why the majority here refused to grant such a direct vote. A majority of the speakers who have spoken here this afternoon

## NO ALLIANCE WITH ENGLAND

in favor of the motion to lay the resolution upon the table, have voluntarily said that if they were confronted with a vote upon a simple warning resolution that they would vote for the same, but their excuse for not doing so is that they wish to sustain the President.

It is not for us to go to war to compel either side to live up to international law where it is violated so far as it affects us when we can prevent the same by exercising a reasonable precaution. With the issue thus drawn it became apparent to the press, to public men, and to the rank and file of the people who keep posted on such matters that as every other controversy had arisen out of submarines of the central powers sinking the armed merchant vessels of the allies with American citizens on board, that in the natural course of events this would necessarily lead us to war. My constituents have announced in a mighty voice that war for such a technical violation is not justifiable, and I believe with them sincerely and shall so record my vote here to-day. In doing so I wish to assure all within the sound of my voice or who may read my utterances that I do so because I honestly and sincerely believe that in such an official warning we will remove the chances of being drawn into this terrible war that is devastating all Europe to a minimum.

If this Nation is to be plunged into war because of the failure of the Government to issue such an official warning to our Americans to prevent them from traveling on the armed ships of belligerent nations in the ocean war zones and a war arises from it with Germany that will make this Nation the ally of England—God forbid that such a thing should happen—how shameful the rank and file of the American citizens would feel to find this Nation an ally of England, the nation whose only victories in this terrible war have been in starving German babies, in refusing to permit relief by the millions to be transported by charitable Americans to the destitute and starving millions of people in Poland. God forbid that this country should ever become the ally in war of England, whose Government levied revenue taxes upon the charitable contributions in foodstuffs and clothing sent by charitable Americans to the people of Ireland in 1847 and 1848 when 3,000,000 Irish men, women, and children were dying of starvation.

If we must go to war, let it not be as an ally of the nation that robs the mails of neutral nations upon God's free high seas; let it not be as an ally of the nation that has in this war committed so many, almost innumerable, violations against our commerce, and let it not be as an ally of the nation which even compels our business men when buying raw material from neutral countries and shipped in British

ships to bind themselves down to pay a penalty if when the same is manufactured any of the same should be shipped to the enemies of England.

Let us issue a warning to our foolhardy Americans and let us enforce it, and if we must go to war let it be for something more important than the loss of a handful of foolish Americans engaged in enjoying "thrills," pleasure, and curiosity in dangerous war zones.

Mr. RANDALL. Mr. Speaker, I voted to table the McLemore resolution, which purported to warn Americans off armed merchant vessels of belligerent nations. I agree with the sentiment. Foolhardy Americans who involve the peace of their country by riding on these vessels will never find this Congress coming to their rescue or declaring war to sustain their doubtful rights.

Mr. GARDINER. Mr. Speaker, if we pass this resolution we give Germany full permission to perpetrate such horrors as she sees fit against "liners" armed for their own defense, regardless of how many Americans may be slaughtered.

With our right cheek still tingling from the buffet of Germany's hand, we are to promise her complete immunity if she smites the other cheek as well. To calm Germany's wrath we are to warn our own citizens to abandon their own rights lest we be called upon to help them to maintain them.

That is not the way Americans have met the threatenings of the past. Nations which perceive that by threats they can gain inches will not be slow to demand ells. Nations like individuals will trample on all who will not defend their rights. Whether you adopt this resolution or not, I do not believe that this country is on the brink of war; but even if such were the case, worse calamities than war can befall a nation. It is more important that the United States shall make history which shall serve as an inspiration to our fellow countrymen for ages to come than it is that this particular generation should be spared from the crucible of war.

Mr. WM. ELZA WILLIAMS. Mr. Speaker, It seems to me that the duty of every Member of Congress on this important question is clear and unmistakable. For my part I intend to vote to table the McLemore resolution. The King would have us do one thing and the Kaiser would have us do another. Neither France nor Russia nor Italy nor Turkey, in fact, none of the warring powers, are satisfied with our course. If we would be neutral and guide our course by the strict letter of international law, we can not hope to please or satisfy any of the contending nations. I am neither Anglo-American nor German-American, but wholly American. When the President said to this Congress that the McLemore resolu-

## PEACE OR WAR?

tion, and others of like tenor, were being misconstrued abroad, and had resulted in tying the hands of the President and paralyzing our diplomatic relations with the world. I did not hesitate in determining my duty to stand by the President and follow his advice against the advice of any European ruler.

Mr. SMITH of Texas. Mr. Speaker, I am opposed to Americans taking passage on armed merchant ships flying the flag of a belligerent nation, although under international law they undoubtedly have the right to do so. I believe an American should refrain from doing anything that might result in involving this country in serious trouble. But it does not follow from my position upon this question that I favor the passage of the McLemore resolution, for I do not. I do not think any good could be accomplished by its passage; but, on the contrary, much harm might result from it.

In the first place, this resolution, if passed, would have no legal effect. It is a simple resolution merely expressing the advice of this Government that Americans should not take passage on an armed merchant ship of a nation at war. It is not a bill nor a joint resolution which, if passed, could have the force of law. It expresses only the sentiment of the House upon this question and could bind nobody. It could not compel Americans to stay off belligerent armed merchant ships. Again, if this resolution were passed, it would add nothing to the warning which Americans have already received. Germany has already proclaimed to the world that she would blow up such ships without warning. All Americans know the danger of riding on such ships, and if consideration for their own preservation and safety will not deter them from taking passage, certainly a simple warning from us would not do so. It is really absurd to say that a friendly warning from us would be more effective than an unfriendly warning from Germany, which has already been given. Therefore the passage of the McLemore resolution would not help the situation in the least. It would amount to nothing toward accomplishing any good. But in the present circumstances even its consideration might result in much harm, entangled as it is with questions now in process of adjustment through diplomatic negotiations of a most delicate character. Such action would be certain to be misunderstood in Germany; the impression would go abroad that we were divided and not backing our Government; that we were willing to surrender our rights upon the sea; that we were willing that the barbarities of submarine warfare against all principles of humanity and international law should go unrestrained upon the high seas, all of which would embarrass and handicap the Presi-

dent, who, under the Constitution, is charged with the sole power of handling diplomatic matters.

Mr. SHOUSE. Mr. Speaker, let me say very definitely, that I do not favor the McLemore resolution. Upon a straight vote on its passage unamended, I should be compelled to oppose it. But I shall not vote to table it. I believe the dictates of good sense call for a warning resolution. I am certain a large majority of the membership of this House would favor a simple, straight-forward warning resolution. If the McLemore resolution is tabled the House will not have expressed itself. Such an action will mean nothing. But if the McLemore resolution is properly amended, which can be accomplished only by refusing to table it, and if the House votes upon such a carefully considered and amended expression of views, the President will then know where the House stands and what it believes—and that is what the President says he is anxious to learn.

When I say I favor a warning resolution I do not mean to imply that an American citizen has not the right to take passage on an armed belligerent vessel. His right to do so is clear, but his duty not to do so is equally clear. I would not deny him the right, but I would remember my duty to the hundred millions of his countrymen whose peace he is jeopardizing, and, unless his necessity be imperative, I would give him to understand that he embarks upon his journey in opposition to the solemn warning of his Government.

I am not a lawyer. Under no circumstances would I attempt to pose as an authority on international law. But, in pursuance of my duty as a Member of Congress, I have followed diligently the diplomatic correspondence between our Nation and the various belligerents since the outbreak of the European war. I was deeply impressed by the published note of Secretary Lansing, on January 18 last.

From the last paragraph of Secretary Lansing's note it seems clear that this Government regards the right of a merchantman to arm as a very doubtful right.

I am not afraid of war if war must come on some great issue of national honor. I am not afraid of war in defense of the flag and all the flag stands for. But I want no war, and the people whom I represent want no war, that is brought on through insistence upon a "doubtful legal right."

Mr. KEARNS. Mr. Chairman, a great many newspapers in reporting the proceedings of the House have been greatly biased in giving to the country just what actually occurred on that occasion; that is, these dispatches sent out from Washington were to a great extent sent out in

## A DOUBTFUL RIGHT NOT WORTH WAR

the interests of munition and powder manufacturers, who are growing rich selling munitions of war to the allies.

The McLemore resolution contained much matter foreign to the issue, and in the form presented to the House was repulsive, perhaps, to every Member on the floor, except, possibly, Mr. McLemore himself.

It should be borne in mind that the gentleman who introduced this resolution is a Democrat. The Committee on Rules reported this resolution out of the committee for consideration of the House on a motion to consider the resolution. A great many Republicans, including myself, together with a great many Democrats, fought against considering the resolution at all. We believed the question involved in the resolution was one of a diplomatic nature and ought to be handled exclusively by the President and the Secretary of State, without interference or embarrassment on the part of Congress. We held to the belief that Congress ought not to invade the province of the President and his Secretary of State in this very delicate matter. Holding those views, we voted to send the resolution back to the committee without taking any action at all, and in this way leave the whole matter with the President and his Secretary of State.

The facts leading up to this resolution covered a period of some five or six weeks and are now a matter of history. This trouble all grew out of the German submarine campaign against Great Britain's commerce of the seas. Great Britain had taken the stand that Germany's submarine warfare was in violation of all the rules and laws governing in such matters.

On the 18th day of January, 1916, the President of the United States, in a diplomatic letter sent to all the powers interested, stated our position relating to the use of the submarine, and in that letter the President told the world that Germany was right in its contention and that the allies were wrong. In the letter of January 18 Secretary Lansing set forth the position of our Government on the subject of submarines and armed merchant vessels in the following language:

I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce, since those instruments of war have proved their effectiveness in this practical branch of warfare on the high seas.

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel. This right seems to have been predicated on the superior defensive strength of ships of war and the limitation of armament to have been dependent on the fact that it could not be used effectively in offensive against

enemy naval vessels, while it could defend the merchantmen against the generally inferior armament of piratical ships and privateers.

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

In proposing this formula as a basis of conditional declarations by the belligerent Government I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal rights which may be denied on account of new conditions.

I would be pleased to be informed whether your Government would be willing to make such a declaration conditioned upon their enemies making a similar declaration.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

This letter was given wide publication. Perhaps every member of Congress read it and thoroughly digested it, and I undertake to say that nine-tenths of the membership of this House thoroughly agreed with the President and Secretary Lansing when they said to the warring nations:

I do not feel that a belligerent should be deprived

## PEACE OR WAR?

of the proper use of submarines in the invasion of commerce.

And further on they made use of the following language:

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government.

So it will readily be seen from a reading of that letter that the attitude of the United States Government was that submarine warfare was recognized to be legal and that an armed merchant ship is armed but for one purpose, and that purpose is to destroy an enemy's ship. We believe that this was a wise and patriotic conclusion. For myself, I concluded that, come what might, I would stand by the President in this position. But just before this resolution came to a vote it seems the President had changed his position in the matter and had taken the position that Americans had the absolute legal right to take passage on an armed merchant vessel of a belligerent country sailing through the war zone. This position raised a very serious stir in both Houses of Congress. Friends of the President, all of them being Democrats, flocked to the White House and advised him of the danger of his change of attitude upon this very serious question. So serious did it become that resolutions were introduced in the Senate, and whatever muss was stirred up in the Senate was at the hands of Democrats and friends of the administration. There was not a Republican who took an active part or did anything that would in any way embarrass the President in his negotiations with foreign countries.

The President, however, had become set in his second view of the situation, and he demanded a vote in each House of Congress on the subject of a warning resolution. He wanted to know the opinion of Congress as to whether American citizens should be allowed the privilege of riding on armed belligerent ships. He demanded a vote upon this question and this question alone. He then stated to the world that American citizens had this privilege, and he wanted to hear from the membership of this House directly upon this subject. There was a protest set up all over the country from every loyal American, protesting against our citizens traveling on armed merchant ships flying a belligerent flag. These protests came from the mouths of practically every loyal American who did not want to see his country become embroiled in this greatest and bloodiest war that has ever threatened the destruction of civilization.

As I said before, the Committee on Rules reported this resolution for consideration by the House, and over our protest it came before us for consideration. After it had been forced upon us, those Republicans and Democrats who had the interest of America—and America alone—at heart, considered that we ought to tell the President what we honestly believed and what we honestly thought the American people believed; and for this reason, after it had reached this stage, we protested against the resolution being tabled. If this were all we were going to do, the House was doing a vain thing because the McLemore resolution was, in the first instance, nailed fast to the table in the committee room, and where was there any earthly use of voting it out of the committee in order to vote to send it back again? That was all that was done. As I have said, the question was before us against our will, and since we found ourselves in this position, we thought it our public duty to tell the President the truth. He had asked us a direct question, and we thought since we were going to attempt an answer we ought to answer him honestly, fairly, and patriotically. He is the President of the greatest Nation in the world and is entitled to fair treatment. The question he had asked us was a very simple one, and we believed he wanted our candid views, and for these reasons we voted against tabling the resolution.

After it had reached this stage, we had wanted the right to cut out all the verbiage in the resolution and so amend it that it would present one simple proposition, to wit:

Should Americans be advised to forego a legal right, if, indeed, they have any such right, to travel on an armed merchantman during the European hostilities?

Since it was up to us to act, we believed such a warning would not surrender one American right and would go far to keep our own country out of this war.

Mr. Chairman, we know that possibly 99 per cent of the people in America, excepting in districts wholly controlled by munition and powder plants, entertain the view that such a warning as this ought to be issued. They feel that no foolhardy or venturesome man or woman who happens to be an American and wants to "enjoy the thrills of such a trip" should be allowed to take passage on one of these ships, and in the event that ship should be destroyed by a German submarine, it would mean another backdown on the part of our Government or, in all probability, would mean war with Germany.

The people of this country do not want war with Germany or any other country. We claim to be neutral, and as neutrals we ought to do nothing that would have the appearance of pre-

judice in favor of one country as against another. It seems to me that all of us who are loyal, patriotic citizens of America are willing to forego for the time being any doubtful right, legal or otherwise, that we may have to travel on these ships. We ought not want to put ourselves in a position that might embarrass our Government and might finally drag the American people into this disastrous and shocking war. I will say that 95 per cent of the Republicans who voted to table this resolution are Members of Congress who represent districts whose constituency have no other business except manufacturing munitions of war to be shipped to the allies. They are at this time very prosperous by reason of this trade with the allied nations, but it is a blood-soaked prosperity. That abnormal prosperity will last only as long as a delivery of their goods can be made on British shores. The allies and those who are opposed to warning American citizens against riding on armed merchantmen believe that the cheapest and safest insurance that these ships can write to insure their safe passage across the ocean is to see to it that American citizens are aboard. If they can not make deliveries to the allies, the allies will not buy our powder and our cannons and our shells. In other words, England comes to America, loads a ship with munitions of war, puts on board an American citizen, sails from our port, then mans the ship with monstrous guns and naval officers. The guns are to be used by trained marksmen to destroy German submarines. The Americans are to be used to say to an enemy of the allies, "You can not destroy this ship, because American citizens are aboard." This seems, to my mind, to be as stupid a position as it is preposterous. I have no interest in either side in this war, but two years ago I was told by high authority to be neutral, and I am trying to be.

I do not know who was back of the President or who caused him to change his position as set forth in the letter of January 18. The entire country had agreed with what he said in that letter, except the munition districts of the East. Whatever may be the case, I am glad I did not cast my vote on the side of those Republican Members of the House who represent the munition and powder manufacturing districts of the East. I am sometimes afraid the powder men think at least as much of the enormous profits they are making as they do of the safety of our Nation.

Every Democrat who made a speech on this subject favoring the tabling of the McLemore resolution on the day it was up for consideration confessed that he was against the President and his views. Every one of them said that Amer-

icans ought not to so travel, and that they had no right to so travel on such ships. We, on the other hand, said to the President we want to be with you, and, being with you, our advice is to request Americans to stay off of such ships. Our position of a steadfast loyalty to the President and this country could dictate to us no other course.

When the real truth is unfolded to the country at large as to just what was done relative to the McLemore resolution the people will then understand that every man who voted against requesting Americans not to travel on armed ships voted against the interests of Americans and the President himself.

Let us see what they did. Men who made speeches favoring the tabling of the resolution, except those who live in munitions districts, almost without exception, said Americans ought not to travel on such ships, and then voted directly opposite. Their vote, if it meant anything, would at least tend to encourage thoughtless and unpatriotic Americans to so travel. Their speeches were made, it seems, to allay the wrath of the populace, and their votes were cast, as they claimed, to uphold the hands of the President. How this could uphold his hands or mean anything to the country at all surpasses my understanding. Their attitude, their conduct, and their speeches will be viewed by the country as political buncombe of the worst sort. Their conduct amounted to a false pretense. They appeared to do something and then admit they did nothing. They seem to forget that their speeches, as well as their votes, would be carried to the central powers, and these countries would be advised that these lawmakers were performing the greatest feat of political jugglery that was ever performed, perhaps, in the House of Representatives.

I am afraid after the people fully digest the conduct of these Members—and the people are neither fools nor knaves—their conduct will be the object of a most bitter contempt in their eyes.

Mr. Chairman, since I had to vote, I voted in the interests of 100,000,000 American citizens. I voted this way because I do not believe there is one American mother who has one son to spare in this bloody carnival of war-crazed Europe. When I voted I will confess I was thinking more of the writhing, twisting windrows of dead and dying men on European battlefields than I was of the President of the United States. When I voted I will confess that I was thinking less of President Wilson and more about the blood-stained hills, slopes, and valleys of Europe. When I voted I plead guilty to the charge that I was thinking little of Woodrow Wilson, but I was thinking more of the millions of young men,

## PEACE OR WAR?

the brawn and the brain, the flower and the chivalry of American manhood. When I voted I plead guilty to the indictment that I thought but little of those eastern capitalists who have grown fat by drinking the blood that is flowing from the gaping wound of bleeding Europe. I was thinking more of the millions of American firesides and family circles that are to-day happy because we are at peace with the world.

Just before I voted I was walking from the office building to the Capitol. I thought of an expression used by Mr. REAVIS, from Nebraska, in his speech a few hours before. He had said, "I am thinking of the hills and plains of that locality that yesterday were white with snow, the color scheme of which to-day has been changed to red at Verdun." As I thought of this I looked across the Potomac far into the hills beyond, they too were white with snow. I did not want to see that color scheme changed to scarlet, made red with American blood.

Mr. BENNET. Mr. Speaker, ought an American citizen, for a light cause, to jeopardize the peace of his country? The Apostle Paul, who was not a pacifist and who always stood up for his rights when he thought it essential, understood the necessity of sometimes waiving a right.

Wherefore, if meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend.

I wish that there could be put into the hands of every reckless American, whose conduct tends to jeopardize our peace, the article in the February Atlantic entitled "The radical's progress," a description of a portion of the experiences of a British transport captain at Gallipoli. I quote one paragraph.

How would any one of your American jingoes like to be 27 years old, with both eyes shot out and both wrists shattered by shrapnel? The man I mean was a young Scot. I helped him up the gangway. He stood six feet three—a beautiful specimen of physical manhood. After a day aboard he suffered terrible torture from the heat of the weather and of the ship, and also from the swarms of flies attracted by the smell of blood. He could not lie on a cot, so we had to fence off a corner in the 'tween decks, carpet it with pillows and mattresses, and let him grope around in his agony. On the spots where the blood had soaked through his eye and wrist bandages the flies clustered in black clots. He moaned night and day and was scarcely conscious. He was totally blind, and even the sense of touch was denied him, because his wrists were so shattered that they would have to be amputated.

Personally, while I am perfectly willing in the exercise of the constitutional duties of Congress to vote to declare war because of a clear invasion of American rights, I am not willing to vote to duplicate all over our land experiences

such as this, because of the assertion on our part of a doubtful right; and not being ready to vote to declare war because of the invasion of a right which I do not believe to exist, I have no moral right to deceive the President of the United States by voting to encourage him to continue to insist on a nonexistent right when such insistence might lead to war.

Mr. KINKAID. Mr. Speaker, A strong and earnest attempt is being made to baffle if not stifle the real question now involved. Many are trying to make it appear that the question is whether the Congress will "stand by" or "uphold the hands" of the President; but, sir, the McLemore resolution does not involve any such a question. It involves the question of whether it would be a wise step to take to warn American citizens not to travel on armed merchantmen of belligerent nations.

Mr. Speaker, inasmuch as the President has requested a vote upon the question of warning I think we owe it to him and at the same time to the American people to vote upon that question squarely and directly, and thereby advise the President how the Members believe their constituents stand upon the issue. Inasmuch as the President has asked for a referendum of the matter why not deal with it consistently in that way and then the Congress and the President abide by the result.

Mr. Speaker, as I view it, giving warning to our citizens not to unnecessarily travel upon the armed vessels of belligerent nations is a step supported by every rule of ordinary prudence, common sense, and humanity, and I am constrained to believe that an overwhelming majority of my constituents will view the question in the same way. It is in keeping with the homely maxim that an ounce of preventative is worth a pound of cure. Mr. Speaker, I do not favor the McLemore resolution *in toto*. In fact, I would discard nine-tenths of the language it contains. First, I would strike out of the nine lengthy "whereas" paragraphs. I would only preserve the few simple words it contains to the effect that citizens of the United States be warned against traveling on armed merchantmen of belligerent nations, in the language of the substitute proposed by the gentleman from Kansas [Mr. CAMPBELL] which reads:

Resolved, That in the opinion of the House of Representatives, citizens of the United States, under existing conditions and irrespective of their legal rights, ought to refrain from taking passage on armed vessels of belligerent nations, except in case of imperative necessity. Geo R Smith

Mr. SMITH of Minnesota. Mr. Speaker, it is not my purpose to enter upon a general discussion of the McLemore resolution warning or requesting American citizens to refrain at this



## STORY OF THE RESOLUTION

time from traveling on armed belligerent vessels, but to set forth the facts and circumstances that influenced the House of Representatives to take the action it did on this resolution, so that the public can better judge as to whether the final disposition of this matter by Congress was wise or not.

In the note of January 18, 1916, addressed to all the foreign powers, Secretary Lansing set forth the position of the United States on the question of submarines and armed merchant vessels, as follows:

I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce, since those instruments of war have proved their effectiveness in this practical branch of warfare on the high seas.

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel. This right seems to have been predicated on the superior defensive strength of ships of war, and the limitation of armament to have been dependent on the fact that it could not be used effectively in offensive against enemy naval vessels, while it could defend the merchantmen against the generally inferior armament of piratical ships and privateers.

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

In proposing this formula as a basis of conditional

declaration by the belligerent Government I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal rights which may be denied on account of new conditions.

I would be pleased to be informed whether your Government would be willing to make such a declaration conditioned upon their enemies making a similar declaration.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

This suggestion of Secretary Lansing is in harmony with the facts and common sense. The objection to it is that it proposes a change in international law during the progress of the war. The suggestions of the Government of the United States, as set forth in Secretary Lansing's note were promptly agreed to by Germany and rejected by England.

On February 15, 1916, in Carnegie Hall, New York City, ex-Senator Root made a merciless assault on the Wilson administration. Mr. Root attempted to show by briefly relating the history of the Wilson policy toward Mexico how the President first failed to protect American life and property beyond the Rio Grande and then interfered without warrant in Mexican affairs by taking sides against Huerta, so that to-day no flag is so dishonored and no citizenship worth the claiming in Mexico as ours.

Mr. Root also pointed out what he claimed to be three fundamental errors in the administration's policy toward Europe:

First, the lack of foresight to make timely provision for backing up American diplomacy by actual or assured military and naval force. Secondly, the forfeiture of the world's respect for our assertion of rights by pursuing the policy of making threats and failing to make them good. Thirdly, a loss of the moral forces of the civilized world through failure to interpret truly to the world the spirit of the American democracy in its attitude toward the terrible events which accompanied the early stages of the war.

The proally and partisan press, as well as the press owned or controlled by our militaristic friends and munition makers, pronounced the Root speech an utterance combining the vision of true statesmanship, the virility of stern patriotism, the convincing force of cold logic, pointing out the utter failure of the Wilson administration in the handling of foreign affairs.

The temptation to throw the public into a state of excitement and to arouse their prejudices and passions was too great for a heartless press to resist, so it resurrected scenes of the invasion of Belgium and the sinking of the *Lusitania*,

## PEACE OR WAR?

much to the discomfort and disadvantage of the Wilson administration.

Associations calling themselves Citizens' League for "America and the Allies" had been formed in the East. Prof. Josiah Royce, of Harvard University, a member of one of these associations, in an address delivered in Fremont Temple, Boston, Sunday, January 30, 1916, said things that not only reflected the views of his association but, I am sorry to say, of some other citizens in this country. Among other things of like character, Prof. Royce said:

We owe to the allies whatever moral support and financial assistance it is in the power of this Nation to give; it is not merely the so-called American right that our munition makers should be free to sell to the enemies of Germany—it is our duty to encourage them to do so. Let us enthusiastically approve the supplying the enemies of Germany with financial aid and munitions of war and resist with all our moral strength those who would place an embargo on munitions.

Let us do what we can to bring about at least a rupture of diplomatic relations between our own Republic and those foes of mankind (Germany) and fearlessly await whatever dangers this may entail upon us, our land, and posterity.

This league is formed to use all lawful means to put this Nation in a position of definite sympathy with the allies.

The only construction that can be placed on Prof. Royce's words is that until we are ready to plunge into war in support of the allies we should continue our shipment of war supplies to them. What an exhibition of neutrality for a professor in our most ancient and most renowned university! And, again, there appeared the other day in the New York Journal of Commerce, one of Wall Street's publications, this article:

If the present submarine controversy should result in war with Germany, what would be the chief effects upon the United States outside of military and naval activities?

And it answers:

A second general readjustment of business affairs to a new situation, less violent than in 1914.

Some temporary derangement in the security markets.

Extensive bond issues, which would tend to lessen foreign borrowings on this side.

A larger home demand for war munitions, which would probably interfere with foreign orders.

The German ships now interned in this country might be commandeered as transports or to relieve the freight situation.

Taking the situation at large, war with Germany could not be a very serious matter to the United States, "and if it hastened peace would be distinctly beneficial."

This last expression seems to have been quite freely used by some distinguished citizens of late.

With the press mercilessly assaulting him and the people blindly following its lead and that of

Mr. Root, Prof. Royce, and his associates and sympathizers, the President deemed it the better part of valor to get out from between the trenches where he had thus thrust himself and the country when he caused Secretary Lansing to send to the belligerent nations the now famous note of January 18, but just how this could be done without loss of honor and credit to himself, and possibly the Presidency, was a most perplexing question. He feared and dreaded the criticism made upon his foreign policy by Mr. Root, the pro-British press, and the partisan press. Something had to be done to turn the tide. Root had sounded the key-note for the Republican national campaign against the President and his party. This note was rapidly finding a responsive chord in the minds of the American people. The situation was desperate and demanded prompt and heroic action. Meanwhile, the German Government not only notified the President of its acceptance of the suggestions of the Lansing note, but that on and after March 1, 1916, it would treat armed merchant vessels as "auxiliary cruisers."

This brought the U-boat controversy again to the front. Senators KERN and STONE and Representative FLOOD sought an interview with the President on February 21 to talk over the situation. As a consequence of this interview, Senator STONE, on February 24, wrote the President as follows:

DEAR MR. PRESIDENT: Since Senator KERN, Mr. FLOOD, and I talked with you on Monday evening, I am more troubled than I have been for many a day. I have not felt authorized to repeat our conversation but I have attempted, in response to numerous inquiries from my colleagues, to state to them, within the confidence that they should observe, my general understanding of your attitude. I have stated my understanding of your attitude to be substantially as follows:

That while you would deeply regret the rejection by Great Britain of Mr. Lansing's proposal for the disarmament of merchant vessels of the allies with the understanding that Germany and her allies would not fire upon a merchant ship if she hauled to when summoned, not attempting to escape, and that the German warships would only exercise the admitted right of visitation and capture, and would not destroy the captured ship except in circumstances that reasonably assured the safety of passengers and crew, you were of the opinion that if Great Britain and her allies rejected the proposal and insisted upon arming her merchant ships she would be within her right under international law. Also that you would feel disposed to allow armed vessels to be cleared from our ports; also that you are not favorably disposed to the idea of this Government taking any definite steps toward preventing American citizens from embarking upon armed merchant vessels.

Furthermore, that you would consider it your duty, if a German warship should fire upon an armed merchant vessel of the enemy upon which American citizens were passengers, to hold Germany to strict account.

Numerous Members of the Senate and the House

## THE WILSON-STONE LETTERS

have called to discuss this subject with me. I have felt that the Members of the two Houses who are to deal with this grave question were entitled to know the situation we are confronting as I understand it to be.

I think I should say to you that the Members of both Houses feel deeply concerned and disturbed by what they read and hear. I have heard of some talk to the effect that some are saying that, after all, it may be possible that the program of preparedness, so-called, has some relation to such a situation as we are now called upon to meet.

I have counseled all who have talked with me to keep cool; that this whole business is still the subject of diplomacy and that you are striving to the utmost to bring about some peaceable adjustment, and that in the meantime Congress should be careful not to "ball up" a diplomatic situation by any kind of hasty and ill-considered action. However, the situation in Congress is such as to excite a sense of deep concern in the minds of careful and thoughtful men. I have felt that it is due to you to say this much.

I think you understand my personal attitude with respect to this subject. As much and as deeply as I would hate to radically disagree with you, I find it difficult from my sense of duty and responsibility to consent to plunge this Nation into the vortex of this world war because of the unreasonable obstinacy of any of the powers, upon the one hand, or, on the other hand, of foolhardiness, amounting to a sort of moral treason against the Republic, of our people recklessly risking their lives on armed belligerent ships. I can not escape the conviction that such would be so monstrous as to be indefensible.

I want to be with you and to stand by you, and I mean to do so up to the last limit; and I want to talk with you and Secretary Lansing with the utmost frankness—to confer with you and have your judgment and counsel—and I want to be kept advised as to the course of events, as it seems to me I am entitled to be. In the meantime I am striving to prevent anything being done by any Senator or Member calculated to embarrass your diplomatic negotiations. Up to the last you should be left free to act diplomatically as you think for the best to settle the questions involved. I need hardly say that my wish is to help, not to hinder, you.

With the highest regard and most sympathetic consideration, I have the honor, Mr. President, to be,

Very sincerely, yours, WM. J. STONE.

After the attitude of the President on the U-boats controversy became known to Great Britain through the publication of the Stone letter, there would be no advantage to Great Britain in accepting the proposals of the United States, but, on the contrary, it would be to her material advantage not to accept them. In his letter of reply to Senator STONE the President confirmed all that Senator STONE had said as to the administration's undersea warfare views. The President's letter in full is as follows:

February 24, 1916.

MY DEAR SENATOR: I very warmly appreciate your kind and frank letter of to-day, and feel that it calls for an equally frank reply.

You are right in assuming that I shall do everything in my power to keep the United States out of war. I think the country will feel no uneasiness about my course in that respect.

Through many anxious months I have striven for

that object, amidst difficulties more manifold than can have been apparent upon the surface, and so far I have succeeded. I do not doubt that I shall continue to succeed.

The course which the central European powers have announced their intention of following in the future with regard to undersea warfare seems for the moment to threaten insuperable obstacles, but its apparent meaning is so manifestly inconsistent with explicit assurances recently given us by these powers, with regard to their treatment of merchant vessels on the high seas, that I must believe that explanations will presently ensue which will put a different aspect upon it.

We have had no reason to question their good faith or their fidelity to their promises in the past, and I, for one, feel confident that we shall have none in the future.

But in any event our duty is clear. No nation, no group of nations, has the right while war is in progress to alter or disregard the principles which all nations have agreed upon in mitigation of the horrors and sufferings of war; and if the clear rights of American citizens should ever unhappily be abridged or denied by any such action, we should, it seems to me, have in honor no choice as to what our own course should be.

For my own part, I can not consent to any abridgment of the rights of American citizens in any respect. The honor and self-respect of the Nation is involved. We covet peace and shall preserve it at any cost but the loss of honor.

To forbid our people to exercise their rights for fear we might be called upon to vindicate them would be a deep humiliation indeed. It would be an implicit, all but an explicit, acquiescence in the violation of the rights of mankind everywhere and of whatever nation or allegiance. It would be a deliberate abdication of our hitherto proud position as spokesman, even amid the turmoil of war, for the law and the right.

It would make everything this Government has attempted and everything that it has achieved during this terrible struggle of nations meaningless and futile.

It is important to reflect that if in this instance we allowed expediency to take the place of principle the door would inevitably be opened to still further concessions.

Once accept a single abatement of right and many other humiliations would certainly follow, and the whole fine fabric of international law might crumble under our hands, piece by piece. What we are contending for in this matter is of the very essence of the things that have made America a sovereign Nation. She can not yield them without conceding her own impotency as a Nation and making virtual surrender of her independent position among the nations of the world.

I am speaking, my dear Senator, in deep solemnity, without heat, with a clear consciousness of the high responsibilities of my office, and as your sincere and devoted friend. If we should unhappily differ, we shall differ as friends; but where issues so momentous as these are involved we must, just because we are friends, speak our minds without reservation.

Faithfully, yours, WOODROW WILSON.

On February 17, 1916, Representative McLEMORE, of Texas, introduced a resolution having for its central idea the warning of American citizens not to take passage upon armed merchant vessels of the belligerent nations. This resolution was generally approved by the American people. Considerable feeling existed

among the Members of Congress of the President's own party on account of his sudden change of front. The section of the press that had been hurling bitter invectives at the President since the Root speech seized upon this opportunity to foment strife between the President and the Members of Congress. Headlines appeared, such as "War between Wilson and Congress," "Congress in revolt," and so forth.

This gave the President's advisers a cue. They insisted that his political salvation depended upon making Congress the center of attack. By so doing he would divert the enemies' fire from himself.

By this time the press reported that he was in desperate straits and had about concluded to withdraw as a candidate for reelection.

The President opened his campaign against Congress on February 29 by writing Representative POU, ranking member of the Committee on Rules, this letter:

THE WHITE HOUSE,  
Washington, February 29, 1916.

MY DEAR MR. POU: Inasmuch as I learn that Mr. HENRY, the Chairman of the Committee on Rules, is absent in Texas, I take the liberty of calling your attention, as ranking member of the committee, to a matter of grave concern to the country which can, I believe, be handled, under the rules of the House, only by that committee.

The report that there are divided counsels in Congress in regard to the foreign policy of the Government is being made industrious use of in foreign capitals. I believe that report to be false, but so long as it is anywhere credited it can not fail to do the greatest harm and expose the country to the most serious risks. I therefore feel justified in asking that your committee will permit me to urge an early vote upon the resolutions with regard to travel on armed merchantmen which have recently been so much talked about in order that there may be afforded an immediate opportunity for full public discussion and action upon them and that all doubts and conjectures may be swept away and our foreign relations once more cleared of damaging misunderstandings.

The matter is of so grave importance and lies so clearly within the field of Executive initiative that I venture to hope that your committee will not think that I am taking unwarranted liberty in making this suggestion as to the business of the House, and I very earnestly commend it to their immediate attention.

Cordially and sincerely, yours,

WOODROW WILSON.

After the contents of the Pou letter became known word was sent to the President by his supporters that an agreement had been reached to drop the warning resolution and to pass a general resolution of "confidence" in the President. He rejected this suggestion at once, and demanded that the Congressmen eat their words by calling up the McLemore resolution and tabling it.

This was a complete reversal of his position

prior to February 29, for he had previously informed the Foreign Affairs Committee not to report out the McLemore resolution.

In obedience to the President's subsequent request, the Foreign Affairs Committee reported out the McLemore resolution, accompanied by the following recommendation:

That House resolution 147, known as the McLemore resolution, be reported to the House with the recommendation that it do lie on the table. Under the practice and precedents in this country the conduct of diplomatic negotiations has been left to the President, and with this practice the committee does not feel it proper for the House of Representatives to interfere. We have confidence that if the President reaches a point in any negotiations with foreign Governments at which he has exhausted his power in the premises, he will in the usual way report all facts and circumstances to Congress for its consideration.

By this action of the committee the McLemore resolution was laid on the table as effectively as though it had been done by a vote of the House. However, it was not laid on the table in the precise manner that the President had demanded, and had to be taken from the table and tabled again by the House for the satisfaction of the President and to the great benefit, satisfaction, and pleasure of that section of the press that had been heaping coals upon the head of our President. But like the sinner of old, who "went to church to scoff, but came away to pray," these self-same purveyors of news and molders of public opinion that had been so relentlessly criticizing the President before his war upon Congress were now, as had been predicted by his advisers, proclaiming him a martyr to the cause of free institutions; the bravest and most heroic President that ever occupied the White House; the embodiment of patriotism and self-denial.

So the ridiculous, absurd, and wholly unnecessary and self-invited controversy between the Capitol of our Nation and the White House was not to end by the committee placing the offending resolution in the legislative tomb. Apparently the President's campaign had not been sufficiently advertised. Therefore it was further demanded that the House take from the table this resolution and immediately, without debate or discussion, return it to this selfsame table. The excuse offered for further continuing the agony was that the President desired a vote of the House upon the resolution in order that there might be full public discussion and action. On what? Why, of course, on the matter of citizens of the United States traveling on armed merchantmen. Was that done? Was an opportunity for full public discussion and action given? No. What was done? A parliamentary situation was deliberately created to avoid discussing and vot-

## THE PRESIDENT'S DELIBERATE EVASION

ing on the very question the President said he wished fully discussed and acted upon. This was brought about by forcing the Committee on Rules to bring in a special rule to gag the House. At the command of the President, the House hog-tied itself by adopting the following rule:

### HOUSE RESOLUTION 158.

*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consideration of H. Res. 147; that there shall be four hours of general debate, one-half to be controlled by the gentleman from Virginia, Mr. FLOOD, and one-half by the gentleman from Wisconsin, Mr. COOPER; that at the conclusion of said general debate the said resolution shall be considered under the general rules of the House.

To those unfamiliar with parliamentary procedure the words "shall be considered under the general rules of the House" are misleading, for a motion to lay on the table was in order as soon as the four-hour debate closed, and all opportunity for amendment or further discussion was foreclosed. Representative CAMPBELL, the ranking minority member of the Rules Committee, pleaded with the House to vote down the previous question on the rule so that he might have an opportunity to offer the following as a substitute, which simply warned American citizens of the danger of taking passage on armed ships of nations at war:

Strike out all after the word "debate" where it last occurs and insert the following:

"The resolution and preamble shall both be open to amendment with the following amendment considered as pending, to wit:

"Strike out both the preamble and the resolution and insert in lieu thereof the following:

"*Resolved*, That in the opinion of the House of Representatives citizens of the United States under existing conditions and irrespective of their legal rights ought to refrain from taking passage on armed vessels of belligerent nations, and the consideration of the resolution and amendments thereto shall proceed under the five-minute rule to a final vote on its passage."

Under the Campbell substitute rule amendments could have been offered, and full discussion, so explicitly demanded by the President in his letter to Congressman POU, prevented, however, by his managers through a parliamentary situation created for that purpose, could likewise have been had.

The attitude of Members of the House that disagree with the supporters of the President as to the proper mode of procedure was ably and succinctly expressed by the minority leader, Hon. JAMES R. MANN, as follows:

If we are correctly informed by gentlemen on the floor, not having been informed directly by the President, either in a message or in person here, as to what he desires, the President desires our opinion on the subject of American citizens traveling on armed vessels of belligerent nations. We do not

express any opinion on that subject by laying the McLemore resolution on the table [applause], unless such action shall be construed as an invitation to American citizens to travel on these armed vessels. I am not willing to extend an invitation to American citizens to travel on armed vessels when to do so may bring us into serious complications, and I would not voluntarily offer to inject my own opinion upon this subject while the President is carrying on his negotiations; but when the President seeks to know what the American people may think on the subject as expressed by their Representatives, I think it is our duty, if we are to act at all, to meet the question fairly and squarely and express the opinion such as we have; and if we believe that American citizens, under at least ordinary circumstances, ought not to render this country liable to war, we ought to say so, and leave the President in his discretion and power to take care of the future. [Applause.] We have not sought to bother or annoy the President; we have not sought to interfere with the program of the President; but the President, it is said, asks our beliefs on the subject. Let us tell him frankly and fairly that we do not desire complications which will lead to war [applause]; and the only method by which we can now proceed under these circumstances, if we are willing to meet the question fairly, is to vote down, first, the previous question. I can not conceive how it will be considered that the President is informed through a parliamentary trick, such as is proposed by the Committee on Rules, to give the House no chance to vote on the real question at issue, but only to table a resolution which the House would not agree to under any circumstances. Let us be fair enough to the President, to ourselves, to the country, to meet the issue and express the opinion which we have, and thereby endeavor to prevent war, which we all hope will not come. [Applause.]

Is anyone so credulous as to believe that foreign countries will be influenced in their negotiations with our Government by reason of this fiasco? If so, he credits them with little understanding.

I voted against laying the McLemore resolution on the table because I knew that under the rule, if that motion were defeated, full opportunity would be given to Members of the House to go upon record upon a resolution simply warning Americans against traveling on armed merchant vessels of belligerents until their character had been determined. No right would be denied by such a resolution, and our Government would be left free to assert any right to the extreme limit, and I am free to admit that in casting my vote as I did—and I want it so understood—it gave me much satisfaction to be able at the same time to REGISTER MY PROTEST AGAINST ENCROACHMENTS BY THE EXECUTIVE DEPARTMENT UPON THE LEGISLATIVE BRANCH OF OUR GOVERNMENT.

It will be recollected that a little over a month ago when Secretary Garrison resigned because the President had reversed himself on a fundamental principle of preparedness, the

## PEACE OR WAR?

President declared with much feeling "that under no circumstances" would he "feel at liberty to insist upon the adoption by Congress of any specific course of action." He was offended that Mr. Garrison should even suggest his using the power of his office to advance a policy, however worthy.

At that time I most heartily commended the President for his clear conception of the attitude that one branch of our Government should maintain toward a coordinate branch. His excellent sentiment and lofty purpose, as thus expressed, was comforting to Members of Congress who still had very vivid recollections of the performances of the President on the occasion of the repeal of the Panama Canal tolls act and the declaration of war against Huerta. But, alas, how vain were our hopes! Within a fortnight he is found riding roughshod over rules and precedents and arbitrarily dictating not only the action the legislative branch should take but the forms under which it shall proceed.

The President and Congress were created by the solemn mandate of the people, expressed in words so clear that their meaning can be readily ascertained. The founders of this Government caused these words to be transcribed on parchment and delivered into our hands as our guidebook in carrying further the Government which they created. When in doubt as to the Government's power to do a particular thing, or as to the respective powers of the different branches of the Government, recourse is had to this guidebook, or Constitution. In the present instance our Constitution provides that Congress has power to—

First—

Define and punish pirates and felonies committed on the high seas and offenses against the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Second—

The executive power shall be vested in a President of the United States of America. He shall have power, by and with the advice and consent of the Senate, to make treaties. He shall, from time to time, give to Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed.

I fail to understand how the President can find warrant of authority in this language of the Constitution for his peremptory demand that Congress make a complete denial at once of any intent or purpose to express an opinion

or offer advice on the question of warning our citizens to keep off of auxiliary cruisers—a domestic question having nothing to do with our foreign affairs, unless we desire to make it so. However, upon an examination of his work on Constitutional Government in the United States, published in 1911, he clearly defines his view as to the unlimited and exclusive prerogative of the Executive in dealing with foreign affairs, and he has decided to treat this question as one relating to foreign affairs, which it is not.

One of the greatest of the President's powers I have not yet spoken of at all—his control, which is very absolute, of the foreign relations of a nation. The initiative in foreign affairs which the President possesses without any restriction whatever is virtually the power to control them absolutely. The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy; and to guide diplomacy is to determine what treaties must be made if the faith and prestige of the Government are to be maintained. He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

**IF A PRESIDENT "NEED DISCLOSE NO STEP OF NEGOTIATIONS UNTIL IT IS COMPLETE, AND WHEN IN ANY CRITICAL MATTER IT IS COMPLETED THE GOVERNMENT IS VIRTUALLY COMMITTED," HE CAN GO TO THE LIMIT OF MAKING WAR, AND CONGRESS HAS NO ALTERNATIVE BUT TO ACCEPT. THE CZAR OF RUSSIA COULD DO NO MORE.**

**MR. SPEAKER, BY RESORTING, AS ON TWO OTHER OCCASIONS SINCE HE BECAME CHIEF EXECUTIVE OF THIS NATION, TO AN APPEAL TO THE PATRIOTISM OF THE AMERICAN PEOPLE ON THE PRETEXT THAT THE DIGNITY AND HONOR OF THEIR FLAG WAS BEING ATTACKED, THE PRESIDENT WON IN HIS RECENT WAR ON CONGRESS.**

**BUT WHEN THE PEOPLE REALIZE THAT THIS APPEAL WAS BUT A PRETEXT TO CONCEAL THE REAL PURPOSE OF THE ATTACK I DO NOT BELIEVE THEY WILL REJOICE OVER THE FACT THAT THE LEGISLATIVE BRANCH OF OUR GOVERNMENT WAS DEGRADED AND BROUGHT TO THE DUST FOR POLITICAL AND NOT PATRIOTIC PURPOSES.**

Can any unprejudiced person, knowing the facts, doubt that the alleged cause of this war was but a pretext, and that the real cause was

## A M E R I C A O R T H E W O R L D — W H I C H ?

a desire to advance the political fortunes of the President?

If this was the first time that resort was had to our flag to carry through Congress an Executive program, I would be loath to believe that such a thing was within the realm of possibility, but when I recall, as I do most vividly, that the same methods were pursued by the same parties and by the same sections of the press when Congress was commanded to declare war on Huerta, and to repeal the Panama Canal tolls act, I am forced to believe it, however much I dislike to. On March 5, 1914, the President delivered a message in person in Congress in part as follows:

Gentlemen of the Congress, I have come to you upon an errand which can be very briefly performed, but I beg that you will not measure its importance by the number of sentences in which I state it. \* \* \* I have come to ask you for the repeal of that Provision of Panama Canal act which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable. I ask this of you in support of the "foreign policy of the administration." I shall not know how to deal with other matters of even "greater delicacy and nearer consequence" if you do not grant it to me in ungrudging measure.

What foreign policy is involved in respect to our transcontinental railroads?

Mr. Root, in his Carnegie Hall speech, said:

The taking of Vera Cruz destroyed confidence in the sincerity of the American Government in Mexico, because every intelligent man in Mexico believed that the avowed reason for the act was not the real reason.

The avowed purpose was to compel a salute to the American flag.

Is there anyone who doubts that the alleged cause was but a pretext and that the real cause was the purpose to turn Huerta out of office?

Mr. Root made a serious charge, but produced facts to prove it.

Mr. Speaker, for the consideration of the House and the great mass of the American people I have stated the incontrovertible facts and circumstances of the President's war on Congress and have drawn certain deductions therefrom which are fully warranted and sustained by these facts and circumstances.

No question of international law or foreign

policy was involved, except as Mr. Wilson sought to make it so.

What question of international law was involved in an expression by Congress as to the wisdom of Americans traveling upon belligerent ships of doubtful character?

Is our internationalism to supercede our nationalism?

Has it come to pass that we have more concern for the people of other countries than for American citizens?

I CAN NOT CONSENT TO THE DOCTRINE THAT OUR GOVERNMENT SHOULD CONSTITUTE ITSELF THE GUARDIAN OF THE PEOPLES OF THE WORLD. WE SHOULD EXTEND TO THEM OUR DEEP SYMPATHY IN THEIR HOUR OF MISFORTUNE, BUT REFRAIN FROM THRUSTING OUR GOVERNMENT INTO THEIR FAMILY QUARRELS, unless we intend to abandon the Monroe doctrine and our acknowledged rights as American citizens.

The idea of internationalism at the present time is very intoxicating, because it brings with it a sense of large responsibility, experienced by such international characters as J. Pierpont Morgan.

However, the average American citizen is quite content to forego this international thrill. He still finds comfort in love, loyalty, and respect for his own country. He is neither pro-German nor pro-British, but only an American, in favor of the American Nation standing up and facing the world in defense of American institutions and American ideals.

True, there will always be with us the Tories of Revolutionary days and the copperheads of the Civil War, but thank God, at the present time their number is infinitesimal.

There will be no need of working the flag overtime to arouse either the patriotism of Congressmen or the loyalty of our patriotic and complex citizenry; for whenever a real situation confronts the country, not an imaginary one, and the administration in charge of affairs informs Congress that legislation or money, or both, are needed in order to put the country in proper shape for its own safety, it will meet with ready response from Congress and the great mass of patriotic American citizens.

THE END

The first part of the book discusses the early history of the United States, from the time of the first European settlers to the American Revolution. It covers the exploration of the continent, the establishment of colonies, and the struggle for independence. The second part of the book discusses the early years of the new nation, from the signing of the Declaration of Independence to the end of the Revolutionary War. It covers the challenges of building a new government, the drafting of the Constitution, and the early years of the Republic. The third part of the book discusses the period of the American Revolution, from the outbreak of the war to the signing of the Treaty of Paris. It covers the military campaigns, the political struggles, and the ultimate victory of the United States. The fourth part of the book discusses the period of the American Revolution, from the signing of the Treaty of Paris to the end of the war. It covers the challenges of rebuilding the nation, the drafting of the Constitution, and the early years of the Republic. The fifth part of the book discusses the period of the American Revolution, from the signing of the Treaty of Paris to the end of the war. It covers the challenges of rebuilding the nation, the drafting of the Constitution, and the early years of the Republic.

The sixth part of the book discusses the period of the American Revolution, from the signing of the Treaty of Paris to the end of the war. It covers the challenges of rebuilding the nation, the drafting of the Constitution, and the early years of the Republic. The seventh part of the book discusses the period of the American Revolution, from the signing of the Treaty of Paris to the end of the war. It covers the challenges of rebuilding the nation, the drafting of the Constitution, and the early years of the Republic. The eighth part of the book discusses the period of the American Revolution, from the signing of the Treaty of Paris to the end of the war. It covers the challenges of rebuilding the nation, the drafting of the Constitution, and the early years of the Republic. The ninth part of the book discusses the period of the American Revolution, from the signing of the Treaty of Paris to the end of the war. It covers the challenges of rebuilding the nation, the drafting of the Constitution, and the early years of the Republic. The tenth part of the book discusses the period of the American Revolution, from the signing of the Treaty of Paris to the end of the war. It covers the challenges of rebuilding the nation, the drafting of the Constitution, and the early years of the Republic.













14 DAY USE  
RETURN TO DESK FROM WHICH BORROWED  
**LOAN DEPT.**

This book is due on the last date stamped below,  
or on the date to which renewed. Renewals only:  
Tel. No. 642-3405  
Renewals may be made 4 days prior to date due.  
Renewed books are subject to immediate recall.

REC'D LD JUN 3 71 -2 PM 71

J.

LD21A-50m-2,'71  
(P2001s10)476-A-32

General Library  
University of California  
Berkeley

UNIVERSITY OF CALIFORNIA LIBRARY

JUN 3 1971 8 2

LD 21-95m-7,'37



395344

D 619  
H3

UNIVERSITY OF CALIFORNIA LIBRARY

