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Speech of

Hon A.O. Bacon

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1898

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THE RECOGNITION OF CUBAN INDEPENDENCE.

Discussion on the effect of the vote on the report of the Conference
Committee on the Cuban resolutions.

SPEECHES

OF

HON. A. O. BACON,

OF GEORGIA,

IN THE

SENATE OF THE UNITED STATES,

APRIL 16 AND 19, 1898.

WASHINGTON.

1898.

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SPEECH
OF
HON. AUGUSTUS O. BACON.

April 16, 1898.

The Senate having under consideration the joint resolution (S. R. 119) for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Mr. BACON said:

Mr. PRESIDENT: I request that the Chair will give me notice when I reach one minute of the expiration of my time.

I regret that within the limited time it will be necessary for me to speak rapidly, and that what I shall say must of necessity be somewhat disjointed and irregular. If I had, however, but one minute, I would wish to say this, to which I am moved particularly by what has fallen from the Senator from Wisconsin [Mr. SPOONER], the Senator from Michigan [Mr. BURROWS], and the Senator from Connecticut [Mr. PLATT]: I think it is the greatest injustice on the part of Senators to attribute to unfriendliness and a hostile spirit everything which may be said by Senators not in accordance with what may be recommended by the President of the United States. I desire for myself to disclaim any such design or any such spirit. The President of the United States has his prerogatives, and we have ours; he has his duties, and we have ours; and each is responsible for the proper discharge of the same.

Mr. President, I have not been one of those who desired war. I think it is very greatly to be deplored. I know that it means death to many of the present generation, and that it means a grievous burden of debt to the next generation. Therefore I have entirely sympathized with the efforts of the President to avert war, and if he had not come to Congress and said that his efforts were at an end, I would be willing, if he desired it, to give him still further opportunity to avert war. It is apparent, however, that war must come, and it only remains to shape the issue properly.

But, Mr. President, that does not relieve me from the necessity of passing upon the grave questions which are submitted to-day, in view of my constitutional obligation to decide upon the question as a member of the Senate whether there shall be war; and if war, in what manner it shall be waged. Unfortunately, I differ from the President of the United States in his recommendations. The President of the United States asks that Congress shall clothe him with the power to wage war at his discretion. I think it would be unconstitutional to grant him that power, and consequently I can not agree with him. The resolutions passed by the House of Representatives, in my opinion, practically propose to

confer upon him this power. Therefore, under no circumstances could I, in view of my constitutional obligations, vote for those resolutions. But that is not hostility to the President.

In the same way I regard the recognition of the independence of the Cubans as an essential in case of intervention. The President of the United States thinks it should not be accorded to them. That difference does not constitute hostility on my part or on the part of those who agree with me.

In addition to a great many other reasons which I can not stop to go over, I think the question as to whether recognition either accompanies or precedes the act of intervention will have a most material bearing upon the possibility, to put it no stronger, of this Government being made liable for a part of the Spanish-Cuban bonds in the future; and I only remind gentlemen who discuss the legal question involved that that is a question not to be decided in courts, but it mayhap be decided at the cannon's mouth.

My colleague [Mr. CLAY] has already spoken upon this subject and will probably not again have an opportunity to address the Senate upon it. Therefore I take occasion to say for him that as to these positions which would make it impossible for me to vote for the House resolutions he agrees with me.

The Senator from Wisconsin [Mr. SPOONER] yesterday made a very long and elaborate and able argument on the subject as to where resides the prerogative of recognizing the independence of a nation. I would have been glad, and had intended, to submit some remarks in reply. It is a subject upon which I have bestowed much labor in its investigation, and upon which I have very fixed opinions. But it is manifestly now impossible for me to do so.

I desire simply to say one thing, which is that the assumption that it is exclusively an Executive prerogative implies necessarily that the power is lodged in one man to decide with what people of the world this country will maintain or will not maintain diplomatic relations. I say, not to go into the argument, that that is a position which is absolutely abhorrent to the genius of our institutions, and absolutely inconsistent with the letter and spirit of our Constitution, and that it can only find proper place in monarchical and absolute governments, where the voice of the people and of their representatives is neither heard nor heeded. But, Mr. President, I can not go into it. However, I desire to submit one further reflection in this connection.

There are two ways in which a declaration of independence may be regarded; one where there is no dispute about the fact of independence, the other where there is a dispute about the fact. In the one case recognition is a formality; in the other case it is the highest act of governmental power. An illustration of the latter case is to be had in the declaration of our own independence. When we say that a people are free and independent we do not necessarily mean that there is no dispute over it or that there is no contest over it. We mean to say that thereafter sovereignty shall rest there in the new nation, and that we dispute that it rests, or that it shall thereafter rest, where it formerly rested.

When the people of the Colonies decided in 1776 and proclaimed that they were free, they did not pretend that there was no further dispute about that fact, but they simply meant that thenceforth they repudiated and denied the sovereignty of the government which had theretofore been over them. When France three years thereafter recognized the Government of the United States as free

and independent, it did not mean to say that all doubt as to whether that independence had been established was removed, but it simply meant to say that thereafter France recognized the sovereignty of this people, and denied that thereafter there was or that thereafter there should be, in the recognition of France, any sovereignty in the British Government over this territory. Therefore, when we say to-day that we recognize the independence of the Cuban people, we mean to say that we deny that thereafter there is or shall be, in our recognition, any sovereignty of Spain in that island.

Mr. President, one word more on the subject of the rules with reference to what shall justify a government in recognizing the independence of a new government. All the rules with reference to what shall justify a government in recognizing the independence of another nation are made for the benefit of the parent nation from which the new government is to be sundered. It is to prevent injustice to that parent government; and therefore the care and particularity with which it is laid down that so long as there is a possibility, if you please, that that government can restore its authority, independence of the new government shall not be acknowledged.

Mr. President, one-half of the argument of the learned Senator from Wisconsin yesterday was devoted to that question. While I would gladly reply in detail, I think it can all be disposed of with one single comment, and that is that, applying as it does only to the question of maintaining the rights due to the parent nation, to see that no injustice is done to the sovereignty of the parent nation, it has no place in a consideration where we avow at the same time our purpose to strike down the power and sovereignty of that nation in that connection.

Mr. President, I would be glad if I could elaborate this subject, but it is manifest that I can not do so. I want to say one thing more. There never was a man who sat in the Presidential chair more zealous of the Executive prerogative than Andrew Jackson, and here is what he said about it in his message to Congress about Texas. I can not read all of it, only a part of it:

It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution, and most safe that it 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 the 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.

And thereafter he sent a message, the last message he ever sent to Congress, in which he said he recognized the Republic of Texas in response to the resolution which had been passed by Congress, recognizing it, as he said, as a decision of the question. Utterances to the same effect are found in other state papers, and the doctrine has been repeatedly asserted by Congress, and in one or the other House thereof.

Mr. President, aside from the suggestions which have been so strongly urged, that it is to our personal interest to recognize the independence of the Cubans, the merest justice requires that we should do so.

There has never been a more heroic struggle for liberty than has been made by that people. There have never been greater sacrifices made by a people to obtain their liberty than have been made by them. They have not made the ordinary sacrifices that other contestants for liberty have made. Many of us in this Chamber have known what it was to face the dangers of battle, but no one here has ever faced a danger of battle such as the Cuban patriots through long years have faced. No man here has ever entered battle knowing that if he escaped the bullet and became a captive he would meet with death by execution. Yet that has been the case of the Cubans in their ten years' war, as well as in the present war.

I read from the American Cyclopædia, Volume V, page 555, as to the execution of Cuban soldiers in five years between 1868 and 1872, inclusive. I have not the records for the succeeding years of that war, or of the present war.

According to official reports forwarded from Madrid by the United States minister, 13,600 Cubans had been killed in battle up to August, 1872, besides 43,500 prisoners whom the Spanish minister admitted to have been put to death.

My God, Mr. President, can we turn our backs upon men who have shown such heroism and such heroic sacrifice! For one I will not, either by my voice or by my vote.

The Senator from Connecticut [Mr. PLATT] who has just taken his seat, sneers at Gomez. Mr. President, if there is a certain fact, that fact is the independence of Cuba, and as certain as is the independence of Cuba, so certain will it be that in the future the name of this man Gomez will be found on the list of those immortal names that were not born to die. It will go down in history with the names of Washington and Bolivar, the great liberators of men from the bondage of tyranny and oppression.

Mr. President, in the histories of peoples a time comes for sacrifice. Such a time seems now at hand. I doubt not that the North is equally ready to make sacrifice with the South, but in the condition of things the sacrifice to be made in this war must be more serious in the South than in the North. The great volume of money which is to be spent in carrying on this war will be spent at the North and West and will quicken their industries.

We have few or none of the factories at the South which will make the munitions of war necessary to furnish the clothing and supplies for the armies, nor are we the large producers of the food crops which will be needed to supply them. On the contrary, our enterprises will be largely paralyzed by war, and our great product of cotton is to be put to a price that will not only not be remunerative, but be an absolute disaster to the man who produces it.

If communication with Cuba, through those who come and go, brings the yellow fever to our shores, the South will be the principal sufferer from this cause. The first hostile gun that is fired will find its echoes in our hills and valleys. If disaster should by possibility come, the seaports of the South will be those to be ravaged.

Nevertheless, Mr. President, our people will not be laggards in the struggle. But we do ask this: If we are to make this sacrifice, let it not be a sacrifice in the interests of the holders of the Spanish bonds, but let it be a sacrifice in the interest of humanity. If this sacrifice has to be made, let it not be for the purpose of invasion and conquest, but let it be because the great clock of the

world has struck the morning hour when there shall be born to independence and freedom a new and heroic people.

The VICE-PRESIDENT. The Senator from Georgia has one minute left of his time.

Mr. BACON. Mr. President, I utilize that moment by asking that there may be read from the desk what I desire to have placed in the permanent records as a piece of evidence relative to the question whether the *Maine* was blown up by torpedoes furnished by the Spanish Government. I desire to call attention simply to the fact that what is to be read by the Secretary are extracts from two Spanish newspapers published in Madrid. One of them is an interview with the former minister of marine under the ministry of Canovas, which, of course, preceded by several months the time of the explosion of the *Maine*. The other is the comment of the *Imparcial* upon the publication of that interview, and expressing regret for it for the reason that it might give rise to the very use which I now make of it.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

MADRID, April 11, 1898.

El Heraldo De Madrid publishes an interview with Admiral Beranger, former minister of marine, in the course of which he expressed his confidence in the ability of the Spanish navy to win in the event of a war with the United States.

"There is no fear," said Admiral Beranger, of our Cuban ports being exposed to a night attack, inasmuch as Havana, Cienfuegos, Nuevitas, and Sancti Spiritus are defended by electric and automatic torpedoes with a large radius of action.

"The late Señor Canovas del Castillo, who paid attention to these matters, decided in accord with myself to send to Cuba 190 torpedoes, which must have been placed in those harbors. Chacon, the well-known torpedo expert, undertook to convey and place these engines.

"I have already said that by sea we shall be victorious. I will give you my reasons. The first is the excellent discipline maintained on our ships; the second is that on board the American vessels as soon as firing is opened, a panic will set in, since it is common knowledge that their crews comprise men of every nationality. Pitted ship against ship, we have nothing to fear."

El *Imparcial*, commenting on this interview, says:

IMPARCIAL REGRETS THE CONFESSION.

"That those torpedoes should be sent in case war should break out is very natural; but that as much should be admitted at this moment constitutes a twofold imprudence: in the first place, because it warns the enemy, and the enemy being warned, it will do its best to cripple those defenses; and secondly, because the jingoes, availing themselves of the evidence afforded by the minister of marine of the late Señor Canovas, will assert that one of the torpedoes he describes caused the *Maine* explosion."

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DISCUSSION IN THE SENATE OF THE UNITED STATES, APRIL 19TH, 1898, ON THE EFFECT OF THE VOTE ON THE REPORT OF THE CONFERENCE COMMITTEE ON THE CUBAN RESOLUTIONS.

Mr. BACON. I simply desire to say one thing. The Senator from Maine [Mr. HALL] and the Senator from Wisconsin [Mr. SPOONER] are evidently pluming themselves upon the fact that they secured the passage of these resolutions. I want to call attention to the fact that neither the Senator from Maine nor the Senator from Wisconsin has ever voted for these resolutions, and the RECORD will not show that they did.

Mr. TELLER. They voted against the resolutions.

Mr. BACON. They voted against them every time, and there

is no place which either of the Senators can put his finger upon to show that he ever voted for the resolutions, and I will prove it right here.

Mr. HOAR. Will the Senator from Georgia allow me?

Mr. BACON. Pardon me for a moment. Permit me to complete my statement, and I will yield to the Senator with pleasure.

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

Mr. BACON. There has been but one occasion upon which the Senate has voted on the resolutions which finally passed the Senate, and that was on Saturday last, when the identical resolutions were passed by a vote of 67 yeas to 21 nays, the only difference between the resolutions and those which came back from the House being the amendments to the first resolution. The first resolution related exclusively to the independence of Cuba, and of the Republic of Cuba. Now, the first resolution, which is the only one that ever came into dispute, had no reference whatever to intervention or to any action on the part of this Government. It related exclusively to the simple question of the recognition of the independence of the people of Cuba and to the recognition of the Republic of Cuba. The other resolutions are these, and I want to read them in order that the point may be made clear. I begin with the second resolution that passed the Senate on Saturday night last:

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.

I assert as a fact, and as a parliamentary fact, that the Senate voted on those three resolutions which I have read but once, and that was last Saturday night, and that upon that occasion there were 67 yeas and 21 nays, and the Senators who then voted in the negative have never had an opportunity since to vote in the affirmative on it, and have never voted in the affirmative since.

Mr. SPOONER. Mr. President—

Mr. BACON. Will the Senator from Wisconsin pardon me for a moment? Among those 21 nays are the names of the Senator from Maine [Mr. HALE] and the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. That is right.

Mr. BACON. The nays are as follows—

Mr. SPOONER. That is right—

Mr. BACON. Pardon me. The 21 nays who voted against those three resolutions, and who have never since voted for them, and who will never again have an opportunity to vote for them, are as follows:

Aldrich,	Hale,	Morrill,	Wellington,
Allison,	Hanna,	Platt, Conn.	Wetmore,
Burrows,	Hawley,	Platt, N. Y.	White.
Caifery,	Hour,	Pritchard,	
Elkins,	McBride,	Sewell,	
Fairbanks,	McMillan,	Spooner,	

That is the only record that can be found up to the present date where the question whether the Senate should or should not pass those three resolutions was ever acted upon by the Senate, and upon that occasion the twenty-one names which I have mentioned were recorded in the negative.

Mr. HOAR. Will the Senator yield to me for a moment?

Mr. BACON. I will yield for a question, but I do not propose to occupy the floor any length of time. I do not desire to yield for the purpose of a speech.

Mr. HOAR. I do not wish to make a speech and I do not want exactly to put a question. I want to repeat a verse of Dr. Watts.

Mr. BACON. I prefer that the Senator should indulge in his poetical diversions in his own time and not in mine, and I object.

Mr. HOAR. It is so exceedingly apt that I should like to do it now.

Mr. BACON. I object to the Senator's proceeding.

Mr. HOAR. Of course, if—

Mr. BACON. The Senator will have ample opportunity. He is gifted in that direction. He has very large resources. I prefer that he use his own time for that purpose.

Mr. ALLISON. Will the Senator from Georgia yield to me for a question?

Mr. BACON. Yes, sir; for a question.

Mr. ALLISON. What becomes of those who voted for the third reading of the joint resolution and its passage?

Mr. BACON. The passage? The question of its passage was never before the Senate except that one time.

Mr. ALLISON. Did it not pass the Senate after its third reading yesterday?

Mr. TELLER, Mr. COCKRELL, and others. No, no.

Mr. SPOONER. Mr. President—

Mr. BACON. And the RECORD will not show it.

Mr. COCKRELL. It was read the third time but once. No measure ever is read the third time but once.

Mr. SPOONER. Could it possibly have become a law without the adoption of the conference report by both Houses?

Mr. BACON. Of course I am coming to that point. Yesterday the question was on the conference report.

Mr. SPOONER. Yes.

Mr. BACON. And so the conference report—

Mr. SPOONER. Could it ever possibly have become a law, I ask the Senator from Georgia, without the adoption in both Houses of the conference report?

Mr. COCKRELL. Yes; another conference could have been ordered and another conference report adopted.

Mr. BACON. I am coming to the conference report. The conference report had no relation whatever to either of the three resolutions which I have read—none whatever. The conference committee had no relation to that, and no vote upon the conference report could have any relation or any reference to the three resolutions which I have read. I repeat that the RECORD—and everything that was done is in print—can not show the place where either of the twenty-one Senators whose names I have read ever voted for either of these three resolutions.

Mr. TILLMAN. Yet the Senator from Maine now claims they did.

Mr. BACON. Of course.

Mr. TELLER. I suggest to the Senator from Georgia that of those three propositions the conference committee had no possible charge.

Mr. BACON. None on earth.

Mr. COCKRELL. They could not touch them.

Mr. BACON. It is a matter of elementary knowledge known to every Senator here and to every tyro elsewhere that matters of difference between the two Houses are the only things which go into conference. Nobody can dispute that fact.

What was the difference between the two Houses? Was there any difference between the two Houses as to the three resolutions I have read? Not a particle. We passed a joint resolution here containing those three resolutions, and our action so far as those three resolutions were concerned was final. The joint resolution went to the House, and the House passed the same three resolutions without amendment, and their action as to those three resolutions was final, and they had no further opportunity to act upon them. As to the first resolution—

Mr. FAIRBANKS. Mr. President—

Mr. BACON. Will the Senator from Indiana pardon me for a moment? I will then yield with pleasure.

As to the first resolution, there were two differences. We had passed the first resolution on Saturday last in these words:

That the people of the Island of Cuba are, and of right ought to be, free and independent, and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

That is what we passed. When it went to the House, as to that resolution, and that alone, the House made a disagreement. It made no disagreement as to either of the other three resolutions or any part of them, any line or letter of them, but they did make a disagreement as to the first resolution. They made two disagreements. They said, in the first place, that the words "are, and" ought to come out, so that it would simply read "That the people of the Island of Cuba of right ought to be free." That was one difference. We said the words "are, and" ought to be in. They said they ought to be out.

Another difference was that they said that part of it which recognized the Republic of Cuba ought to come out. We said it ought to be in. There were two differences, and a conference committee was asked of the two Houses. For what? To pass on the three resolutions I have read? Certainly not. Each House had agreed to them. The Senate had agreed to them, although the twenty-one gentlemen whose names I have mentioned voted against them, and the House had agreed to those three resolutions; but as to the first resolution there were two differences, and we had a conference for the purpose of settling the differences on the first resolution, and that alone.

Now, I repeat that it is a principle which no man can dispute that a conference committee has no jurisdiction over anything except as to the differences between the two Houses, and that those differences were such as I have here stated and related in no manner to anything else. Therefore when the conference committee reported—

Mr. SPOONER. If my friend the Senator from Georgia will allow me—

Mr. BACON. Permit me to complete the sentence. Therefore

when the conference committee reported, they could report nothing beyond their jurisdiction.

Mr. SPOONER. Of course not.

Mr. BACON. They attempted nothing beyond their jurisdiction. They simply attempted to compose the differences between the two Houses, to compose the differences as to those two amendments to the first resolution, and when they came in and when we refused to agree to the recommendation of the conference committee, we made no refusal as to the three resolutions with which they had nothing to do, and when we agreed to their recommendation we did not agree to anything which related to the three resolutions with which they had nothing to do.

Mr. SPOONER. My friend the Senator from Georgia, who is not only very able, but always frank, will agree that whatever measure may be passed by the two Houses of Congress, whether there may be one resolution or two or three or four or ten, when as to one of them there arises a difference, none can become effective without an agreement as to that difference. If there is a deadlock between the two Houses as to a single difference concerning one of a dozen resolutions, it kills the whole business.

Mr. BACON. Unless there is a final agreement, of course.

Mr. SPOONER. I say if there is a failure to agree.

Mr. COCKRELL. There was no failure to agree. It went right back into conference.

Mr. BACON. When the Senator from Wisconsin wishes to ask me a question, I am glad to yield, but I do not think he ought to stop me to argue the matter.

Mr. SPOONER. That is right.

Mr. FAIRBANKS. Mr. President—

Mr. CHANDLER. I ask the Senator from Georgia—

Mr. BACON. The Senator from Indiana some time ago asked me to yield, and I now yield to him.

Mr. FAIRBANKS. I ask the Senator from Georgia whether or not a vote in favor of concurrence in the final conference report was not in effect a vote for the various resolutions to which the Senator has just alluded?

Mr. BACON. It might have been in spirit; it was not in fact.

Mr. FAIRBANKS. Was not a vote for or against concurrence in the final conference report in effect a vote for or against the resolutions?

Mr. BACON. No; by no means.

Mr. FAIRBANKS. Mr. President—

Mr. BACON. The Senator will pardon me for just a moment. It was by no means, as I was endeavoring to show when I yielded to the Senator from Wisconsin. The conference committee has no jurisdiction outside of the differences between the two Houses, the matter in difference between the two Houses. Their report can cover nothing except as to matters of difference between the two Houses; and therefore, inexorably, our vote can not have reference to anything except as to matters in difference between the two Houses.

Mr. SPOONER. Unless it is composed, the whole business drops.

Mr. BACON. I yield now to the Senator from New Hampshire.

Mr. CHANDLER. I should like to ask the Senator from Georgia to state here why he and I and other Senators voted not to concur in the House amendments?

Mr. SPOONER. I rise to a point of order. I do not exactly know how the Senator from Georgia can tell why the Senator from New Hampshire did anything.

Mr. BACON. I will state why I did, and will leave out the Senator from New Hampshire.

Mr. CHANDLER. That does not concern the Senator from Wisconsin.

Mr. SPOONER. If the Senator from New Hampshire—

Mr. CHANDLER. The Senator from Georgia and I had a common purpose in those votes, and I propose to ask the Senator a question about it, if the Senator from Wisconsin will let me.

Mr. SPOONER. Mr. President—

Mr. CHANDLER. If the Senator from Wisconsin would not interrupt me except with my consent, I would be very much obliged to him.

Mr. SPOONER. I beg pardon.

Mr. CHANDLER. I ask the Senator what the assumed motive was in voting to nonconcur in the House amendments?

Mr. SPOONER. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wisconsin will state it.

Mr. SPOONER. I should like to ask the Senator from New Hampshire, if it will not be an unparliamentary interruption, what he means by an assumed motive as a basis?

Mr. BACON. I will ask that both Senators will—

Mr. CHANDLER. If the Senator from Wisconsin is done and will kindly sit down, I will go on with my business.

Mr. SPOONER. I will sit down when the Senator answers the question.

Mr. BACON. Mr. President, I claim the floor.

Mr. TILLMAN. If the Senator from Georgia will—

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. BACON. It is very much easier for each gentleman to argue in his own time—

Mr. TILLMAN. I am merely trying to answer the Senator from Wisconsin.

Mr. CHANDLER. I will ask the Senator—

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

Mr. BACON. Yes, if I may yield to him alone.

Mr. SPOONER. Mr. President—

Mr. BACON. But I see that that contingency has already fallen through.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER. The Chair must sustain the right to the floor of the Senator who has it. The Senator from Georgia has the floor, and he yields to the Senator from New Hampshire for a question.

Mr. SPOONER. Mr. President—

Mr. CHANDLER. I do not yield to the Senator from Wisconsin.

Mr. SPOONER. I have not asked the Senator to.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. CHANDLER. I will ask my question of the Senator from Georgia in another form. Was it not the object in voting not to concur in the House amendments to secure, if possible, action by the House receding from those amendments?

Mr. BACON. Most undoubtedly. It could have been nothing else.

Mr. CHANDLER. Was not that the object of every vote against concurring and in favor of insisting?

Mr. BACON. Undoubtedly.

Mr. CHANDLER. Then I will ask the Senator this question: Whether, no matter how long that voting continued, the object and purpose of it was not the same—to secure, if possible, the action of the House receding from those amendments?

Mr. BACON. The purpose in each case was to secure the action which we had originally taken, and to embody that as law, which action was the only part about which there was any difference, and which action was one relating exclusively to the question of the independence of the people of Cuba and of the Republic of Cuba.

Mr. President, I did not rise with any expectation—I am occupying the floor by the courtesy of the Senator from Missouri—

Mr. COCKRELL. Proceed.

Mr. BACON. I rose with no expectation of occupying so much time. I desired to call attention from the RECORD to the fact that the Senators who now claim that they alone passed the joint resolution, that those who have occupied the floor of the Senate for this purpose, have had but one opportunity to vote for the resolution, and that then, so far from availing themselves of that opportunity, the RECORD shows they voted against it.

Mr. SPOONER. Will my friend the Senator from Georgia allow me to interrupt him for a moment?

Mr. BACON. For a question?

Mr. SPOONER. No.

Mr. BACON. Then I decline to yield.

Mr. SPOONER. The Senator does me injustice if he imputes to me the position or declaration that I voted for these resolutions.

Mr. MONEY. The Senator from Georgia says the Senator from Wisconsin did not.

Mr. SPOONER. I have not said that I voted for the resolutions.

Mr. BACON. Very well.

Mr. SPOONER. I do not want the Senator—

Mr. BACON. I will take it back, if the Senator admits he did not. If he admits that he did not, what I said does not apply to him.

Mr. SPOONER. Of course, when these resolutions—

Mr. BACON. Now, Mr. President—

Mr. SPOONER. If my friend will permit me as a matter of fairness, I will state that when these resolutions were before the Senate I did not vote for them.

Mr. BACON. The RECORD shows that the Senator did not.

Mr. SPOONER. I voted against them.

Mr. BACON. So the RECORD shows.

Mr. SPOONER. I voted against the first one because I regarded it as a legislative falsehood, declaring a fact which I did not believe to be a fact.

Mr. BACON. I voted for it because I regarded it as a legislative truth.

Mr. SPOONER. I voted against the last one, which is what is called an ultimatum, upon the ground—I may have been mistaken, but I was sincere about it, and as good a friend of Cuba, too, as my friend the Senator from New Hampshire [Mr. CHANDLER], not talking so much about it, however—

Mr. BACON. Mr. President—

Mr. SPOONER. Pardon me for a moment.

Mr. BACON. I thought the Senator from Wisconsin was through.

Mr. SPOONER. No. I did that because I believed it was not a function of Congress to declare an ultimatum against a foreign government, and that it was in no sense a law. But when the time came that there was an agreement on the main proposition between the two Houses and a disagreement as to one point, even though, if it had been left to me, I would not have voted for it, I yielded.

Mr. BACON. But the Senator never had the second opportunity to vote for it.

Mr. SPOONER. Wait a moment. I yielded. I voted at the end, when the conference committee had reported an agreement, for the report in order to compose the differences, in order to bring about a legislative adjustment between the two Houses, when I feared there might be no other way. In a sense I voted for something which I did not believe. I voted for something which I had denounced upon the floor of the Senate; and I did it not because I am fond of swallowing, or am willing to do so ordinarily, my own words, or in any sense stultifying myself; but I did it—and I thank my friend the Senator from Georgia for permitting me to say it—because I regarded it as a great and momentous transaction. I thought small differences of opinion ought not to hold us apart, and that we should, if it were possible to do it, come to an agreement that something might emanate from the legislative department to the President, that the reconcentrados who were starving might be relieved, and that the people who claim to love Cuba so much might afford the President an opportunity to aid Cuba.

Mr. BACON. I want to make two remarks in regard to what the Senator has just said. In the first place, I have labored with considerable earnestness to prove that the Senator has never voted for these three important resolutions. I think I have proved it; and in the second place the Senator has admitted it that he never did.

Mr. SPOONER. If the Senator—

Mr. BACON. I object to the Senator taking me entirely off the floor.

Mr. SPOONER. If the Senator will allow me one moment, I will not interrupt him again.

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

Mr. BACON. I said I was going to make two remarks, and he has allowed me to make one. I will repeat the first one, as the Senator was engaged in the conference he was having with the Senator from Massachusetts [Mr. HOAR], and possibly did not hear it. I said that I had labored with considerable earnestness to endeavor to prove that the Senator from Wisconsin had never voted for the three important resolutions.

Mr. SPOONER. I admit it.

Mr. BACON. And I went on to say, which the Senator did not

hear, and which I am now repeating for his benefit, that I had not only proved it, but that the Senator now admitted it.

Mr. SPOONER. I admitted it from the beginning.

Mr. BACON. Very well.

The second remark I desire to make in regard to the Senator's remarks during the interruption is this: The Senator in the course of his interjection, and in the latter part of it, went on to say why he had voted for the resolutions, although he did not agree with them. I say the Senator is mistaken. He never voted for them.

Mr. SPOONER. I never said I did.

Mr. BACON. I think the RECORD will show that the Senator did.

Mr. SPOONER. I said I voted for the conference report, which, if adopted, would adopt the three resolutions for which I had not voted.

Mr. BACON. The Senator is entirely wrong. The conference report had no reference to these three resolutions, and if there is anything which can be demonstrated in logic it has been demonstrated and need not be repeated, that the conference report had nothing to do with these three resolutions, because there was no difference between the two Houses on the three resolutions. The conference report was limited to the differences on the first resolution.

Mr. SPOONER. How could they have been passed without an agreement to some conference report?

Mr. BACON. The conference report simply related to those differences as to—

Mr. SPOONER rose.

Mr. BACON. The Senator will certainly permit me to make a statement without interrupting me before I get through a sentence even. The trouble is, the Senator is engaged in a colloquy, and in the midst of a number of his advisers around he does not hear what I reply, and then he makes an interruption which relates to something I did not say.

Mr. SPOONER. I did not utter a word. I simply shook my finger.

Mr. BACON. The Senator shook it in a way so that I thought possibly it might go off. The proposition is a plain one, that the time when the Senate passed upon these three resolutions, which have probably now become a law by the signature of the President, was on the evening of Saturday, the 16th day of April; that the Senate voted upon them then, and has never voted upon them at any other time.

Mr. FAIRBANKS. If the Senator from Georgia will allow me just a question, I will ask him whether the resolutions which have now probably become a law would have become a law except in pursuance of the vote found on page 4461 of the CONGRESSIONAL RECORD?

Mr. BACON. The question which the Senator from Indiana asks me is, in substance, exactly the same question that the Senator from Wisconsin asked me, and which I was trying to answer at the time when the Senator from Indiana interrupted me for the purpose of asking it again. It is necessary to have a logical sequence in a statement of a proposition, and before I can get to the conclusion the Senator repeats identically the same question. I was coming exactly to the question as to what was the effect of the vote of last night, if the Senator will permit me to get that far.

Mr. FAIRBANKS. I am willing that the Senator should answer one inquiry or the other. Either will satisfy me.

Mr. BACON. I will certainly do so if the Senator will give me an opportunity, at least to the best of my ability; whether satisfactorily to others or not, they must judge.

I repeat the proposition in order to state it properly. The only time these three resolutions which relate to intervention in Cuba have ever been passed upon by the Senate was Saturday evening; that the only differences between the two Houses were as to the first resolution, relating entirely to the matter of independence, and that they did not relate in any manner to either of these three propositions; that upon those differences the conference committee was appointed, whose duties were limited to those differences, whose report must have been limited to those differences, when it came to the Senate for a vote the votes were limited to those differences. In other words, when we had the vote last night we did not vote for these three resolutions in any manner, directly or indirectly. We could not change them. Our action as to them had been final. The action of the House as to them had been final. We could not amend them. The House could not amend them. The conference committee could not amend them. They were all three final.

Mr. FAIRBANKS. Will the Senator allow me to ask him a question? Would the joint resolution have gone to the President for his signature and have become a law without the vote of last evening?

Mr. BACON. Most undoubtedly not; and if the Senator had permitted me, that was the next step which I was about to take and which I was about to state.

Mr. FAIRBANKS. I ask the Senator, then, if the joint resolution would not have become a law but for the vote of last evening, whether he aided in making it a law by his vote against it?

Mr. BACON. If we had prevailed, it would have become a law just the same. Those three resolutions would have become a law just the same.

Mr. HOAR, Mr. SPOONER, Mr. CULLOM, and others. Oh, no!

Mr. BACON. I beg the Senators' pardon. Possibly I might be allowed to state a proposition before the Senators enter their judgment and verdict finally.

Mr. SPOONER. It was so plain a case that I felt at liberty to do it.

Mr. CULLOM. So did I.

Mr. BACON. The differences between the two Houses related exclusively to the first resolution. If we had prevailed, the matters to which the House objected would have remained in the joint resolution and it would have become law with that matter in it. So the joint resolution would not have been defeated if we had prevailed. I am speaking about the Turpie amendment. On the other hand, when the Turpie amendment was not permitted to prevail, as under the conference report it was excluded, the resolutions have become a law without the Turpie amendment. But under our action, whichever side prevailed, the three resolutions would have become law, just as they have become law, without alteration. But in the one case they would have become law with the recognition of the Cuban Republic. In the other case they would have become law, as they probably already have done, without the recognition of the Cuban Republic.

Now, Mr. President, one other word and I will stop. The Sen-



ator from Maine in the course of his remarks twitted the Senator from Missouri with the fact that the Democrats in the House had voted in the affirmative on the conference report and the Democrats in the Senate had voted in the negative on the conference report. I desire to point, I think with perfect ease, to the fact that in each case the Democrats, both in the Senate and the House, voted for the accomplishment of practically the same purpose. When the House agreed to the conference report, they had no vote to make on the Turpie amendment, because they had never agreed to the Turpie amendment. Consequently, it not having been recommended that they should agree to that amendment, it was not before them in any way. The House had stricken out the words "are and," and they were called upon by the conference report to restore those words. Now, when they voted to restore those words, they voted that the resolutions should declare—

Mr. HOAR. Who has stricken them out?

Mr. BACON. Pardon me a moment. When they voted to restore the words "are and" they voted that the declaration should read that "the people of Cuba are and of right ought to be free." Consequently their vote in that instance was in the interest of the independence of Cuba.

On the other hand, when the report came to the Senate for our action, we had nothing to do with the voting on the question as to restoration of those words, because we had already put them in and we were not called upon to restore them. What we were called upon to do was to recede from the proposition that the Republic of Cuba should be recognized as free and independent; and when we voted "nay," we voted in the interest of the independence also of the Cuban Republic.

So, while the House voted in the affirmative on the conference report, they voted in the interest of the independence of Cuba; and in the Senate, while we voted in the negative on the conference report, we equally voted in the interest of the independence of Cuba. They voted on one proposition and we voted on another, and both propositions were included in the conference report.

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