

We have more than our rights at stake in this war—far more. The democracy, the civilization, the Christianization of the world are at stake; and I believe that America should be proud of the opportunity to engage in a world-wide fight of democracy against autocracy as a token of appreciation of the valued rights which she wrested in 1776 from monarchical rule and which she has enjoyed ever since.

This country has been specially favored by Providence; it has been made a beacon light, a guiding star to those who look forward to the time when the rule of the people shall be world-wide. It has had the privilege of setting the Statue of Liberty Enlightening the World in New York Harbor, bespeaking to all the world democracy, liberty, enlightenment in self-rule. If we do not respond to this challenge to the democracy, not only of our own country but to the democracy of all the world; if we are not ready to defend our own liberty, then we would better take down the Statue of Liberty Enlightening the World, which we have erected in New York Harbor, for it would be a snare and delusion.

Now, since Russia has taken her stand with the nations of the earth that believe in self-rule and stand for self-government, this terrible war is purely a battle between democracy and autocracy, and there should be no question of the attitude of this Government, or where, when challenged to enter, it should align itself. It is the democracy of the world against German Prussianism, Austrian absolutism, and the unspeakable Turk, who is a stench in the nostrils of the Christian nations of the world and ought long ago to have been driven not only out of Europe but out of the Holy Land, which he has despoiled.

To my mind, this Government has an opportunity to do great service to the world in behalf of all for which it has stood for now nearly 150 years. It has a chance to secure to the rest of the struggling, panting world some of the rights which we have been enjoying for so long to the exclusion of many other nations, and when it takes a hand in doing so we will not only be protecting our own rights but at the same time upholding the democracy of the world in waging a fight on the greatest remaining bulwark of special privilege in the world, the Prussian dynasty of Germany. We talk much of the bulwarks of special privilege. The greatest bulwark of special privilege in the world to-day is the Prussian dynasty of Germany. It is defiant, confident. It challenges us, assaults us, undertakes to drive us from the great highway of nations. Shall we respond or submit? There can be only one answer. Americans never submit to tyranny. That day passed forever in 1776. The spirit of 1776 is here. It has only been dormant. It is aroused and will be heard in tones that will reverberate around the world.

Mr. COLT. Mr. President, I agree with the remark of the Senator from Virginia [Mr. SWANSON] that the time for discussion has passed and the time for action has come. I also think that the most eloquent and effective speech which can be made at this time is to cast a vote in the affirmative for the resolution before the Senate in favor of war and in support of the President of the United States. At the same time I feel that I ought, at least, to say a simple word or two.

To my mind, there are three courses open in this crisis—submission, armed neutrality, or war. Submission can not be thought of for a moment when we reflect upon the honor and dignity of the United States. Armed neutrality has been tried and has proved a failure. Armed neutrality, or defensive warfare, is not adapted to the submarine. We can not have a condition of armed neutrality and defend ourselves against this monster of the sea which lies in ambush. There is, therefore, no alternative left but war.

I am not going to discuss whether we are in a state of war or not. The facts have been reviewed and are familiar to all. I regard that we are as much in a state of war as if Germany had sent a battleship and bombarded New York City and killed innocent men, women, and children—innocent noncombatants—for a merchant ship bearing the United States flag and sailing peacefully upon the ocean is a portion of the territory of the United States, and when, under the authority of a foreign Government, that ship is sunk without warning and the lives on board are sacrificed, that is an act of war.

The Senator from Montana [Mr. MYERS] has said that the battle to be fought is between autocracy and democracy. I would change that phraseology. To my mind, the battle to be fought is between democracy and Prussian militarism. It is the domination of the military power of Prussia which is a menace to the world, to civilization, and to democracy. Germany is Prussianized. The Prussian military system is a system of blood and iron. It substitutes force for law, and the battle to-day is simply—the issue is sharply defined in my own mind—the battle to-day is simply for the overthrow of Prussian militarism, and

nothing else. It is Prussian militarism which threatens to destroy liberty, civilization, Christianity, and all that we hold dear as an enlightened people.

Prussian militarism is the system of the Middle Ages. The U-boat controversy is a mere incident in it. It is a system of cruelty, of outrage, of the nonrecognition of international law and of all human rights. It is a system of the use of force at any cost; a system which says that self-preservation justifies the employment of any means, however cruel and savage. It is a system which has now arrayed the civilized world against Germany.

If we are going to war upon that issue we know what our task is. That task is the destruction of the military system of Prussia which has poisoned Germany, has extended its poison to Austria-Hungary, and will poison the civilization of the world if it is allowed to conquer.

I feel, Mr. President, that that is the issue—a momentous one—and I feel in my heart where our people, our Republic, should stand in the presence of that world-wide, momentous issue. We want to stand where the President of the United States has placed us in his message. War means the overpowering of the enemy—the utter defeat of the enemy. We want to avail ourselves of every means at hand; we want to join the allies; we want to join the neutrals if they will come with us; and, presenting a solid, united body of nations and countries devoted to civilization and liberty, let us join with all and fight the good fight until victory crowns our banners.

Mr. LA FOLLETTE. Mr. President, Congressman HELGESEN, of North Dakota, having undergone a severe surgical operation, is lying in his bed of pain in a hospital in this city. He has requested me to read on the floor of the Senate a letter which he has received from one of his constituents. Through his secretary, he has advised me that the thousands of letters and telegrams that come to him on the question that is pending before this body to-day bear to him one message of uniform protest against war.

The letter which I am requested to read this afternoon is from Mrs. H. A. Woods, who signed herself "A North Dakota Farm Woman":

FLASHER, N. DAK., March 29, 1917.

HON. HENRY T. HELGESEN,
Washington, D. C.

DEAR SIR: The United States, according to the newspaper reports, is on the brink of entering the European war "for the sake of humanity," against which act I emphatically protest. Did the mother of the poorer, thrifty classes, who spent many wakeful nights during the infancy of her boy, who went faint and weak, who got along without necessities in the way of clothing, who patched and stinted, in order to feed and clothe her boy, go through those sacrifices to send her boy to a slaughterhouse to be butchered? And what has that boy done to be sacrificed, to be made to suffer until he goes insane, to lose his eyesight, to lose an arm or a leg or both? Where does the humanity and the justice come in?

I am not a German or a German sympathizer, but I sympathize with the mothers and the proposed victims who are to be sacrificed on the altar of greed to enable money-making concerns who have made piles and piles of money to make still more money.

Let the United States Government confiscate the German vessels now in the harbors of the United States and hold them as hostages for property destroyed by submarines. The maudlin sympathy with women who lose their lives on the high seas these days is ridiculous. Let the women stay at home, where they belong.

I protest against compulsory military service, except, should it ever be needed, for home defense.

I protest, in the name of humanity, against the taking away of husbands, fathers, sons, and brothers to be butchered, as proposed by the press, from the American women and children, leaving the latter to meet financial ruin, misery, and, in some cases, death from broken hearts.

The lower middle classes, a percentage of them in the large cities, live under economic conditions which enable them to raise but one or two children to a family. Is the sinking of a few merchant vessels worth even one life brought up at the expense of so many sacrifices?

By laying the above protests before the United States Congress, you would greatly oblige,

A NORTH DAKOTA FARM WOMAN.

—Mr. LA FOLLETTE. Mr. President, I had supposed until recently that it was the duty of Senators and Representatives in Congress to vote and act according to their convictions on all public matters that came before them for consideration and decision.

I.

STANDING BACK OF THE PRESIDENT.

Quite another doctrine has recently been promulgated by certain newspapers, which unfortunately seems to have found considerable support elsewhere, and that is the doctrine of "standing back of the President," without inquiring whether the President is right or wrong. For myself I have never subscribed to that doctrine and never shall. I shall support the President in the measures he proposes when I believe them to be right. I shall oppose measures proposed by the President when I believe them to be wrong. The fact that the matter which the President submits for consideration is of the greatest im-

portance is only an additional reason why we should be sure that we are right and not to be swayed from that conviction or intimidated in its expression by any influence of power whatsoever. If it is important for us to speak and vote our convictions in matters of internal policy, though we may unfortunately be in disagreement with the President, it is infinitely more important for us to speak and vote our convictions when the question is one of peace or war, certain to involve the lives and fortunes of many of our people and, it may be, the destiny of all of them and of the civilized world as well. If, unhappily, on such momentous questions the most patient research and conscientious consideration we could give to them leave us in disagreement with the President, I know of no course to take except to oppose, regretfully but not the less firmly, the demands of the Executive.

II. ARMED NEUTRALITY.

On the 2d of this month the President addressed a communication to the Senate and House in which he advised that the Congress declare war against Germany and that this Government "assert all its powers and employ all its resources to bring the Government of the German Empire to terms and end the war."

On February 26, 1917, the President addressed the Senate and the House upon the conditions existing between this Government and the German Empire, and at that time said, "I am not now proposing or contemplating war or any steps that need lead to it." * * * "I request that you will authorize me to supply our merchant ships with defensive arms, should that become necessary, and with the means of using them" against what he characterized as the unlawful attacks of German submarines.

A bill was introduced, and it was attempted to rush it through the closing hours of the last session of Congress, to give the President the powers requested, namely, to arm our merchant ships, and to place upon them guns and gunners from our Navy, to be used against German submarines, and to employ such other instrumentalities and methods as might in his judgment and discretion seem necessary and adequate to protect such vessels. That measure did not pass.

It is common knowledge that the President, acting without authority from Congress, did arm our merchant ships with guns and gunners from our Navy, and sent them into the prohibited "war zone." At the time the President addressed us on the 2d of April there was absolutely no change in the conditions between this Government and Germany. The effect of arming merchant ships had not been tested as a defensive measure. Late press reports indicate, however, that the *Asce*, a United States armed merchantman, has been sunk in the prohibited zone, whether with mines or a torpedo, I believe, has not been established, so the responsibility for this sinking can not, so far as I know at this time, be placed.

When the request was made by the President on February 26 for authority to arm merchant ships, the granting of such authority was opposed by certain Members of the House and by certain Senators, of which I was one. I made at that time a careful investigation of the subject, and became convinced that arming our merchant ships was wholly futile and its only purpose and effect would be to lure our merchantmen to danger, and probably result in the destruction of the vessels and in the loss of the lives of those on board. The representatives of the President on this floor then having that bill in charge saw fit, by methods I do not care to characterize, to prevent my speaking upon the measure and giving to the Senate and to the country such information as I had upon the subject.

Under the circumstances, I did the only thing that seemed practical to me, and that was to give such publicity as I was able through the press to the fact that the proposition to arm merchant ships would be wholly futile, and could only result in loss of the lives and property of our own people, without accomplishing the results intended. Of regret to say that the President, according to statements in the public press purporting to emanate from him, and which have never been denied, saw fit to characterize as "willful" the conduct of the Senators who, in obedience to their consciences and their oaths of office, opposed the armed-ship bill, and to charge that in so doing they were not representing the people by whose suffrages they are here. I know of no graver charge that could be made against the official conduct of any Member of this body than that his official action was the result of a "willful"—that is, an unreasoned and perverse—purpose.

Mr. President, many of my colleagues on both sides of this floor have from day to day offered for publication in the *Record* messages and letters received from their constituents. I have received some 15,000 letters and telegrams. They have come from

44 States in the Union. They have been assorted according to whether they speak in criticism or commendation of my course in opposing war.

Assorting the 15,000 letters and telegrams by States in that way, 9 out of 10 are an unqualified indorsement of my course in opposing war with Germany on the issue presented. I offer only a few selected hastily just before I came upon the floor which especially relate to public sentiment on the question of war.

Mr. President, let me say that the city of Monroe, Wis., is the county seat of Green County, which borders on the State of Illinois. I am not able to state exactly the percentage of the nationalities of the people, but I know that the foundation stock of that little city was of New England origin. In the last 10 or 15 or 20 years a great many Swiss have come into the county.

But, Mr. President, it is a good town, typical of any town of like size in any State in the Union. They held an election there on the 2d day of April, and the following vote was polled upon the question of declaring war against Germany. The telegram reporting the vote is as follows:

Monroe election votes on referendum on war question. For peace, 954; for war, 95.

I am informed that in a Massachusetts referendum by postal card 20,000 postal cards were sent out, and the returns thus far show 66 per cent against war; 63 per cent against conscription. The following form was submitted in taking the vote in Massachusetts:

President Wilson said: "I would rather know what the people are thinking out there around their quiet firesides than to know what is going on in the cloakrooms of the Capitol."

What do you think of the two questions on the other side? Mark your cross. We will see that your Congressman hears. Do it now and mail immediately.

EMERGENCY PEACE COMMITTEE OF MASSACHUSETTS,
120 Boston Street, Room 533.

Telephone Beach 6899.
MARCH 27, 1917.

REFERENDUM FOR MASSACHUSETTS CONGRESSMEN.

	Yes.	No.
1. Do you believe that the interest of humanity would best be served by the United States keeping out of the European war?		
2. Do you oppose the adoption of conscription as dangerous to American democracy?		
Name _____		
Street _____		
Town or city _____		

I received this telegram April 2 from Flint, Mich.:

Vote taken this afternoon in third precinct, first ward; question, Shall we enter war on European soil? Results—for war 26, against war 130. L. E. LARSON.

I do not know Mr. Larson. I know little or nothing about Flint, Mich. I do not know whether it has a German population or a mixed population. The senior Senator from that State [Mr. SMITH] says that it is a mixed population.

I have this from Sheboygan, Wis. Sheboygan is a rather strong German county in the State of Wisconsin. I expected to have had here noted on the telegram the exact percentage of the German vote. I glanced at it myself in my office, but I did not have at hand the last census. The Wisconsin Bluebook, which gives the figures for 1905, shows there were then over 50,000 population and 10,000 of German birth. This telegram is dated April 3. I might say that our spring election is held in Wisconsin on the 2d day of April, when all the municipal officers in the townships and in the villages and cities are elected. It brings out a fairly representative vote:

SHEBOYGAN, WIS., April 3, 1917.

HON. ROBERT M. LA FOLLETTE,
Washington, D. C.:

By referendum vote taken the last two days of the qualified electors of the city of Sheboygan on the question, Shall our country enter into the European war? 4,082 voted no and 17 voted yes. Certified to as correct.

F. VOLKATH,
O. A. BASSUENER,
ADAM TRESTER,
Canvassers.

I received also the following. A vote was taken not only in the city of Sheboygan, but in the county of Sheboygan, representing the country or farmer vote:

SHEBOYGAN, WIS., April 4, 1917.

HON. ROBERT M. LA FOLLETTE,
Senate, Washington, D. C.

DEAR SIR: Since sending the last telegram, in the referendum vote taken by the qualified electors of Sheboygan County outside the city of Sheboygan 2,951 voted against our country entering into the European war. No votes were cast in favor of war. Certified to as correct by the canvassers.

OTTO A. BASSUENER,
F. VOLKATH,
ADAM TRESTER,

The next telegram is not a report upon any election. I presume very few of them were held. It is a telegram from Melrose, Mass., sent to me by Mr. Henry W. Pinkham. I do not know him. I read it as handed to me by one of my secretaries:

MELROSE, MASS., April 3, 1917.

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.:

The President's message explicitly and completely vindicates you in opposing armed neutrality. Stand firm against war and the future will honor you. Collective homicide can not establish human rights. For our country to enter the European war would be treason to humanity.

HENRY W. PINKHAM.

And the following:

Senator LA FOLLETTE,
Washington, D. C.:

Mailed you to-day 400 signatures of indorsement from this district to you and colleagues on your stand of March 4.

L. SCHULLER.

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.:

Four thousand people assembled at the Auditorium last night; lots American sentiment; no enthusiasm for war; recruits were asked for; only seven men offered themselves for enlistment. This shows there is no war sentiment in Racine. Resolutions were spoken of, but no attempt was made to pass them. Audience was not for war. I approve your stand.

ARTHUR EHRLICH.

SEATTLE, WASH., April 4, 1917.

ROBERT M. LA FOLLETTE,
Senate Chamber, Washington, D. C.:

Good work. People with you. Straw referendum signed to-day at public market, city streets, shows 31 for war declaration, 374 against. Press brazenly reporting war demand of meetings where vote is against war. If presidential election were to-morrow, you would have best chance.

ANNA LOUISE STRONG,
Member Seattle School Board.

Senator R. M. LA FOLLETTE,
Washington, D. C.:

Having sounded the opinions of juniors and seniors taking electrical engineering at the University of California to-day, I have foundation on which to base my statement that practically none of us enthuse at all over war. We believe the country can do most good by avoiding it. We put trust in you.

GLENN K. MORRISON.

Mr. LA FOLLETTE. In addition to the foregoing telegrams, I submit the following, which has just been placed in my hands:

A wire from Chicago received this afternoon from Grace Abbott, of Hull House, says that in city council election held yesterday John Kennedy received the largest plurality of any of the city councilmen elected. His plurality was 6,157 votes in his ward. On account of his stand against war, every newspaper in Chicago opposed him bitterly throughout the campaign.

Mr. Kennedy made his campaign on the war issue, and in every speech he took occasion to declare himself as against war.

There was received in Washington to-day a petition against war with over 6,120 bona fide signers, which were secured in the city of Minneapolis in one day, and a wire late this afternoon states that 11,000 more names have been secured to that petition.

In New Ulm, Minn., at an election, according to a telegram received this afternoon, 485 votes were cast against war to 19 for war.

A telegram received from Philadelphia this afternoon expresses tersely the sentiment of the people. It reads:

President Wilson said German people were not consulted about entering the war. Were we?

(Signed) COMMON PEOPLE.

And Congressman LUNDEEN, representing the Minneapolis district, informs me that in response to letters addressed by poll lists to every voter in his district has up to this hour brought in returns from nearly 8,000 voters against declaring war on Germany to less than 800 who favor such a declaration.

Do not these messages indicate on the part of the people a deep-seated conviction that the United States should not enter the European war? The armed-ship bill meant war. Senators who opposed its being forced through Congress in the closing hours of the session were rebuked by the President. It is highly important, therefore, to note at this time that the President in his address on the 2d of this month takes the same view of arming merchant ships that was entertained by at least some of the Senators, including myself, when the armed-ship bill was before us for consideration. In his address of April 2 the President said:

It is impossible to defend ships against their (submarine) attacks as the law of nations has assumed that merchantmen would defend themselves against privateers or cruisers, visible craft giving chase on the open sea.

He says in the same address:

It [arming merchant ships] is practically certain to draw us into the war without either the rights or the effectiveness of belligerents.

I take satisfaction in noting that this is exactly what I stated in an editorial in my magazine, which was published a short time after the armed-ship bill discussion.

I will read just a paragraph or two from that editorial:

The armed ship bill was not only unconstitutional, it was, in my judgment, foolish and inadequate. It pleased the supporters of this bill to assume that it was only necessary to place guns on merchant ships in order to defend them successfully against submarine attack. There was no evidence before Congress that would warrant the conclusion that arming these ships would afford protection.

1. The available evidence points to the futility of such armament. The *Luconia* was armed, but she was torpedoed twice and sunk without a chance to fire a shot. Merchant ships of the allies are armed. Their great loss of tonnage is conclusive evidence that guns planted on merchant ships are ineffectual in warding off submarine attack. It is criminal to lure from our harbors our merchant ships with passengers, crew, and freight to embark on a voyage fraught with such imminent peril in the belief that they may resist attack.

I venture to read two or three more paragraphs:

2. The first question we should ask ourselves, before we enter on this war with our armed merchantmen or our Navy for the express purpose of maintaining our right to the seas, is: What will happen to our ships? If it is so easy to clear the trans-Atlantic lanes of submarines, why is not the British Admiralty keeping them open and free for our commerce—since our carrying trade across the Atlantic now consists of supplies for the allies—food and ammunition? From all we can learn it appears that the British Navy is not attempting this perilous task, but is keeping inside carefully guarded harbors.

What assurance have we that we can clear the German war zone with armed merchantmen or with battleships as convoys or with any of the so-called "submarine chasers"?

Manifestly it is an undertaking which the British Admiralty declines for good and sufficient reason.

The American public is being woefully deceived. We are deluded for hiding behind the British Navy. Moving pictures portray our fleet firing on submarines that instantly go to the bottom. The daily papers are filled with stuff that would lead us to believe that we need only declare war, order out our fleet to scour the seas, and the war is ended and won.

It is admitted that the submarine discharges its torpedo with deadly accuracy at a range of 2 to 4 miles.

It is admitted that the submarine, with its hull submerged several feet below the surface and exposing nothing but its periscope, can discharge its torpedo with equal chance to achieve its purpose.

The periscope furnishes a target no larger than a sailor's cap for merchant and naval gunners to fire at.

I have the best authority for the statement that the chances of hitting a target of that size at the distance of 2 miles, or of damaging a submarine so submerged, would in a hundred shots be practically zero.

WAR-MAD PRESS BREEDS INTOLERANCE.

It is unfortunately true that a portion of the irresponsible and war-crazed press, feeling secure in the authority of the President's condemnation of the Senators who opposed the armed-ship bill, have published the most infamous and scurrilous libels on the honor of the Senators who opposed that bill. It was particularly unfortunate that such malicious falsehoods should fill the public press of the country at a time when every consideration for our country required that a spirit of fairness should be observed in the discussions of the momentous questions under consideration.

A member of the British Parliament is visiting in this country. He has had some opportunity to observe this new spirit of intolerance that has been bred in the press and through the press in the United States within the last few months that challenges the right of any man to utter his independent judgment on a question vital, sir, to the people of this Nation; vital to the interests of this Government. It has led him to institute some comparisons between the conditions that prevail in Great Britain, a part of that war-torn territory of Europe, and the conditions that prevail here, where we still have peace. I have this comment of his upon it. I am not permitted to use his name, though he may be within the sound of my voice.

He said:

In England we feel that the theory of democracy requires the fullest and frankest discussion of every measure. We feel that the minority has a right to a respectful hearing. This is the only way you can carry on a democracy, and keep it a democracy.

Another strange thing I find is that in America you seem to expect that when the minority is beaten it will at once capitulate, declare it has been in the wrong, and join the majority. This is not democracy either. In England during the Boer War and this war, but especially in the Boer War, there was an organized minority in Parliament—there always has been in time of war. In the Boer War this minority was led by no less a person than David Lloyd-George.

If you make it an American policy that when the majority has once spoken, the right and duty of the minority to express itself and fight for what it believes in ends, you have lost your democracy. There is no safety or wisdom in trying to suppress thought or to force men to silence.

CONSTITUTION GIVES RIGHTS TO MINORITY.

Mr. President, let me make another suggestion. It is this: That a minority in one Congress—mayhap a small minority in one Congress—testing, exercising the rights which the Constitution gives to a minority, may really be representing the country, and if, exercising the right

that the Constitution gives them, they succeed in defeating for the time being the will of the majority, they are but carrying out what was in the mind of the framers of the Constitution; that you may have from time to time in a legislative body a majority in numbers that really does not represent the principle of democracy; and that if the question could be deferred and carried to the people it would be found that a minority was the real representative of the public opinion. So, Mr. President, it was that they wrote into the Constitution that a President—that one man—may put his judgment against the will of a majority not only in one branch of the Congress but in both branches of the Congress; that he may defeat the measure that they have agreed upon and may set his one single judgment above the majority judgment of the Congress. That seems, when you look at it nakedly, to be in violation of the principle that the majority shall rule; and so it is. Why is that power given? It is one of those checks provided by the wisdom of the fathers to prevent the majority from abusing the power that they chance to have, when they do not reflect the real judgment, the opinion, the will of the majority of the people that constitute the sovereign power of the democracy.

We have had three immigration bills passed by Congress much in the same form, varying in some particulars, which have been vetoed by President Taft and twice vetoed by President Wilson. At recurring elections the people send back the Members who have passed that bill by an overwhelming majority; and still the President, exercising that power—that one-man power—vetoes the legislation ratified by the people at the polls through the election of Members of Congress—through the election and reelection of Members of Congress with that legislation one of the paramount issues. Mr. President, that might have been characterized as the exercise of a willful disposition, but it was not.

So, too, Mr. President, we find that the framers of that great instrument wrote into it that one-fifth of the Members of either one of the two bodies of Congress might hold in check the autocratic use of power by the majority on any question whatsoever. They armed a minority of one-fifth of the body with the power to filibuster; the power to demand a roll call—not a roll call, as some of the State constitutions provide, only upon matters which carry appropriations, but a roll call on every single question upon which it pleases one-fifth of the body to demand a roll call.

SUPREME POWER IS IN THE PEOPLE.

What was the purpose of it? Not to make a record, for parliamentary legislative history shows that they had that right prior to that time, and always had it and could exercise it. No, no; it was the foresight of the makers of the Constitution of this great Government of ours desiring to perpetuate not the semblance of democracy but real democracy, and they said, "There may be times when a majority, swept either by passion or misinformation, may do a wrongful thing to this Republic, and we will arm the minority in such emergencies against the undue exercise of majority power by placing in the hands of one-fifth the right to demand a roll call on every question." Exercised in the late hours of the session of a Congress it would easily be possible for them to demand roll calls in such a way as to make an extra session necessary. But, oh, Mr. President, we have always and ever in this Republic of ours back of Congresses and statutes and back of Presidents the supreme power, the sovereign power of the people, and they can correct our errors and mistakes and our wrongdoing. They can take us out of our places, and if we abuse any power which the Constitution puts in the hands of a minority, it lies with them to call us to account; and the more important, the more profoundly and intensely important the question upon which such a power is abused by a minority, the more swift and sweeping will be the punishment by the people for the wrongful exercise of it.

We need not disturb ourselves because of what a minority may do. There is always lodged, and always will be, thank the God above us, power in the people supreme. Sometimes it sleeps, sometimes it seems the sleep of death; but, sir, the sovereign power of the people never dies. It may be suppressed for a time, it may be misled, be fooled, silenced. I think, Mr. President, that it is being denied expression now. I think there will come a day when it will have expression.

The poor, sir, who are the ones called upon to rot in the trenches, have no organized power, have no press to voice their will upon this question of peace or war; but, oh, Mr. President, at some time they will be heard. I hope and I believe they will be heard in an orderly and a peaceful way. I think they may be heard from before long. I think, sir, if we take this step, when the people to-day who are staggering under the burden of supporting families at the present price of life

find those prices multiplied, when they are raised a hundred per cent, or 200 per cent, as they will be quickly, aye, sir, when beyond that those who pay taxes come to have their taxes doubled and again doubled to pay the interest on the nontaxable bonds held by Morgan and his combinations, which have been issued to meet this war, there will come an awakening; they will have their day and they will be heard. It will be as certain and as inevitable as the return of the tides, and as resistless, too.

I promise my colleagues that I will not be tempted again to turn aside from the thread of my discussion as I have outlined it here, and I will hasten with all possible speed.

MAY NOT THE PRESIDENT BE WRONG AGAIN?

Now that the President has in his message to us of April 2 admitted the very charge against the armed-ship bill which we made I trust that he is fully convinced that the conduct of the Senators on the occasion in question was not unreasoned and obstinate, but that it was inspired by quite as high purposes and motives as can inspire the action of any public official.

I would not, however, have made this personal reference did not the question it suggests go to the very heart of the matter now under consideration. If the President was wrong when he proposed arming the ships; if that policy was, as he now says, "certain to draw us into the war without either the rights or the effectiveness of belligerents," is it so certain he is right now when he demands an unqualified declaration of war against Germany? If those Members of Congress who were supporting the President then were wrong, as it appears from the President's statement now they were, should not that fact prompt them to inquire carefully whether they are right in supporting the proposed declaration of war? If the armed-ship bill involved a course of action that was hasty and ill advised, may it not well be that this proposed declaration of war, which is being so hotly pressed, is also ill advised? With that thought in mind let us, with the earnestness and the singleness of purpose which the momentous nature of the question involves, be calm enough and brave enough to examine further the President's address of April 2.

III.

"PROMISE" OF THE GERMAN GOVERNMENT.

In his address of April 2 the President says:

Since April of last year the Imperial Government had somewhat restrained the commands of its undersea craft in conformity with its promise then given to us that passenger boats should not be sunk, and that due warning would be given to all other vessels which its submarines might seek to destroy when no resistance was offered or escape attempted, and care taken that their crews were given at least a fair chance to save their lives in their open boats.

Beside that statement I wish to place exactly what the German Government did say:

The German Government, moreover, is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces of the belligerents, thereby also insuring the freedom of the seas, a principle upon which the German Government believes, now as before, to be in agreement with the Government of the United States.

The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance.

But neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interest, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law. Such a demand would be incompatible with the character of neutrality, and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principle of the freedom of the seas, from whatever quarter it is violated.

Accordingly the German Government is confident that, in consequence of the new orders issued to its naval forces, the Government of the United States will now also consider all impediments removed which may have been in the way of a mutual cooperation toward the restoration of the freedom of the seas during the war, as suggested in the note of July 23, 1915, and it does not doubt that the Government of the United States will now demand and insist that the British Government shall forthwith observe the rules of international law universally recognized before the war as they are laid down in the notes presented by the Government of the United States to the British Government on December 28, 1914, and November 5, 1915. Should the steps taken by the Government of the United States not attain the object it desires, to have the laws of humanity followed by all belligerent nations, the German Government would then be facing a new situation, in which it must reserve itself complete liberty of decision. (May 4, 1916.)

It must be perfectly apparent therefore that the promise, so called, of the German Government was conditioned upon England's being brought to obedience of international law in her naval warfare. Since no one contends that England was brought to conduct her naval operations in accordance with international law, and even the poor protests our Government has lodged against her show that she has not done so, was it quite fair to lay before the country a statement which implies that

Germany had made an unconditional promise which she has dishonorably violated?

This is a time of all times when the public mind should be calm, not inflamed; when accuracy of statement is vitally essential to presenting the issues to the Congress and to the people of the country.

IV.

GERMANY'S HUMANE PRACTICES.

In his message of April 2 the President says:

I was for a little while unable to believe that such things [referring to German submarine methods of warfare] would in fact be done by any Government that had heretofore subscribed to the humane practices of civilized nations. International law had its origin in the attempt to set up some law which would be respected and observed upon the sea, where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up with meager enough results indeed, after all was accomplished that could be accomplished, but always with a clear view at least of what the heart and conscience of mankind demanded.

The recognition by the President that Germany had always heretofore subscribed to the humane practices of civilized nations is a most important statement. Does it not suggest a question as to why it is that Germany has departed from those practices in the present war? What the President had so admirably stated about international law and the painful stage by which it has been built up is absolutely true. But in this connection would it not be well to say also that it was England, not Germany, who refused to obey the declaration of London, which represented the most humane ideas and was the best statement of the rules of international law as applied to naval warfare? Keep that in mind. Would it not have been fair to say, and to keep in mind, that Germany offered to abide by these principles and England refused; that in response to our request Germany offered to cease absolutely from the use of submarines in what we characterized an unlawful manner if England would cease from equally palpable and cruel violations of international law in her conduct of naval warfare?

V.

GERMANY'S WARFARE IS AGAINST MANKIND.

The President in his message of April 2 says:

The present German warfare against commerce is a warfare against mankind. It is a war against all nations.

Again referring to Germany's warfare he says:

There has been no discrimination. The challenge is to all mankind.

Is it not a little peculiar that if Germany's warfare is against all nations the United States is the only nation that regards it necessary to declare war on that account? If it is true, as the President says, that "there has been no discrimination," that Germany has treated every neutral as she has treated us, is it not peculiar that no other of the great nations of the earth seem to regard Germany's conduct in this war as a cause for entering into it? Are we the only nation jealous of our rights? Are we the only nation insisting upon the protection of our citizens? Does not the strict neutrality maintained on the part of all the other nations of the earth suggest that possibly there is a reason for their action, and that that reason is that Germany's conduct under the circumstances does not merit from any nation which is determined to preserve its neutrality a declaration of war?

Norway, Sweden, the Netherlands, Switzerland, Denmark, Spain, and all the great Republics of South America are quite as interested in this subject as we are, and yet they have refused to join with us in a combination against Germany. I venture to suggest also that the nations named, and probably others, have a somewhat better right to be heard than we, for by refusing to sell war material and munitions to any of the belligerents they have placed themselves in a position where the suspicion which attaches to us of a desire for war profits can not attach to them.

On August 4, 1914, the Republic of Brazil declared the exportation of war matériel from Brazilian ports to any of these powers at war to be strictly forbidden, whether such exports be under the Brazilian flag or that of any other country.

In that connection I note the following dispatch from Buenos Aires, appearing in the Washington papers of yesterday:

President Wilson's war address was received here with interest, but no particular enthusiasm. . . . Government officials and politicians have adopted a cold shoulder toward the United States policy—an attitude apparently based on apprehension lest South American interests suffer.

The newspaper *Razon's* view was illustrative of this. "Does not the United States consider this an opportune time to consolidate the imperialistic policy everywhere north of Panama?" it said.

This is the question that neutral nations the world over are asking. Are we seizing upon this war to consolidate and extend an imperialistic policy? We complain also because Mexico has turned the cold shoulder to us, and are wont to look for sinister

reasons for her attitude. Is it any wonder that she should also turn the cold shoulder when she sees us unite with Great Britain, an empire founded upon her conquests and subjugation of weaker nations. There is no doubt that the sympathy of Norway, Sweden, and other countries close to the scene of war is already with Germany. It is apparent that they view with alarm the entrance into the European struggle of the stranger from across the sea. It is suggested by some that our entrance into the war will shorten it. It is my firm belief, based upon such information as I have, that our entrance into the war will not only prolong it, but that it will vastly extend its area by drawing in other nations.

VI.

NO QUARREL WITH THE GERMAN PEOPLE.

In his message of April 2, the President said:

We have no quarrel with the German people—it was not upon their impulse that their Government acted in entering this war; it was not with their previous knowledge or approval.

Again he says:

We are, let me say again, sincere friends of the German people and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us.

At least, the German people, then, are not outlaws. What is the thing the President asks us to do to these German people of whom he speaks so highly and whose sincere friend he declares us to be?

Here is what he declares we shall do in this war. We shall undertake, he says—

The utmost practicable cooperation in council and action with the Governments now at war with Germany, and as an incident to that, the extension to those Governments of the most liberal financial credits in order that our resources may, so far as possible, be added to theirs.

"Practicable cooperation!" Practicable cooperation with England and her allies in starving to death the old men and women, the children, the sick and the maimed of Germany. The thing we are asked to do is the thing I have stated. It is idle to talk of a war upon a government only. We are leagued in this war, or it is the President's proposition that we shall be so leagued, with the hereditary enemies of Germany. Any war with Germany, or any other country for that matter, would be bad enough, but there are not words strong enough to voice my protest against the proposed combination with the entente allies. When we cooperate with those Governments we indorse their methods, we indorse the violations of international law by Great Britain, we indorse the shameful methods of warfare against which we have again and again protested in this war; we indorse her purpose to wreak upon the German people the animosities which for years her people have been taught to cherish against Germany; finally when the end comes, whatever it may be, we find ourselves in cooperation with our ally, Great Britain, and if we can not resist now the pressure she is exerting to carry us into the war, how can we hope to resist, then, the thousandfold greater pressure she will exert to bend us to her purposes and compel compliance with her demands?

We do not know what they are. We do not know what is in the minds of those who have made the compact, but we are to subscribe to it. We are irrevocably, by our votes here, to marry ourselves to a nondivorceable proposition veiled from us now. Once enlisted, once in the copartnership, we will be carried through with the purposes, whatever they may be, of which we now know nothing.

Sir, if we are to enter upon this war in the manner the President demands, let us throw pretense to the winds, let us be honest, let us admit that this is a ruthless war against not only Germany's army and her navy but against her civilian population as well, and frankly state that the purpose of Germany's hereditary European enemies has become our purpose.

VII.

MUST SPEND OUR WHOLE FORCE TO WIN.

Again, the President says "we are about to accept the gage of battle with this natural foe of liberty and shall, if necessary, spend the whole force of the Nation to check and nullify its pretensions and its power." That much, at least, is clear; that program is definite. The whole force and power of this Nation, if necessary, is to be used to bring victory to the entente allies, and to us as their ally in this war. Remember, that not yet has the "whole force" of one of the warring nations been used. Countless millions are suffering from want and privation; countless other millions are dead and rotting on foreign battle fields; countless other millions are crippled and maimed, blinded, and dismembered; upon all and upon their children's children for generations to come has been laid a burden of debt which must be worked out in poverty and suffering, but the "whole force" of no one of the warring nations has yet been expended; but our "whole force" shall be expended, so says the

President. We are pledged by the President, so far as he can pledge us, to make this fair, free, and happy land of ours the same shambles and bottomless pit of horror that we see in Europe to-day.

VIII.

THIS IS A WAR OF DEMOCRACY.

* Just a word of comment more upon one of the points in the President's address. He says that this is a war "for the things which we have always carried nearest to our hearts—for democracy, for the right of those who submit to authority to have a voice in their own government." In many places throughout the address is this exalted sentiment given expression.

It is a sentiment peculiarly calculated to appeal to American hearts and, when accompanied by acts consistent with it, is certain to receive our support; but in this same connection, and strangely enough, the President says that we have become convinced that the German Government as it now exists—"Prussian autocracy" he calls it—can never again maintain friendly relations with us. His expression is that "Prussian autocracy was not and could never be our friend," and repeatedly throughout the address the suggestion is made that if the German people would overturn their Government it would probably be the way to peace. So true is this that the dispatches from London all hailed the message of the President as sounding the death knell of Germany's Government.

But the President proposes alliance with Great Britain, which, however liberty-loving its people, is a hereditary monarchy, with a hereditary ruler, with a hereditary House of Lords, with a hereditary landed system, with a limited and restricted suffrage for one class and a multiplied suffrage power for another, and with grinding industrial conditions for all the wageworkers. The President has not suggested that we make our support of Great Britain conditional to her granting home rule to Ireland, or Egypt, or India. We rejoice in the establishment of a democracy in Russia, but it will hardly be contended that if Russia was still an autocratic Government, we would not be asked to enter this alliance with her just the same. Italy and the lesser powers of Europe, Japan in the Orient; in fact, all of the countries with whom we are to enter into alliance, except France and newly revolutionized Russia, are still of the old order—and it will be generally conceded that no one of them has done as much for its people in the solution of municipal problems and in securing social and industrial reforms as Germany.

Is it not a remarkable democracy which leagues itself with allies already far overmatching in strength the German nation and holds out to such belaguered nation the hope of peace only at the price of giving up their Government? I am not talking now of the merits or demerits of any government, but I am speaking of a profession of democracy that is linked in action with the most brutal and domineering use of autocratic power. Are the people of this country being so well represented in this war movement that we need to go abroad to give other people control of their governments? Will the President and the supporters of this war bill submit it to a vote of the people before the declaration of war goes into effect? Until we are willing to do that, it illy becomes us to offer as an excuse for our entry into the war the unsupported claim that this war was forced upon the German people by their Government "without their previous knowledge or approval."

Who has registered the knowledge or approval of the American people of the course this Congress is called upon to take in declaring war upon Germany? Submit the question to the people, you who support it. You who support it dare not do it, for you know that by a vote of more than ten to one the American people as a body would register their declaration against it.

In the sense that this war is being forced upon our people without their knowing why and without their approval, and that wars are usually forced upon all peoples in the same way, there is some truth in the statement; but I venture to say that the response which the German people have made to the demands of this war shows that it has a degree of popular support which the war upon which we are entering has not and never will have among our people. The espionage bills, the conscription bills, and other forcible military measures which we understand are being ground out of the war machine in this country is the complete proof that those responsible for this war fear that it has no popular support and that armies sufficient to satisfy the demand of the entente allies can not be recruited by voluntary enlistments.

THE EVENTS REVIEWED WHICH HAVE LED UP TO THE PRESENT SITUATION.

I desire at this point to review as briefly as possible, but with absolute accuracy and fairness, the events occurring since the commencement of the present European war, which have

brought us to the very brink of war with the German Empire. I enter upon this task the more freely because every fact to which I refer is undisputed, and the events I shall relate are so fresh in the minds of every Senator that if I should err in any particular I will no doubt be quickly corrected.

1. WITH THE CAUSES OF THE PRESENT WAR IN EUROPE WE HAVE NOTHING TO DO.

When in the middle of the summer of 1914 the great war broke out in Europe our relations with every one of the unfortunate countries involved were in every way friendly. It is true that many years before we had had some differences with France, but they had long since been adjusted, and we felt toward the French people and toward the Government of France, like ours Republican in form, nothing but sincere and disinterested friendship. With England the situation was a little different. We had fought two bloody wars with England—one to obtain our independence as a people, and later the War of 1812, with the causes and consequences of which we are all familiar. But the ties of race and language and long commercial association had taught us to forget much in British conduct and diplomacy which we have felt was wrong and unfair in her dealings with us and with other countries.

With Germany likewise our relations were friendly. Many hundreds of thousands of the subjects of Germany had emigrated to this country, and they and their descendants had shown themselves to be in every way most worthy and desirable citizens. The great Civil War which saved the Union was successful largely through the services rendered by Germans, both as officers and as men serving in the ranks. B. A. Gould, in a work dealing with some of the phases of the Civil War, and prepared soon after its close, among other things, presented a table of the relative number of foreign-born soldiers in the Union Army. I quote from that table as follows:

English	45,508
Canadian	53,532
Irish	144,221
German	187,858
All other foreign born	48,410

Later and more careful investigation of the statistics show that there were in reality 216,000 native Germans in the Union Army, and, besides this, more than 300,000 Union soldiers who were born of German parents.

More than one-half a million of the men who carried the musket to keep this Government of ours undivided upon the map of the world were men who are now having their patriotism and loyalty to this country questioned, with secret-service men dogging their footsteps.

Who does not remember, among the most gallant and distinguished officers in the Union Army, Schurz, Sigel, Rosecrans, and scores of others? It is well to recall also that when President Lincoln issued his call for volunteers they volunteered much more largely from the German-settled States of the Middle West than from the war-mad States of the East. Is history to repeat itself?

The German people, either in this country or in the fatherland, need no tribute from me or from anyone else. In whatever land they have lived they have left a record of courage, loyalty, honesty, and high ideals second to no people which have ever inhabited this earth since the dawn of history. If the German people are less likely to be swept off their feet in the present crisis than some other nationalities, it is due to two facts. In the first place, they have a livelier appreciation of what war means than has the average American, and, in the second place, German speaking and reading people have had an opportunity to get both sides of the present controversy, which no one could possibly have, who has depended for his information solely on papers printed in English and English publications.

I have said that with the causes of the present war we have nothing to do. That is true. We certainly are not responsible for it. It originated from causes beyond the sphere of our influence and outside the realm of our responsibility. It is not inadmissible, however, to say that no responsible narrator of the events which have led up to this greatest of all wars has failed to hold that the Government of each country engaged in it is at fault for it. For my own part, I believe that this war, like nearly all others, originated in the selfish ambition and cruel greed of a comparatively few men in each Government who saw in war an opportunity for profit and power for themselves, and who were wholly indifferent to the awful suffering they knew that war would bring to the masses. The German people had been taught to believe that sooner or later war was inevitable with England and France and probably Russia allied against her. It is unfortunately true that there was much in the secret diplomacy of the years immediately preceding the

breaking out of the war in 1914 to afford foundation for such belief. The secret treaty between France and England for the partition of Morocco, while making a public treaty with Germany, the terms of which were diametrically opposite to those of the secret treaty, did much to arouse the suspicion and hostility of the German people toward both France and England.

I doubt if the diplomatic history of any of the nations of the earth in civilized times can show so reprehensible, so dishonest, so perjured a record as the Moroccan affair brings home to the doors of those who were responsible for that Moroccan treaty, the diplomatic agents of the French and the English Governments.

Think of it, Mr. President! German citizens had acquired property as individual purchasers in the rich mineral fields of Morocco. A treaty was entered into between England, France, and Germany which protected all the interests of all those who signed the treaty. Then France and England executed a treaty, certain provisions of which were not published when the treaty was published. By the terms of these secret provisions German enterprise was to be driven out of Morocco. Mark you, it was not the people of France and England—it was not even the Governments of the respective countries—which were guilty of the great wrong committed against both Morocco and Germany, but less than a half dozen ambitious, intriguing diplomats, who made the secret plan to divide Morocco between France and Spain. Germany was to be thrown out. England backed up France and Spain in the disreputable deal and received for her part of the swag the relinquishment of France to all rights which she had theretofore claimed in Egypt. It was not until those facts came out that real hostile feeling between Germany and England began to develop. Herein history will find the real cause for this war. England would tolerate no commercial rivalry. Germany would not submit to isolation.

Of this incident Mr. W. T. Stead, in the *Review of Reviews* for December, 1911, had this to say:

We were nearly involved in the stupendous catastrophe of a gigantic war with the greatest of all the world powers in order to enable France to tear up the treaty of Algeiras by taking possession of the Empire of Morocco, whose independence and integrity we were pledged to defend. It is not to our interest to make over to France a vast domain in northern Africa. * * * The fact remains that in order to put France in possession of Morocco we all but went to war with Germany. We have escaped war, but we have not escaped the natural and abiding enmity of the German people. Is it possible to frame a heavier indictment of the foreign policy of any British ministry? The secret, the open secret of the almost incredible crime against treaty faith, British interests, and the peace of the world is the unfortunate fact that Sir Edward Grey has been dominated by men at the foreign office who believe all considerations must be subordinated to the supreme duty of thwarting Germany at every turn, even if in so doing British interests, treaty faith, and the peace of the world are trampled underfoot. I speak that of which I know.

This is but one of the many instances that illustrate the character of the diplomacy which has been conducted in Europe during the last few years, and it is in this kind of diplomacy that we must become a partner also if we become a party to the war.

Mr. KNOX. Mr. President—

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

Mr. LA FOLLETTE. If it does not divert me from the course of my remarks.

Mr. KNOX. It is merely to ask a question. From whom was the Senator reading? I did not catch the name if the Senator stated it.

Mr. LA FOLLETTE. It was from William T. Stead.

A celebrated Englishman, Sir John Fisher, as a delegate to one of the early Hague conferences, is credited with having said:

In case of war I should have only one aim, even if I had to violate every one of the rules laid down by the peace conference—to win. The diplomats can negotiate afterwards. (See "The Inevitable War," by Francis Delaisl.)

Such were the ideals the people of Europe had been taught to hold in preparation for the great war.

2. ENGLAND'S REPUDIATION OF THE DECLARATION OF LONDON.

On August 6, 1914, and within a few days after the beginning of the war, Secretary Bryan through Ambassador Page inquired whether England would agree that the naval warfare should be conducted according to the declaration of London.

At the same time the same inquiry was addressed to the respective Governments of the warring countries through our ambassadors at St. Petersburg, Paris, Berlin, and Vienna. The inquiry addressed to Great Britain was as follows:

DEPARTMENT OF STATE,
Washington, August 6, 1914—1 p. m.

Mr. Bryan instructs Mr. Page to inquire whether the British Government is willing to agree that the laws of naval warfare as laid down by the declaration of London of 1900 shall be applicable to naval warfare during the present conflict in Europe, provided that the Govern-

ments with whom Great Britain is or may be at war also agree to such application. Mr. Bryan further instructs Mr. Page to state that the Government of the United States believes that an acceptance of these laws by the belligerents would prevent grave misunderstandings which may arise as to the relations between neutral powers and the belligerents. Mr. Bryan adds that it is earnestly hoped that this inquiry may receive favorable consideration.

Germany and Austria promptly replied that they would be bound by the declaration of London. I quote the reply of each:

AMERICAN EMBASSY,
Vienna, August 13, 1914—8 p. m.

Your August 6th. Austro-Hungarian Government have instructed their forces to observe stipulations of declaration of London as applied to naval as well as land warfare during present conflict, conditional on like observance on part of the enemy.

PENTFIELD.

AMERICAN EMBASSY,
Berlin, August 22, 1914—12 midnight.

Mr. Gerard refers to department's August 19, 4 p. m., and says his August 20, 1 a. m., by way of Copenhagen, states that the German Government will apply the declaration of London, provided its provisions are not disregarded by other belligerents.

Russia and France waited to hear from England. Ambassador Page finally transmitted England's reply on August 27, 1914. That reply, omitting the immaterial parts, was as follows:

I have the honor to inform your excellency that His Majesty's Government, who attach great importance to the views expressed in your excellency's note are animated by a keen desire to consult so far as possible the interests of neutral countries, have given this matter their most careful consideration, and have pleasure in stating that they have decided to adopt generally the rules of the declaration in question, subject to certain modifications and additions which they judge indispensable to the efficient conduct of their naval operations. A detailed explanation of these additions and modifications is contained in the inclosed memorandum.

The necessary steps to carry the above decision into effect have now been taken by the issue of an order in council, of which I have the honor to inclose copies herein for your excellency's information and for transmission to your Government.

The modifications and additions quoted which Great Britain made to the declaration of London were so completely subversive of the essential principles provided by that declaration that nothing was left to do except to treat the British answer as a refusal to be bound in any material respect by the declaration of London, and accordingly on October 22, 1914, our Government replied as follows:

Inasmuch as the British Government consider that the conditions of the present European conflict make it impossible for them to accept without modification the declaration of London, you are requested to inform His Majesty's Government that in the circumstances the Government of the United States feels obliged to withdraw its suggestion that the declaration of London be adopted as a temporary code of naval warfare to be observed by belligerents and neutrals during the present war; that therefore this Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States irrespective of the provisions of the declaration of London; and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with by the authorities of His Britannic Majesty's Government.

LANSING.

Thus was the first step taken in that ruthless naval warfare which has since horrified the civilized world. Thus did Great Britain initiate her naval warfare, and induce her allies to do the same, by repudiating the rules of naval warfare and the rights of neutrals upon the sea, which had been declared and agreed to by the representatives of all the great powers of the world, including our own. Of course, it is well understood that the governments had not ratified it, but their representatives had agreed to it.

Mr. KNOX. Mr. President—

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

Mr. LA FOLLETTE. I certainly do.

Mr. KNOX. In the interest only of accuracy, may I ask, do I understand the Senator to state that all of the powers had agreed to the declaration of London? Is that correct?

Mr. LA FOLLETTE. I stated that the representatives of all of the powers had signed and agreed to it.

Mr. KNOX. But it had not been ratified by the governments.

Mr. LA FOLLETTE. It had not been. I had already so stated before the Senator from Pennsylvania rose.

Mr. KNOX. Did the Senator state specifically that Great Britain had never ratified the declaration of London?

Mr. LA FOLLETTE. I did not; but I now state that fact.

Mr. KNOX. The Senator so understands it?

Mr. LA FOLLETTE. I so understand it; but I say that the representatives, the enlightened men who were sent there by their respective governments, in the calmness of the deliberations of that assembly wrote the declaration of London as the expression—the enlightened, humane expression—of the rules of warfare based upon international law, as they understood it,

and that final and formal ratification by the governments had not been consummated does not change that fact.

This case of ours in going into this war will not be tried by history upon technicalities, but upon great fundamental, underlying principles, and the declaration of London was the expression—the codification of the well-settled and accepted principles of international law on the subjects covered relating to naval warfare by the most advanced governments of the world. And the Government of Germany that is arraigned here every hour as the most bloodthirsty Government on earth, responding to the inquiry of our Government, agreed that she would suspend or wipe out her right to the use of the submarine in conformity with our suggestions provided that the rules laid down in the London declaration were adhered to by all of those who had participated in it and who were then parties to the war.

Mr. STONE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I yield for a question.

Mr. STONE. The question is suggested by what the Senator from Pennsylvania [Mr. Knox] asked the Senator from Wisconsin, whether the Government of Great Britain had ever ratified the declaration of London. Did the Government of Great Britain, or any other of the governments participating in the conference, reject that declaration?

Mr. LA FOLLETTE. I believe they never did. I think I am entirely safe in saying that they had never rejected or disaffirmed the act of their representatives in the London conference.

For reasons which become clearer as we advance it suited England's policy to disregard the rules of civilized naval warfare as the same were codified and clearly set forth in the declaration of London and revert to that indefinite and conflicting body of precedents called international law, in which can be found authority for doing anything you have the power to do.

The declaration of London, promulgated in 1909, as I have stated, was the work of the accredited representatives of the leading nations of the world, who met in London at England's request. Among the nations represented were Germany, the United States, Austria, Russia, France, Great Britain, Italy, Japan, Holland, and other leading nations. The way had been prepared for such a great conference by the various Hague conventions and the discussions therein. The sentiment of the civilized world demanded such a conference, and the nations of the world accepted the declaration of London as being the best and most humane statement of the rules of naval warfare which could be prepared. The very first paragraph of the declaration is:

The signatory powers are agreed in declaring that the rules contained in the following chapters correspond in substance with the generally recognized principles of international law.

Article 65 provided, "the provisions of the present declaration form an indivisible whole."

GREAT BRITAIN'S ACTION MADE RESULT INEVITABLE.

When, therefore, Great Britain made waste paper of this declaration, as she did early in the war, it ought not to have been difficult to have foreseen the inevitable result. There are a few simple propositions of international law embodied in the declaration of London to which in this connection it is important to call attention. One is that "a blockade must be limited to the ports and coasts belonging to or occupied by the enemy." (See art. 1.)

That has been international law ever since we have had a body of international rules called international law, and that was expressed in the London declaration, which was joined in by the representatives of Great Britain. If that had been adhered to, no declaration taking this country into the war would be before us this afternoon.

I repeat it. One of the declarations reads as follows:

A blockade must be limited to the ports and coasts belonging to or occupied by the enemy. (See art. 1.)

Another is that a blockade in order to be binding upon anyone must be "maintained by a force sufficiently large to prevent access to the enemy coast." (See art. 2.) Not by sowing the open sea with deadly contact mines, but by a force which shall maintain the blockade of the ports. (See art. 2.)

Another is that a blockade must under no circumstances bar access to the ports or to the coasts of neutral countries.

The press of this country has attempted, from the very beginning, to show that the Government of the United States during the Civil War set up and established precedents that violated the proposition enunciated in the statement which I have just read. A decision of the Supreme Court of this country—and it is to the honor of America that it can be recited—denied to this Government, when it was fighting for its existence in the Civil War, the right to stop the shipment of goods

from England up the Rio Grande to be landed on the Mexican side, but really thereafter to be transported across to Brownsville, Tex., for the benefit of the Southern Confederacy. An opinion was written by the Supreme Court that will thrill with pride every American heart. At that time, Mr. President, the court must have been under every temptation which can be made to appeal to the human heart to shave and shade its views to meet the exigencies of our Government, but against the interests of this Government and in vindication of the principle of law necessary to the maintenance of a body of international rules to protect the rights of neutral commerce and maintain peace between neutral nations and belligerents they denied the interests of this Government in that perilous hour and sustained the right of the owners of the vessel. This is the holding in the *Peterhoff* case (5 Wall., 28).

Another important service rendered by the declaration of London to a civilized world was the clear statement it furnished of articles which were contraband, conditional contraband, and those which under no circumstances could be declared contraband. (See arts. 22 to 27.)

Talk about making war, about hurling this Government into the bottomless pit of the European conflict to sustain the principles of international law under which we have suffered the loss of some ships and some human lives, when England, by her course in rejecting the declaration of London and in the manner of conducting her naval warfare, has wiped out the established rules of international law which had grown up through the centuries and opened the pathway and set us upon the road we have followed straight to the proceedings which engage the attention of the Senate this afternoon.

ENGLAND OVERTURNED LAW OF CONTRABAND.

The distinction between articles that are contraband and those that are conditional contraband and free is well understood. I will not trespass upon the time of the Senate to discuss it. Articles which are contraband are always liable to capture by one belligerent if shown to be destined to territory belonging to or occupied by the enemy, or if it was destined to the armed forces of the enemy, no matter to what particular port the contraband might be billed. Of this class, according to the declaration of London, were all kinds of arms, ammunition, projectiles powder, clothing and equipment of purely a military character, and other articles used exclusively for war. Conditional contraband was not liable to capture if bound for a neutral port, and in any case the government asserting the right to capture it, even when it was moving direct to the enemy country, was obliged to prove that it was destined for the use of the enemy armed forces and not to the civilian population. Conditional contraband, according to the declaration of London, included food of all kinds, clothing, vehicles, tools, and a vast multitude of other things enumerated which, while they might be used by the armed forces, were also susceptible of use by the civilian population. Goods on the free list could move unhindered to the enemy country in either direct or indirect trade. Among the articles on the free list, according to the declaration of London, was raw cotton, wool, substantially all other raw materials, and a great variety of other articles necessary for a civilian population. Goods from the enemy country could not be stopped, except by an effective blockade.

There is no escape from these propositions. They are to be found in every work upon international law, approved by every court that has ever passed upon the questions relating to contraband, as shown by an unbroken line of decisions.

As late as the Boer War, Lord Salisbury—now get this into your minds if your attention has not been directed to it before—when asked the position of the British Government regarding foodstuffs, which were and always had been conditional contraband, Lord Salisbury said:

Foodstuffs with a hostile destination can be considered contraband of war only if they are supplied for the enemy's forces. It is not sufficient that they are capable of being so used; it must be shown that this was in fact their destination at the time of the seizure. (Hales' American Rights at Sea, p. 11.)

In the very first days of the war with Germany, Great Britain set aside and reversed this well-established rule announced by Lord Salisbury as to foodstuffs. Had she obeyed that rule of law Germany would have received food for her civilian population through neutral merchantmen and our neutral commerce would not have been attacked by German submarines. Now, that is the way history is going to record it, Senators. That is the undisputed fact and there is nothing else to be said about it. It has pleased those who have been conducting this campaign through the press to make a jumble of the issues, until the public sees nothing, thinks of nothing but the wrongs committed by the German submarine, and hears nothing, knows nothing of wrongdoing of England that forced Germany to take the course she has taken or submit to the unlawful starving of her civilian population.

OUR NEUTRAL RIGHTS SET ASIDE.

Now, I want to repeat: It was our absolute right as a neutral to ship food to the people of Germany. That is a position that we have fought for through all of our history. The correspondence of every Secretary of State in the history of our Government who has been called upon to deal with the rights of our neutral commerce as to foodstuffs is the position stated by Lord Salisbury, just quoted. He was in line with all of the precedents that we had originated and established for the maintenance of neutral rights upon this subject.

In the first days of the war with Germany, Great Britain set aside, so far as her own conduct was concerned, all these rules of civilized naval warfare.

According to the declaration of London, as well as the rules of international law, there could have been no interference in trade between the United States and Holland or Scandinavia and other countries, except in the case of ships which could be proven to carry absolute contraband, like arms and ammunition, with ultimate German destination. There could have been no interference with the importation into Germany of any goods on the free list, such as cotton, rubber, and hides. There could have properly been no interference with our export to Germany of anything on the conditional contraband list, like flour, grain, and provisions, unless it could be proven by England that such shipments were intended for the use of the German Army. There could be no lawful interference with foodstuffs intended for the civilian population of Germany, and if those foodstuffs were shipped to other countries to be re-shipped to Germany, no question could be raised that they were not intended for the use of the civilian population.

It is well to recall at this point our rights as declared by the declaration of London and as declared without the declaration of London by settled principles of international law, for we have during the present war become so used to having Great Britain utterly disregard our rights on the high seas that we have really forgotten that we have any, as far as Great Britain and her allies are concerned.

Great Britain, by what she called her modifications of the declaration of London, shifted goods from the free list to the conditional contraband and contraband lists, reversed the presumption of destination for civilian population, and abolished the principle that a blockade to exist at all must be effective.

Edwin J. Clapp, professor of economics of the New York University, in his book, *Economic Aspects of the War*, describes the situation aptly. It is supported by all the authorities, but I quote from him:

The modifications [of the declaration of London] were subversive of the principles of the declaration to which they were attached. These modifications, supplemented by an unexampled extension of the British contraband list and finally by what our Government calls an illegal blockade, have been England's method of exercising economic pressure upon Germany and, necessarily, upon all neutral nations that trade with her.

Again the same author says:

This action stopped our direct trade with Germany. It might appear that goods on the free list could still move. Some of them did move, from free to contraband. People feared to ship the others lest they should be so listed while ships were on the ocean, and the goods made subject to seizure. Practically nothing has been shipped to Germany from this country but cotton, and it was not shipped until December. In belated response to the insistence of southern Senators and of American business interests which had found themselves gravely embarrassed by the cessation of cotton shipments, Great Britain finally made a clear statement that this particular commodity would not be considered contraband.

So much for direct trade with Germany. There was still a method by which we should have been able to export our goods and discharge our neutral obligations to trade with Germany as with England. We might have carried on this trade via neutral ports like Rotterdam or Copenhagen, from which the goods might have been shipped to Germany. The declaration of London allows a belligerent to interfere with a shipment between two neutral ports only when it consists of absolute contraband for enemy territory. Conditional contraband so moving may not even be suspected. The order in council changed this. It extended the new intention of capturing conditional contraband to goods moving to Germany even through a neutral port. And, as explained, conditional contraband was seizable if destined to anyone in Germany; it was not conditional but absolute.

The British action, besides stopping our trade with Germany, barring only a certain amount of indirect trade carried on with much difficulty and danger, subjected to grave peril our commerce with other neutrals. The British contraband lists were extended so rapidly that soon almost no important article of commerce with neutrals was free from seizure by England, who suspected everything on these lists as being of possible German destination. By these methods England proposed to starve the civilian population of Germany and destroy neutral trade.

2. ENGLAND AGAIN DECLINES OUR REQUEST TO CONDUCT HER NAVAL WARFARE WITH SOME RESPECT FOR NEUTRAL RIGHTS AND IN ACCORDANCE WITH MORE HUMAN PRINCIPLES, WHILE GERMANY AGAIN ACCEPTS OUR SUGGESTION.

Now, listen to the statement of facts under that proposition:

On February 20, 1915, our Government, through Secretary Bryan, addressed the following communication to the Government of Great Britain:

DEPARTMENT OF STATE,
Washington, February 20, 1915.

You will please deliver to Sir Edward Grey the following identic note, which we are sending England and Germany:

In view of the correspondence which has passed between this Government and Great Britain and Germany, respectively, relative to the declaration of a war zone by the German Admiralty and the use of neutral flags by British merchant vessels, this Government ventures to express the hope that the two belligerent Governments may, through reciprocal concessions, find a basis for agreement which will relieve neutral ships engaged in peaceful commerce from the great dangers which they will incur in the high seas adjacent to the coasts of the belligerents.

The Government of the United States respectfully suggests that an agreement in terms like the following might be entered into. This suggestion is not to be regarded as in any sense a proposal made by this Government, for it of course fully recognizes that it is not its privilege to propose terms of agreement between Great Britain and Germany, even though the matter be one in which it and the people of the United States are directly and deeply interested. It is merely venturing to take the liberty which it hopes may be accorded a sincere friend desirous of embarrassing neither nation involved and of serving, if it may, the common interests of humanity. The course outlined is offered in the hope that it may draw forth the views and elicit the suggestions of the British and German Governments on a matter of capital interest to the whole world.

Now, after all that prefatory matter—which I might have omitted, I suppose, to save time—we come to the proposition:

Germany and Great Britain to agree:

1. That neither will sow any floating mines, whether upon the high seas or in territorial waters; that neither will plant on the high seas anchored mines, except within cannon range of harbors for defensive purpose only; and that all mines shall bear the stamp of the Government planting them and be so constructed as to become harmless if separated from their moorings.

2. That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search.

3. That each will require their respective merchant vessels not to use neutral flags for the purpose of disguise or ruse de guerre.

Germany to agree:

That all importations of food or foodstuffs from the United States (and from such other neutral countries as may ask it) into Germany shall be consigned to agencies to be designated by the United States Government; that these American agencies shall have entire charge and control without interference on the part of the German Government of the receipt and distribution of such importations, and shall distribute them solely to retail dealers bearing licenses from the German Government entitling them to receive and furnish such food and foodstuffs to noncombatants only; that any violation of the terms of the retailers' licenses shall work a forfeiture of their rights to receive such food and foodstuffs for this purpose; and that such food and foodstuffs will not be requisitioned by the German Government for any purpose whatsoever or be diverted to the use of the armed forces of Germany.

Great Britain to agree:

That food and foodstuffs will not be placed upon the absolute contraband list, and that shipments of such commodities will not be interfered with or detained by British authorities if consigned to agencies designated by the United States Government in Germany for the receipt and distribution of such cargoes to licensed German retailers for distribution solely to the noncombatant population.

In submitting this proposed basis of agreement this Government does not wish to be understood as admitting or denying any belligerent or neutral right established by the principles of international law, but would consider the agreement, if acceptable to the interested powers, a *modus vivendi* based upon expediency rather than legal right and as not binding upon the United States, either in its present form or in a modified form, until accepted by this Government.

BRYAN.

Without quoting at length the replies of the Governments of Germany and Great Britain, it is sufficient to say that under date of March 1, 1915, the German Government replied substantially acceding to the proposition made by the Government of the United States, and on March 15 the British Government replied substantially refusing to accede to our request. It will be noted that at this time the deadly submarines of Germany and the equally deadly mines of Great Britain had rendered the high seas dangerous to the lives of all neutrals, but the English steamship *Lusitania*, loaded with 6,000,000 rounds of ammunition destined for the English Army, had not been sunk with the consequent loss of American lives, and the damage to neutrals had not been heavy compared with that which they have since suffered. Here again the sole responsibility for continuing the unlawful naval warfare must rest upon Great Britain and her allies. Germany, knowing as the world did not then know the possibility of destruction contained in the submarine branch of her navy, and at the risk of being thought weak and anxious for peace, offered to agree if Great Britain and her allies would do the same, to those suggestions of ours which would have avoided all the acts of which we complain to-day.

ENGLAND HAS NOT YIELDED TO OUR PROTESTS.

It is not my purpose to go into detail into the violations of our neutrality by any of the belligerents. While Germany has again and again yielded to our protests, I do not recall a single instance in which a protest we have made to Great Britain has won for us the slightest consideration, except for a short time in the case of cotton. I will not stop to dwell upon the multitude of minor violations of our neutral rights, such as seizing our mails, violations of the neutral flag, seizing and

appropriating our goods without the least warrant or authority in law, and impressing, seizing, and taking possession of our vessels and putting them into her own service. I have constituents, American citizens, who organized a company and invested large sums of money in the purchase of ships to engage in foreign carrying. Several of their vessels plying between the United States and South America were captured almost in our own territorial waters, taken possession of by the British Government, practically confiscated, and put into her service or the service of her admiralty. They are there to-day, and that company is helpless. When they appealed to our Department of State they were advised that they might "file" their papers. And were given the further suggestion that they could hire an attorney and prosecute their case in the English prize court. The company did hire an attorney and sent him to England, and he is there now, and has been there for almost a year, trying to get some redress, some relief, some adjustment of those rights.

But those are individual cases. There are many others. All these violations have come from Great Britain and her allies, and are in perfect harmony with Britain's traditional policy as absolute master of the seas.

I come now, however, to one other event in the naval policy of Great Britain during this war, which to my mind is absolutely controlling upon the action we should take upon the question under consideration.

ENGLAND'S MINING OF THE NORTH SEA.

On the 2d of November, 1914, only three months after the beginning of the war, England issued a proclamation, the most reckless and sweeping in its violation of neutral rights that up to that time had ever emanated from a civilized government engaged in prosecuting a war, announcing that on three days' notice all of the North Sea, free under international law to the trade of the world, would be entered by our merchant ships at their peril. She based her action upon an assertion that the German Government had been scattering mines in waters open to the world's commerce.

The material portions of it are as follows:

During the last week the Germans have scattered mines indiscriminately in the open sea on the main trade route from America to Liverpool via the north of Ireland.

Peaceful merchant ships have already been blown up, with loss of life, by this agency.

In these circumstances, having regard to the great interests entrusted to the British Navy, to the safety of peaceful commerce on the high seas, and to the maintenance within the limits of international law of trade between neutral countries, the Admiralty feels it necessary to adopt exceptional measures appropriate to the novel conditions under which this war is being waged.

It therefore gives notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft, and all other vessels will be exposed to the gravest dangers from mines it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft.

Every effort will be made to convey this warning to neutral countries and to vessels on the sea; but from November 5 onward the Admiralty announces that all ships passing a line drawn from the northern point of the Hebrides through the Farne Islands to Iceland do so at their own peril.

The North Sea, a great stretch of the Atlantic Ocean, extending from Scotland to Iceland, was barred to the commerce of the world, the neutral commerce, that had the same right there that you have to walk down Pennsylvania Avenue.

Before considering the piratical character of this document as a whole it will be noted that while it proposes to use every effort to warn neutral shipping it allows just three days for the warning.

Do you observe that the country with whom we are about to yoke ourselves issued this proclamation, unheard of before in the history of the world, mining a great area of the Atlantic Ocean with deadly contact mines, and gave to the neutral nations only three days' notice? It issued its declaration on the 2d of November, and it went into effect on the 5th of November.

Of the preliminary allegations in the note concerning the scattering of mines by Germany in the open sea around the British Isles, no proof of it has ever been furnished, so far as I am aware; and, even if it were true, it certainly would not have remedied the condition to mine a much larger portion of the sea upon which neutral ships must travel. I say this because of the high-sounding but obviously false and hypocritical assertion contained in the proclamation that Britain is taking this action in order to maintain trade between neutral countries within the limits of international law. She was, in fact, by her action absolutely destroying trade between neutral countries, and the penalties for disobeying her orders, and which operate automatically and inexorably, was the destruction by mines of all ships and passengers venturing into the prohibited portion of the sea.

UNITED STATES ACQUIESCES IN ENGLAND'S ILLEGAL ACT.

Now we come to the most unfortunate part of our record. The present administration agreed to this lawless act of Great Britain. I make this statement deliberately and fully appreciating its consequences. If we had entered into a contract with Great Britain, signed and sealed under the great seals of the respective countries, agreeing that she should commit the act of piracy involved in mining the North Sea, we would not more completely have been bound by such contract than we are bound by the conduct of the present administration. It will be recalled that when Secretary Bryan made his request of Great Britain to adhere to the declaration of London, and she refused, and he notified her that the request was withdrawn, he declared in substance that he would nevertheless hold her responsible for any violations of international law, so far as they affected our right as a neutral Nation. And from that time protest after protest was made by us; many against Germany and some against Great Britain and her allies, whenever we claimed that international law had been violated.

The fact remains, however, that from November 2, when England declared her settled purpose to mine large areas of the public sea contrary to every principle of international law, the Government through the present administration has never uttered a word of protest.

If you think you can escape the responsibility of that act and hold other belligerents to the strict requirements of international law by play upon a phrase you are mistaken. You may make this country declare war in your attempt to do it, but your war will not have the support of the people. Until the omission of this administration to uphold our rights against Great Britain is corrected we can never hope for popular support for a war waged to enforce the same right against the country at war with Great Britain.

AN ABSURD CONTENTION.

I do not need to cite authorities to show that the mining of the North Sea by Great Britain was illegal. In declaring her intention to mine the North Sea, Great Britain did not pretend that her act was legal, and attempted to justify it only on the ground of necessity. Nor am I aware that any responsible person has ever attempted to defend the legality of the act. You have but to remember that if England had a right to mine the North Sea and a large portion of the Atlantic Ocean during an indefinite period and thereby exclude all commercial shipping, then any two warring nations can mine any or all portions of the high seas as they choose and thus destroy the neutral commerce of the world so long as the war shall last. Such a claim is too absurd to merit consideration.

I will not dwell now upon the physical consequences of this act by Great Britain, for I am concerned at this time simply with the question of how this act by our Government has affected our legal relations to Germany.

You can not afford to declare war and rest the right to do so in history upon a violation of international law when we are to any extent responsible for such violation.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I yield for a question.

Mr. REED. Does the Senator have any other evidence that we signed and sealed and delivered a contract with Great Britain by which we permitted her to violate international law than that which he has just given, namely, the assertion that we did not protest?

Mr. LA FOLLETTE. I have not stated that we had a signed and sealed compact.

Mr. REED. No; you stated—

Mr. LA FOLLETTE. I was reading from my manuscript, and I know just what I said. The Senator misunderstood me.

Mr. REED. You stated that we had done it as effectively—

Mr. LA FOLLETTE. Just as effectively as though it were a contract. I think it was just as effective by a failure to protest as though it had been a contract.

I now proceed to make that good by my argument, if the Senator will permit me.

Mr. REED. And you will not permit any further interruption? Very well, if that is the premise.

Mr. LA FOLLETTE. That is my argument, and I am proceeding to make it.

In passing, however, I desire to call attention to the fact that the lawless action of Great Britain resulted in the loss of at least two of our ships—the *Carib* and the *Evelyn*—because they ventured into the zone Great Britain had prohibited them from entering—were sunk by mines, with the loss of several Ameri-

can lives. (Minority report, House Committee on Foreign Affairs, H. R. 21052, 64th Cong.)

WE SUBMIT TO ENGLAND'S WAR ZONE.

The only reason why we have not suffered the sacrifice of just as many ships and just as many lives from the violation of our rights by the war zone and the submarine mines of Great Britain, as we have through the unlawful acts of Germany in making her war zone in violation of our neutral rights, is simply because we have submitted to Great Britain's dictation. If our ships had been sent into her forbidden high-sea war zone, as they have into the proscribed area Germany marked out on the high seas as a war zone, we would have had the same loss of life and property in the one case as in the other; but because we avoided doing that in the case of England, and acquiesced in her violation of law, we have not only a legal but a moral responsibility for the position in which Germany has been placed by our collusion and cooperation with Great Britain. By suspending the rule with respect to neutral rights in Great Britain's case, we have been actively aiding her in starving the civil population of Germany. We have helped to drive Germany into a corner, her back to the wall, to fight with what weapons she can lay her hands on to prevent the starving of her women and children, her old men and babes.

The flimsy claim which has sometimes been put forth that possibly the havoc in the North Sea was caused by German mines is too absurd for consideration.

I refer to the three vessels sunk in the British war zone. Why should Germany mine the North Sea, the gateway from the Atlantic to her own ports and those of Norway, Sweden, and Holland, with whom she most desired to trade and with whom her relations were and are most friendly? She doubtless placed some mines at the entrance of her harbors for purposes of protection, as she had a right to do, but it is ridiculous to suppose that she would have mined the North Sea.

Besides this the records show that up to March 10, 1915, of the floating mines that had been taken up and rendered harmless along the Dutch coast 214 were of British origin, 33 French, and only 22 German. (P. 142, *Economic Aspects of the War*, by Clapp.)

The same author at page 8 thus speaks of the result of the mining of the North Sea by Great Britain:

Because of these floating mines in the North Sea literally scores of vessels were lost, mostly belonging to the Scandinavian countries or Holland. Three American vessels were included—the *Greenbriar*, *Carib*, and *Neclm*. Because of the danger of mines ocean freight and war-risk insurance rates became a very heavy burden on shippers and buyers, and in the case of some commodities became prohibitive of commerce; a policy of uncertainty and fear was thrown over the commercial world.

Days, weeks, and months went by, and still no protest came from the American Government against this unlawful act on the part of Great Britain.

GERMANY WAITED FOR US TO PROTEST.

She did this unlawful thing on the 5th day of November. Germany waited and waited, week after week, for this Government to assert its neutral rights and demand the opening of the North Sea to neutral commerce. She waited in vain for three long months for this Government to take some action, and not until the 4th day of February—that is my recollection of the date; I do not know that I have it here—did she in retaliation serve notice upon this Government of the establishment of her war zone.

Germany then did as a matter of retaliation and defense what Great Britain had done months previously purely as an offensive measure—established a war zone or war area. She included in it portions of the sea about the British islands, and gave notice that ships coming within it would be destroyed by mines or submarines, even as English mines in the North Sea destroyed the ships which entered there.

It is Germany's insistence upon her right to blindly destroy with mines and submarines in the area she has declared a war zone all ships that enter there, that causes the whole trouble existing between us and Germany to-day. It is for this, and this only, that we are urged to make war. Yet in asserting this right or in sinking the ships in the proscribed area without warning, Germany is doing only that which England is doing in her proscribed area, with our consent. Here is the parting of the ways. When England, having previously violated all neutral rights on the high seas, mined the North Sea and asserted the right to blindly destroy, and mines can only destroy blindly, all ships that traversed it, one or two courses was open to us.

We chose to acquiesce, but a singular thing transpired. I suppose all Senators have secured the published copies of the diplomatic correspondence which has been issued by the State Department.

WE HOLD GERMANY TO STRICT ACCOUNTABILITY.

I find all the correspondence about the submarines of Germany; I find them arrayed; I find the note warning Germany that she would be held to a "strict accountability" for violation of our neutral rights; but you will search in vain these volumes for a copy of the British order in council mining the North Sea.

I am talking now about principles. You can not distinguish between the principles which allowed England to mine a large area of the Atlantic Ocean and the North Sea in order to shut in Germany, and the principle on which Germany by her submarines seeks to destroy all shipping which enters the war zone which she has laid out around the British Isles.

The English mines are intended to destroy without warning every ship that enters the war zone she has proscribed, killing or drowning every passenger that can not find some means of escape. It is neither more nor less than that which Germany tries to do with her submarines in her war zone. We acquiesced in England's action without protest. It is proposed that we now go to war with Germany for identically the same action upon her part.

ADMINISTRATION'S FATAL MISTAKE.

At this point, sir, I say, with all deference but with the absolute certainty of conviction, that the present administration made a fatal mistake, and if war comes to this country with Germany for the present causes it will be due wholly to that mistake. The present administration has assumed and acted upon the policy that it could enforce to the very letter of the law the principles of international law against one belligerent and relax them as to the other. That thing no nation can do without losing its character as a neutral nation and without losing the rights that go with strict and absolute neutrality.

In an address delivered by the President at a joint session of the two Houses of Congress on February 3, 1917, and referring to the reply which our Government had made to Germany's protest that her enemies were permitted to apply unlawful methods of naval warfare while she was held by us to the strict rules of naval warfare, the President said that Germany had been advised as follows. Now, listen to this—

Mr. LEWIS. Mr. President, will the Senator from Wisconsin allow me, before he proceeds with that extract, to ask his view as to what he means by the assertion which he has just made? In other words, may I interrupt him with an inquiry?

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

Mr. LA FOLLETTE. I yield for a question if it does not divert me from my argument.

Mr. LEWIS. I should like to ask the able Senator as to whether or not I am correct in understanding his argument to mean that, if we fail to declare war against Great Britain because of wrongs committed against us by Britain sufficient to have had war declared, thereby we are prohibited from declaring war against another Government that might do acts which are themselves a justification for the declaration of war?

Mr. LA FOLLETTE. The Senator from Illinois will be best answered as I proceed with my argument, which deals exactly with that question.

Mr. LEWIS. I will not divert the Senator further, then, if he intends to cover that matter.

Mr. LA FOLLETTE. It will not divert me. The Senator will be answered presently as well as I am able to answer him.

MISSTATEMENT OF THE LAW.

I quote now from the President's address of February 3, 1917, before the two Houses of Congress:

In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other Government affecting the rights of neutrals and noncombatants. Responsibility in such matters is single, not joint; absolute, not relative.

That phrase the President has used repeatedly in his addresses; he has used it at least three times, I think, and he has referred to it as being a complete and sufficient answer to this proposition. It misstates the law; it asserts a principle that can not be maintained for one moment with a decent regard for equal rights between nations with whom we are dealing upon a basis of neutrality.

The offenses of Great Britain and Germany against us can not be treated as they might be treated if those nations were not at war with each other. Undoubtedly, if those nations were not at war with each other we could suffer one to violate international law to our injury and make no protest and take no action against the nation so offending and hold the other to

strict accountability and compel her to respect to the limit our rights under international law, and if she refused we would be justified in going to war about it. But when we are dealing with Germany and Great Britain, warring against each other, so evenly balanced in strength that a little help to one or a little hindrance to the other turns the scale and spells victory for one and defeat for the other, in that situation I say the principle of international law steps in which declares that any failure on our part to enforce our rights equally against both is a gross act of unneutrality.

That is precisely what we have done, as I have shown. In the early days of the conflict in this matter of the war zones of each belligerent, in submitting to Great Britain's dictation concerning what might be treated as contraband, resulting finally in a practical cessation of shipping to German ports, we have done Germany as much harm as though we had landed an army in France to fight beside the entente allies. How will history regard this conduct of ours? How will our own people regard it when they come to understand it? We can never justify it.

WE HAVE NOT BEEN NEUTRAL.

Jefferson asserted that we could not permit one warring nation to curtail our neutral rights if we were not ready to allow her enemy the same privileges, and that any other course entailed the sacrifice of our neutrality.

That is the sensible, that is the logical position. No neutrality could ever have commanded respect if it was not based on that equitable and just proposition; and we from early in the war threw our neutrality to the winds by permitting England to make a mockery of it to her advantage against her chief enemy. Then we expect to say to that enemy, "You have got to respect my rights as a neutral." What is the answer? I say Germany has been patient with us. Standing strictly on her rights, her answer would be, "Maintain your neutrality; treat these other Governments warring against me as you treat me if you want your neutral rights respected."

I say again that when two nations are at war any neutral nation, in order to preserve its character as a neutral nation, must exact the same conduct from both warring nations; both must equally obey the principles of international law. If a neutral nation fails in that, then its rights upon the high seas—to adopt the President's phrase—are relative and not absolute. There can be no greater violation of our neutrality than the requirement that one of two belligerents shall adhere to the settled principles of law and that the other shall have the advantage of not doing so. The respect that German naval authorities were required to pay to the rights of our people upon the high seas would depend upon the question whether we had exacted the same rights from Germany's enemies. If we had not done so we lost our character as a neutral nation, and our people unfortunately had lost the protection that belongs to neutrals. Our responsibility was joint in the sense that we must exact the same conduct from both belligerents. No principle of international law is better settled than that which is stated by Oppenheim, the great English authority on international law, in volume 2, second edition, page 365. He says:

Neutrality as an attitude of impartiality involves the duty of abstaining from assisting either belligerent either actively or passively.

The same author points out, on pages 441 to 444, that a neutral can not permit one belligerent to do what another is not permitted to do.

In the case of the *Bermuda* (3 Wallace, p. 514) the Supreme Court of the United States points out that neutrality involves absolute equality of treatment. The court says:

Neutral trade is entitled to protection in all courts. Neutrals in their own country may sell to belligerents whatever belligerents choose to buy. The principal exceptions to this rule are that neutrals must not sell to one belligerent what they refuse to sell to the other.

And so forth.

OUR COURT AND JEFFERSON ESTABLISHED THE TRUE PRINCIPLES OF NEUTRALITY.

In the case of *Resolution* (Federal court of appeals, 1781; 2 Dalles, 19) it is said that the idea of a neutral nation "implicates two nations at war and a third in friendship with both."

J. Quincy Adams, Secretary of State, on May 19, 1818, said:

By the usual principles of international law the state of neutrality recognizes the cause of both parties to the contest as just—that is, it avoids all consideration of the merits of the contest. (See Moore's International Law Digest, vol. 7, p. 850.)

Oppenheim on International Law, volume 11, second edition, paragraph 294, page 362, says:

Since neutrality is an attitude of impartiality, it excludes such assistance and succor to one of the belligerents as is detrimental to the other, and, further, such injuries to the one as benefit the other.

The best and clearest exposition of the exact question, however, was made long ago by one of the greatest of Democrats

and statesmen of this country—Thomas Jefferson. Mr. Jefferson, then Secretary of State, in writing to Thomas Pinckney, United States minister to Great Britain regarding England's stoppage of our food shipments to France, with whom England was then at war, dealt with precisely the same situation that confronts President Wilson in the war between Germany and England, but Secretary Jefferson dealt with the situation in precisely the opposite manner from that adopted by President Wilson. In this letter, under date of September 7, 1793, Secretary Jefferson said:

The first article of it [the British order] permits all vessels laden wholly or in part with corn, flour, or meal, bound to any port in France, to be stopped and sent into any British port, to be purchased by that Government or to be released only on the condition of security given by the master that he will proceed to dispose of his cargo in the ports of some country in amity with his majesty.

This article is so manifestly contrary to the law of nations that nothing more would seem necessary than to observe that it is so.

How much less was it obnoxious to the law of nations than mining the great area of the North Sea.

Reason and usage have established that when two nations go to war those who choose to live in peace, retain their neutral right to pursue their agriculture, manufactures, and other ordinary vocations; to carry the produce of their industry, for exchange, to all nations, belligerent or neutral, as usual; to go and come freely without injury or molestation, and, in short, that the war among others shall be, for them, as if it did not exist. One restriction on those mutual rights has been submitted to by nations at peace; that is to say, that of not furnishing to either party implements merely of war, for the annoyance of the other, nor anything whatever to a place blockaded by its enemy.

This act, too, tends directly to draw us from that state of peace in which we are wishing to remain. It is an essential character of neutrality to furnish no aids (not stipulated by treaty) to one party which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it would be a partiality which might lead to war with France, and, between restraining it ourselves and permitting her enemies to restrain it unrightfully is no difference. She would consider this as a mere pretext, of which she would not be the dupe; and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged by this unauthorized act of Great Britain into a war, with which we meddle not and which we wish to avoid, if justice to all parties, and from all parties, will enable us to avoid it.

In the same letter Jefferson says:

The loss of our produce destined for foreign markets or that loss which would result from an arbitrary restraint of our markets is a tax too serious for us to acquiesce in. It is not enough for a nation to say, "We and our friends will buy your produce." We have a right to answer that it suits us better to sell to their enemies as well as their friends.

We have a right to judge for ourselves what market best suits us, and they have none to forbid to us the enjoyment of the necessities and comforts which we may obtain from any other independent country.

Further, he says:

Were we to withhold from her [France] supplies of provisions, we should in like manner be bound to withhold them from her enemies also and thus shut to ourselves all the ports of Europe where corn is in demand or make ourselves parties in the war. This is a dilemma which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation, but she can have no right of doing it at our loss nor of making us the instruments of it.

And with a firmness which it would have been well had the present administration emulated, it is said:

It is with concern, however, I am obliged to observe that so marked has been the inattention of the British court to every application which has been made to them on any subject by this Government (not a single answer, I believe, having ever been given to one of them except in the act of exchanging a minister) that it may become unavoidable in certain cases, where an answer of some sort is necessary, to consider their silence as an answer.

IF WE WERE NEUTRAL WE WOULD NOT NOW FACE WAR.

Had the plain principle of international law announced by Jefferson been followed by us, we would not be called on to-day to declare war upon any of the belligerents. The failure to treat the belligerent nations of Europe alike, the failure to reject the unlawful "war zones" of both Germany and Great Britain, is wholly accountable for our present dilemma. We should not seek to hide our blunder behind the smoke of battle, to inflame the mind of our people by half truths into the frenzy of war, in order that they may never appreciate the real cause of it until it is too late. I do not believe that our national honor is served by such a course. The right way is the honorable way.

One alternative is to admit our initial blunder to enforce our rights against Great Britain as we have enforced our rights against Germany; demand that both those nations shall respect our neutral rights upon the high seas to the letter; and give notice that we will enforce those rights from that time forth against both belligerents and then live up to that notice.

The other alternative is to withdraw our commerce from both. The mere suggestion that food supplies would be withheld from both sides impartially would compel belligerents to observe the principle of freedom of the seas for neutral commerce.

Mr. WILLIAMS. Mr. President, if immortality could be attained by verbal eternity, the Senator from Wisconsin would

have approximated immortality. We have waited and have heard a speech from him which would have better become Herr Bethmann-Hollweg, of the German Parliament, than an American Senator. In fact, he has gone much further than Herr Bethmann-Hollweg ever dared to go. Herr Bethmann-Hollweg said that the use of submarines, in the manner in which they are being used now, could be justified only by "military necessity." The Senator from Wisconsin has put their use upon the same footing as the use by Great Britain of ships to enforce a blockade. I fully expected before he took his seat to hear him defend the invasion of Belgium—the most absolutely barbarous act that ever took place in the history of any nation anywhere. I heard from him a speech which was pro-German, pretty nearly pro-Goth, and pro-Vandal, which was anti-American President and anti-American Congress, and anti-American people. I heard his eulogy of the German Government. I heard his justification of its barbarous methods in war. I heard his surly, contemptuous criticism of the entente powers. The American people will read a part of it. I fancy that it is the speech that the Senator from Wisconsin prepared to deliver upon the neutrality bill in the last Congress. We are better prepared to receive it now than we were then, because we have grown a little bit older and a little bit more patient and perhaps a little bit more submissive to wrong.

The Senator from Wisconsin, while he was pronouncing a eulogy upon the German people, might have pronounced a eulogy upon a people very much greater, very much more intelligent, and very much more moral—the American people. His speech was absolutely worthy of Bethmann-Hollweg in the Reichstag, if Bethmann-Hollweg had had the audacity to make it there; but Bethmann-Hollweg did not have the audacity, and he had too much knowledge and common sense to have attempted to make that particular speech, even in the Reichstag.

The Senator has spent himself in eulogy of the German people while he has forgotten to notice you and me. I might have begun this speech by paraphrasing the utterances of old Patrick Henry: "Gentlemen speak of peace, but there is no peace." And, although I could not say with him that "the chains are already clanking upon Boston Common," I could say that the groans of American men and women and children, as they sank after a murderous and unwarmed attack, unknelt and unshriven, to their graves, to face God at judgment, are all here now, being heard by us if we have ears to hear. I hear them in the air and you hear them, but the Senator from Wisconsin has not heard one of them. He has heard nothing—nothing except what he has obtained from German authority and information; and he tells us in a part of his speech that the Germans have had "a better opportunity to get information than anybody else."

Is not that a very remarkable statement, when we all know that the very news of the President's message, except his peace message, has not been allowed to go to the German people; and when we know that the Junkerthum and the Hohenzollern family control the press in Germany, as Bismarck did, and Bismarck spoke of it in a manner which indicated the contempt of an autocrat belonging to the Junkerthum for anything like free speech, free assembly, or free expression?

I have loved the Senator from Wisconsin, in a way, until recently, but I have no sort of patience with any American who stands up in the American Senate and spends three or four hours in plaudits of the common enemy, who happens right now to be not only our enemy but the enemy of the human race, while he has not one word to say in praise of an American President or an American Congress or the American people, who are doing nothing except resenting insult and injury—and a gentleman resents insult more quickly than he does injury.

Here we stand—in war, not in peace. The Kaiser, not we, has settled that question. Oh, Mr. President, a little common sense goes a long way in a wide, wide, desolate world.

"Gentlemen speak of peace when there is no peace." There is no peace except that analogous to a man whom another man kicks and who fails to notice the kick because the part kicked is paralyzed. If the American people can not be aroused to righteous indignation now and to a degree of patriotic fervor and passion, they are degenerate sons of noble sires who fought the War of the Revolution and who fought the Civil War on both sides.

Tell me that the American Congress is "about to involve the American people in war"! The man who says that is a knave or a fool. He is a knave if he knows better and says it anyhow, and he is a fool if he does not know better. We are involved in war, not by the American Congress, but by the orders of the

German Kaiser and by the German Kaiser's military and naval advisers.

Tell me that I have got to be kicked twice, and then kicked the third time, and then notified that I am going to be kicked the fourth time in order to constitute a state of hostility between me and the man who is proposing the fourth kicking!

A little common sense goes a long way, my friends. The common sense of this situation is that a man who is talking about "Congress bringing on war" has not ordinary intelligence. The war is here, and Congress has not brought it on, and the President has not brought it on, and the American people have not brought it on. The Junkerthum and the Kaiserthum of Germany have brought it on in contempt for you and me. Why, they have exactly the same contempt for us that Napoleon had for the English—"a nation of shopkeepers." He never knew any better until Elba and Waterloo and St. Helena came.

"Whom the gods would destroy they first make mad," and this is not the first Hohenzollern who was mad. Old Frederick Wilhelm I, the father of Frederick the Great, was a lunatic, substantially, and to this fellow on this throne now I say: "Thou art in the same fix." Yes; as Lord Bacon said to Essex, "I thou thee." I call him a fellow and a very common fellow, too—a half-insane fellow with a notion away down in the bottom of his brain that he and God are partners. Well, of course, God is a partner with all of us. He is in partnership with all of His children; but the Kaiser seems to think that he and God are special partners, and the balance of us are subordinates by divine ordinance to him and God. The man—the fellow—absolutely believes, in the twentieth century, in the medieval doctrine of divine right of kings.

There are two things about this situation that I face. One is the necessity of it. I face the necessity because I must. The other is the opportunity of it, and I face that because I will. I am glad that I and the American citizenry shall have the opportunity of fighting on the side of liberty and democracy and free speech and free institutions against Prussian militarism and autocracy.

I join the President in having no hostility to the German people. I spent two and a half years of my life with them, and I love them, a whole lot of them. The man who inhabits the borders of the Rhine, the man who inhabits Bavaria and Württemberg, easily moved to tears and easily moved to laughter and easily moved to rage, is a man whom I have learned to love; and I have always believed that this war in Europe, brought on by the obstinate refusal of the Kaiser to leave either to a tribunal of arbitration or to a concert of Europe the question at issue between Austria and Serbia, inspiring Austria to refusal, is not the fault of the German people, but is a proof of what I said a moment ago, "Whom the gods would destroy, they first make mad."

There is nothing in the world like sea power. It starved the South. I heard the Senator from Wisconsin talking a moment ago, and if I could have been amused by the recollection of the tragedy of my own people I would have been amused. He talks of the English fleet starving the German people. You not only did not let us have food, but you would not even let us have quinine; you would not even let us have medicine. You would not even let medicine go through the ranks to be administered by your own surgeons to your own soldiers. And why? Because the war had to be concluded and peace had to be established, and you felt that was the quickest way to do it. We pled no baby act.

Now, a little bit more common sense, Mr. President. The Senator from Wisconsin spent a whole lot of time talking about the violations of the rights of neutrality by Great Britain, and he labored in extenso in trying to establish an identity of purpose and an identity of act between the violations by Great Britain and the violations by Germany of our neutral rights. He proved thereby—to cite a paragraph in a funny paper not long ago—that he did not know the difference between a prize court and a torpedo.

Great Britain has murdered none of our citizens. Great Britain has drowned none of our women and children. Great Britain has seized our merchandise and carried it into port and had its court sit upon it, to adjudicate whether or not it was subject to confiscation. She has gone further than any nation ever went before, because when she seized our cotton and our wheat to keep them from going to the enemy and pronounced them contraband, she has paid for them at the market price.

I am a little tired, Mr. President—I do not know whether you are or not—of utterances like that of the Senator from Wisconsin in denouncing the entente powers. Who are the entente

powers? France, La Belle France, sunny France, sweet France—the most companionable people on the surface of the earth; the country of Lafayette and Rochambeau and De Grasse; the country of Victor Hugo and Molière and Racine; the country of the men who imitated the American example when they flung to the breeze banners with "Equality, fraternity, and liberty" inscribed upon them, although they carried the banner to a bloody end, that was not justified.

Does the Senator hope to make me hate France or Frenchmen because I love some Germans—most of them—nearly all of them I have ever seen?

Then the gentleman undertakes to "twist the British lion's tail." We have had a whole lot of demagogues who habitually do that. It absolutely started soon after the Revolution, but not with those of us whose forefathers fought under George Washington in the Continental line to establish American independence. The War of Independence was really carried on against the will of the English people, against the German king who happened to be then the King of Great Britain, with hired Hessians, who were also Germans, against the leadership of that greatest Englishman that America ever produced—George Washington.

Can the gentleman tell me that so many thousand Germans helped to overcome the South in the war between the States? Of course they did, but the Senator did not hope to get my sympathy upon that proposition. They were hirelings, as the Hessians were during the Revolution, as they came in in every immigrant ship, enlisting to fight the South, a section of which they had no knowledge whatever of what was going on or what the question was. They could not read the American Constitution in English and never read it in German. The Senator does not arouse my admiration in that quarter, beginning with the Hessians in the War of the Revolution and every war we have ever had. With the exception of a few German-American citizens, natives of Missouri and other States, who served with patriotism and with a high spirit of liberty, with the idea that slaves ought to be emancipated—with the exception of a few of them, the great majority of Germans who fought the South were mere hirelings who landed at Castle Garden and served at \$13 a month plus the bounty.

Mr. President, the man who does not know the difference between a prize court and a torpedo submarine's shot without warning against a merchant ship ought not to be a Member of the United States Senate, and a man who will indulge in a labored argument to prove that they are identical ought not to be a Member of the United States Senate.

The gentleman tells us that Thomas Jefferson said that when you grant to one power a given right you must grant the same right to the other or else you violate neutrality. Of course, Thomas Jefferson was nearly always exactly right, and nobody can torture out of what he said anything that was wrong. But the major premise being established the minor premise is that Germany and Great Britain have done the same thing to us. They have not. The minor premise happens to be absolutely false. It just happens that way historically. They have not done the same thing. The statement that they have is a lie.

Then the Senator goes on, and tells us that "if we sell to one power and do not sell to the other, or refuse to sell to the other, Thomas Jefferson said we violate neutrality." Of course; but have we ever sold one thing to France, England, or Russia that we have refused to sell to Germany, or were not willing to sell to Germany, at any time if Germany was ready to receive the goods and ready to take the responsibility of their receipt? The Senator from Wisconsin knows that any insinuation to that effect is false. It is historically untrue.

Is it our fault that while Germany was commanding the land with almost supreme power England commanded the sea?

One more word of common sense, Mr. President. Which would you rather do—fight Germany now, with France and England and Russia to help you, or fight her later, when she is ready, by ourselves? You have got to do one or the other.

A whole lot of people tell me that the entente are bound to win the war in Europe. I tell you they are not. I tell you that with that line almost like a right-angle triangle, with a salient here, with Robert E. Lee behind that line with a capacity to reinforce one part of it to the other while the enemy had to go all around, he would win that war.

I tell you, furthermore, that the Italian barrier can not be protected if there are enough German people put in, and when once broken France will be attacked upon the south—unfortified and undefended—on the Italian side.

I tell you, moreover, that if Germany does win that fight upon the Continent of Europe, with Belgium already a vassal State, Holland to become one, France by defeat one, with

all their forts and naval stations and shipyards open as well as her own, she will begin to get ready to whip us unless England's fleet prevents it.

Now, Great Britain can, by sea power, defend herself almost indefinitely, defend herself long enough for us to get ready to help her to defend us. You can put it in your pipe and smoke it, the fact that you must choose whether you are going to fight Germany now with assistance or whether you are going to fight her later; you have got to fight her.

Mr. President, I know of but one way to fight anybody. You can not always whip him, but there is but one way with a hope of success, and that is to hit him just as soon as the provocation comes, and as quickly as you can and as strongly as you can. That is what we have got to do.

Mr. President, there is a lot more; and it is very difficult to make a reply to the speech of the Senator from Wisconsin, because he scatters so you have got to scatter in reply. You can hardly keep track of your own intellect when you are trying to follow his supposed intellect. We had from him a long, labored eulogy of German policy and of her methods; a long, labored defense of her use of submarines in a way unknown to civilization. He made a long, labored criticism of the President of the United States, who is just as much your President right now as he is mine, although I helped to elect him and you did not.

But what was true when McKinley sent his message to us in the Congress of the United States? I happened at that time to have something to do with that in the Foreign Affairs Committee. I made a speech which was one minute long in favor of what McKinley wanted. CHAMP CLARK said it was the only one-minute speech he ever heard, and that one-minute speech was this: "I have talked too much about the tyranny and the oppression by Spain in Cuba and about the disorganized condition there to oppose now any measure proposed in favor of putting an end to it, and when I speak for myself I think I speak for the Democratic Party." That is not a literal quotation but it is substantially correct.

I had a quarter of a minute left. We Democrats gave him the \$50,000,000 he wanted and asked no questions.

Now, what are you going to do? I will tell you what you are going to do. You are going to imitate our example as well as you know how, because you love this country as well as I do. Lots of you north of the line have more cause to love it than I have, but I have cause sufficient. The Senator from Wisconsin says that with the European war carried on over there "we have nothing to lose." Have we not? Have we no honor that we might lose? Have we no regard for the sovereignty of the American Nation that we might be compelled to dispense with? Have we no regard for the flag floating from the flagstaff of our ships that were sunk without warning upon the high seas? Is sentiment rot? Is patriotism rot? Is there nothing that a man has which he either possesses or possesses him that is precious to him, except money and material advantage?

The Senator in another part of his speech said the poor man would have to bear all this expense of war. I need not refer to that, because we all know that under the scheme of Democratic Federal taxation it is the rich man who is going to pay the taxes upon inheritance and upon income, both graduated to suit his fortune. According to the private opinion of a great many people—I am not one of them—it is graduated too much.

He wants to persuade us that it is the rich man's war and the poor man's fight. I heard all that gammon and demagoguery in the South after the Civil War. It was a lie then, as it is now.

By the way, now I am getting tired of another thing. This does not come from the Senator from Wisconsin; it comes from some other Senator who spoke. I am getting very tired of somebody saying this is a "Wall Street war." It is a lie.

Mr. OVERMAN. A Wall Street lie.

Mr. WILLIAMS. Probably a Wall Street lie, as the Senator from North Carolina has said. Wall Street and the money power of the capitalists did not sink the *Lusitania* and send to the judgment of God those men, women, and children unshriven. Wall Street did not sink the *Arabic*. Wall Street did not sink the *Sussex*. Wall Street did not sink the *Algonquin* with the American flag on her main staff, nor did Wall Street sink the last three American ships with flags flying that were sunk in the same way. I am tired of lies like that.

I think it is the duty of American Senators and Representatives and the American people to brand them lies, as they are.

One Senator said something about "putting the dollar mark upon the flag." That struck me as peculiar. I am the son of a father whose mother said to him, "Kit, you are a Whig; you are opposed to secession; let the Yankees and the secessionists fight this war." And his reply was, "Mother, the time has passed

WAR WITH GERMANY

SPEECH

OF

HON. ROBERT M. LA FOLLETTE

OF WISCONSIN

IN THE

SENATE OF THE UNITED STATES

WEDNESDAY, APRIL 4, 1917



WASHINGTON

1917



SPEECH OF HON. ROBERT M. LA FOLLETTE.

The Senate had under consideration the joint resolution (S. J. Res. 1) introduced by Mr. MARTIN April 2, 1917, declaring war against Germany, and making provision to prosecute the same.

Mr. LA FOLLETTE. Mr. President, I had supposed until recently that it was the duty of Senators and Representatives in Congress to vote and act according to their convictions on all public matters that came before them for consideration and decision.

I.

STANDING BACK OF THE PRESIDENT.

Quite another doctrine has recently been promulgated by certain newspapers, which unfortunately seems to have found considerable support elsewhere, and that is the doctrine of "standing back of the President," without inquiring whether the President is right or wrong. For myself I have never subscribed to that doctrine and never shall. I shall support the President in the measures he proposes when I believe them to be right. I shall oppose measures proposed by the President when I believe them to be wrong. The fact that the matter which the President submits for consideration is of the greatest importance is only an additional reason why we should be sure that we are right and not to be swayed from that conviction or intimidated in its expression by any influence of power whatsoever. If it is important for us to speak and vote our convictions in matters of internal policy, though we may unfortunately be in disagreement with the President, it is infinitely more important for us to speak and vote our convictions when the question is one of peace or war, certain to involve the lives and fortunes of many of our people and, it may be, the destiny of all of them and of the civilized world as well. If, unhappily, on such momentous questions the most patient research and conscientious consideration we could give to them leave us in disagreement with the President, I know of no course to take except to oppose, regretfully but not the less firmly, the demands of the Executive.

II.

ARMED NEUTRALITY.

On the 20 of this month the President addressed a communication to the Senate and House in which he advised that the Congress declare war against Germany and that this Government "assert all its powers and employ all its resources to bring the Government of the German Empire to terms and end the war."

On February 23, 1917, the President addressed the Senate and the House upon the conditions existing between this Government and the German Empire, and at that time said, "I am not now proposing or contemplating war or any steps that need lead to it. * * * I request that you will authorize me to supply our merchant ships with defensive arms, should that become necessary, and with the means of using them" against

what he characterized as the unlawful attacks of German submarines.

A bill was introduced, and it was attempted to rush it through the closing hours of the last session of Congress, to give the President the powers requested, namely, to arm our merchant ships, and to place upon them guns and gunners from our Navy, to be used against German submarines, and to employ such other instrumentalities and methods as might in his judgment and discretion seem necessary and adequate to protect such vessels. That measure did not pass.

It is common knowledge that the President, acting without authority from Congress, did arm our merchant ships with guns and gunners from our Navy, and sent them into the prohibited "war zone." At the time the President addressed us on the 2d of April there was absolutely no change in the conditions between this Government and Germany. The effect of arming merchant ships had not been tested as a defensive measure. Late press reports indicate, however, that the *Astco*, a United States armed merchantman, has been sunk in the prohibited zone, whether with mines or a torpedo, I believe, has not been established, so the responsibility for this sinking can not, so far as I know at this time, be placed.

When the request was made by the President on February 2d for authority to arm merchant ships, the granting of such authority was opposed by certain Members of the House and by certain Senators, of which I was one. I made at that time a careful investigation of the subject, and became convinced that arming our merchant ships was wholly futile and its only purpose and effect would be to lure our merchantmen to danger, and probably result in the destruction of the vessels and in the loss of the lives of those on board. The representatives of the President on this floor then having that bill in charge saw fit, by methods I do not care to characterize, to prevent my speaking upon the measure and giving to the Senate and to the country such information as I had upon the subject.

Under the circumstances, I did the only thing that seemed practical to me, and that was to give such publicity as I was able through the press to the fact that the proposition to arm merchant ships would be wholly futile, and could only result in loss of the lives and property of our own people, without accomplishing the results intended. I regret to say that the President, according to statements in the public press purporting to emanate from him, and which have never been denied, saw fit to characterize as "willful" the conduct of the Senators who, in obedience to their consciences and their oaths of office, opposed the armed-ship bill, and to charge that in so doing they were not representing the people by whose suffrages they are here. I know of no graver charge that could be made against the official conduct of any Member of this body than that his official action was the result of a "willful"—that is, an unreasoned and perverse—purpose.

Mr. President, many of my colleagues on both sides of this floor have from day to day offered for publication in the *Record* messages and letters received from their constituents. I have received some 15,000 letters and telegrams. They have come from 44 States in the Union. They have been assorted according to whether they speak in criticism or commendation of my course in opposing war.

Assorting the 15,000 letters and telegrams by States in that way, 9 out of 10 are an unqualified indorsement of my course in opposing war with Germany on the issue presented. I offer only a few selected hastily just before I came upon the floor which especially relate to public sentiment on the question of war.

Mr. President, let me say that the city of Monroe, Wis., is the county seat of Green County, which borders on the State of Illinois. I am not able to state exactly the percentage of the nationalities of the people, but I know that the foundation stock of that little city was of New England origin. In the last 10 or 15 or 20 years a great many Swiss have come into the county.

But, Mr. President, it is a good town, typical of any town of like size in any State in the Union. They held an election there on the 2d day of April, and the following vote was polled upon the question of declaring war against Germany. The telegram reporting the vote is as follows:

Monroe election votes on referendum on war question. For peace, 254; for war, 93.

I am informed that in a Massachusetts referendum by postal card 20,000 postal cards were sent out, and the returns thus far show 66 per cent against war; 63 per cent against conscription. The following form was submitted in taking the vote in Massachusetts:

President Wilson said: "I would rather know what the people are thinking out there around their quiet firesides than to know what is going on in the cloakrooms of the Capitol."

What do you think of the two questions on the other side?

Mark your cross. We will see that your Congressman hears. Do it now and mail immediately.

EMERGENCY PEACE COMMITTEE OF MASSACHUSETTS,
120 Boston Street, Room 133.

Telephone Beach 0809.

MARCH 27, 1917.

REFERENDUM FOR MASSACHUSETTS CONGRESSMEN.

1. Do you believe that the interest of humanity would best be served by the United States keeping out of the European war?

2. Do you oppose the adoption of conscription as dangerous to American democracy?

Yes. No.

Name _____
Street _____
Town or city _____

I received this telegram April 2 from Flint, Mich.:

Vote taken this afternoon in third precinct, first ward; question, Shall we enter war on European soil? Results—for war 26, against war 130.
L. E. LARSON.

I do not know Mr. Larson. I know little or nothing about Flint, Mich. I do not know whether it has a German population or a mixed population. The senior Senator from that State [Mr. SMITH] says that it is a mixed population.

I have this from Sheboygan, Wis. Sheboygan is a rather strong German county in the State of Wisconsin. I expected to have had here noted on the telegram the exact percentage of the German vote. I glanced at it myself in my office, but I did not have at hand the last census. The Wisconsin Bluebook, which gives the figures for 1905, shows there were then over 50,000 population and 10,000 of German birth. This telegram is dated April 3. I might say that our spring election is held in Wisconsin on the 2d day of April, when all the municipal officers in the townships and in the villages and cities are elected. It brings out a fairly representative vote:

SHEBOYGAN, WIS., April 3, 1917.

HON. ROBERT M. LA FOLLETTE,

Washington, D. C.:

By referendum vote taken the last two days of the qualified electors of the city of Sheboygan on the question, Shall our country enter into the European war? 4,082 voted no and 17 voted yes. Certified to as correct.

F. VOLKATH,
O. A. ZASSNER,
ADAM TRESTER,
CANTONERS.

I received also the following. A vote was taken not only in the city of Sheboygan, but in the county of Sheboygan, representing the country or farmer vote:

SHEBOYGAN, WIS., April 4, 1917.

HON. ROBERT M. LA FOLLETTE,
Senate, Washington, D. C.

DEAR SIR: Since sending the last telegram, in the referendum vote taken by the qualified electors of Sheboygan County outside the city of Sheboygan 2,051 voted against our country entering into the European war. No votes were cast in favor of war. Certified to me correct by the canvassers.

OTTO A. BASSVENAR,
P. VOLLMATH,
ADAM TAYLOR.

The next telegram is not a report upon any election. I presume very few of them were held. It is a telegram from Melrose, Mass., sent to me by Mr. Henry W. Pinkham. I do not know him. I read it as handed to me by one of my secretaries:

MELROSE, MASS., April 3, 1917.

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.

The President's message explicitly and completely vindicates you in opposing armed neutrality. Stand firm against war and the future will honor you. Collective homicide can not establish human rights. For our country to enter the European war would be treason to humanity.

HENRY W. PINKHAM.

And the following:

WALLACE, IDAHO, April 3, 1917.

Senator LA FOLLETTE,
Washington, D. C.

Mailed you to-day 400 signatures of endorsement from this district to you and colleagues on your stand of March 4.

L. SCHULLER.

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.

RACINE, WIS., April 4, 1917.

Four thousand people assembled at the Auditorium last night; lots American sentiment; no enthusiasm for war; recruits were asked for; only seven men offered themselves for enlistment. This shows there is no war sentiment in Racine. Resolutions were spoken of, but no attempt was made to pass them. Audience was not for war. I approve your stand.

ARTHUR EMBLICK.

SEATTLE, WASH., April 4, 1917.

ROBERT M. LA FOLLETTE,
Senate Chamber, Washington, D. C.

Good work. People with you. Straw referendum signed to-day at public market, city streets, shows 31 for war declaration, 376 against. Press brazenly reporting war demand of meetings where vote is against war. If presidential election were to-morrow, you would have best chance.

ANNA LOUISE STRONG,
Member Seattle School Board.

BRECKENRIDGE, CAL., April 4, 1917.

Senator R. M. LA FOLLETTE,
Washington, D. C.

Having sounded the opinions of juniors and seniors taking electrical engineering at the University of California to-day, I have foundation on which to base my statement that practically none of us enthrall at all over war. We believe the country can do most good by avoiding it. We put trust in you.

GLENN K. MORRISON.

In addition to the foregoing telegrams, I submit the following, which has just been placed in my hands:

A wire from Chicago received this afternoon from Grace Abbott, of Hull House, says that in city council election held yesterday John Kennedy received the largest plurality of any of the city councilmen elected. His plurality was 6,157 votes in his ward. On account of his stand against war, every newspaper in Chicago opposed him bitterly throughout the campaign.

Mr. Kennedy made his campaign on the war issue, and in every speech he took occasion to declare himself as against war.

There was received in Washington to-day a petition against war with over 6,120 bona fide signers, which were secured in the city of Minneapolis in one day, and a wire late this afternoon states that 11,000 more names have been secured to that petition.

In New Ulm, Minn., at an election, according to a telegram received this afternoon, 495 votes were cast against war to 19 for war.

A telegram received from Philadelphia this afternoon expresses tersely the sentiment of the people. It reads:

President Wilson said German people were not consulted about entering the war. Were we?

(Signed) COMMON PEOPLE.

And Congressman Lummus, representing the Minneapolis district, informs me that in response to letters addressed by poll lists to every voter in his district has up to this hour brought in returns from nearly 8,000 voters against declaring war on Germany to less than 300 who favor such a declaration.

Do not these messages indicate on the part of the people a deep-seated conviction that the United States should not enter the European war? The armed-ship bill meant war. Senators who opposed its being forced through Congress in the closing hours of the session were rebuked by the President. It is highly important, therefore, to note at this time that the President in his address on the 2d of this month takes the same view of arming merchant ships that was entertained by at least some of the Senators, including myself, when the armed-ship bill was before us for consideration. In his address of April 2 the President said:

It is impossible to defend ships against their (submarine) attacks as the law of nations has assumed that merchantmen would defend themselves against privateers or cruisers, visible craft giving chase on the open sea.

He says in the same address:

It [arming merchant ships] is practically certain to draw us into the war without either the rights or the effectiveness of belligerents.

I take satisfaction in noting that this is exactly what I stated in an editorial in my magazine, which was published a short time after the armed-ship bill discussion.

I will read just a paragraph or two from that editorial:

The armed ship bill was not only unconstitutional, it was, in my judgment, foolish and inadequate. It pleased the supporters of this bill to assume that it was only necessary to place guns on merchant ships in order to defend them successfully against submarine attack. There was no evidence before Congress that would warrant the conclusion that arming these ships would afford protection.

1. The available evidence points to the futility of such armament. The *Essex* was armed, but she was torpedoed twice and sank without a chance to fire a shot. Merchant ships of the allies are armed. Their great loss of tonnage is conclusive evidence that guns planted on merchant ships are ineffectual in warding off submarine attack. It is criminal to lure from our harbors our merchant ships with passengers, crew, and freight to embark on a voyage fraught with such imminent peril in the belief that they may resist attack.

I venture to read two or three more paragraphs:

2. The first question we should ask ourselves, before we enter on this war with our armed merchantmen or our Navy for the express purpose of maintaining our right to the seas, is: What will happen to our ships? If it is so easy to clear the trans-Atlantic lanes of submarines, why is not the British Admiralty keeping them open and free for our commerce—since our carrying trade across the Atlantic now consists of supplies for the allies—food and ammunition? From all we can learn it appears that the British Navy is not attempting this perilous task, but is keeping inside carefully guarded harbors.

What assurance have we that we can clear the German war zone with armed merchantmen or with battleships as convoys or with any of the so-called "submarine chasers"?

Manifestly it is an undertaking which the British Admiralty declines for good and sufficient reasons.

The American public is being woefully deceived. We are derided for hiding behind the British Navy. Moving pictures portray our fleet firing on submarines that instantly go to the bottom. The daily papers are filled with stuff that would lead us to believe that we need only declare war, order out our fleet to scour the seas, and the war is ended and won.

It is admitted that the submarine discharges its torpedo with deadly accuracy at a range of 2 to 4 miles.

It is admitted that the submarine, with its hull submerged several feet below the surface and exposing nothing but its periscope, can discharge its torpedo with equal chance to achieve its purpose.

The periscope furnishes a target no larger than a sailor's cap for merchant and naval gunners to fire at.

I have the best authority for the statement that the chances of hitting a target of that size at the distance of 2 miles, or of damaging a submarine so submerged, would in a hundred shots be practically zero.

WAR-MAD PRESS BREEDS INTOLERANCE.

It is unfortunately true that a portion of the irresponsible and war-crazed press, feeling secure in the authority of the President's condemnation of the Senators who opposed the armed-ship bill, have published the most infamous and scurrilous libels on the honor of the Senators who opposed that bill. It was particularly unfortunate that such malicious falsehoods should fill the public press of the country at a time when every consideration for our country required that a spirit of fairness should be observed in the discussions of the momentous questions under consideration.

A member of the British Parliament is visiting in this country. He has had some opportunity to observe this new spirit of intolerance that has been bred in the press and through the press in the United States within the last few months that challenges the right of any man to utter his independent judgment on a question vital, sir, to the people of this Nation; vital to the interests of this Government. It has led him to institute some comparisons between the conditions that prevail in Great Britain, a part of that war-torn territory of Europe, and the conditions that prevail here, where we still have peace. I have this comment of his upon it. I am not permitted to use his name, though he may be within the sound of my voice.

He said:

In England we feel that the theory of democracy requires the fullest and frankest discussion of every measure. We feel that the minority has a right to a respectful hearing. This is the only way you can carry on a democracy, and keep it a democracy.

Another strange thing I find is that in America you seem to expect that when the minority is beaten it will at once capitulate, declare it has been in the wrong, and join the majority. This is not democracy either. In England during the Boer War and this war, but especially in the Boer War, there was an organized minority in Parliament—there always has been in time of war. In the Boer War this minority was led by no less a person than David Lloyd-George.

If you make it an American policy that when the majority has once spoken, the right and duty of the minority to express itself and fight for what it believes in ends, you have lost your democracy. There is no safety or wisdom in trying to suppress thought or to force man to silence.

CONSTITUTION GIVES RIGHTS TO MINORITY.

Mr. President, let me make another suggestion. It is this: That a minority in one Congress—mayhap a small minority in one Congress—protesting, exercising the rights which the Constitution confers upon a minority, may really be representing the majority opinion of the country, and if, exercising the right that the Constitution gives them, they succeed in defeating for the time being the will of the majority, they are but carrying out what was in the mind of the framers of the Constitution; that you may have from time to time in a legislative body a majority in numbers that really does not represent the principle of democracy; and that if the question could be deferred

and carried to the people it would be found that a minority was the real representative of the public opinion. So, Mr. President, it was that they wrote into the Constitution that a President—that one man—may put his judgment against the will of a majority not only in one branch of the Congress but in both branches of the Congress; that he may defeat the measure that they have agreed upon and may set his one single judgment above the majority judgment of the Congress. That seems, when you look at it nakedly, to be in violation of the principle that the majority shall rule; and so it is. Why is that power given? It is one of those checks provided by the wisdom of the fathers to prevent the majority from abusing the power that they chance to have, when they do not reflect the real judgment, the opinion, the will of the majority of the people that constitute the sovereign power of the democracy.

We have had three immigration bills passed by Congress much in the same form, varying in some particulars, which have been vetoed by President Taft and twice vetoed by President Wilson. At recurring elections the people send back the Members who have passed that bill by an overwhelming majority; and still the President, exercising that power—that one-man power—vetoes the legislation ratified by the people at the polls through the election of Members of Congress—through the election and reelection of Members of Congress with that legislation one of the paramount issues. Mr. President, that might have been characterized as the exercise of a willful disposition, but it was not.

So, too, Mr. President, we find that the framers of that great instrument wrote into it that one-fifth of the Members of either one of the two bodies of Congress might hold in check the autocratic use of power by the majority on any question whatsoever. They armed a minority of one-fifth of the body with the power to filibuster; the power to demand a roll call—not a roll call, as some of the State constitutions provide, only upon matters which carry appropriations, but a roll call on every single question upon which it pleases one-fifth of the body to demand a roll call.

SUPREME POWER IS IN THE PEOPLE.

What was the purpose of it? Not to make a record, for parliamentary legislative history shows that they had that right prior to that time, and always had it and could exercise it. No, no; it was the foresight of the makers of the Constitution of this great Government of ours desiring to perpetuate not the semblance of democracy but real democracy, and they said, "There may be times when a majority, swept either by passion or misinformation, may do a wrongful thing to this Republic, and we will arm the minority in such emergencies against the undue exercise of majority power by placing in the hands of one-fifth the right to demand a roll call on every question." Exercised in the late hours of the session of a Congress it would easily be possible for them to demand roll calls in such a way as to make an extra session necessary. But, oh, Mr. President, we have always and ever in this Republic of ours back of Congresses and statutes and back of Presidents the supreme power, the sovereign power of the people, and they can correct our errors and mistakes and our wrongdoing. They can take us out of our places, and if we abuse any power which the Constitution puts in the hands of a minority, it lies with them to call us to account; and the more important, the more profoundly and intensely important the question upon which such a power is abused by a minority, the more swift and sweeping will be the punishment by the people for the wrongful exercise of it.

We need not disturb ourselves because of what a minority may do. There is always lodged, and always will be, thank the God above us, power in the people supreme. Sometimes it sleeps, sometimes it seems the sleep of death; but, sir, the sovereign power of the people never dies. It may be suppressed for a time, it may be misled, befooled, silenced. I think, Mr. President, that it is being denied expression now. I think there will come a day when it will have expression.

The poor, sir, who are the ones called upon to rot in the trenches, have no organized power, have no press to voice their will upon this question of peace or war; but, oh, Mr. President, at some time they will be heard. I hope and I believe they will be heard in an orderly and a peaceful way. I think they may be heard from before long. I think, sir, if we take this step, when the people to-day who are staggering under the burden of supporting families at the present prices of the necessities of life find those prices multiplied, when they are raised a hundred per cent, or 200 per cent, as they will be quickly, ay, sir, when beyond that those who pay taxes come to have their taxes doubled and again doubled to pay the interest on the nontaxable bonds held by Morgan and his combinations, which have been issued to meet this war, there will come an awakening; they will have their day and they will be heard. It will be as certain and as inevitable as the return of the tides, and as resistless, too.

I promise my colleagues that I will not be tempted again to turn aside from the thread of my discussion as I have outlined it here, and I will hasten with all possible speed.

MAY NOT THE PRESIDENT BE WRONG AGAIN?

Now that the President has in his message to us of April 2 admitted the very charge against the armed-ship bill which we made I trust that he is fully convinced that the conduct of the Senators on the occasion in question was not unreasoned and obstinate, but that it was inspired by quite as high purposes and motives as can inspire the action of any public official.

I would not, however, have made this personal reference did not the question it suggests go to the very heart of the matter now under consideration. If the President was wrong when he proposed arming the ships; if that policy was, as he now says, "certain to draw us into the war without either the rights or the effectiveness of belligerents," is it so certain he is right now when he demands an unqualified declaration of war against Germany? If those Members of Congress who were supporting the President then were wrong, as it appears from the President's statement now they were, should not that fact prompt them to inquire carefully whether they are right in supporting the proposed declaration of war? If the armed-ship bill involved a course of action that was hasty and ill advised, may it not well be that this proposed declaration of war, which is being so hotly pressed, is also ill advised? With that thought in mind let us, with the earnestness and the singleness of purpose which the momentous nature of the question involves, be calm enough and brave enough to examine further the President's address of April 2.

III.

"PROMISE" OF THE GERMAN GOVERNMENT.

In his address of April 2 the President says:

Since April of last year the Imperial Government had somewhat restrained the commands of its undersea craft in conformity with its promise then given to us that passenger boats should not be sunk, and that due warning would be given to all other vessels which its submarines might seek to destroy when no resistance was offered or escape attempted, and care taken that their crews were given at least a fair chance to save their lives in their open boats.

Beside that statement I wish to place exactly what the German Government did say:

The German Government, moreover, is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces of the belligerents, thereby also insuring the freedom of the seas, a principle upon which the German Government believes, now as before, to be in agreement with the Government of the United States.

The German Government, guided by this idea, notifies the Government of the United States that the German naval forces have received the following orders: In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance.

But neutrals can not expect that Germany, forced to fight for her existence, shall, for the sake of neutral interest, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law. Such a demand would be incompatible with the character of neutrality, and the German Government is convinced that the Government of the United States does not think of making such a demand, knowing that the Government of the United States has repeatedly declared that it is determined to restore the principle of the freedom of the seas, from whatever quarter it is violated.

Accordingly the German Government is confident that, in consequence of the new orders issued to its naval forces, the Government of the United States will now also consider all impediments removed which may have been in the way of a mutual cooperation toward the restoration of the freedom of the seas during the war, as suggested in the note of July 23, 1915, and it does not doubt that the Government of the United States will now demand and insist that the British Government shall forthwith observe the rules of international law universally recognized before the war as they are laid down in the notes presented by the Government of the United States to the British Government on December 28, 1914, and November 5, 1915. Should the steps taken by the Government of the United States not attain the object it desires, to have the laws of humanity followed by all belligerent nations, the German Government would then be facing a new situation, in which it must reserve itself complete liberty of decision. (May 4, 1916.)

It must be perfectly apparent therefore that the promise, so called, of the German Government was conditioned upon England's being brought to obedience of international law in her naval warfare. Since no one contends that England was brought to conduct her naval operations in accordance with international law, and even the poor protests our Government has lodged against her show that she has not done so, was it quite fair to lay before the country a statement which implies that Germany had made an unconditional promise which she has dishonorably violated?

This is a time of all times when the public mind should be calm, not inflamed; when accuracy of statement is vitally essential to presenting the issues to the Congress and to the people of the country.

IV.

GERMANY'S HUMANE PRACTICES.

In his message of April 2 the President says:

I was for a little while unable to believe that such things [referring to German submarine methods of warfare] would in fact be done by any Government that had heretofore subscribed to the humane practices of civilized nations. International law had its origin in the attempt to set up some law which would be respected and observed upon the sea, where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up with meager enough results indeed, after all was accomplished that could be accomplished, but always with a clear view at least of what the heart and conscience of mankind demanded.

The recognition by the President that Germany had always heretofore subscribed to the humane practices of civilized nations is a most important statement. Does it not suggest a question as to why it is that Germany has departed from those practices in the present war? What the President had so admirably stated about international law and the painful stage by which it has been builded up is absolutely true. But in this connection would it not be well to say also that it was England,

not Germany, who refused to obey the declaration of London, which represented the most humane ideas and was the best statement of the rules of international law as applied to naval warfare? Keep that in mind. Would it not have been fair to say, and to keep in mind, that Germany offered to abide by those principles and England refused; that in response to our request Germany offered to cease absolutely from the use of submarines in what we characterized an unlawful manner if England would cease from equally palpable and cruel violations of international law in her conduct of naval warfare?

V.

GERMANY'S WARFARE IS AGAINST MANKIND.

The President in his message of April 2 says:

The present German warfare against commerce is a warfare against mankind. It is a war against all nations.

Again referring to Germany's warfare he says:

There has been no discrimination. The challenge is to all mankind.

Is it not a little peculiar that if Germany's warfare is against all nations the United States is the only nation that regards it necessary to declare war on that account? If it is true, as the President says, that "there has been no discrimination," that Germany has treated every neutral as she has treated us, is it not peculiar that no other of the great nations of the earth seem to regard Germany's conduct in this war as a cause for entering into it? Are we the only nation jealous of our rights? Are we the only nation insisting upon the protection of our citizens? Does not the strict neutrality maintained on the part of all the other nations of the earth suggest that possibly there is a reason for their action, and that reason is that Germany's conduct under the circumstances does not merit from any nation which is determined to preserve its neutrality a declaration of war?

Norway, Sweden, the Netherlands, Switzerland, Denmark, Spain, and all the great Republics of South America are quite as interested in this subject as we are, and yet they have refused to join with us in a combination against Germany. I venture to suggest also that the nations named, and probably others, have a somewhat better right to be heard than we, for by refusing to sell war materials and munitions to any of the belligerents they have placed themselves in a position where the suspicion which attaches to us of a desire for war profits can not attach to them.

On August 4, 1914, the Republic of Brazil declared the exportation of war material from Brazilian ports to any of these powers at war to be strictly forbidden, whether such exports be under the Brazilian flag or that of any other country.

In that connection I note the following dispatch from Buenos Aires, appearing in the Washington papers of yesterday:

President Wilson's war address was received here with interest, but no particular enthusiasm. * * * Government officials and politicians have adopted a cold shoulder toward the United States policy—an attitude apparently based on apprehension lest South American interests suffer.

The newspaper *Razon's* view was illustrative of this. "Does not the United States consider this an opportune time to consolidate the imperialistic policy everywhere north of Panama?" it said.

This is the question that neutral nations the world over are asking. Are we seizing upon this war to consolidate and extend an imperialistic policy? We complain also because Mexico has turned the cold shoulder to us, and are wont to look for sinister reasons for her attitude. Is it any wonder that she should also turn the cold shoulder when she sees us unite with Great Britain, an empire founded upon her conquests and subjugation of

weaker nations? There is no doubt that the sympathy of Norway, Sweden, and other countries close to the scene of war is already with Germany. It is apparent that they view with alarm the entrance into the European struggle of the stranger from across the sea. It is suggested by some that our entrance into the war will shorten it. It is my firm belief, based upon such information as I have, that our entrance into the war will not only prolong it, but that it will vastly extend its area by drawing in other nations.

VI.

NO QUARREL WITH THE GERMAN PEOPLE.

In his message of April 2, the President said:

We have no quarrel with the German people—it was not upon their impulse that their Government acted in entering this war; it was not with their previous knowledge or approval.

Again he says:

We are, let me say again, sincere friends of the German people and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us.

At least, the German people, then, are not outlaws. What is the thing the President asks us to do to these German people of whom he speaks so highly and whose sincere friend he declares us to be?

Here is what he declares we shall do in this war. We shall undertake, he says—

The utmost practicable cooperation in council and action with the Governments now at war with Germany, and as an incident to that, the extension to those Governments of the most liberal financial credits in order that our resources may, so far as possible, be added to theirs.

"Practicable cooperation!" Practicable cooperation with England and her allies in starving to death the old men and women, the children, the sick and the maimed of Germany. The thing we are asked to do is the thing I have stated. It is idle to talk of a war upon a government only. We are leagued in this war, or it is the President's proposition that we shall be so leagued, with the hereditary enemies of Germany. Any war with Germany, or any other country for that matter, would be bad enough, but there are not words strong enough to voice my protest against the proposed combination with the entente allies. When we cooperate with those Governments we indorse their methods, we indorse the violations of international law by Great Britain, we indorse the shameful methods of warfare against which we have again and again protested in this war; we indorse her purpose to wreak upon the German people the animosities which for years her people have been taught to cherish against Germany; finally when the end comes, whatever it may be, we find ourselves in cooperation with our ally, Great Britain, and if we can not resist now the pressure she is exerting to carry us into the war, how can we hope to resist then, the thousandfold greater pressure she will exert to bend us to her purposes and compel compliance with her demands?

We do not know what they are. We do not know what is in the minds of those who have made the compact, but we are to subscribe to it. We are irrevocably, by our votes here, to marry ourselves to a nondivorceable proposition velleed from us now. Once enlisted, once in the copartnership, we will be carried through with the purposes, whatever they may be, of which we now know nothing.

Sir, if we are to enter upon this war in the manner the President demands, let us throw pretense to the winds, let us be honest, let us admit that this is a ruthless war against not only Germany's army and her navy but against her civilian population as well, and frankly state that the purpose of Germany's hereditary European enemies has become our purpose.

VII.

MUST SPEND OUR WHOLE FORCE TO WIN.

Again, the President says "we are about to accept the gage of battle with this natural foe of liberty and shall, if necessary, spend the whole force of the Nation to check and nullify its pretensions and its power." That much, at least, is clear; that program is definite. The whole force and power of this Nation, if necessary, is to be used to bring victory to the entente allies, and to us as their ally in this war. Remember, that not yet has the "whole force" of one of the warring nations been used. Countless millions are suffering from want and privation; countless other millions are dead and rotting on foreign battle fields; countless other millions are crippled and maimed, blinded, and dismembered; upon all and upon their children's children for generations to come has been laid a burden of debt which must be worked out in poverty and suffering, but the "whole force" of no one of the warring nations has yet been expended; but our "whole force" shall be expended, so says the President. We are pledged by the President, so far as he can pledge us, to make this fair, free, and happy land of ours the same shambles and bottomless pit of horror that we see in Europe to-day.

VIII.

THIS IS A WAR OF DEMOCRACY.

Just a word of comment more upon one of the points in the President's address. He says that this is a war "for the things which we have always carried nearest to our hearts—for democracy, for the right of those who submit to authority to have a voice in their own government." In many places throughout the address is this exalted sentiment given expression.

It is a sentiment peculiarly calculated to appeal to American hearts and, when accompanied by acts consistent with it, is certain to receive our support; but in this same connection, and strangely enough, the President says that we have become convinced that the German Government as it now exists—"Prussian autocracy" he calls it—can never again maintain friendly relations with us. His expression is that "Prussian autocracy was not and could never be our friend," and repeatedly throughout the address the suggestion is made that if the German people would overturn their Government it would probably be the way to peace. So true is this that the dispatches from London all hailed the message of the President as sounding the death knell of Germany's Government.

But the President proposes alliance with Great Britain, which, however liberty-loving its people, is a hereditary monarchy, with a hereditary ruler, with a hereditary House of Lords, with a hereditary landed system, with a limited and restricted suffrage for one class and a multiplied suffrage power for another, and with grinding industrial conditions for all the wageworkers. The President has not suggested that we make our support of Great Britain conditional to her granting home rule to Ireland, or Egypt, or India. We rejoice in the establishment of a democracy in Russia, but it will hardly be contended that if Russia was still an autocratic Government, we would not be asked to enter this alliance with her just the same. Italy and the lesser powers of Europe, Japan in the Orient; in fact, all of the countries with whom we are to enter into alliance, except France and newly revolutionized Russia, are still of the old order—and it will be generally conceded that no one of them has done as much for its people in the solution of municipal problems and in securing social and industrial reforms as Germany.

Is it not a remarkable democracy which leagues itself with allies already far overmatching in strength the German nation and holds out to such beleaguered nation the hope of peace only at the price of giving up its Government? I am not talking now of the merits or demerits of any government, but I am speaking of a profession of democracy that is linked in action with the most brutal and domineering use of autocratic power. Are the people of this country being so well represented in this war movement that we need to go abroad to give another people control of their government? Will the President and the supporters of this war bill submit it to a vote of the people before the declaration of war goes into effect? Until we are willing to do that, it illy becomes us to offer as an excuse for our entry into the war the unsupported claim that this war was forced upon the German people by their Government "without their previous knowledge or approval."

Who has registered the knowledge or approval of the American people of the course this Congress is called upon to take in declaring war upon Germany? Submit the question to the people, you who support it. You who support it dare not do it, for you know that by a vote of more than ten to one the American people as a body would register their declaration against it.

In the sense that this war is being forced upon our people without their knowing why and without their approval, and that wars are usually forced upon all peoples in the same way, there is some truth in the statement; but I venture to say that the response which the German people have made to the demands of this war shows that it has a degree of popular support which the war upon which we are entering has not and never will have among our people. The espionage bills, the conscription bills, and other forcible military measures which we understand are being ground out of the war machine in this country is the complete proof that those responsible for this war fear that it has no popular support and that armies sufficient to satisfy the demand of the entente allies can not be recruited by voluntary enlistments.

THE EVENTS REVIEWED WHICH HAVE LED UP TO THE PRESENT SITUATION.

I desire at this point to review as briefly as possible, but with absolute accuracy and fairness, the events occurring since the commencement of the present European war, which have brought us to the very brink of war with the German Empire. I enter upon this task the more freely because every fact to which I refer is undisputed, and the events I shall relate are so fresh in the minds of every Senator that if I should err in any particular I will no doubt be quickly corrected.

1. WITH THE CAUSE OF THE PRESENT WAR IN EUROPE WE HAVE NOTHING TO DO.

When in the middle of the summer of 1914 the great war broke out in Europe our relations with every one of the unfortunate countries involved were in every way friendly. It is true that many years before we had had some differences with France, but they had long since been adjusted, and we felt toward the French people and toward the Government of France, like ours republican in form, nothing but sincere and disinterested friendship. With England the situation was a little different. We had fought two bloody wars with England—one to obtain our independence as a people, and later the War of 1812, with the causes and consequences of which we are all familiar. But the ties of race and language and long commercial association had taught us to forget much in British conduct and diplomacy which we have felt was wrong and unfair in her dealings with us and with other countries.

With Germany likewise our relations were friendly. Many hundreds of thousands of the subjects of Germany had emigrated to this country, and they and their descendants had shown themselves to be in every way most worthy and desirable citizens. The great Civil War which saved the Union was successful largely through the services rendered by Germans, both as officers and as men serving in the ranks. B. A. Gould, in a work dealing with some of the phases of the Civil War, and prepared soon after its close, among other things, presented a table of the relative number of foreign-born soldiers in the Union Army. I quote from that table as follows:

English.....	45, 506
Canadian.....	53, 532
Irish.....	144, 221
German.....	187, 358
All other foreign born.....	48, 410

Later and more careful investigation of the statistics show that there were in reality 216,000 native Germans in the Union Army, and, besides this, more than 300,000 Union soldiers who were born of German parents.

More than one-half a million of the men who carried the musket to keep this Government of ours undivided upon the map of the world were men who are now having their patriotism and loyalty to this country questioned, with secret-service men dogging their footsteps.

Who does not remember, among the most gallant and distinguished officers in the Union Army, Schurz, Sigel, Rosecrans, and scores of others? It is well to recall also that when President Lincoln issued his call for volunteers they volunteered much more largely from the German-settled States of the Middle West than from the war-mad States of the East. Is history to repent itself?

The German people, either in this country or in the fatherland, need no tribute from me or from anyone else. In whatever land they have lived they have left a record of courage, loyalty, honesty, and high ideals second to no people which have ever inhabited this earth since the dawn of history. If the German people are less likely to be swept off their feet in the present crisis than some other nationalities, it is due to two facts. In the first place, they have a livelier appreciation of what war means than has the average American, and, in the second place, German speaking and reading people have had an opportunity to get both sides of the present controversy, which no one could possibly have, who has depended for his information solely on papers printed in English and English publications.

I have said that with the causes of the present war we have nothing to do. That is true. We certainly are not responsible for it. It originated from causes beyond the sphere of our influence and outside the realm of our responsibility. It is not inadmissible, however, to say that no responsible narrator of the events which have led up to this greatest of all wars has failed to hold that the Government of each country engaged in it is at fault for it. For my own part, I believe that this war, like nearly all others, originated in the selfish ambition and cruel greed of a comparatively few men in each Government who saw in war an opportunity for profit and power for themselves, and who were wholly indifferent to the awful suffering they knew that war would bring to the masses. The German people had been taught to believe that sooner or later war was inevitable with England and France and probably Russia allied against her. It is unfortunately true that there was much in the secret diplomacy of the years immediately preceding the breaking out of the war in 1914 to afford foundation for such

belief. The secret treaty between France and England for the partition of Morocco, while making a public treaty with Germany, the terms of which were diametrically opposite to those of the secret treaty, did much to arouse the suspicion and hostility of the German people toward both France and England.

I doubt if the diplomatic history of any of the nations of the earth in civilized times can show so reprehensible, so dishonest, so perjured a record as the Moroccan affair brings home to the doors of those who were responsible for that Moroccan treaty, the diplomatic agents of the French and the English Governments.

Think of it, Mr. President! German citizens had acquired property as individual purchasers in the rich mineral fields of Morocco. A treaty was entered into between England, France, and Germany which protected all the interests of all those who signed the treaty. Then France and England executed a treaty, certain provisions of which were not published when the treaty was published. By the terms of these secret provisions German enterprise was to be driven out of Morocco. Mark you, it was not the people of France and England—it was not even the Governments of the respective countries—which were guilty of the great wrong committed against both Morocco and Germany, but less than a half dozen ambitious, intriguing diplomats, who made the secret plan to divide Morocco between France and Spain. Germany was to be thrown out. England backed up France and Spain in the disreputable deal and received for her part of the swag the relinquishment by France of all rights which she had theretofore claimed in Egypt. It was not until those facts came out that real hostile feeling between Germany and England began to develop. Herein history will find the real cause for this war. England would tolerate no commercial rivalry. Germany would not submit to isolation.

Of this incident Mr. W. T. Stead, in the *Review of Reviews* for December, 1911, had this to say:

We were neatly involved in the stupendous catastrophe of a gigantic war with the greatest of all the world powers in order to enable France to tear up the treaty of Algeiras by taking possession of the Empire of Morocco, whose independence and integrity we were pledged to defend. It is not to our interest to make over to France a vast domain in northern Africa. * * * The fact remains that in order to put France in possession of Morocco we all but went to war with Germany. We have escaped war, but we have not escaped the natural and abiding enmity of the German people. Is it possible to frame a heavier indictment of the foreign policy of any British ministry? The secret, the open secret of the almost incredible crime against treaty faith, British interests, and the peace of the world is the unfortunate fact that Sir Edward Grey has been dominated by men at the foreign office who believe all considerations must be subordinated to the supreme duty of thwarting Germany at every turn, even if in so doing British interests, treaty faith, and the peace of the world are trampled underfoot. I speak that of which I know.

This is but one of the many instances that illustrate the character of the diplomacy which has been conducted in Europe during the last few years, and it is in this kind of diplomacy that we must become a partner also if we become a party to the war.

Mr. KNOX. Mr. President—

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

Mr. LA FOLLETTE. If it does not divert me from the course of my remarks.

Mr. KNOX. It is merely to ask a question. From whom was the Senator reading? I did not catch the name if the Senator stated it.

Mr. LA FOLLETTE. It was from William T. Stead.

A celebrated Englishman, Sir John Fisher, as a delegate to one of the early Hague conferences, is credited with having said:

In case of war I should have only one aim, even if I had to violate every one of the rules laid down by the peace conference—to win. The diplomats can negotiate afterwards. (See "The Inevitable War," by Francis Deland.)

Such were the ideals the people of Europe had been taught to hold in preparation for the great war.

3. ENGLAND'S REJECTION OF THE DECLARATION OF LONDON.

On August 6, 1914, and within a few days after the beginning of the war, Secretary Bryan through Ambassador Page inquired whether England would agree that the naval warfare should be conducted according to the declaration of London.

At the same time the same inquiry was addressed to the respective Governments of the warring countries through our ambassadors at St. Petersburg, Paris, Berlin, and Vienna. The inquiry addressed to Great Britain was as follows:

DEPARTMENT OF STATE,
Washington, August 6, 1914—1 p. m.

Mr. Bryan instructs Mr. Page to inquire whether the British Government is willing to agree that the laws of naval warfare as laid down by the declaration of London of 1800 shall be applicable to naval warfare during the present conflict in Europe, provided that the Governments with whom Great Britain is or may be at war also agree to such application. Mr. Bryan further instructs Mr. Page to state that the Government of the United States believes that an acceptance of these laws by the belligerents would prevent grave misunderstandings which may arise as to the relations between neutral powers and the belligerents. Mr. Bryan adds that it is earnestly hoped that this inquiry may receive favorable consideration.

Germany and Austria promptly replied that they would be bound by the declaration of London. I quote the reply of each:

AMERICAN EMBASSY,
Vienna, August 10, 1914—8 p. m.

Your August 6th. Austro-Hungarian Government have instructed their forces to observe stipulations of declaration of London as applied to naval as well as land warfare during present conflict, conditional on like observance on part of the enemy.

PENFIELD.

AMERICAN EMBASSY,
Berlin, August 22, 1914—12 midnight.

Mr. Gerard refers to department's August 10, 4 p. m., and says his August 20, 1 a. m., by way of Copenhagen, states that the German Government will apply the declaration of London, provided its provisions are not disregarded by other belligerents.

Russia and France waited to hear from England. Ambassador Page finally transmitted England's reply on August 27, 1914. That reply, omitting the immaterial parts, was as follows:

I have the honor to inform your excellency that His Majesty's Government, who attach great importance to the views expressed in your excellency's note are actuated by a keen desire to consult so far as possible the interests of neutral countries, have given this matter their most careful consideration, and have pleasure in stating that they have decided to adopt generally the rules of the declaration in question, subject to certain modifications and additions which they judge indispensable to the efficient conduct of their naval operations. A detailed explanation of these additions and modifications is contained in the inclosed memorandum.

The necessary steps to carry the above decision into effect have now been taken by the issue of an order in council, of which I have the honor to inclose copies herein for your excellency's information and for transmission to your Government.

The modifications and additions quoted which Great Britain made to the declaration of London were so completely subversive of the essential principles provided by that declaration that nothing was left to do except to treat the British answer as a refusal to be bound in any material respect by the declara-

tion of London, and accordingly on October 22, 1914, our Government replied as follows:

Inasmuch as the British Government consider that the conditions of the present European conflict make it impossible for them to accept without modification the declaration of London, you are requested to inform His Majesty's Government that in the circumstances the Government of the United States feels obliged to withdraw its suggestion that the declaration of London be adopted as a temporary code of naval warfare to be observed by belligerents and neutrals during the present war; that therefore this Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States irrespective of the provisions of the declaration of London; and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with by the authorities of His Britannic Majesty's Government.

LANSING.

Thus was the first step taken in that ruthless naval warfare which has since horrified the civilized world. Thus did Great Britain initiate her naval warfare, and induce her allies to do the same, by repudiating the rules of naval warfare and the rights of neutrals upon the sea, which had been declared and agreed to by the representatives of all the great powers of the world, including our own. Of course, it is well understood that the governments had not ratified it, but their representatives had agreed to it.

Mr. KNOX. Mr. President—

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

Mr. LA FOLLETTE. I certainly do.

Mr. KNOX. In the interest only of accuracy, may I ask, do I understand the Senator to state that all of the powers had agreed to the declaration of London? Is that correct?

Mr. LA FOLLETTE. I stated that the representatives of all of the powers had signed and agreed to it.

Mr. KNOX. But it had not been ratified by the governments.

Mr. LA FOLLETTE. It had not been. I had already so stated before the Senator from Pennsylvania rose.

Mr. KNOX. Did the Senator state specifically that Great Britain had never ratified the declaration of London?

Mr. LA FOLLETTE. I did not; but I now state that fact.

Mr. KNOX. The Senator so understands it?

Mr. LA FOLLETTE. I so understand it; but I say that the representatives, the enlightened men who were sent there by their respective governments, in the calmness of the deliberations of that assembly wrote the declaration of London as the expression—the enlightened, humane expression—of the rules of warfare based upon international law, as they understood it, and that final and formal ratification by the governments had not been consummated does not change that fact.

This case of ours in going into this war will not be tried by history upon technicalities, but upon great fundamental, underlying principles, and the declaration of London was the expression—the codification of the well-settled and accepted principles of international law on the subjects covered relating to naval warfare by the most advanced governments of the world. And the Government of Germany that is arraigned here every hour as the most bloodthirsty Government on earth, responding to the inquiry of our Government, agreed that she would suspend or wipe out her right to the use of the submarine in conformity with our suggestions provided that the rules laid down in the London declaration were adhered to by all of those who had participated in it and who were then parties to the war.

Mr. STONE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I yield for a question.

Mr. STONE. The question is suggested by what the Senator from Pennsylvania [Mr. Knox] asked the Senator from Wisconsin, whether the Government of Great Britain had ever ratified the declaration of London. Did the Government of Great Britain, or any other of the governments participating in the conference, reject that declaration?

Mr. LA FOLLETTE. I believe they never did. I think I am entirely safe in saying that they had never rejected or disaffirmed the act of their representatives in the London conference.

For reasons which become clearer as we advance it suited England's policy to disregard the rules of civilized naval warfare as the same were codified and clearly set forth in the declaration of London and revert to that indefinite and conflicting body of precedents called international law, in which can be found authority for doing anything you have the power to do.

The declaration of London, promulgated in 1909, as I have stated, was the work of the accredited representatives of the leading nations of the world, who met in London at England's request. Among the nations represented were Germany, the United States, Austria, Russia, France, Great Britain, Italy, Japan, Holland, and other leading nations. The way had been prepared for such a great conference by the various Hague conventions and the discussions therein. The sentiment of the civilized world demanded such a conference, and the nations of the world accepted the declaration of London as being the best and most humane statement of the rules of naval warfare which could be prepared. The very first paragraph of the declaration is:

The signatory powers are agreed in declaring that the rules contained in the following chapters correspond in substance with the generally recognized principles of international law.

Article 65 provided, "the provisions of the present declaration form an indivisible whole."

GREAT BRITAIN'S ACTION MADE RESOLV INEVITABLE.

When, therefore, Great Britain made waste paper of this declaration, as she did early in the war, it ought not to have been difficult to have foreseen the inevitable result. There are a few simple propositions of international law embodied in the declaration of London to which in this connection it is important to call attention. One is that "a blockade must be limited to the ports and coasts belonging to or occupied by the enemy." (See art. 1.)

That has been international law ever since we have had a body of international rules called international law, and that was expressed in the London declaration, which was joined in by the representatives of Great Britain. If that had been adhered to, no declaration taking this country into the war would be before us this afternoon.

I repeat it. One of the declarations reads as follows:

A blockade must be limited to the ports and coasts belonging to or occupied by the enemy. (See art. 1.)

Another is that a blockade in order to be binding upon anyone must be "maintained by a force sufficiently large to prevent access to the enemy coast." (See art. 2.) Not by sowing the open sea with deadly contact mines, but by a force which shall maintain the blockade of the ports. (See art. 2.)

Another is that a blockade must under no circumstances bar access to the ports or to the coasts of neutral countries.

The press of this country has attempted, from the very beginning, to show that the Government of the United States during the Civil War set up and established precedents that violated the proposition enunciated in the statement which I have just read. A decision of the Supreme Court of this country—and it is to the honor of America that it can be recited—denied to this Government, when it was fighting for its existence in the Civil War, the right to stop the shipment of goods from England up the Rio Grande to be landed on the Mexican side, but really thereafter to be transported across to Brownsville, Tex., for the benefit of the Southern Confederacy. An opinion was written by the Supreme Court that will thrill with pride every American heart. At that time, Mr. President, the court must have been under every temptation which can be made to appeal to the human heart to shelve and shade its views to meet the exigencies of our Government, but against the interests of this Government and in vindication of the principle of law necessary to the maintenance of a body of international rules to protect the rights of neutral commerce and maintain peace between neutral nations and belligerents they denied the interests of this Government in that perilous hour and sustained the right of the owners of the vessel. This is the holding in the *Peterhoff* case (5 Wall., 28).

Another important service rendered by the declaration of London to a civilized world was the clear statement it furnished of articles which were contraband, conditional contraband, and those which under no circumstances could be declared contraband. (See arts. 22 to 27.)

Talk about making war, about hurling this Government into the bottomless pit of the European conflict to sustain the principles of international law under which we have suffered the loss of some ships and some human lives, when England, by her course in rejecting the declaration of London and in the manner of conducting her naval warfare, has wiped out the established rules of international law which had grown up through the centuries and opened the pathway and set us upon the road we have followed straight to the proceedings which engage the attention of the Senate this afternoon.

ENGLAND OVERTURNED LAW OF CONTRABAND.

The distinction between articles that are contraband and those that are conditional contraband and free is well understood. I will not trespass upon the time of the Senate to discuss it. Articles which are contraband are always liable to capture by one belligerent if shown to be destined to territory belonging to or occupied by the enemy, or if it was destined to the armed forces of the enemy, no matter to what particular port the contraband might be billed. Of this class, according to the declaration of London, were all kinds of arms, ammunition, projectiles, powder, clothing and equipment of purely a military character, and other articles used exclusively for war. Conditional contraband was not liable to capture if bound for a neutral port, and in any case the government asserting the right to capture it, even when it was moving direct to the enemy country, was obliged to prove that it was destined for the use of the enemy armed forces and not to the civilian population. Conditional contraband, according to the declaration of London, included food of all kinds, clothing, vehicles, tools, and a vast multitude of other things enumerated which, while they might be used by the armed forces, were also susceptible of use by the civilian population. Goods on the free list could move unobstructed to the enemy country in either direct or indirect trade. Among the articles on the free list, according to the declaration of London, was raw cotton, wool, substantially all other raw materials, and a great variety of other articles neces-

nary for a civilian population. Goods from the enemy country could not be stopped, except by an effective blockade.

There is no escape from these propositions. They are to be found in every work upon international law, approved by every court that has ever passed upon the questions relating to contraband, as shown by an unbroken line of decisions.

As late as the Boer War, Lord Salisbury—now get this into your minds if your attention has not been directed to it before—when asked the position of the British Government regarding foodstuffs, which were and always had been conditional contraband, Lord Salisbury said:

Foodstuffs with a hostile destination can be considered contraband of war only if they are supplied for the enemy's forces. It is not sufficient that they are capable of being so used; it must be shown that this was in fact their destination at the time of the seizure. (Hales' *American Rights at Sea*, p. 11.)

In the very first days of the war with Germany, Great Britain set aside and reversed this well-established rule announced by Lord Salisbury as to foodstuffs. Had she obeyed that rule of law Germany would have received food for her civilian population through neutral merchantmen and our neutral commerce would not have been attacked by German submarines. Now, that is the way history is going to record it, Senators. That is the undisputed fact and there is nothing else to be said about it. It has pleased those who have been conducting this campaign through the press to make a jumble of the issues, until the public sees nothing, thinks of nothing but the wrongs committed by the German submarine, and hears nothing, knows nothing of wrongdoing of England that forced Germany to take the course she has taken or submit to the unlawful starving of her civilian population.

OUR NEUTRAL RIGHTS SET ASIDE.

Now, I want to repeat: It was our absolute right as a neutral to ship food to the people of Germany. That is a position that we have fought for through all of our history. The correspondence of every Secretary of State in the history of our Government who has been called upon to deal with the rights of our neutral commerce as to foodstuffs is the position stated by Lord Salisbury, just quoted. He was in line with all of the precedents that we had originated and established for the maintenance of neutral rights upon this subject.

In the first days of the war with Germany, Great Britain set aside, so far as her own conduct was concerned, all these rules of civilized naval warfare.

According to the declaration of London, as well as the rules of international law, there could have been no interference in trade between the United States and Holland or Scandinavia and other countries, except in the case of ships which could be proven to carry absolute contraband, like arms and ammunition, with ultimate German destination. There could have been no interference with the importation into Germany of any goods on the free list, such as cotton, rubber, and hides. There could have properly been no interference with our export to Germany of anything on the conditional contraband list, like flour, grain, and provisions, unless it could be proven by England that such shipments were intended for the use of the German Army. There could be no lawful interference with foodstuffs intended for the civilian population of Germany, and if those foodstuffs were shipped to other countries to be re-shipped to Germany, no question could be raised that they were not intended for the use of the civilian population.

It is well to recall at this point our rights as declared by the declaration of London and as declared without the declaration of London by settled principles of international law, for we have during the present war become so used to having Great

Britain utterly disregard our rights on the high seas that we have really forgotten that we have any, as far as Great Britain and her allies are concerned.

Great Britain, by what she called her modifications of the declaration of London, shifted goods from the free list to the conditional contraband and contraband lists, reversed the presumption of destination for civilian population, and abolished the principle that a blockade to exist at all must be effective.

Edwin J. Clapp, professor of economics of the New York University, in his book, *Economic Aspects of the War*, describes the situation aptly. It is supported by all the authorities, but I quote from him:

The modifications (of the declaration of London) were subversive of the principles of the declaration to which they were attached. These modifications, supplemented by an unexampled extension of the British contraband list and finally by what our Government calls an illegal blockade, have been England's method of exercising economic pressure upon Germany and, necessarily, upon all neutral nations that trade with her.

Again the same author says:

This action stopped our direct trade with Germany. It might appear that goods on the free list could still move. Some of them did move, from free to contraband. People feared to ship the others lest they should be so listed while ships were on the ocean, and the goods made subject to seizure. Practically nothing has been shipped to Germany from this country but cotton, and it was not shipped until December. In belated response to the insistence of southern Senators and of American business interests which had found themselves gravely embarrassed by the cessation of cotton shipments, Great Britain finally made a clear statement that this particular commodity would not be considered contraband.

So much for direct trade with Germany. There was still a method by which we should have been able to export our goods and discharge our neutral obligations to trade with Germany as with England. We might have carried on this trade via neutral ports like Rotterdam or Copenhagen, from which the goods might have been shipped to Germany. The declaration of London allows a belligerent to interfere with a shipment between two neutral ports only when it consists of absolute contraband for enemy territory. Conditional contraband so moving may not even be suspected. The order in council changed this. It extended the new intention of capturing conditional contraband to goods moving to Germany even through a neutral port. And, as explained, conditional contraband was seizable if destined to anyone in Germany; it was not conditional but absolute.

The British action, besides stopping our trade with Germany, barring only a certain amount of indirect trade carried on with much difficulty and danger, subjected to grave peril our commerce with other neutrals. The British contraband lists were extended so rapidly that soon almost no important article of commerce with neutrals was free from seizure by England, who suspected everything on these lists as being of possible German destination. By these methods England proposed to starve the civilian population of Germany and destroy neutral trade.

6. ENGLAND AGAIN DECLINES OUR REQUEST TO CONDUCT HER NAVAL WARFARE WITH SOME RESPECT FOR NEUTRAL RIGHTS AND IN ACCORDANCE WITH SOME HUMAN PRINCIPLES, WHILE GERMANY AGAIN ACCEPTS OUR SUGGESTION.

Now, listen to the statement of facts under that proposition:

On February 20, 1915, our Government, through Secretary Bryan, addressed the following communication to the Government of Great Britain:

DEPARTMENT OF STATE,
Washington, February 20, 1915.

You will please deliver to Sir Edward Grey the following identic note which we are sending England and Germany:

In view of the correspondence which has passed between this Government and Great Britain and Germany, respectively, relative to the declaration of a war zone by the German Admiralty and the use of neutral flags by British merchant vessels, this Government ventures to express the hope that the two belligerent Governments may, through reciprocal concessions, find a basis for agreement which will relieve neutral ships engaged in peaceful commerce from the great dangers which they will incur in the high seas adjacent to the coasts of the belligerents.

The Government of the United States respectfully suggests that an agreement in terms like the following might be entered into. This suggestion is not to be regarded as in any sense a proposal made by this Government, for it of course fully recognizes that it is not its privilege to propose terms of agreement between Great Britain and

Germany, even though the matter be one in which it and the people of the United States are directly and deeply interested. It is merely venturing to take the liberty which it hopes may be accorded a sincere friend desirous of embarrassing neither nation involved and of serving, if it may, the common interests of humanity. The course outlined is offered in the hope that it may draw forth the views and elicit the suggestions of the British and German Governments on a matter of capital interest to the whole world.

Now, after all that prefatory matter—which I might have omitted, I suppose, to save time—we come to the proposition:

Germany and Great Britain to agree:

1. That neither will sow any floating mines, whether upon the high seas or in territorial waters; that neither will plant on the high seas anchored mines, except within cannon range of harbors for defensive purpose only; and that all mines shall bear the stamp of the Government planting them and be so constructed as to become harmless if separated from their moorings.

2. That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search.

3. That each will require their respective merchant vessels not to use neutral flags for the purpose of disguise or *ruse de guerre*.

Germany to agree:

That all importations of food or foodstuffs from the United States (and from such other neutral countries as may ask it) into Germany shall be consigned to agencies to be designated by the United States Government; that these American agencies shall have entire charge and control without interference on the part of the German Government of the receipt and distribution of such importations, and shall distribute them solely to retail dealers bearing licenses from the German Government entitling them to receive and furnish such food and foodstuffs to noncombatants only; that any violation of the terms of the retailers' licenses shall work a forfeiture of their rights to receive such food and foodstuffs for this purpose; and that such food and foodstuffs will not be requisitioned by the German Government for any purpose whatsoever or be directed to the use of the armed forces of Germany.

Great Britain to agree:

That food and foodstuffs will not be placed upon the absolute contraband list, and that shipments of such commodities will not be interfered with or detained by British authorities if consigned to agencies designated by the United States Government in Germany for the receipt and distribution of such cargoes to licensed German retailers for distribution solely to the noncombatant population.

In submitting this proposed basis of agreement this Government does not wish to be understood as admitting or denying any belligerent or neutral right established by the principles of international law, but would consider the agreement, if acceptable to the interested powers, a *modus vivendi* based upon expediency rather than legal right and as not binding upon the United States, either in its present form or in a modified form, until accepted by this Government.

BYRON.

Without quoting at length the replies of the Governments of Germany and Great Britain, it is sufficient to say that under date of March 1, 1915, the German Government replied substantially acceding to the proposition made by the Government of the United States, and on March 15 the British Government replied substantially refusing to accede to our request. It will be noted that at this time the deadly submarines of Germany and the equally deadly mines of Great Britain had rendered the high seas dangerous to the lives of all neutrals, but the English steamship *Lusitania*, loaded with 3,000,000 rounds of ammunition destined for the English Army, had not been sunk with the consequent loss of American lives, and the damage to neutrals had not been heavy compared with that which they have since suffered. Here again the sole responsibility for continuing the unlawful naval warfare must rest upon Great Britain and her allies. Germany, knowing as the world did not then know the possibility of destruction contained in the submarine branch of her navy, and at the risk of being thought weak and anxious for peace, offered to agree if Great Britain and her allies would do the same, to those suggestions of ours which would have avoided all the acts of which we complain to-day.

ENGLAND HAS NOT YIELDED TO OUR PROTESTS.

It is not my purpose to go into detail into the violations of our neutrality by any of the belligerents. While Germany has

again and again yielded to our protests, I do not recall a single instance in which a protest we have made to Great Britain has won for us the slightest consideration, except for a short time in the case of cotton. I will not stop to dwell upon the multitude of minor violations of our neutral rights, such as seizing our mails, violations of the neutral flag, seizing and appropriating our goods without the least warrant or authority in law, and impressing, seizing, and taking possession of our vessels and putting them into her own service. I have constituents, American citizens, who organized a company and invested large sums of money in the purchase of ships to engage in foreign carrying. Several of their vessels plying between the United States and South America were captured almost in our own territorial waters, taken possession of by the British Government, practically confiscated, and put into her service or the service of her admiralty. They are there to-day, and that company is helpless. When they appealed to our Department of State they were advised that they might "file" their papers. And were given the further suggestion that they could hire an attorney and prosecute their case in the English prize court. The company did hire an attorney and sent him to England, and he is there now, and has been there for almost a year, trying to get some redress, some relief, some adjustment of those rights.

But those are individual cases. There are many others. All these violations have come from Great Britain and her allies, and are in perfect harmony with Britain's traditional policy as absolute master of the seas.

I come now, however, to one other event in the naval policy of Great Britain during this war, which to my mind is absolutely controlling upon the action we should take upon the question under consideration.

ENGLAND'S MINING OF THE NORTH SEA.

On the 2d of November, 1914, only three months after the beginning of the war, England issued a proclamation, the most ruthless and sweeping in its violation of neutral rights that up to that time had ever emanated from a civilized government engaged in prosecuting a war, announcing that on three days' notice all of the North Sea, free under international law to the trade of the world, would be entered by our merchant ships at their peril. She based her action upon an assertion that the German Government had been scattering mines in waters open to the world's commerce.

The material portions of it are as follows:

During the last week the Germans have scattered mines indiscriminately in the open sea on the main trade route from America to Liverpool via the north of Ireland.

Peaceful merchant ships have already been blown up, with loss of life, by this agency.

In these circumstances, having regard to the great interests entrusted to the British Navy, to the safety of peaceful commerce on the high seas, and to the maintenance within the limits of international law of trade between neutral countries, the Admiralty feels it necessary to adopt exceptional measures appropriate to the novel conditions under which this war is being waged.

It therefore gives notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft and all other vessels will be exposed to the gravest dangers from mines it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft.

Every effort will be made to convey this warning to neutral countries and to vessels on the sea; but from November 5 onward the Admiralty announces that all ships passing a line drawn from the northern point of the Hebrides through the Farne Islands to Iceland do so at their own peril.

The North Sea, a great stretch of the Atlantic Ocean, extending from Scotland to Iceland, was barred to the commerce

of the world, the neutral commerce, that had the same right there that you have to walk down Pennsylvania Avenue.

Before considering the piratical character of this document as a whole it will be noted that while it proposes to use every effort to warn neutral shipping it allows just three days for the warning.

Do you observe that the country with whom we are about to yoke ourselves issued this proclamation, unheard of before in the history of the world, mining a great area of the Atlantic Ocean with deadly contact mines, and gave to the neutral nations only three days' notice? It issued its declaration on the 2d of November, and it went into effect on the 5th of November.

Of the preliminary allegations in the note concerning the scattering of mines by Germany in the open sea around the British Isles, no proof of it has ever been furnished, so far as I am aware; and, even if it were true, it certainly would not have remedied the condition to mine a much larger portion of the sea upon which neutral ships must travel. I say this because of the high-sounding but obviously false and hypocritical assertion contained in the proclamation that Britain is taking this action in order to maintain trade between neutral countries within the limits of international law. She was, in fact, by her action absolutely destroying trade between neutral countries, and the penalties for disobeying her orders, and which operate automatically and inexorably, was the destruction by mines of all ships and passengers venturing into the prohibited portion of the sea.

UNITED STATES ACQUIESCES IN ENGLAND'S ILLEGAL ACT.

Now we come to the most unfortunate part of our record. The present administration agreed to this lawless act of Great Britain. I make this statement deliberately and fully appreciating its consequences. If we had entered into a contract with Great Britain, signed and sealed under the great seals of the respective countries, agreeing that she should commit the act of piracy involved in mining the North Sea, we would not more completely have been bound by such contract than we are bound by the conduct of the present administration. It will be recalled that when Secretary Bryan made his request of Great Britain to adhere to the declaration of London, and she refused, and he notified her that the request was withdrawn, he declared in substance that he would nevertheless hold her responsible for any violations of international law, so far as they affected our right as a neutral Nation. And from that time protest after protest was made by us; many against Germany and some against Great Britain and her allies, whenever we claimed that international law had been violated.

The fact remains, however, that from November 2, when England declared her settled purpose to mine large areas of the public sea contrary to every principle of international law, the Government through the present administration has never uttered a word of protest.

If you think you can escape the responsibility of that act and hold other belligerents to the strict requirements of international law by play upon a phrase you are mistaken. You may make this country declare war in your attempt to do it, but your war will not have the support of the people. Until the omission of this administration to uphold our rights against Great Britain is corrected we can never hope for popular support for a war waged to enforce the same right against the country at war with Great Britain.

AN ABSURD CONTENTION.

I do not need to cite authorities to show that the mining of the North Sea by Great Britain was illegal. In declaring her inten-

tion to mine the North Sea, Great Britain did not pretend that her act was legal, and attempted to justify it only on the ground of necessity. Nor am I aware that any responsible person has ever attempted to defend the legality of the act. You have but to remember that if England had a right to mine the North Sea and a large portion of the Atlantic Ocean during an indefinite period and thereby exclude all commercial shipping, then any two warring nations can mine any or all portions of the high seas as they choose and thus destroy the neutral commerce of the world so long as the war shall last. Such a claim is too absurd to merit consideration.

I will not dwell now upon the physical consequences of this act by Great Britain, for I am concerned at this time simply with the question of how this act by our Government has affected our legal relations to Germany.

You can not afford to declare war and rest the right to do so in history upon a violation of international law when we are to any extent responsible for such violation.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I yield for a question.

Mr. REED. Does the Senator have any other evidence that we signed and sealed and delivered a contract with Great Britain by which we permitted her to violate international law than that which he has just given, namely, the assertion that we did not protest?

Mr. LA FOLLETTE. I have not stated that we had a signed and sealed compact.

Mr. REED. No; you stated—

Mr. LA FOLLETTE. I was reading from my manuscript, and I know just what I said. The Senator misunderstood me.

Mr. REED. You stated that we had done it as effectively—

Mr. LA FOLLETTE. Just as effectively as though it were a contract. I think it was just as effective by a failure to protest as though it had been a contract.

I now proceed to make that good by my argument, if the Senator will permit me.

Mr. REED. And you will not permit any further interruption? Very well, if that is the premise.

Mr. LA FOLLETTE. That is my argument, and I am proceeding to make it.

In passing, however, it may be noted that the lawless action of Great Britain resulted in the loss of at least two of our ships—the *Carib* and the *Excalibur*—because they ventured into the zone Great Britain had prohibited them from entering—were sunk by mines, with the loss of several American lives. (Minority report, House Committee on Foreign Affairs, H. R. 21052, 64th Cong.)

SUBJECT SURRENDER OF NEUTRAL RIGHTS TO ENGLAND ALL THAT SAVED AMERICAN LIVES.

The only reason why we have not suffered the sacrifice of just as many ships and just as many lives from the violation of our rights by the war zone and the submarine mines of Great Britain, as we have through the unlawful acts of Germany in making her war zone in violation of our neutral rights, is simply because we have submitted to Great Britain's dictation. If our ships had been sent into her forbidden high-sea war zone, as they have into the proscribed area Germany marked out on the high seas as a war zone, we would have had the same loss of life and property in the one case as in the other; but because we avoided doing that in the case of England, and acquiesced in her violation of law, we have not only a legal but a moral responsibility for the position in which Germany

has been placed by our collusion and cooperation with Great Britain. By suspending the rule with respect to neutral rights in Great Britain's case, we have been actively aiding her in starving the civil population of Germany. We have helped to drive Germany into a corner, her back to the wall, to fight with what weapons she can lay her hands on to prevent the starving of her women and children, her old men and babes.

The flimsy claim which has sometimes been put forth that possibly the havoc in the North Sea was caused by German mines is too absurd for consideration.

I refer to the three vessels sunk in the British war zone. Why should Germany mine the North Sea, the gateway from the Atlantic to her own ports and those of Norway, Sweden, and Holland, with whom she most desired to trade and with whom her relations were and are most friendly? She doubtless placed some mines at the entrance of her harbors for purposes of protection, as she had a right to do, but it is ridiculous to suppose that she would have mined the North Sea.

Besides this the records show that up to March 10, 1915, of the floating mines that had been taken up and rendered harmless along the Dutch coast 214 were of British origin, 33 French, and only 22 German. (P. 142, *Economic Aspects of the War*, by Clapp.)

The same author at page 8 thus speaks of the result of the mining of the North Sea by Great Britain:

Because of these floating mines in the North Sea literally scores of vessels were lost, mostly belonging to the Scandinavian countries or Holland. Three American vessels were included—the *Greenbrier*, *Carib*, and *Buckeye*. Because of the danger of mines ocean freight and war-risk insurance rates became a very heavy burden on shippers and buyers, and in the case of some commodities became prohibitive of commerce; a policy of uncertainty and fear was thrown over the commercial world.

Days, weeks, and months went by, and still no protest came from the American Government against this unlawful act on the part of Great Britain.

GERMANY WAITED FOR US TO PROTEST.

She did this unlawful thing on the 5th day of November. Germany waited and waited, week after week, for this Government to assert its neutral rights and demand the opening of the North Sea to neutral commerce. She waited in vain for three long months for this Government to take some action, and not until the 4th day of February—that is my recollection of the date; I do not know that I have it here—did she in retaliation serve notice upon this Government of the establishment of her war zone.

Germany then did as a matter of retaliation and defense what Great Britain had done months previously purely as an offensive measure—established a war zone or war area. She included in it portions of the sea about the British Islands, and gave notice that ships coming within it would be destroyed by mines or submarines, even as English mines in the North Sea destroyed the ships which entered there.

It is Germany's insistence upon her right to blindly destroy with mines and submarines in the area she has declared a war zone all ships that enter there, that causes the whole trouble existing between us and Germany to-day. It is for this, and this only, that we are urged to make war. Yet in asserting this right or in sinking the ships in the proscribed area without warning, Germany is doing only that which England is doing in her proscribed area, with our consent. Here is the parting of the ways. When England, having previously violated all neutral rights on the high seas, mined the North Sea and asserted the right to blindly destroy, and mines can only destroy blindly, all ships that traversed it, one or two courses was open to us.

We chose to acquiesce, but a singular thing transpired. I suppose all Senators have secured the published copies of the diplomatic correspondence which has been issued by the State Department.

WE HOLD GERMANY TO STRICT ACCOUNTABILITY.

I find all the correspondence about the submarines of Germany; I find them arrayed; I find the note warning Germany that she would be held to a "strict accountability" for violation of our neutral rights; but you will search in vain these volumes for a copy of the British order in council mining the North Sea.

I am talking now about principles. You can not distinguish between the principles which allowed England to mine a large area of the Atlantic Ocean and the North Sea in order to shut in Germany, and the principle on which Germany by her submarines seeks to destroy all shipping which enters the war zone which she has laid out around the British Isles.

The English mines are intended to destroy without warning every ship that enters the war zone she has proscribed, killing or drowning every passenger that can not find some means of escape. It is neither more nor less than that which Germany tries to do with her submarines in her war zone. We acquiesced in England's action without protest. It is proposed that we now go to war with Germany for identically the same action upon her part.

ADMINISTRATION'S FATAL MISTAKE.

At this point, sir, I say, with all deference but with the absolute certainty of conviction, that the present administration made a fatal mistake, and if war comes to this country with Germany for the present causes it will be due wholly to that mistake. The present administration has assumed and acted upon the policy that it could enforce to the very letter of the law the principles of international law against one belligerent and relax them as to the other. That thing no nation can do without losing its character as a neutral nation and without losing the rights that go with strict and absolute neutrality.

In an address delivered by the President at a joint session of the two Houses of Congress on February 3, 1917, and referring to the reply which our Government had made to Germany's protest that her enemies were permitted to apply unlawful methods of naval warfare while she was held by us to the strict rules of naval warfare, the President said that Germany had been advised as follows. Now, listen to this—

Mr. LEWIS. Mr. President, will the Senator from Wisconsin allow me, before he proceeds with that extract, to ask his view as to what he means by the assertion which he has just made? In other words, may I interrupt him with an inquiry?

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

Mr. LA FOLLETTE. I yield for a question if it does not divert me from my argument.

Mr. LEWIS. I should like to ask the able Senator as to whether or not I am correct in understanding his argument to mean that, if we fail to declare war against Great Britain because of wrongs committed against us by Britain sufficient to have had war declared, thereby we are prohibited from declaring war against another Government that might do acts which are themselves a justification for the declaration of war?

Mr. LA FOLLETTE. The Senator from Illinois will be best answered as I proceed with my argument, which deals exactly with that question.

Mr. LEWIS. I will not divert the Senator further, then, if he intends to cover that matter.

Mr. LA FOLLETTE. It will not divert me. The Senator will be answered presently as well as I am able to answer him.

MISSSTATEMENT OF THE LAW.

I quote now from the President's address of February 3, 1917, before the two Houses of Congress:

In order, however, to avoid any possible misunderstanding, the Government of the United States notifies the Imperial Government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other Government affecting the rights of neutrals and noncombatants. Responsibility in such matters is single, not joint; absolute, not relative.

That phrase the President has used repeatedly in his addresses; he has used it at least three times, I think, and he has referred to it as being a complete and sufficient answer to this proposition. It misstates the law; it asserts a principle that can not be maintained for one moment with a decent regard for equal rights between nations with whom we are dealing upon a basis of neutrality.

The offenses of Great Britain and Germany against us can not be treated as they might be treated if those nations were not at war with each other. Undoubtedly, if those nations were not at war with each other we could suffer one to violate international law to our injury and make no protest and take no action against the nation so offending and hold the other to strict accountability and compel her to respect to the limit our rights under international law, and if she refused we would be justified in going to war about it. But when we are dealing with Germany and Great Britain, warring against each other, so evenly balanced in strength that a little help to one or a little hindrance to the other turns the scale and spells victory for one and defeat for the other, in that situation I say the principle of international law steps in which declares that any failure on our part to enforce our rights equally against both is a gross act of unneutrality.

That is precisely what we have done, as I have shown. In the early days of the conflict in this matter of the war zones of each belligerent, in submitting to Great Britain's dictation concerning what might be treated as contraband, resulting finally in a practical cessation of shipping to German ports, we have done Germany as much harm as though we had landed an army in France to fight beside the entente allies. How will history regard this conduct of ours? How will our own people regard it when they come to understand it? We can never justify it.

WE HAVE NOT BEEN NEUTRAL.

Jefferson asserted that we could not permit one warring nation to curtail our neutral rights if we were not ready to allow her enemy the same privileges, and that any other course entailed the sacrifice of our neutrality.

That is the sensible, that is the logical position. No neutrality could ever have commanded respect if it was not based on that equitable and just proposition; and we from early in the war threw our neutrality to the winds by permitting England to make a mockery of it to her advantage against her chief enemy. Then we expect to say to that enemy, "You have got to respect my rights as a neutral." What is the answer? I say Germany has been patient with us. Standing strictly on her rights, her answer would be, "Maintain your neutrality; treat these other Governments warring against me as you treat me if you want your neutral rights respected."

I say again that when two nations are at war any neutral nation, in order to preserve its character as a neutral nation, must exact the same conduct from both warring nations; both must

equally obey the principles of international law. If a neutral nation fails in that, then its rights upon the high seas—to adopt the President's phrase—are relative and not absolute. There can be no greater violation of our neutrality than the requirement that one of two belligerents shall adhere to the settled principles of law and that the other shall have the advantage of not doing so. The respect that German naval authorities were required to pay to the rights of our people upon the high seas would depend upon the question whether we had exacted the same rights from Germany's enemies. If we had not done so we lost our character as a neutral nation, and our people unfortunately had lost the protection that belongs to neutrals. Our responsibility was joint in the sense that we must exact the same conduct from both belligerents. No principle of international law is better settled than that which is stated by Oppenheim, the great English authority on international law, in volume 2, second edition, page 365. He says:

Neutrality as an attitude of impartiality involves the duty of abstaining from assisting either belligerent either actively or passively.

The same author points out, on pages 441 to 444, that a neutral can not permit one belligerent to do what another is not permitted to do.

In the case of the *Bermuda* (3 Wallace, p. 514) the Supreme Court of the United States points out that neutrality involves absolute equality of treatment. The court says:

Neutral trade is entitled to protection in all courts. Neutrals in their own country may sell to belligerents whatever belligerents choose to buy. The principal exceptions to this rule are that neutrals must not sell to one belligerent what they refuse to sell to the other.

And so forth.

OUR COURT AND JEFFERSON ESTABLISHED THE TRUE PRINCIPLES OF NEUTRALITY.

In the case of *Resolution* (Federal court of appeals, 1781; 2 Dalles, 19) it is said that the idea of a neutral nation "implies two nations at war and a third in friendship with both."

J. Quincy Adams, Secretary of State, on May 19, 1818, said:

By the usual principles of international law the state of neutrality recognizes the cause of both parties to the contest as just—that is, it avoids all consideration of the merits of the contest. (See Moore's International Law Digest, vol. 7, p. 880.)

Oppenheim on International Law, volume II, second edition, paragraph 294, page 366, says:

Since neutrality is an attitude of impartiality, it excludes such assistance and succor to one of the belligerents as is detrimental to the other, and, further, such injuries to the one as benefit the other.

The best and clearest exposition of the exact question, however, was made long ago by one of the greatest of Democrats and statesmen of this country—Thomas Jefferson. Mr. Jefferson, then Secretary of State, in writing to Thomas Pinckney, United States minister to Great Britain, regarding England's stoppage of our food shipments to France, with whom England was then at war, dealt with precisely the same situation that confronts President Wilson in the war between Germany and England, but Secretary Jefferson dealt with the situation in precisely the opposite manner from that adopted by President Wilson. In this letter, under date of September 7, 1793, Secretary Jefferson said:

The first article of it [the British order] permits all vessels laden wholly or in part with corn, flour, or meal, bound to any port in France, to be stopped and sent into any British port, to be purchased by that Government or to be released only on the condition of security given by the master that he will proceed to dispose of his cargo in the ports of some country in amity with his majesty.

This article is so manifestly contrary to the law of nations that nothing more would seem necessary than to observe that it is so.

How much less was it obnoxious to the law of nations than mining the great oren of the North Sea.

Senator
Robert M. La Follette, Sr.'s
Senate Speech
Against U. S. Entry into
the World War



Presented by

Philip LaFollette
Collection

'OLD BOB' LA FOLLETTE'S

*Historic U. S. Senate Speech
Against The
Entry of The United States
Into The
WORLD WAR*

**Delivered in The United States Senate on
April 4, 1917**

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By WILLIAM T. EVJUE

IN APRIL, 1917, more than 20 years ago, when the United States was on the verge of entering the World war, the late Sen. Robert M. La Follette, Sr., was the leader of a small group of senators and representatives who dared to defy the hysteria and war-madness of that day and oppose the plunging of this country into the bloody European conflict.

For taking the courageous position they did, Sen. La Follette and those who supported him were bitterly denounced by the patrioteers of that day, assailed as "traitors" and even threatened with impeachment. The press of the nation was a snarling pack at their heels and no invective was too extreme to be used against them by their assailants.



Today the position taken by Sen. La Follette and his associates has been vindicated. Today a disillusioned America realizes how right were these men who fought for peace a score of years ago. Today we remember cynically the old phrases about "making the world safe for democracy" and that we were fighting "a war to end war."

Our own country and the other nations of the world are today more heavily armed than ever during peace-time. The threat of a world-wide conflict hangs ominously over all peoples. Undeclared wars are waged in Spain and China with an appalling loss of human life.

At such a time it is fitting to recall the words spoken by "Old Bob" La Follette more than 20 years ago in his effort to keep this nation out of the World war. In this booklet is printed the late Senator's historic address delivered in the U. S. Senate on April 4, 1917.

SEN. LA FOLLETTE'S SPEECH AGAINST WAR

1

SEN. LA FOLLETTE:

MR. PRESIDENT, I had supposed until recently that it was the duty of senators and representatives in congress to vote and act according to their convictions on all public matters that came before them for consideration and decision.

Quite another doctrine has recently been promulgated by certain newspapers, which unfortunately seems to have found considerable support elsewhere, and that is the doctrine of "standing back of the president," without inquiring whether the president is right or wrong.

For myself I have never subscribed to that doctrine and never shall. I shall support the president in the measures he proposes when I believe them to be right. I shall oppose measures proposed by the president when I believe them to be wrong. The fact that the matter which the president submits for consideration is of the greatest importance is only an additional reason why we should be sure that we are right and not to be swerved from that conviction or intimidated in its expression by any influence of power whatsoever.

If it is important for us to speak and vote our convictions in matters of internal policy, though we may unfortunately be in disagreement with the president, it is infinitely more important for us to speak and vote our convictions when the question is one of peace or war, certain to involve the lives and fortunes of many of our people and, it may be, the destiny of all of them and of the civilized world as well.

If, unhappily, on such momentous questions the most patient research and conscientious consideration we could give to them leave us in disagreement with the president, I know of no course to take except to oppose, regretfully but not the less firmly, the demands of the executive.

On the 2d of this month the president addressed a communication to the senate and the house in which he advised that

the congress declare war against Germany and that this government "assert all its powers and employ all its resources to bring the government of the German empire to terms and end the war."

On Feb. 26, 1917, the president addressed the senate and the house upon the conditions existing between this government and the German empire, and at that time said, "I am not now proposing or contemplating war or any steps that need lead to it." * * * "I request that you will authorize me to supply our merchant ships with defensive arms, should that become necessary, and with the means of using them" against what he characterized as the unlawful attacks of German submarines.

A bill was introduced, and it was attempted to rush it through the closing hours of the last session of congress, to give the president the powers requested, namely, to arm our merchant ships, and to place upon them guns and gunners from such other instrumentalities and methods as might in his judgment and discretion seem necessary and adequate to protect such vessels. That measure did not pass.

It is common knowledge that the president, acting without authority from congress, did arm our merchant ships with guns and gunners from our navy, and sent them into the prohibited "war zone." At the time the president addressed us on the 2d of April there was absolutely no change in the conditions between this government and Germany. The effect of arming merchant ships had not been tested as a defensive measure.

Late press reports indicate, however, that the Aztec, a United States armed merchantman, has been sunk in the prohibited zone, whether with mines or a torpedo, I believe, has not been established, so the responsibility for this sinking cannot, so far as I know at this time, be placed.

When the request was made by the president on Feb. 26 for au-

thority to arm merchant ships, the granting of such authority was opposed by certain members of the house and by certain senators, of which I was one.

I made at that time a careful investigation of the subject, and became convinced that arming our merchant ships was wholly futile and its only purpose and effect would be to lure our merchantmen to danger, and probably result in the destruction of the vessels and in the loss of the lives of those on board.

The representatives of the president on this floor then having that bill in charge saw fit, by methods I do not care to characterize, to prevent my speaking upon the measure and giving to the senate and to the country such information as I had upon the subject.

Under the circumstances, I did the only thing that seemed practical to me, and that was to give such publicity as I was able through the press to the fact that the proposition to arm merchant ships would be wholly futile, and could only result in loss of the lives and property of our own people, without accomplishing the results intended.

I regret to say that the president, according to statements in the public press purporting to emanate from him, and which have never been denied, saw fit to characterize as "willful" the conduct of the senators who, in obedience to their consciences and their oaths of office, opposed the armed-ship bill, and to charge that in so doing they were not representing the people by whose suffrages they are here.

I know of no graver charge that could be made against the official conduct of any member of this body than that his official action was the result of a "willful"—that is, an unreasoned and perverse—purpose.

Mr. President, many of my colleagues on both sides of this floor have from day to day offered for publication in the Record messages and letters received from their constituents. I have

received some 15,000 letters and telegrams. They have come from 44 states in the union. They have been assorted according to whether they speak in criticism or commendation of my course in opposing war.

Assorting the 15,000 letters and telegrams by states in that way, nine out of 10 are an unqualified endorsement of my course in opposing war with Germany on the issue presented. I offer only a few selected hastily just before I came upon the floor which especially relate to public sentiment on the question of war.

Mr. President, let me say that the city of Monroe, Wis., is the county seat of Green county, which borders on the state of Illinois. I am not able to state exactly the percentage of the nationalities of the people, but I know that the foundation stock of that little city was of New England origin. In the last 10 or 15 or 20 years a great many Swiss have come into the county.

But, Mr. President, it is a good town, typical of any town of like size in any state in the union. They held an election there on the 2nd of April, and the following vote was polled upon the question of declaring war against Germany. The telegram reporting the vote is as follows:

"Monroe election votes on referendum on war question. For peace, 954; for war, 95."

I am informed that in a Mass-card 20,000 postal cards were sent out, and the returns thus far show 66 per cent against war; 63 per cent against conscription. The following form was submitted in taking the vote in Massachusetts:

"President Wilson said: 'I would rather know what the people are thinking out there around their quiet firesides than to know what is going on in the cloakrooms of the capitol.' What do you think of the two questions on the other side? Mark your cross. We will see that your congressman hears. Do it now and mail immediately.

"1. Do you believe that the interest of humanity would best be served by the United States keep-

ing out of the European war?

"2. Do you oppose the adoption of conscription as dangerous to American democracy?"

I received this telegram April 2 from Flint, Mich.:

"Vote taken this afternoon in third precinct, first ward; question, Shall we enter war on European soil? Results—for war 26, against war 130. L. E. Larson."

I do not know Mr. Larson. I know little or nothing about Flint, Mich. I do not know whether it has a German population or a mixed population. The senior senator from that state (Mr. Smith) says that it is a mixed population.

I have this from Sheboygan, Wis. Sheboygan is a rather strong German county in the state of Wisconsin. I expected to have had here noted on the telegram the exact percentage of the German vote. I glanced at it myself in my office, but I did not have at hand the last census. The Wisconsin Bluebook, which gives the figures for 1905, shows there were then over 50,000 population and 10,000 of German birth.

This telegram is dated April 3. I might say that our spring election is held in Wisconsin on the second day of April, when all the municipal officers in the townships and in the villages and cities are elected. It brings out a fairly representative vote:

"By referendum vote taken the last two days of the qualified electors of the city of Sheboygan on the question, Shall our country enter into the European war? 4,082 voted no and 17 voted yes. Certified to as correct. F. Volrath, O. A. Bassuener, Adam Trester, Canvassers."

I received also the following. A vote was taken not only in the city of Sheboygan, but in the county of Sheboygan, representing the country or farmer vote:

"Since sending the last telegram, in the referendum vote taken by the qualified electors of Sheboygan County outside the city of Sheboygan 2,051 voted against our country entering into the European war. No votes were

cast in favor of war. Certified to as correct by the canvassers. Otto A. Bassuener, F. Volrath, Adam Trester."

The next telegram is not a report upon any election. I presume very few of them were held. It is a telegram from Melrose, Mass., sent to me by Mr. Henry W. Pinkham. I do not know him. I read it as handed to me by one of my secretaries:

"The president's message explicitly and completely vindicates you in opposing armed neutrality. Stand firm against war and the future will honor you. Collective homicide can not establish human rights. For our country to enter the European war would be treason to humanity.—Henry W. Pinkham."

And the following:

"Mailed you today 400 signatures of indorsement from this district to you and colleagues on your stand of Mar. 4.—L. Schuller, Wallace, Idaho."

Racine, Wis., April 4, 1917.

"Four thousand people assembled at the Auditorium last night; lots American sentiment; no enthusiasm for war; recruits were asked for; only seven men offered themselves for enlistment. This shows there is no war sentiment in Racine. Resolutions were spoken of, but no attempt was made to pass them. Audience was not for war. I approve your stand.—Arthur Ehrlich, Racine, Wis."

♦ ♦ ♦

A WIRE from Chicago from Grace Abbott of Hu'l House says that in city council election held yesterday John Kennedy received the largest plurality of any of the city councilmen elected. His plurality was 6,157 votes in his ward. On account of his stand against war, every newspaper in Chicago opposed him bitterly throughout the campaign.

Mr. Kennedy made his campaign on the war issue, and in every speech he took occasion to declare himself as against war.

There was received in Washington today a petition against

war with over 6,120 bona fide signers, which were secured in the city of Minneapolis in one day, and a wire late this afternoon states that 11,000 more names have been secured to that position.

In New Ulm, Minn., at an election, according to a telegram received this afternoon, 485 votes were cast against war to 19 for war.

To Robert M. La Follette,

Senate Chamber,

Washington, D. C.:

Good work. People with you. Straw referendum signed today at public market, city streets, shows 31 for war declaration, 374 against. Press brazenly reporting war demand of meetings where vote is against war. If presidential election were tomorrow, you would have best chance.—Anna Louise Strong, Member Seattle School Board.

Sen. R. M. La Follette,

Washington, D. C.:

Having sounded the opinions of juniors and seniors taking electrical engineering at the University of California today, I have foundation on which to base my statement that practically none of us enthuse at all over war. We believe the country can do most good by avoiding it. We put trust in you.—Glenn K. Morrison.

A telegram received from Philadelphia this afternoon expresses tersely the sentiment of the people. It reads:

"PRESIDENT WILSON SAID GERMAN PEOPLE WERE NOT CONSULTED ABOUT ENTERING THE WAR. WERE WE?—(Signed) COMMON PEOPLE.

And Congressman Lundeen representing the Minneapolis district informs me that in response to letters addressed by poll lists to every voter in his district has up to this hour brought in returns from nearly 8,000 voters against declaring war on Germany to less than 800 who favor such a declaration.

Do not these messages indicate on the part of the people a

deep-seated conviction that the United States should not enter the European war? The armed-ship bill meant war. Senators who opposed its being forced through congress in the closing hours of the session were rebuked by the president.

It is highly important, therefore, to note at this time that the president in his address on the 2nd of this month takes the same view of arming merchant ships that was entertained by at least some of the senators, including myself, when the armed-ship bill was before us for consideration.

In his address of April 2 the president said:

"It is impossible to defend against their (submarine) attacks as the law of nations has assumed that merchantmen would defend themselves against privateers or cruisers, visible craft giving chase on the open sea."

He says in the same address:

"It (arming merchant ships) is practically certain to draw us into the war without either the rights or the effectiveness of belligerents."

I take satisfaction in noting that this is exactly what I stated in an editorial in my magazine, which was published a short time after the armed-ship bill discussion.

I will read just a paragraph or two from that editorial:

"The armed ship bill was not only unconstitutional, it was, in my judgment, foolish and inadequate. It pleased the supporters of this bill to assume that it was only necessary to place guns on merchant ships in order to defend them successfully against submarine attack. There was no evidence before congress that would warrant the conclusion that arming these ships would afford protection.

"1. The available evidence points to the futility of such armament. The Laconia was armed, but she was torpedoed twice and sunk without a chance to fire a shot. Merchant ships of

the allies are armed. Their great loss of tonnage is conclusive evidence that guns planted on merchant ships are ineffectual in warding off submarine attack. It is criminal to lure from our harbors our merchant ships with passengers, crew, and freight to embark on a voyage fraught with such imminent peril in the belief that they may resist attack."

I venture to read two or three more paragraphs:

"2. The first question we should ask ourselves, before we enter on this war with our armed merchantmen or our Navy for the express purpose of maintaining our right to the seas, is: What will happen to our ships? If it is so easy to clear the trans-Atlantic lanes of submarines, why is not the British Admiralty keeping them open and free for our commerce—since our carrying trade across the Atlantic now consists of supplies for the allies—food and ammunition? From all we can learn it appears that the British Navy is not attempting this perilous task, but is keeping inside carefully guarded harbors.

"What assurance have we that we can clear the German war zone with armed merchantmen or with battleships as convoys, or with any of the so-called 'submarine chasers'?"

"Manifestly it is an undertaking which the British Admiralty declines for good and sufficient reason.

"The American public is being woefully deceived. We are derided for hiding behind the British Navy. Moving pictures portray our fleet firing on submarines that instantly go to the bottom. The daily papers are filled with stuff that would lead us to believe that we need only declare war, order out our fleet to scour the seas, and the war is ended and won.

"It is admitted that the submarine discharges its torpedo with deadly accuracy at a range of two to four miles.

"It is admitted that the submarine, with its hull submerged several feet below the surface and exposing nothing but its periscope, can discharge its torpedo with equal chance to achieve its purpose.

"The periscope furnishes a target no larger than a sailor's cap for merchant and naval gunners to fire at

"I have the best authority for the statement that the chances of hitting a target of that size at the distance of two miles, or of damaging a submarine so submerged, would in a hundred shots be practically zero."

It is unfortunately true that a portion of the irresponsible and war-crazed press, feeling secure in the authority of the president's condemnation of the senators who opposed the armed-ship bill, have published the most infamous and scurrilous lies on the honor of the senators who opposed that bill.

It was particularly unfortunate that such malicious falsehoods should fill the public press of the country at a time when every consideration for our country required that a spirit of fairness should be observed in the discussions of the momentous questions under consideration.

A Britisher's View

A member of the British parliament is visiting in this country. He has had some opportunity to observe this new spirit of intolerance that has been bred in the press and through the right of any man to utter his independent judgment on a question vital, sir, to the people of this nation; vital to the interests of this government.

It has led him to institute some comparisons between the conditions that prevail in Great Britain, a part of that war-torn territory of Europe, and the conditions that prevail here, where we still have peace. I have this comment of his upon it. I am not permitted to use his name, though he may be within

the sound of my voice.

He said:

"In England we feel that the theory of democracy requires the fullest and frankest discussion of every measure. We feel that the minority has a right to a respectful hearing. This is the only way you can carry on a democracy, and keep it a democracy.

"Another strange thing I find is that in America you seem to expect that when the minority is beaten it will at once capitulate, declare it has been in the wrong, and join the majority. This is not democracy either. In England during the Boer war and this war, but especially in the Boer war, there was an organized minority in Parliament — there always has been in time of war. In the Boer war this minority was led by no less a person than David Lloyd-George.

"If you make it an American policy that when the majority has once spoken, the right and duty of the minority to express itself and fight for what it believes in ends, you have lost your democracy. There is no safety or wisdom in trying to suppress thought or force men to silence."

Mr. President, let me make another suggestion. It is this: That a minority in one congress—maybe a small minority in one congress—protesting, exercising the rights which the constitution confers upon a minority, may really be representing the majority opinion of the country, and if, exercising the right that the constitution gives them, they succeed in defeating for the time being the will of the majority, they are but carrying out what was in the mind of the framers of the constitution; that you may have from time to time in a legislative body a majority in numbers that really does not represent the principle of democracy; and that if the question could be deferred and carried to the people it would be found that a minority was the real representative of the public opinion.

So, Mr. President, it was that they wrote into the constitution, that a president—that one man—may put his judgment against the will of a majority not only in one branch of congress but in both branches of congress; that he may defeat the measure that they have agreed upon and may set his one single judgment above the majority judgment of the congress.

That seems, when you look at it nakedly, to be in violation of the principle that the majority shall rule; and so it is. Why is that power given? It is one of those checks provided by the wisdom of the fathers to prevent the majority from abusing the power that they chance to have, when they do not reflect the real judgment, the opinion, the will of the majority of the people that constitute the sovereign power of the democracy.

We have had three immigration bills passed by congress much in the same form, varying in some particulars, which have been vetoed by President Taft and twice vetoed by President Wilson. At recurring elections the people send back the members who have passed that bill by an overwhelming majority; and still the president, exercising that power—that one-man power—vetoes the legislation ratified by the people at the polls through the election of members of congress—through the election and re-election of members of congress with the legislation one of the paramount issues. Mr. President, that might have been characterized as the exercise of a willful disposition, but it was not.

So, too, Mr. President, we find that the framers of that great instrument wrote into it that one-fifth of the members of either one of the two bodies of congress might hold in check the autocratic use of power by the majority on any question whatsoever. They armed a minority of one-fifth of the body with the power to filibuster; the power to demand a roll call—not a roll call, as some of the state constitutions

provide, only upon matters which carry appropriations, but a roll call on every single question upon which it pleases one-fifth of the body to demand a roll call.

What was the purpose of it? Not to make a record, for parliamentary legislative history shows that they had that right prior to that time, and always had it and could exercise it. No, no; it was the foresight of the makers of the constitution of this great government of ours desiring to perpetuate not the semblance of democracy but real democracy, and they said:

"There may be times when a majority, swept either by passion or misinformation, may do a wrongful thing to this Republic, and we will arm the minority in such emergencies against the undue exercise of majority power by placing in the hands of one-fifth the right to demand a roll call on every question."

Exercised in the late hours of a session of a congress it would easily be possible for them to demand roll calls in such a way as to make an extra session necessary. But, Mr. President, have always and ever in this republic of ours back of congresses and statutes and back of presidents the supreme power, the sovereign power of the people, and they can correct our errors and mistakes and our wrongdoing.

They can take us out of our places, and if we abuse any power which the constitution puts in the hands of a minority, it lies with them to call us to account; and the more important, the more profoundly and intensely important the question upon which such a power is abused by a minority, the more swift and sweeping will be the punishment by the people for the wrongful exercise of it.

We need not disturb ourselves because of what a minority may do. There is always lodged, and always will be, thank the God above us, power in the people supreme. Sometimes it sleeps, sometimes it seems the sleep of death; but, sir, the sovereign power of the people never dies. It may be

suppressed for a time, it may be misled, be fooled, silenced.

I think, Mr. President, that it is being denied expression now. I think there will come a day when it will have expression.

The poor, sir, who are the ones called upon to rot in the trenches, have no organized power, have no press to voice their will upon this question of peace or war; but, oh, Mr. President, at some time they will be heard.

I hope and I believe they will be heard in an orderly and a peaceful way. I think they may be heard from before long. I think sir, if we take this step, when the people today who are staggering under the burden of supporting families at the present prices of the necessities of life find those prices multiplied, when they are raised a hundred percent, or 200 per cent, as they will be quickly, aye, sir, when beyond that those who pay taxes come to have their taxes doubled and again doubled to pay the interest on the nontaxable bonds held by Morgan and his combinations, which have been issued to meet this war, there will come an awakening; they will have their day and they will be heard.

It will be as certain and as inevitable as the return of the tides, and as resistless, too.

I promise my colleagues that I will not be tempted again to turn aside from the thread of my discussion as I have outlined it here, and I will hasten with all possible speed.

NOW that the president has in his message to us of April 2 admitted the very charge against the armed-ship bill which we made, I trust that he is fully convinced that the conduct of the senators on the occasion in question was not unreasoned and obstinate, but that it was inspired by quite as high purposes and motives as can inspire the action of any public official.

I would not, however, have made this personal reference did not the question it suggests go to the very heart of the matter now,

under consideration. If the president was wrong when he proposed arming the ships; if that policy was, as he now says, "certain to draw us into the war without either the rights or the effectiveness of belligerents," is it so certain he is right now when he demands an unqualified declaration of war against Germany?

If those members of congress who were supporting the president then were wrong, as it appears from the president's statement now they were, should not that fact prompt them to inquire carefully whether they are right in supporting the proposed declaration of war?

If the armed-ship bill involved a course of action that was hasty and ill advised, may it not well be that this proposed declaration of war, which is being so hotly pressed, is also ill advised? With that thought in mind let us, with the earnestness and the singleness of purpose which the momentous nature of the question involves, be calm enough and brave enough to examine further the president's address of April 2.

In his address of April 2 the president says:

"Since April of last year the Imperial government had somewhat restrained the commands of its undersea craft in conformity with its promises then given to us that passenger boats should not be sunk, and that due warning would be given to all other vessels which its submarines might seek to destroy when no resistance was offered or escape attempted, and care taken that their crews were given at least a fair chance to save their lives in their open boats."

Besides that statement I wish place exactly what the German government did say:

"The German government, moreover, is prepared to do its utmost to confine the operations of war for the rest of its duration to the fighting forces of the belligerents, thereby also insuring the freedom of the seas, a principle upon which the German government believes, now as before,

to be in agreement with the government of the United States.

"The German government, guided by this idea, notifies the government of the United States that the German naval forces have received the following orders: In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance.

"But neutrals cannot expect that Germany, forced to fight for her existence, shall, for the sake of neutral interest, restrict the use of an effective weapon if her enemy is permitted to continue to apply at will methods of warfare violating the rules of international law. Such a demand would be incompatible with the character of neutrality, and the German government is convinced that the government of the United States does not think of making such a demand, knowing that the government of the United States has repeatedly declared that it is determined to restore the principles of the freedom of the seas, from whatever quarter it is violated.

"Accordingly the German government is confident that, in consequence of the new orders issued to its naval forces, the government of the United States will not also consider all impediments removed which may have been in the way of a mutual cooperation toward the restoration of the freedom of the seas during the war, as suggested in the note of July 23, 1915, and it does not doubt that the government of the United States will now demand and insist that the British government shall forthwith observe the rules of international law universally recognized before the war as they are laid down in the notes presented by the government of the United States to the British government on Dec. 28, 1914, and Nov. 5, 1915. Should the

steps taken by the government of the United States not attain the object it desires, to have the laws of humanity followed by all belligerent nations, the German government would then be facing a new situation, in which it must reserve itself complete liberty of decision. (May 4, 1916.)"

It must be perfectly apparent therefore that the promise, so called, of the German government was conditioned upon England's being brought to obedience of international law in her naval warfare.

Since no one contends that England was brought to conduct her naval operations in accordance with international law, and even the poor protests our government has lodged against her show that she has not done so, was it quite fair to lay before the country a statement which implies that Germany had made an unconditional promise which she has dishonorably violated?

This is a time of all times when the public mind should be calm, not inflamed; when accuracy of statement is vitally essential to presenting the issues to the congress and to the people of the country.

In his message of April 2 the president says:

"I was for a little while unable to believe that such things (referring to German submarine methods of warfare) would in fact be done by any government that had heretofore subscribed to the humane practices of civilized nations. International law had its origin in the attempt to set up some law which would be respected and observed upon the sea, where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up with meager enough results indeed, after all was accomplished that could be accomplished, but always with a clear view at least of what the heart and conscience of mankind demanded."

The recognition of the president that Germany had always here-

tofore subscribed to the humane practices of civilized nations is a most important statement. Does it not suggest a question as to why it is that Germany has departed from those practices in the present war?

What the president had so admirably stated about international law and the painful stage by which it has been builded up is absolutely true. But in this connection would it not be well to say also that it was England, not Germany, who refused to obey the declaration of London, which represented the most humane ideas and was the best statement of the rules of international law as applied to naval warfare? Keep that in mind.

Would it not have been fair to say, and to keep in mind, that Germany offered to cease absolutely from the use of submarines in what we characterized an unlawful manner if England would cease from equally palpable and cruel violations of international law in her conduct of naval warfare?

The president in his message of April 2 says:

"The present German warfare against commerce is a warfare against mankind. It is a war against all nations."

Again referring to Germany's warfare he says:

"There has been no discrimination. The challenge is to all mankind."

Is it not a little peculiar that if Germany's warfare is against all nations the United States is the only nation that regards it necessary to declare war on that account?

If it is true, as the president says, that "there has been no discrimination," that Germany has treated every neutral as she has treated us, is it not peculiar that no other of the great nations of the earth seem to regard Germany's conduct in this war as a cause for entering into it?

Are we the only nation jealous of our rights? Are we the only nation insisting upon the protection of our citizens? Does not the

strict neutrality maintained on the part of all the other nations of the earth suggest that possibly there is a reason for their action, and that that reason is that Germany's conduct under the circumstances does not merit from any nation which is determined to preserve its neutrality a declaration of war?

Norway, Sweden, the Netherlands, Switzerland, Denmark, Spain, and all the great Republics of South America are quite as interested in this subject as we are, and yet they have refused to join with us in a combination against Germany. I venture to suggest also that the nations named, and probably others, have a somewhat better right to be heard than we, for by refusing to sell war material and munitions to any of the belligerents they have placed themselves in a position where the suspicion which attaches to us of a desire for war profits can not attach to them.

On Aug. 4, 1914, the Republic of Brazil declared the exportation of war material from Brazilian ports to any of these powers at war to be strictly forbidden, whether such exports be under the Brazilian flag or that of any other country.

In that connection I note the following dispatch from Buenos Aires, appearing in the Washington papers of yesterday:

"President Wilson's war address was received here with interest, but no particular enthusiasm. * * * Government officials and politicians have adopted a cold shoulder toward the United States policy—an attitude apparently based on apprehension lest South American interests suffer.

The newspaper *Razon's* view was illustrative of this. "Does not the United States consider this an opportune time to consolidate the imperialistic policy everywhere north of Panama?" it said.

This is the question that neutral nations the world over are asking. Are we seizing upon this war to consolidate and extend our imperialistic policy?

We complain also because Mex-

ico has turned the cold shoulder to us, and are wont to look for sinister reasons for her attitude. Is it any wonder that she should also turn the cold shoulder when she sees us unite with Great Britain, an empire founded upon her conquests and subjugation of weaker nations?

There is no doubt that the sympathy of Norway, Sweden, and other countries close to the scene of war is already with Germany. It is apparent that they view with alarm the entrance into the European struggle of the stranger from across the sea.

It is suggested by some that our entrance into the war will shorten it. It is my firm belief, based upon such information as I have, that our entrance into the war will not only prolong it, but that it will vastly extend areas by drawing in other nations.

In his message of April 2, the president said:

"We have no quarrel with the German people—it was not upon their impulse that their government acted in entering this war; it was not with their previous knowledge or approval."

Again he says:

"We are, let me say again, sincere friends of the German people and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us."

At least, the German people, then, are not outlaws. What is the thing the president asks us to do to these German people of whom he speaks so highly and whose sincere friend he declares us to be?

Here is what he declares we shall do in this war. We shall undertake, he says—

"The utmost practicable cooperation in council and action with the governments now at war with Germany, and as an incident to that, the extension to those governments of the most liberal financial credits in order that our resources may, so far as possible, be added to theirs."

"Practical cooperation!" Practical cooperation with England

and her allies in starving to death the old men and women, the children, the sick and maimed of Germany. The thing we are asked to do is the thing I have stated.

It is idle to talk of a war upon a government only. We are leagued in this war, or it is the president's proposition that we shall be so leagued, with the hereditary enemies of Germany. Any war with Germany, or any other country for that matter, would be bad enough, but there are not words strong enough to voice my protest against the proposed combination with the entente allies.

When we cooperate with those governments we indorse their methods, we endorse the violations of international law by Great Britain, we endorse the shameful methods of warfare against which we have again and again protested in this war; we endorse her purpose to wreak upon the German people the animosities which for years her people have been taught to cherish against Germany; finally when the end comes, whatever it may be, we find ourselves in cooperation with our ally, Great Britain, and if we cannot resist now the pressure she is exerting to carry us into the war, how can we hope to resist, then, the thousandfold greater pressure she will exert to bend us to her purposes and compel compliance with her demands?

We do not know what they are. We do not know what is in the minds of those who have made the compact, but we are to subscribe to it. We are irrevocably, by our votes here, to marry ourselves to a non divorcable proposition veiled from us now. Once enlisted, once in the co-partnership, we will be carried through with the purposes, whatever they may be, of which we know nothing.

Sir, if we are to enter upon this war in the manner the president demands, let us throw pretense to the winds, let us be honest, let us admit that this is a ruthless war against not only Germany's

army and her navy but against her civilian population as well, and frankly state that the purpose of Germany's hereditary European enemies has become our purpose.

Again, the president says, "we are about to accept the gauge of battle with this natural foe of liberty and shall, if necessary, spend the whole force of the nation to check and nullify its pretensions and its power."

That much, at least, is clear; that program is definite. The whole force and power of this nation if necessary, is to be used to bring victory to the entente allies, and to us as their ally in this war.

Remember, that not yet has the "whole force" of one of the warring nations been used. Countless millions are suffering from want and privation; countless other millions are dead and rotting on foreign battlefields; countless other millions are crippled and maimed, blinded, and dismembered; upon all and upon their children's children for generations to come has been laid a burden of debt which must be worked out in poverty and suffering, but the "whole force" of no one of the warring nations has yet been expended; but our "whole force" shall be expended, so says the president, so far as he can pledge us, to make this fair, free, and happy land of ours the same shambles and bottomless pit of horror that we can see in Europe today.

Just a word of comment more upon one of the points in the president's address. He says that this is a war "for the things we have always carried nearest to our hearts—for democracy, for the right of those who submit to authority to have a voice in their own government." In many places throughout the address is this exalted sentiment given expression.

It is a sentiment peculiarly calculated to appeal to American hearts and, when accompanied by acts consistent with it, is certain to receive our support; but

in this same connection, and strangely enough, the president says that we have become convinced that the German government as it now exists—"Prussian autocracy" he calls it—can never again maintain friendly relations with us.

His expression is that "Prussian autocracy was not and could never be our friend," and repeatedly throughout the address the suggestion is made that if the German people would overturn their government it would probably be the way to peace. So true is this that the dispatches from London all hailed the message of the president as sounding the death knell of Germany's government.

But the president proposes alliance with Great Britain, which, however liberty-loving its people, is a hereditary monarchy, with a hereditary landed system, with a limited and restricted suffrage for one class and a multiplied suffrage power for another, and with grinding industrial conditions for all the wageworkers.

The president has not suggested that we make our support of Great Britain's conditional to her granting home rule to Ireland, or Egypt, or India.

We rejoice in the establishment of a democracy in Russia, but it will hardly be contended that if Russia was still an autocratic government, we would not be asked to enter this alliance with her just the same.

Italy and the lesser powers of Europe, Japan in the Orient; in fact, all of the countries with whom we are to enter into alliance, except France and newly revolutionized Russia, are still of the old order—and will be generally conceded that no one of them has done as much for its people in the solution of municipal problems and in securing social and industrial reforms as Germany.

IS IT not a remarkable democracy which leagues itself with allies already far over-matching in strength the Ger-

man nation and holds out to such beleaguered nation the hope of peace only at the price of giving up their government? I am not talking now of the merits or demerits of any government, but I am speaking of a profession of democracy that is linked in action with the most brutal and domineering use of autocratic power.

Are the people of this country being so well represented in this war movement that we need to go abroad to give other people control of their governments? Will the president and the supporters of the war bill submit it to a vote of the people before the declaration of war goes into effect? Until we are willing to do that, it ill becomes us to offer as an excuse for our entry into the war the unsupported claim that this war was forced upon the German people by their government "without their previous knowledge or approval."

Who has registered the knowledge or approval of the American people of the course this congress is called upon to take in declaring war upon Germany? Submit the question to the people, you who support it. You who support it dare not do it, for you know that by a vote of more than 10 to one the American people as a body would register their declaration against it.

In the sense that this war is being forced upon our people without their knowing why and without their approval, and that wars are usually forced upon all peoples in the same way, there is some truth in the statement; but I venture to say that the response which the German people have made to the demands of this war shows that it has a degree of popular support which the war upon which we are entering has not and never will have among our people.

The espionage bills, the conscription bills, and other forcible military measures which we understand are being ground out of the war machine in this country is the complete proof that those

responsible for this war fear that it has no popular support and that armies sufficient to satisfy the demand of the entente allies cannot be recruited by voluntary enlistments.

I desire at this point to review briefly as possible, but with absolute accuracy and fairness, the events occurring since the commencement of the present European war, which have brought us to the very brink of war with the German empire. I enter upon this task the more freely because every fact to which I refer is undisputed, and the events I shall relate are so fresh in the minds of every senator that if I should err in any particular I will no doubt be quickly corrected.

When in the middle of the summer of 1914 the great war broke out in Europe our relations with every one of the unfortunate countries involved were in every way friendly. It is true that many years before we had had some differences with France, but they had long since been adjusted, and we felt toward the French people and toward the Government of France, like ours republican in form, nothing but sincere and disinterested friendship.

With England the situation was a little different. We had fought two bloody wars with England—one to obtain our independence as a people, and later the War of 1812, with the accusations and consequences of which we are all familiar. But the ties of race and language and long commercial association had taught us to forget much in British conduct and diplomacy which we have felt was wrong and unfair in her dealings with us and with other countries.

With Germany likewise our relations were friendly. Many hundreds of thousands of the subjects of Germany had emigrated to this country, and they and their descendants had shown themselves to be in every way most worthy and desirable citizens. The great Civil war which saved the Union was successful largely through the

services rendered by Germans, both as officers and as men serving in the ranks.

B. A. Gould, in a work dealing with some of the phases of the Civil war, and prepared soon after its close, among other things, presented a table of the relative number of foreign-born soldiers in the Union army. I quote from that table as follows:

English	45,508
Canadian	53,532
Irish	144,221
German	187,858
All other foreign born ..	48,410

Later and more careful investigation of the statistics show that there were in reality 216,000 native Germans in the Union army, and besides this, more than 300,000 Union soldiers who were born of German parents.

More than one-half a million of the men who carried the musket to keep this government of ours undivided upon the map of the world were men who are now having their patriotism and loyalty to this country questioned, with secret-service men dogging their footsteps.

Who does not remember, among the most gallant and distinguished officers in the Union army, Schurz, Sigel, Rosencrans, and scores of others? It is well to recall also that when President Lincoln issued his call for volunteers they volunteered much more largely from German-settled states of the Middle West than from the war-mad States of the East. Is history to repeat itself?

The German people, either in this country or in the fatherland, need no tribute from me or from anyone else. In whatever land they have lived, they have left a record of courage, loyalty, honesty, and high ideals second to no people which ever inhabited this earth since the dawn of history.

If the German people are less likely to be swept off their feet in the present crisis than some other nationalities, it is due to two facts.

In the first place, they have a livelier appreciation of what war means than has the average American, and, in the second

place, German speaking and reading people have had an opportunity to get both sides of the present controversy, which no one could possibly have who has depended for his information solely on papers printed in English and English publications.

I have said that with the causes of the present war we have nothing to do. That is true. We certainly are not responsible for it. It originated from causes beyond the sphere of our influence and outside the realm of our responsibility. It is not inadmissible, however, to say that no responsible narrator of the events which have led up to this greatest of all wars has failed to hold that the government of each country engaged in it is at fault for it.

For my own part, I believe that this war, like nearly all others, originated in the selfish ambition and cruel greed of a comparatively few men in each government who saw in war an opportunity for profit and power for themselves, and who were wholly indifferent to the awful suffering they knew that war would bring to the masses.

The German people had been taught to believe that sooner or later war was inevitable with England and France and probably Russia allied against her. It is unfortunately true that there was much in the secret diplomacy of the years immediately preceding the war in 1914 to afford foundation for such belief.

The secret treaty between France and England for the partition of Morocco, while making a public treaty with Germany, the terms of which were diametrically opposite to those of the secret treaty, did much to arouse the suspicion and hostility of the German people toward both France and England.

I doubt if the diplomatic history of any of the nations of the earth in civilized times can show so reprehensible, so dishonest, so perjuring record as the Moroccan affair brings home to the doors of those who were responsible for

that Moroccan treaty, the diplomatic relations of the French and English governments.

Think of it, Mr. President! German citizens had acquired property as individual purchasers in the rich mineral fields of Morocco. A treaty was entered into between England, France, and Germany which protected all the interests of all those who signed the treaty.

Then France and England executed a treaty, certain provisions of which were not published when the treaty was published. By the terms of these secret provisions German enterprise was to be driven out of Morocco. Mark you, it was not the people of France and England—it was not even the governments of the respective countries—which were guilty of the great wrong committed against both Morocco and Germany, but less than a half dozen ambitious, intriguing diplomats, who made the secret plan to divide Morocco between France and Spain.

Germany was to be thrown out. England backed up France and Spain in the disreputable deal and received for her part of the swag the relinquishment of France to all rights where she had theretofore claimed in Egypt.

It was not until those facts came out that the real hostile feeling between Germany and England began to develop. Herein history will find the real cause for this war. England would tolerate no commercial rivalry. Germany would not submit to isolation.

Of this incident Mr. W. T. Stead, in the Review of Reviews for December, 1911, had this to say:

"We are nearly involved in the stupendous catastrophe of a gigantic war with the greatest of all world powers in order to enable France to tear up the treaty of Algieras by taking possession of the Empire of Morocco, whose independence and integrity we were pledged to defend. It is not to our interest to make over to France a vast domain in north-

ern Africa. * * * The fact remains that in order to put France in possession of Morocco we all but went to war with Germany. We have escaped war, but we have not escaped the natural and abiding enmity of the German people. Is it possible to frame a heavier indictment of the foreign policy of any British ministry? The secret, the open secret of the almost incredible crime against treaty faith, British interests, and the peace of the world is the unfortunate fact that Sir Edward Grey has been dominated by men at the foreign office who believe all considerations must be subordinated to the supreme duty of thwarting Germany at every turn, even if in so doing British interests, treaty faith, and the peace of the world are trampled underfoot. I speak that of which I know."

This is but one of the many instances that illustrate the character of the diplomacy which has been conducted in Europe during the last few years, and it is in this kind of diplomacy that we must become a partner also if we become a party to the war.

A celebrated Englishman, Sir John Fisher, as a delegate to one of the early Hague conferences, is credited with having said:

"In case of war I should have only one aim, even if I had to violate every one of the rules laid down by the peace conference—to win. The diplomats can negotiate afterwards." (See "The Inevitable War," by Francis De-lalsi.)

Such were the ideals the people of Europe had been taught to hold in preparation for the great war.

ON August 6, 1914, and within a few days after the beginning of the war Secretary Bryan through Ambassador Page inquired whether England would agree that the naval warfare should be conducted according to the declaration of London.

At the same time the same inquiry was addressed to the respective governments of the war-

ring countries through our ambassadors at St. Petersburg, Paris, Berlin, and Vienna. The inquiry addressed to Great Britain was as follows:

Department of State
Washington, Aug. 6, 1914
—1 p.m.

"Mr. Bryan instructs Mr. Page to inquire whether the British government is willing to agree that the laws of naval warfare as laid down by the declaration of London of 1900 shall be applicable to naval warfare during the present conflict in Europe, provided that the governments with whom Great Britain is or may be at war also agree to such application. Mr. Bryan further instructs Mr. Page to state that the government of the United States believes that an acceptance of these laws by the belligerents would prevent grave misunderstandings which may arise as to the relations between neutral powers and the belligerents. Mr. Bryan adds that it is earnestly hoped that this inquiry may receive favorable consideration."

Germany and Austria promptly replied that they would be bound by the declaration of London. I quote the reply of each:

American Embassy,
Berlin, Aug. 22, 1914
12 midnight.

"Mr. Gerard refers to department's Aug. 19, 4 p.m., and says his Aug. 20, 1 a.m., by way of Copenhagen, states that the German government will apply the declaration of London, provided its provisions are not disregarded by other belligerents."

Russia and France waited to hear from England. Ambassador Page finally transmitted England's reply on August 27, 1914. That reply, omitting the immaterial parts, was as follows:

"I have the honor to inform your excellency that His Majesty's government who attach great importance to the views expressed in your excellency's note are animated by a keen desire to consult so far as possible the interests of neutral countries have

given this matter their most careful consideration, and have pleasure in stating that they have decided to adopt generally the rules of the declaration in question, subject to certain modifications and additions which they judge indispensable to the efficient conduct of their naval operations. A detailed explanation of these additions and modifications is contained in the inclosed memorandum."

"The necessary steps to carry the above decision into effect have now been taken by the issue of an order in council, of which I have the honor to inclose copies herein for your excellency's information and for transmission to your government."

The modifications and additions quoted which Great Britain made to the declaration of London were so completely subversive of the essential principles provided by that declaration that nothing was left to do except to treat the British answer as a refusal to be bound in any material respect by the declaration of London, and accordingly on Oct. 22, 1914, our government replied as follows:

"Inasmuch as the British government consider that the conditions of the present European conflict make it impossible for them to accept without modification the declaration of London, you are requested to inform His Majesty's government that in the circumstances the government of the United States feels obliged to withdraw its suggestion that the declaration of London be adopted as a temporary code of naval warfare to be observed by belligerents and neutrals during the present war; that therefore this government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States irrespective of the provisions of the declaration of London; and that this Government reserves the right to enter a pro-

test or demand in each case in which these rights and duties so defined are violated or their free exercise interfered with by the authorities of His Britannic Majesty's Government." Lansing.

Thus was the first step taken in that ruthless naval warfare which has since horrified the civilized world. Thus did Great Britain initiate her naval warfare, and induce her allies to do the same, by repudiating the rules of naval warfare and the rights of neutrals upon the sea, which had been declared and agreed to by the representatives of all the great powers of the world, including our own.

Of course, it is well understood that the governments had not ratified it, but their representatives had agreed to it.

Mr. KNOX: Mr. President—

The PRESIDENT pro tempore: Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LA FOLLETTE: I certainly do.

Mr. KNOX: In the interest only of accuracy, may I ask, do I understand the Senator to state that all of the powers had agreed to the declaration of London. It that correct?

Mr. LA FOLLETTE: I stated that the representatives of all of the powers had signed and agreed to it.

Mr. KNOX: But it had not been ratified by the governments.

Mr. LA FOLLETTE: It had not been. I had already so stated before the Senator from Pennsylvania rose.

Mr. KNOX: Did the Senator state specifically that Great Britain had never ratified the declaration of London?

Mr. LA FOLLETTE: I did not; but I now state that fact.

Mr. KNOX: The senator so understands it?

Mr. LA FOLLETTE: I so understand it; but I say that the representatives, the enlightened men who were sent there by their respective governments, in the calmness of the deliberations of that assembly wrote the de-

claration of London as the expression—the enlightened, humane expression—of the rules of warfare based upon international law, as they understood it, and that final and formal ratification by the governments had not been consummated does not change that fact.

This case of ours in going into this war will not be tried by history upon technicalities, but upon great fundamental, underlying principles, and the declaration of London was the expression—the codification of the well-settled and accepted principles of international law on the subjects covered relating to naval warfare by the most advanced governments of the world.

And the government of Germany that is arraigned here every hour as the most bloodthirsty government on earth, responding to the inquiry of our government, agreed that she would suspend or wipe out her right to the use of the submarine in conformity with our suggestions provided that the rules laid down in the London declaration were adhered to by all of those who had participated in it and who were then parties to the war.

Mr. STONE: Mr. President—

The PRESIDENT pro tempore: Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE: I yield for a question.

Mr. STONE: The question is suggested by what the Senator from Pennsylvania (Mr. Knox) asked the Senator from Wisconsin, whether the government of Great Britain had ever ratified the declaration of London. Did the government of Great Britain, or any other of the governments participating in the conference, reject that declaration?

Mr. LA FOLLETTE: I believe they never did. I think I am entirely safe in saying that they had never rejected or disaffirmed the act of their representatives in the London conference.

For reasons which become

clearer as we advance it suited England's policy to disregard the rules of civilized naval warfare as the same were codified and clearly set forth in the declaration of London and revert to that indefinite and conflicting body of precedents called international law, in which can be found authority for doing anything you have the power to do.

The declaration of London, promulgated in 1909, as I have stated, was the work of the accredited representatives of the leading nations of the world, who met in London at England's request. Among the nations represented were Germany, the United States, Austria, Russia, France, Great Britain, Italy, Japan, Holland, and other leading nations. The way had been prepared for such a great conference by the various Hague conventions and the discussions therein.

The sentiment of the civilized world demanded such a conference, and the nations of the world accepted the declaration of London as being the best and most humane, statements of the rules of naval warfare which could be prepared.

The very first paragraph of the declaration is:

"The signatory powers are agreed in declaring that the rules contained in the following chapters correspond in substance with the generally recognized principles of international law."

Article 65 provided, "the provisions of the present declaration form an indivisible whole."

When, therefore, Great Britain made waste paper of this declaration, as she did early in the war, it ought not to have been difficult to have foreseen the inevitable result. There are a few simple propositions of international law embodied in the declaration of London to which in this connection it is important to call attention. One is that, "a blockade must be limited to the ports and coasts belonging to or occupied by the enemy." (See art. 1.)

There has been international

law since we have had a body of international rules called international law, and that was expressed in the London declaration, which was joined in by the representatives of Great Britain. If that had been adhered to, no declaration taking this country into the war would be before us this afternoon.

I repeat it. One of the declarations reads as follows:

"A blockade must be limited to the ports and coasts belonging to or occupied by the enemy." (See art. 1.)

Another is that a blockade in order to be binding upon anyone must be "maintained by a force sufficiently large to prevent access to the enemy coast." (See art. 2.) Not by sowing the open sea with deadly contact mines, but by a large force which shall maintain the blockade of the ports. (See art. 2.)

Another is that a blockade must under no circumstances bar access to the ports or to the coasts of neutral countries.

The press of this country has attempted, from the very beginning, to show that the government of the United States during the Civil war set up and established precedents that violated the proposition enunciated in the statement which I have just read.

A decision of the supreme court of this country—and it is to the honor of America that it can be recited—denied to this government, when it was fighting for its existence in the Civil war, the right to stop the shipment of goods from England up the Rio Grande to be landed on the Mexican side, but really thereafter to be transported across to Brownsville, Tex., for the benefit of the Southern Confederacy.

An opinion was written by the supreme court that will thrill with pride every American heart. At that time, Mr. President, the court must have been under every temptation which can be made to appeal to the human heart to shave and shade its views to meet the exigencies of our government,

but against the interests of this government and in vindication of the principle of law necessary to the maintenance of a body of international rules to protect the rights of neutral commerce and maintain peace between neutral nations and belligerents they denied the interests of this government in that perilous hour and sustained the right of the owners of the vessel. This is the holding in the *Peterhoff* case (5 Wall., 28).

Another important service rendered by the declaration of London to a civilized world was the clear statement is furnished of articles which were contraband, conditional contraband, and those which under no circumstances could be declared contraband. (see arts. 22 to 27.)

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TALK about making war, about hurling this government into the bottomless pit of the European conflict to sustain the principles of international law under which we have suffered the loss of some ships and some human lives, when England, by her course in rejecting the declaration of London and in the manner of conducting her naval warfare, has wiped out the established rules of international law which had grown up through the centuries and opened the pathway and set us upon the road we have followed straight to the proceedings which engage the attention of the Senate this afternoon.

The distinction between articles that are contraband and those that are conditional contraband and free is well understood. I will not trespass upon the time of the senate to discuss it. Articles which are contraband are always liable to capture by one belligerent if shown to be destined to territory belonging to or occupied by the enemy, no matter to what particular port the contraband might be billed.

Of this class, according to the declaration of London, were all kinds of arms, ammunition, projectiles, powder, clothing and equipment of purely a military

character, and other articles used exclusively for war. Conditional contraband was not liable to capture if bound for a neutral port, and in any case the government asserting the right to capture it, even when it was moving direct to the enemy country, was obliged to prove that it was destined for the use of the enemy armed forces and not to the civilian population.

Conditional contraband, according to the declaration of London, included food of all kinds, clothing, vehicles, tools, and a vast multitude of other things enumerated which, while they might be used by the armed forces, were also susceptible to use by the civilian population. Goods on the free list, according to the declaration of London, was raw cotton, wool, substantially all other raw materials, and a great variety of other articles necessary for a civilian population. Goods from the enemy country could not be stopped, except by an effective blockade.

There is no escape from these propositions. They are to be found in every work upon international law, approved by every court that has ever passed upon the questions relating to contraband, as shown by an unbroken line of decisions.

As late as the Boer War, Lord Salisbury — now get this into your minds if your attention has not been directed to it before— when asked the position of the British government regarding foodstuffs, which were and always had been conditional contraband, Lord Salisbury said.

"Foodstuffs with a hostile destination can be considered contraband of war only if they are supplied for the enemy's forces. It is not sufficient that they are capable of being so used; it must be shown that this was in fact their destination at the time of the seizure." *Hales' American Rights at Sea*, p. 11.)

In the very first days of the war with Germany, Great Britain set aside and reversed this well-established rule announced by Lord Salisbury as to foodstuffs.

Had she obeyed that rule of law Germany would have received food for her civilian population through neutral merchantmen and our neutral commerce would not have been attacked by German submarines.

Now, that is the way history is going to record it, Senators. That is the undisputed fact and there is nothing else to be said about it. It has pleased those who have been conducting this campaign through the press to make a jumble of the issues, until the public sees nothing, thinks of nothing but the wrongs committed by the German submarine, and hears nothing, knows nothing of the wrongdoing of England that forced Germany to take the course she has taken or submit to the unlawful starving of her civilian population.

Now, I want to repeat: It was our absolute right as a neutral to ship food to the people of Germany. That is a position that we have fought for through all of our history. The correspondence of every Secretary of State in the history of our government who has been called upon to deal with the rights of our neutral commerce as to foodstuffs is the position stated by Lord Salisbury, just quoted. He was in line with all of the precedents that we had originated and established for the maintenance of neutral rights upon this subject.

In the first days of the war with Germany, Great Britain set aside, so far as her own conduct was concerned, all these rules of civilized naval warfare.

According to the declaration of London, as well as the rules of international law, there could have been no interference in trade between United States and Holland or Scandinavia and other countries, except in the case of ships which could be proven to carry absolute contraband, like arms and ammunition, with ultimate German destination.

There could have been no interference with the importation into Germany of any goods on

the free list, such as cotton, rubber, and hides. There could have properly been no interference with our export to Germany of anything on the conditional contraband list, like flour, grain, and provisions, unless it could be proven by England that such shipments were intended for the use of the German Army.

There could be no lawful interference with foodstuffs intended for the civilian population of Germany, and if those foodstuffs were shipped to other countries to be reshipped to Germany, no question could be raised that they were not intended for the use of the civilian population.

It is well to recall at this point our rights as declared by the declaration of London and as declared without the declaration of London and as declared of London by settled principles of international law, for we have during the present war become so used to having Great Britain disregard our right on the high seas that we have really forgotten that we have any, as far as Great Britain and her allies are concerned.

Great Britain, by what she called her modifications of the declaration of London, shifted goods from the free list to the conditional contraband and contraband lists, reversed the presumption of destination for civilian population, and abolished the principle that a blockade to exist at all must be effective.

Edwin J. Clapp, professor of economics of New York University in his book, *Economic Aspects of the War*, describes the situation aptly. It is supported by all the authorities, but I quote from him:

"The modifications (of the declaration of London) were subversive of the principles of the declaration to which they were attached. These modifications, supplemented by an unexampled extension of the British contraband list and finally by what our government calls an illegal blockade, have been England's method of exercising economic pressure

upon Germany and, necessarily upon all neutral nations that trade with her."

Again the same author says:

"This action stopped our direct trade with Germany. It might appear that goods on the free list could still move. Some of them did move, from free to contraband. People feared to ship the others lest they should be so listed while ships were on the ocean, and the goods made subject to seizure. Practically nothing has been shipped to Germany from this country but cotton, and it was not shipped until December. In belated response to the insistence of southern senators and of American business interests which had found themselves gravely embarrassed by the cessation of cotton shipments. Great Britain finally made a clear statement that this particular commodity would not be considered contraband.

"So much for direct trade with Germany. There was still a method by which we should have been able to export our goods and discharge our neutral obligations to trade with Germany as with England. We might have carried on this trade via neutral ports like Rotterdam or Copenhagen, from which the goods might have been shipped to Germany. The declaration of London allows a belligerent to interfere with a shipment between two neutral ports only when it consists of absolute contraband for enemy territory. Conditional contraband so moving may not even be suspected. The order in council changed this. It extended the new intention of capturing conditional contraband to goods moving to Germany even through a neutral port. And, as explained, conditional contraband was seizable if destined to anyone in Germany; it was not conditional but absolute."

"The British action, besides stopping our trade with Germany, barring only a certain amount of indirect trade carried on with much difficulty and danger, subjected to grave peril our com-

merce with other neutrals. The British contraband lists were extended so rapidly that soon almost no important article of commerce with neutrals was free from seizure by England, who suspected everything on these lists as being of possible German destination. By these methods England proposed to starve the civilian population of Germany and destroy neutral trade."

Now, listen to the statement of facts under the proposition:

On February 20, 1915, our government, through Secretary Bryan, addressed the following communication to the government of Great Britain:

Department of State,
Washington, February 20, 1915.
"You will please deliver to Sir Edward Grey the following identic note which we are sending England and Germany:"

"In view of the correspondence which has passed between this government and Great Britain and Germany, respectively, relative to the declaration of a war zone by the German Admiralty and the use of neutral flags by British merchant vessels, this government ventures to express the hope that the two belligerent governments may, through reciprocal concessions, find a basis for agreements which will relieve neutral ships engaged in peaceful commerce from the great dangers which they will incur in the high seas adjacent to the coasts of the belligerents."

"The government of the United States respectfully suggests that an agreement in terms like the following might be entered into. This suggestion is not to be regarded as in any sense a proposal made by this government, for it of course fully recognizes that it is not its privilege to propose terms of agreement between Great Britain and Germany, even though the matter be one in which it and the people of the United States are directly and deeply interested. It is merely venturing to take the liberty which it hopes may be accorded a sincere

friend desirous of embarrassing neither nation involved and of serving, if it may, the common interests of humanity. The course outlined is offered in the hope that it may draw forth the views and elicit the suggestions of the British and German governments on a matter of capital interest to the whole world."

Now, after all that prefatory matter—which I might have omitted, I suppose, to save time—we come to the proposition:

"Germany and Great Britain to agree:"

"1. That neither will sow any floating mines, whether upon the high seas or in territorial waters; that neither will plant on the high seas anchored mines, except within cannon range of harbors for defensive purpose only; and that all mines shall bear the stamp of the government planting them and be so constructed as to become harmless if separated from their moorings.

"2. That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search."

"3. That each will require their respective merchant vessels not to use neutral flags for the purpose of disguise or ruse de guerre."

Germany to agree:

"That all importations of food or foodstuffs from the United States (and from such other neutral countries as may ask it) into Germany shall be consigned to agencies to be designated by the United States government; that these American agencies shall have entire charge and control without interference on the part of the German government of the receipt and distribution of such importations, and shall distribute them solely to retail dealers bearing licenses from the German government entitling them to receive and furnish such food and foodstuffs to noncombatants only; that any violation of the terms of the retailers' licenses shall work a forfeiture of

their rights to receive such food and foodstuffs for this purpose; and that such food and foodstuffs will not be requisitioned by the German government for any purpose whatsoever or be diverted to the use of the armed forces of Germany."

Great Britain to agree:

"That food and foodstuffs will not be placed upon the absolute contraband list, and that shipments of such commodities will not be interfered with or detained by British authorities if consigned to agencies designated by the United States government in Germany for the receipt and distribution of such cargoes to licensed German retailers for distribution solely to the noncombatant population.

"In submitting this proposed basis of agreement this government does not wish to be understood as admitting or denying any belligerent or neutral right established under the principles of international law, but would consider the agreement, if acceptable to the interested powers, a *modus vivendi* based upon expediency rather than legal right and as not binding upon the United States, either in its present form or in a modified form, until accepted by this government.

BRYAN."

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WITHOUT quoting at length the replies of the governments of Germany and Great Britain, it is sufficient to say that under date of March 1, 1915, the German government replied substantially acceding to the proposition made by the government of the United States, and on March 15 the British government replied substantially refusing to accede to our request.

It will be noted that at this time the deadly submarines of Germany and the equally deadly mines of Great Britain had rendered the high seas dangerous to the lives of all neutrals, but the English steamship *Lusitania*, loaded with 6,000,000 rounds of ammunition destined for the

English army, had not been sunk with the consequent loss of American lives, and the damage to neutrals had not been heavy compared with that which they have since suffered.

Here again the sole responsibility for continuing the unlawful naval warfare must rest upon Great Britain and her allies. Germany, knowing as the world did not then know the possibility of destruction contained in the submarine branch of her navy, and at the risk of being thought weak and anxious for peace, offered to agree if Great Britain and her allies would do the same, to those suggestions of ours which would have avoided all the acts of which we complain today.

It is not my purpose to go into detail into the violations of our neutrality by any of the belligerents. While Germany has again and again yielded to our protests, I do not recall a single instance in which a protest we have made to Great Britain has won for us the slightest consideration, except for a short time in the case of cotton.

I will not stop to dwell upon the multitude of minor violations of our neutral rights, such as seizing our mail, violations of the neutral flag, seizing and appropriating our goods without the least warrant or authority in law, and impressing, seizing, and taking possession of our vessels and putting them into her own service.

I have constituents, American citizens, who organized a company and invested large sums of money in the purchase of ships to engage in foreign carrying. Several of their vessels plying between the United States and South America were captured almost in our own territorial waters, taken possession of by the British government, practically confiscated, and put into her service or the service of her admiralty. They are there today, and that company is helpless. When they appealed to our Depart-

ment of State they were advised that they might "file" their papers.

And they were given the further suggestion that they could hire an attorney and prosecute their case in the English prize court. The company did hire an attorney and sent him to England, and he is there now, and has been there for almost a year, trying to get some redress, some relief, some adjustment of those rights.

But those are individual cases. There are many others. All these violations have come from Great Britain and her allies, and are in perfect harmony with Britain's traditional policy as absolute master of the seas.

I come now, however, to one other event in the naval policy of Great Britain during this war, which to my mind is absolutely controlling upon the action we should take upon the question under consideration.

On the 2d of November, 1914, only three months after the beginning of the war, England issued a proclamation, the most ruthless and sweeping in its violation of neutral rights that up to that time had ever emanated from a civilized government engaged in prosecuting a war, announcing that on three day's notice all of the North Sea, free under international law to the trade of the world, would be entered by our merchant ships at their peril. She based her action upon the assertion that the German government had been scattering mines in waters open to the world's commerce.

The material portions of it are as follows:

"During the last week the Germans have scattered mines indiscriminately in the open sea on the main trade route from America to Liverpool via the north of Ireland.

"Peaceful merchant ships have already been blown up, with loss of life, by this agency. * * *

"In these circumstances, hav-

ing regard to the great interests entrusted to the British navy, to the safety to peaceful commerce on the high seas, and to the maintenance within the limits of international law of trade between neutral countries, the Admiralty feels it necessary to adopt exceptional measures appropriate to the naval conditions under which this war is being waged.

"It therefore gives notice that the whole of the North Sea must be considered a military area. Within this area merchant shipping of all kinds, traders of all countries, fishing craft and all other vessels will be exposed to the gravest dangers from mines it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft. * * *

"Every effort will be made to convey this warning to neutral countries and to vessels on the sea; but from Nov. 5 onward the Admiralty announces that all ships passing a line drawn from the northern point of the Hebrides through the Farne Islands to Iceland do so at their own peril."

The North Sea, a great stretch of the Atlantic Ocean, extending from Scotland to Iceland, was barred to the commerce of the world, the neutral commerce, that had the same right there that you have to walk down Pennsylvania Ave.

Before considering the piratical character of this document as a whole it will be noted that while it proposes to use every effort to warn neutral shipping it allows just three days for the warning.

Do you observe that the country with whom we are about to yoke ourselves issued this proclamation, unheard of before in the history of the world, mining a great area of the Atlantic ocean with deadly contact mines, and gave to the neutral nations only three days' notice? It issued its declaration on the 2nd of No-

vember, and it went into effect on the 5th of November.

Of the preliminary allegations in the note concerning the scattering of mines by Germany in the open sea around the British Isles, no proof of it has ever been furnished, so far as I am aware; and, even if it were true, it certainly would not have remedied the condition to mine a much larger portion of the sea upon which neutral ships must travel.

I say this because of the high-sounding but obviously false and hypocritical assertion contained in the proclamation that Britain is taking this action in order to maintain trade between neutral countries within the limits of international law. She was, in fact, by her action absolutely destroying trade between neutral countries, and the penalties for disobeying her orders, and which operate automatically and inexorably, was the destruction by mines of all ships and passengers venturing into the prohibited portion of the sea.

Now we come to the most unfortunate part of our record. The present administration agreed to this lawless act of Great Britain. I make this statement deliberately and fully appreciating its consequences. If we had entered into a contract with Great Britain, signed and sealed under the great seals of the respective countries, agreeing that she should commit the act of piracy involved in mining the North Sea, we would not more completely have been bound by such contract than we are bound by the conduct of the present administration.

It will be recalled that when Secretary Bryan made his request of Great Britain to adhere to the declaration of London, and she refused, and he notified her that the request was withdrawn, he declared in substance that he would nevertheless hold her responsible for any violations of international law, so far as they affected our right as a neutral

nation. And from that time protest after protest was made by us; many against Germany and some against Great Britain and her allies, whenever we claimed that international law had been violated.

The fact remains, however, that from Nov. 2, when England declared her settled purpose to mine large areas of the public sea contrary to every principle of international law, the government through the present administration has never uttered a word of protest.

If you think you can escape the responsibility of that act and hold other belligerents to the strict requirements of international law by play upon a phrase you are mistaken. You may make this country declare war in your attempt to do it, but your war will not have the support of the people.

Until the omission of this administration to uphold our rights against Great Britain is corrected we can never hope for popular support for a war waged to enforce the same right against the country at war with Great Britain.

I do not need to cite authorities to show that the mining of the North Sea by Great Britain was illegal. In declaring her intention to mine the North Sea Great Britain did not pretend that her act was legal, and attempted to justify it only on the ground of necessity. Nor am I aware that any responsible person has ever attempted to defend the legality of the act.

You have but to remember that if England had a right to mine the North Sea and a large portion of the Atlantic ocean during an indefinite period and thereby exclude all commercial shipping, then any two warring nations can mine any or all portions of the high seas as they choose and thus destroy the neutral commerce of the world so long as the war shall last. Such a claim is too absurd to merit consideration.

I will not dwell now upon the

physical consequences of this act by Great Britain, for I am concerned at this time simply with the question of how this act by our government has affected our legal relations to Germany.

You can not afford to declare war and rest the right to do so in history upon a violation of international law when we are to any extent responsible for such violation.

Mr. REED. Mr. President—
The PRESIDENT *pro tempore*.
Does the senator from Wisconsin yield to the senator from Missouri?

Mr. LA FOLLETTE. I yield for a question.

Mr. REED. Does the senator have any other evidence that we signed and sealed and delivered a contract with Great Britain by which we permitted her to violate international law than that which he has just given, namely, the assertion that we did not protest?

Mr. LA FOLLETTE. I have not stated that we had a signed and sealed compact.

Mr. REED. No; you stated—

Mr. LA FOLLETTE. I was reading from my manuscript and I know just what I said. The senator misunderstood me.

Mr. REED. You stated that we had done it as effectively—

Mr. LA FOLLETTE. Just as effectively as though it were a contract. I think it was just as effective by a failure to protest as though it had been a contract.

I now proceed to make that good by my argument, if the Senator will permit me.

Mr. REED. And you will not permit any further interruption? Very well, if that is the premise.

Mr. LA FOLLETTE. That is my argument, and I am proceeding to make it. In passing, however, I desire to call attention to the fact that the lawless action of Great Britain resulted in the loss of at least two of our ships—the *Carib* and the *Evelyn*—because they ventured into the zone Great Britain had prohibited them from entering—were sunk

by mines, with the loss of several House Committee on Foreign Affairs American lives. (Minority report, *fairs*, H. R. 21052, 64th Cong.)

The only reason we have not suffered the sacrifice of just as many ships and just as many lives from the violation of our rights by the war zone and the submarine mines of Great Britain, as we have through the unlawful acts of Germany in making her war zone in violation of our neutral rights, is simply because we have submitted to Great Britain's dictation.

If our ships had been sent into her forbidden high-sea war zone, as they have into the prescribed Germany marked out on the high seas as a war zone, we would have had the same loss of life and property in the one case as in the other. But because we avoided doing that in the case of England, and acquiesced in her violation of law, we have not only a legal but a moral responsibility for the position in which Germany has been placed by our collusion and co-operation with Great Britain.

By suspending the rule with respect to neutral rights in Great Britain's case, we have been actively aiding her in starving the civil population of Germany. We have helped to drive Germany into a corner, her back to the wall, to fight with what weapons she can lay her hands on to prevent the starving of her women and children, her old men and babes.

The flimsy claim which has sometimes been put forth that possibly the havoc in the North sea was caused by German mines is too absurd for consideration.

I refer to the three vessels sunk in the British war zone. Why should Germany mine the North sea, the gateway from the Atlantic to her own ports and those of Norway, Sweden, and Holland, with whom she most desired to trade and with whom her relations were and are most friendly? She doubtless placed

some mines at the entrance of her harbors for purposes of protection, as she had a right to do, but it is ridiculous to suppose that she would have mined the North sea.

Besides this the records show that up to Mar. 10, 1915, of the floating mines that had been taken and rendered harmless along the Dutch coast 214 were of British origin, 33 French, and only 22 German. (P. 142, Economic Aspects of the War, by Clapp.)

The same author at page 8 thus speaks of the result of the mining of the North Sea by Great Britain:

"Because of these floating mines in the North Sea literally scores of vessels were lost, mostly belonging to the Scandinavian countries or Holland. Three American vessels were included — the Greenbriar, Carib, and Evelyn. Because of the danger of mines ocean freight and war-risk insurance rates became a very heavy burden on shippers and buyers, and in the case of some commodities became prohibitive of commerce; a policy of uncertainty and fear thrown over the commercial world."

Days, weeks, and months went by, and still no protest came from the American government against this unlawful act on the part of Great Britain.

She did this unlawful thing on the 5th day of November. Germany waited and waited, week after week, for this government to assert its neutral rights and demand the opening of the North sea to neutral commerce. She waited in vain for three long months for this government to take some action, and not until the 4th day of February—that is my recollection of the date; I do not know that I have it here—did she in retaliation serve notice upon this government of the establishment of her war zone.

Germany then did as a matter of retaliation and defense what Great Britain had done months previously purely as an offensive measure—established a

war zone or war area. She included in it portions of the sea about the British islands, and gave notice that ships coming within it would be destroyed by mines or submarines, even as English mines in the North Sea destroyed the ships which entered there.

+ + +

IT IS Germany's insistence upon her right to blindly destroy with mines and submarines in the area she has declared as war zone all ships that enter there, that causes the whole trouble existing between us and Germany today. It is for this, and this only, that we are urged to make war.

Yet in asserting this right or in sinking the ships in the proscribed area without warning, Germany is doing only that which England is doing in her proscribed area, without consent.

Here is the parting of the ways. When England, having previously violated all neutral rights on the high seas, mined the North sea and asserted the right to destroy blindly, and mines can can only destroy blindly, all ships that traversed it, one or two courses was open to us.

We chose to acquiesce, but a singular thing transpired. I suppose all senators have secured the published copies of the diplomatic correspondence which has been issued by the State department.

I find all the correspondence about the submarines of Germany; I find them arrayed; I find the note warning Germany that she would be held to a "strict accountability" for violation of our neutral rights; but you will search in vain these volumes for a copy of the British order in council mining the North sea.

I am talking now about principles. You can not distinguish between the principles which allowed England to mine a large area of the Atlantic ocean and the North sea in order to shut in Germany, and the principle on which Germany by her submarines seeks to destroy all ship-

ping which enters the war zone which she has laid out around the British Isles.

The English mines are intended to destroy without warning every ship that enters the war zone she has proscribed, killing or drowning every passenger that cannot find some means of escape. It is neither more nor less than that which Germany tries to do with her submarines in her war zone. We acquiesced in England's action without protest. It is proposed that we now go to war with Germany for identically the same action upon her part.

At this point, sir, I say with all deference but with the absolute certainty of conviction, that the present administration made a fatal mistake, and if war comes to this country with Germany for the present causes it will be due wholly to that mistake. The present administration has assumed and acted upon the policy that it could enforce to the very letter of the law the principles of international law against one belligerent and relax them as to the other.

That thing no nation can do without losing its character as a neutral nation and without losing the rights that go with strict and absolute neutrality.

In an address delivered by the president at a joint session of the two houses of congress on February 3, 1917, and referring to the reply which our government had made to Germany's protest that her enemies were permitted to apply unlawful methods of naval warfare, the president said that Germany had been advised as follows. Now listen to this—

MR. LEWIS. Mr. President, will the senator from Wisconsin allow me, before he proceeds with that extract, to ask his view as to what he means by the assertion which he has just made? In other words, may I interrupt him with an inquiry?

The PRESIDING OFFICER (Mr. Wolcott in the chair). Does the Senator from Wisconsin yield to the senator from Illinois?

Mr. LA FOLLETTE. I yield for

a question if it does not divert me from my argument.

Mr. LEWIS. I should like to ask the able senator as to whether or not I am correct in understanding his argument to mean that, if we fail to declare war against Great Britain because of wrongs committed against us by Britain sufficient to have had war declared, thereby we are prohibited from declaring war against another government that might do acts which are themselves a justification for the declaration of war?

Mr. LA FOLLETTE. The senator from Illinois will be best answered as I proceed with my argument, which deals exactly with the question.

Mr. LEWIS. I will not divert the senator further, then if he intends to cover that matter.

Mr. LA FOLLETTE. It will not divert me. The senator will be answered presently as well as I am able to answer him.

I quote now from the president's address of February 3, 1917, before the two houses of congress:

"In order, however, to avoid any possible misunderstanding, the government of the United States notified the Imperial government that it can not for a moment entertain, much less discuss, a suggestion that respect by German naval authorities for the rights of citizens of the United States upon the high seas should in any way or in the slightest degree be made contingent upon the conduct of any other government affecting the rights of neutrals and noncombatants. Responsibility in such matters is single, not joint; absolute, not relative."

That phrase the president has used repeatedly in his addresses; he has used it at least three times, I think, and he has referred to it as being a complete and sufficient answer to this proposition. It misstates the law; it asserts a principle that can not be maintained for one moment with a decent regard for equal rights between nations with whom

we are dealing upon a basis of neutrality.

The offenses of Great Britain and Germany against us can not be treated as they might be treated if those nations were not at war with each other. Undoubtedly, if those nations were not at war with each other we could suffer one to violate international law to our injury and make no protest and take no action against the nations so offending and hold the other to strict accountability and compel her to respect to the limit our rights under international law, and if she refused we would be justified in going to war about it.

But when we are dealing with Germany and Great Britain, warring against each other, so evenly balanced in strength that a little help to one or a little hindrance to the other turns the scale and spells victory for one and defeat for the other, in that situation I say the principle of international law steps in which declares that any failure on our part to enforce our rights equally against both is a gross act of un-neutrality.

That is precisely what we have done, as I have shown. In the early days of the conflict in this matter of war zones of each belligerent, in submitting to Great Britain's dictation concerning what might be treated as contraband, resulting finally in a practical cessation of shipping to German ports, we have done Germany as much harm as though we had landed an army in France to fight beside the entente allies.

How will history regard this conduct of ours? How will our own people regard it when they come to understand it? We can never justify it.

Jefferson asserted that we could not permit one warring nation to curtail our neutral rights if we were not ready to allow her enemy the same privileges, and that any other course entailed the sacrifice of our neutrality.

That is the sensible, that is the logical position. No neutrality

could ever have commanded respect if it was not based on that equitable and just proposition; and we from early in the war threw our neutrality to the winds by permitting England to make a mockery of it to her advantage against her chief enemy.

Then we expect to say to the enemy, "You have got to respect my rights as a neutral." What is the answer? I say Germany has been patient with us. Standing strictly on her rights, her answer would be, "Maintain your neutrality; treat these other governments warring against me as you treat me if you want your neutral rights respected."

I say again that when two nations are at war any neutral nation, in order to preserve its character as a neutral nation, must exact the same conduct from both warring nations; both must equally obey the principles of international law. If a neutral nation fails in that, then its rights upon the high seas—to adopt the president's phrase—are relative and not absolute.

There can be no greater violation of our neutrality than the requirement that one of two belligerents shall adhere to the settled principles of law and that the other shall have the advantage of not doing so. The respect that German naval authorities were required to pay to the rights of our people upon the high seas would depend upon the question whether we had exacted the same rights from Germany's enemies.

If we had not done so we lost our character as a neutral nation, and our people unfortunately had lost the protection that belongs to neutrals. Our responsibility was joint in the sense that we must exact the same conduct from both belligerents.

No principle of international law is better settled than that which is stated by Oppenheim, the great English authority on international law, in volume 2, page 365. He says:

"Neutrality as an attitude of impartiality involves the duty of abstaining either belligerent either

actively or passively."

The same author points out, on pages 441 to 444, that a neutral can not permit one belligerent to do what another is not permitted to do.

In the case of the Bermuda (3 Wallace, p. 514) the supreme court of the United States points out that neutrality involves absolute equality of treatment. The court says:

"Neutral trade is entitled to protection in all courts. Neutrals in their own country may sell to belligerents whatever belligerents choose to buy. The principal exceptions to this rule are that neutrals must not sell to one belligerent what they refuse to sell to the other."

And so forth.

In the case of Resolution (Federal court of appeals, 1781; 2 Dalles, 19) it is said that the idea of a neutral nation "implies two nations at war and a third in friendship with both."

J. Quincy Adams, Secretary of State, on May 19, 1818, said:

"By the usual principle of international law the state of neutrality recognizes the cause of both parties to the contest as just—that is, it avoids all consideration of the merits of the contest." See Moore's International Law Digest, vol. 7, P. 860.)

Oppenheim on International Law, volume 11, second edition, paragraph 294, page 362, says:

"Since neutrality is an attitude of impartiality, it excludes such assistance and succor to one of the belligerents as is detrimental to the other, and further, such injuries to the one as benefit the other."

The best and clearest exposition of the exact question, however, was made long ago by one of the greatest of Democrats and statesmen of this country—

Thomas Jefferson, Mr. Jefferson, then Secretary of State, in writing to Thomas Pinckney, United States minister to Great Britain, regarding England's stoppage of our food shipments to France, with whom England was then at war, dealt with precisely the

same situation that confronts President Wilson in the war between Germany and England, but Secretary Jefferson dealt with the situation in precisely the opposite manner from that adopted by President Wilson.

In this letter, under date of September 7, 1793, Secretary Jefferson said:

"The first article of it (the British order) permits all vessels laden wholly or in part with corn, or meal, bound to any port in France, to be stopped and sent into any British port, to be purchased by that government or to be released only on the condition of security given by the master that he will proceed to dispose of his cargo in the ports of some country in amity with his majesty."

"This article is so manifestly contrary to the law of nations that nothing more would seem necessary than to observe that it is so."

How much less was it obnoxious to the law of nations than mining the great area of the North Sea.

"Reason and usage have established that when two nations go to war those who choose to live in peace, retain this neutral right to pursue their agriculture, manufactures, and other ordinary vocations; to carry the produce of their industry, for exchange to all nations, belligerent or neutral, as usual; to go and come freely without injury or molestation, and, in short, that the war among others shall be, for them, as if it did not exist. One restriction on those mutual rights has been submitted to by nations at peace; that is to say, that of not furnishing to either party implements merely of war, for the annoyance of the other, nor anything whatever to place blockaded by its enemy.

"This act, too, tends directly to draw us from that state of peace in which we are wishing to remain. It is an essential character of neutrality to furnish no aids (not stipulated by treaty) to one party which we are not

equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it would be a partiality which might lead to war with France, and, between restraining it ourselves and permitting her enemies to restrain it unrightfully is no difference. She would consider this as a mere pretext, of which she would not be the dupe; and one what honorable ground could we otherwise explain it? Thus we should see ourselves plunged by this unauthorized act of Great Britain into a war, with which we meddle not and which we wish to avoid, if justice to all parties, and from all parties, will enable us to avoid it."

In the same letter Jefferson says:

"The loss of our produce destined for foreign markets or that loss which would result from an arbitrary restraint of our markets is a tax too serious to acquiesce in. It is not enough for a nation to say, 'We and our friends will buy your produce.' We have a right to answer that it suits us better to sell to their enemies as well as their friends. *

* * Further, he says:

"Were we to withhold from her (France) supplies of provisions, we should in like manner be proud to withhold them from her enemies also and thus shut to ourselves all the ports of Europe where corn is in demand or make ourselves parties in the war. This is a dilemma which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation, but she can have no right of doing it at our loss nor of making us the instruments of it."

And with a firmness which it would have been well had the present administration emulated, it is said:

"It is with concern, however, I am obliged to observe that so marked has been the inattention of the British court to every application which has been made to them on any subject by this government (not a single answer, I believe, having ever been given to one of them, except in the act of exchanging a minister) that it may become unavoidable in certain cases, where an answer of some sort is necessary, to consider their silence as an answer."

Had the plain principle of international law announced by Jefferson been followed by us, we would not be called on today to declare war upon any of the belligerents. The failure to treat the belligerent nations of Europe alike, the failure to reject the unlawful "war zones" of both Germany and Great Britain, is wholly accountable for our present dilemma.

We should not seek to hide our blunder behind the smoke of battle, to inflame the mind of our people by half truths into the frenzy of war, in order that they may never appreciate the real cause of it until it is too late. I do not believe that our national honor is served by such a course. The right way is the honorable way.

One alternative is to admit our initial blunder to enforce our rights against Great Britain as we have enforced our rights against Germany; demand that both those nations shall respect our neutral rights upon the high seas to the letters and give notice that we will enforce those rights from that time forth against both belligerents and then live up to that notice.

The other alternative is to withdraw our commerce from both. The mere suggestion that food supplies would be withheld from both sides impartially would compel belligerents to observe the principle of freedom of the seas for neutral commerce.

(The End)

