

Mr. THOMPSON. On good-roads legislation and the action of the Kansas Legislature in regard thereto. I only ask to have printed in the Record the telegram from the governor of the State, transmitting the action of the legislature and requesting Federal legislation.

Mr. SMITH of Arizona. To the telegram transmitting the action of the legislature, I raise no objection, but to the printing of the other telegrams I object.

Mr. THOMPSON. I should like to have them noted. I do not ask to have them printed in the Record.

Mr. SMITH of Arizona. They can be noted by a presentation for reference.

Mr. THOMPSON. That is all I have asked.

Mr. SMITH of Arizona. All right.

Mr. THOMPSON. I ask that the telegram from the governor of Kansas be printed in the Record and, with the other two telegrams, referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegrams were referred to the Committee on Post Offices and Post Roads, and the one from the governor ordered to be printed in the Record, as follows:

[Telegram.]

TOPEKA, KANS., January 29, 1919.

Hon. WILLIAM H. THOMPSON,
United States Senate, Washington, D. C.:

Kansas Legislature to-day adopted resolution requesting Congress to pass bill granting additional Federal aid for construction of highways. This is vital to the plans for immediate employment of returning soldiers.

HENRY J. ALLEN, Governor.

Mr. LODGE presented a resolution adopted by the Chamber of Labor of Lynn, Mass., and a resolution adopted by the City Council of Peabody, Mass., favoring the granting of six months' pay to honorably discharged soldiers and sailors, which were referred to the Committee on Military Affairs.

Mr. TOWNSEND presented a petition of the Federation of Labor of Detroit, Mich., praying for the establishment of a department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of St. Clair County, Mich., praying for the proposed extension of Federal control of railroads, which was referred to the Committee on Interstate Commerce.

Mr. HALE presented a petition of the Maine State Poultry Association, praying for an appropriation to carry out the poultry extension work by the Bureau of Animal Industry, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented a resolution adopted by Local Union No. 950, Brotherhood of Railway Carmen of America, of Cheyenne, Wyo., favoring Government ownership of railroads and other public utilities, which was referred to the Committee on Interstate Commerce.

ST. CROIX AND CHIPPEWA INDIANS.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to which was referred the bill (S. 4699) for the relief of the St. Croix and Chippewa Indians of Wisconsin, reported it with an amendment and submitted a report (No. 672) thereon.

BILLS INTRODUCED.

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

By Mr. SMOOT:

A bill (S. 5480) to increase the cost of the public building at Park City, Utah; to the Committee on Public Buildings and Grounds.

A bill (S. 5481) granting a pension to William E. Hughes (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 5482) providing for the refund of taxes collected for stamp tax on certain policies under the emergency-tax act of October 22, 1914, under the proviso to which act such policies were exempt; to the Committee on Claims.

A bill (S. 5483) granting an increase of pension to James Rowland; to the Committee on Pensions.

By Mr. REED:

A bill (S. 5484) to authorize the commissioning of Maj. Robert W. Barr (with accompanying papers); to the Committee on Military Affairs.

AMENDMENT TO APPROPRIATION BILLS.

Mr. JONES of Washington submitted an amendment authorizing the Indian tribes and individual Indians residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PENROSE submitted an amendment proposing that the officers and members of the fire department of the District of Columbia be divided into two bodies or platoons by the Commissioners of the District of Columbia, which shall be designated as a day force and a night force, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILL REFERRED.

H. R. 15140. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

VALIDATION OF WAR CONTRACTS.

Mr. CHAMBERLAIN. Mr. President, I must say that hereafter I shall request that the Senate proceed with the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. KIRBY. The Committee on Military Affairs had this bill under consideration for some time. It had the views of the War Department about it; it had the views of the different chambers of commerce and boards of trade of the great cities of the country; it had the views of their legal departments about the effect and scope of the bill.

The subcommittee reported the bill as insisted upon by the Senator from Nebraska [Mr. HITCHCOCK], and so far as I know that bill was considered and reported by the full committee without taking into consideration the views of either the contractors, who were supposed to be given a remedy, or the War Department, which had authority or was to be given authority to settle these matters. At least, there was no statement—

Mr. MCKELLAR. Mr. President, I merely wish to correct the Senator. I know he does not want to present the matter in any other than the true way. The committee heard representatives of the War Department and representatives of the contractors.

Mr. KIRBY. The statement of their views was not referred to the entire committee with the bill, so far as I know, and that is the reason I made the statement.

But coming down to the main proposition, and we had just as well face this matter and get through with it, I wish to say just a few words. These informal and defective contracts it is urged ought to be validated, that the men who made the contracts and did the work and expended money in compliance with them are not at fault and ought to be compensated. They are, however, asking for an additional and a better remedy than is vouchsafed under existing law to men who had valid contracts and whose contracts were canceled because the Government could not use the munitions and supplies that had been ordered and contracted for after the armistice. Those men who had valid contracts and whose contracts have been canceled because of the armistice having been signed must resort to the regional boards which have already been constructed. The claim comes through the regional board to a central board that has been established in the War Department here, then through the hands of the Secretary of War and then to the Court of Claims if the parties are not satisfied with the award made. These men came and said, "We want a remedy here for the validation of our contracts; we must be provided a remedy, we have none whatever; our contracts are invalid or informal or have not been completed, and we have expended our efforts and expended our money and we are entitled to compensation."

The bill as reported by the subcommittee, insisted upon by the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Tennessee [Mr. MCKELLAR], provides, as the other bill proposed by the committee does, that only when he regards that the public interest requires it the Secretary of War shall validate the contract.

The first bill introduced did not provide that on a quantum meruit a man might recover who had no contract at all, who had been ordered to produce certain stuff, and had, in fact, expended money in producing it.

The bill as proposed here provides that both the men whose contracts were valid and have been canceled and those who claim rights under informal contracts may have the benefit of this additional board, this commission of appeals or board established down here, to pass on these claims. They all may have that, as I understand it. The claim goes through the regional board, composed of the best men in the district—busi-

ness men; it goes through the central board already created in the operation of the War Department; and it goes to the Secretary of War for a final determination, and then it will go to this new board proposed to be created in the Chamberlain bill, and from there, if the parties are not satisfied, it can be taken to the Court of Claims.

That certainly is providing enough machinery and a sufficient remedy for any man who has no valid contract to start with. This has been done in order that the matter may be handled expeditiously.

It is objected that the War Department ought not to be permitted to settle these matters, because it was through its fault that the contracts were not legally made in the first instance. That may or may not be true. The contracts certainly were not made through any intentional mistake of the War Department nor were they invalid on that account. It may be that there was not time enough to prepare and properly execute the contracts, and certainly the orders have not been regarded as executed contracts and could not be, the parties not having had time to reduce the terms of the contracts to proper form, the speedy delivery of the things that were necessary being insisted upon.

The War Department, under the law as it is, settles for the Government all the claims for compensation and damages under canceled valid contracts until there is some additional legislation provided. Why should not the War Department have also been permitted to settle with the contractors who have invalid and informal claims, as it is allowed to settle all of the claims under canceled valid contracts. The War Department is familiar with the whole transaction from its beginning to its completion, and has the machinery arranged for the settlement of such claims; but it is contended that in the settlement of claims arising out of these informal illegal contracts the War Department might be overreached or that some man in the War Department might be in collusion with the contractors and claimants. Certainly the very same objection would apply to settlement of claims under other contracts.

But grant that is an objection which is to be considered. We have had to trust the War Department for the making of previous contracts; we have trusted the War Department for the cancellation of valid contracts; and we, under the law, must trust the War Department for the settlement of claims for damages under valid contracts, subject only to appeal to the Court of Claims.

Now, the contractors who have these invalid contracts want an additional remedy over the remedy which was provided even for the settlement of valid contracts or claims thereunder. They say, "We distrust the War Department; we do not believe that they will do justice." But they do not distrust the War Department for the same reason which the Senator from Nebraska [Mr. Hitchcock] and the Senator from Tennessee [Mr. McKellar] do. They, the contractors, distrust the War Department for fear that the War Department will do its duty by the Government too strictly and will allow them too small a margin on their claims. They say, "We want this additional court here," and their attorneys and the representatives of the 6,000 contractors say that they believe this constitutes a fair tribunal for the adjustment of differences that must necessarily arise under the conditions which now exist, and that they believe it will act speedily and give them that measure of relief which they ought to have. That is their understanding.

The War Department believe that under the system provided and proposed in the bill reported by the majority of the committee they can get these matters settled within a reasonable time, and if there is any complaint of favoritism shown by the War Department, or if there is any complaint of anything having been done wrong or by collusion with the War Department, that can be objected to and appealed to the commission that is proposed to be created. After the case has gone to the commission, if the claimants are not satisfied with the award that is made, they can then appeal to the Court of Claims. There is that much machinery to take care of the men who had not valid contracts in the first instance, and this is but an additional commission of claims that is created in order that they may have absolutely a fair deal, and they can not complain that they have not been fairly treated, that they have been paid too little, or their rights have been disregarded by the War Department.

Now, let us see whether or not there is necessity for it. The Senator from Nebraska and the Senator from Tennessee say that there ought to be a new and entirely different system; that their commission of claims should investigate the conditions by agencies established by the commission—regional boards here, there, and yonder—and then let all of the cases go to the commission of claims, let them all be settled in that way, and

that then the Government will be fairly treated and the contractors protected. Let us see what will be the effect of that.

Mr. President, there are 6,000 contracts which it is proposed to validate, which it is proposed to recognize as obligations upon the part of the Government, perhaps. In any event there will be 6,000 claims which necessarily will arise for compensation under these contracts. Under the Hitchcock bill as proposed they will go to this commission, and the argument of the Senator from Nebraska about the operation of the commission created by his bill is that the cases will go to the commission already passed upon by all of the agencies of the War Department, with a report stating whether they approve or disapprove of any particular thing. His idea seems to be that the commission will go into an examination of these matters, pass upon the justice of the award, and that there can then be no question but that the contractors and the Government will both be protected.

What will be the effect of it? Six thousand claims are to come before the proposed commission. The Supreme Court of the State of Arkansas consists of five judges, good lawyers, and most efficient in the transaction of the business coming before them, and yet that court can pass on—and does generally pass on—but 625 cases a year. In those cases transcripts are provided, and abstract of the testimony is made, showing just exactly what the claim is; the judgment of the lower court is filed, and the briefs of the attorneys, and yet it takes the Supreme Court of Arkansas—and I do not believe there is a more efficient court in the United States to-day—10 or 11 months to pass on and decide 625 cases and write the opinion therein. There are 6,000 cases here, and it will take the proposed commission—if they examine the cases that are brought before them—10 years to pass upon the justice of all the claims. At any rate, it can not be done, in my opinion, at all within less than six or seven years, if an examination is made such as would give the commissioners any idea of the fairness and justice of the claims.

That is the condition, I believe, that confronts the people who are asking for this remedy and who say that it is absolutely necessary not only to their own financial safety but to the prosperity of the country. A billion and a half of dollars are tied up in this kind of contracts in this kind of claims. It is provided in the bill that is proposed by the committee that, if the claimants are not satisfied with the award handed down by the commission of claims, they may appeal to the Court of Claims after being paid 75 per cent of the award. I do not believe they ought to be paid one cent of the award in case of appeal. I believe the Government ought to have a reasonable opportunity to settle these cases at what it believes is the right amount that ought to be paid under all the circumstances; but when it comes down to a settlement, if the Government says, "We will pay you so much," and the claimant says, "I ought to have so much more," and the Government says, "We will pay you that or you can go to the Court of Claims," then a man would take some little thought before he appealed to the Court of Claims, thus delaying the matter further. If he were offered a reasonably fair settlement he would settle, and the Government and himself would both be protected, and their interests promoted by the immediate settlement of the cases.

As to the Hitchcock bill, if there was ample time, I do not know that there would be any great objection to it. So far as I am concerned, I should like to see that court or commission stricken out of the bill entirely. It is said, "We ought not to let the War Department settle a claim where it has made the contract." Why not? They were authorized to make the contract in the first instance, and every officer is presumed to do his duty; then, why not let them settle it? If you and I have a contract in regard to a certain matter and I am to furnish you so much lumber and you come to me next week and say, "I do not want that lumber, I do not need it, I have changed my plans," and I say: "Yes; but you agreed to take it; here is your contract," and you say: "All right, I will not take the lumber, but I am going to pay you the damages; what are the damages?"

Then the two contracting parties get together and see if they can agree on the amount of damages. That has always been the practice; that is right, and it ought to be so, but every man must minimize his damages as much as he possibly can. That is the condition of the people who have made contracts with the Government. They, the War Department, say, "We are ready to negotiate with you about a settlement; we understand the whole thing." Then, under these circumstances, the bill proposes to provide a new commission that can hear these cases at some time in the near future and hope to conclude the consideration of them all without unreasonable delay.

It is provided that the commission proposed by the Hitchcock substitute shall enter upon the hearing of these claims, and I

say it will take it from six to seven years to finish them up if the commission learns enough about each claim to pass intelligent judgment upon it.

It does not make any difference to me whether one or the other measure is passed, except from the standpoint of promoting the public interest and of dealing fairly and justly with the men who have expended money and delivered material for the Government's benefit in a time of emergency. I believe they ought to be reimbursed, but I do not believe that under the Hitchcock bill it can be done in anything like time enough to save the contractors and promote the interests of the country.

LEAGUE OF NATIONS.

Mr. POLLOCK. Mr. President, it is extremely unfortunate that the Congress of the United States should be called upon to consider legislation, such as that which is before the Senate, involving the payment of perhaps more than \$2,000,000,000 on so-called illegal or irregular contracts. That situation could not have arisen under normal conditions, and we would not to-day be called upon to consider a bill such as that which is now before the Senate had it been possible for the United States to have remained out of the great war which has shaken the whole world. Therefore, it may not be inappropriate at this time to submit some remarks on the general situation which confronts the whole world at this time, especially in regard to the effort that is being made by peoples all over the world to try to work out some plan whereby war may be made a thing of the past.

Mr. President, it is not as a former Secretary of State who has well and ably guided our Nation in its international relations, nor as a distinguished member of the Foreign Relations Committee who has displayed great learning and ability in shaping our foreign policies in the Senate, nor yet as a great orator of long service and recognized ability the world over in this body, that I would address you to-day, but merely as an ordinary man and as a humble Member of the United States Senate, unknown largely beyond the limits of my own State, fresh from contact with the plain people of America, that I would try to-day to voice the sentiments and express the hopes of the plain peoples of America and the world on the question of a permanent peace of the world, as near as that may be attained, and to submit my views on the effort that is being made to organize a league of nations to secure and maintain the peace of America and of the world.

I feel some delicacy, sir, in imposing upon the time of the Senate, but each of us in this body, composed of 96 out of a population of more than 100,000,000 of free American people, has the voice and the vote of more than 100,000,000 citizens of this great Republic, and I feel, sir, that when this most momentous question of all the ages is hanging in the balance that I should be recreant to my duty and shirking a responsibility did I not raise my voice in protest at much which has been said in this Chamber and elsewhere in regard to this supreme question, which is in the mind of thinking people everywhere.

I have listened with some impatience at the petty partisan criticisms of the President of the United States indulged in by some Senators on account of his visit abroad to confer with the leaders of the other great nations of the world, with whom we have been associated, in regard to the great settlements that must come as a result of the great world war just ended. I have noted with pity the action of certain Senators in having inserted in the RECORD newspaper clippings and other articles tending or attempting to bring the President of the United States into disfavor and contempt and ridicule of the world. I have pitied these men because they are injuring not the President in his great undertakings, but they are making themselves small indeed in the estimation of the American people.

The question of establishing a league of nations to maintain the peace of the world is not a political or partisan question; it is earnestly championed and advocated by the only two living Presidents of the United States—the one a Democrat, the other a Republican; but both, sir, of the very finest type of patriotic Americans—the one with power to act for America while he speaks, the other with power only to help create the proper sentiment in the country and to counsel and advise with those who have the power to act. All honor to William Howard Taft along with Woodrow Wilson. They are both playing their part in this great hour when the world needs men, high-minded men who would advance rather than retrograde, who would build up rather than tear down.

It is very easy to find fault, but it seems to be very hard for a partisan to be fair. It is very easy to tear down, but very hard to build up. It is easy to be destructive, but impossible for the narrow-minded bigot to be constructive. There has been enough of destruction and death in the world during the past four years to satisfy even the most savage. It is now

time for us to turn aside from war with all its ruin and misery and see to it, if possible, that nations are controlled as our Nation controls the several States and as our several States control the individuals in those States. There was a time when individuals settled their differences by might, regardless of right; likewise families and neighborhoods and clans settled their differences; but the human race has advanced, civilization has progressed, and law and order has evolved out of brute force. Men formerly fought duels, and thus settled their disputes. To-day he who kills his fellow man in a duel is an outlaw and a murderer, and the time will come—aye, it has already come—when a nation that makes war upon another except in self-defense or in the defense of civilization will be an outcast, an outlaw, and a murderer amongst the civilized nations of the world. The great anthem of the world to-day is peace—peace on earth, good will toward men. Every nation that has been at war has disclaimed responsibility for this war and declares that it only fought that fighting might be no more.

Every nation on earth yearns for perpetual peace, and I say that when the whole world wants the same thing at the same time for the whole world, then the world can and it will get that thing, and by the help of the great God of nations all the forces of hell can not prevail against it. This yearning for peace is in the hearts of the civil populations of the world, who have seen their loved ones wounded and bleeding and dying on the battle fields, who have seen their homes destroyed and their lands desolated, and who have seen their women violated and their innocent children tortured and crucified. This yearning for peace is in the hearts of the brave men who have gone forth to do and die for the cause of human liberty and freedom. They have seen the horrors of war; they have endured its agonies; they have witnessed its sufferings; they know the uselessness, the folly, the criminality of war except as it is fought in defense of home and country and civilization. They realize the crime of making unnecessary war, and he who to-day sneers at peace and every honest effort that can be made to effectuate the peace of the world as "a sort of international mutual admiration society, with the Sermon on the Mount for a constitution and the Apostolic Creed for a guide," will find that he is completely out of harmony with the spirit of the great American people, and especially that gallant army of 2,000,000 heroes who crossed the Atlantic Ocean to stop the mad dog of Europe in his wild orgy of destruction and murder. Let such a one read the letters from the men who have been over there, who have endured hardships beyond expression, who have laid out in mud-filled, water-soaked trenches for weeks at a time without changing clothes, who have gone out finally over No Man's Land and have witnessed the death of comrades all around them, who have finally fallen wounded on the field of honor with no one to render succor; fighting for you and fighting for me, fighting for loved ones, fighting for home, fighting for country, and fighting for humanity; read what these men say, learn what they have learned, see what they have seen, get their viewpoint, and you will no longer sneer at this great longing of the human race.

And he who sneers at peace is not much, if any, worse than that man who criticizes and finds fault with every effort, every suggestion for the accomplishment of peace. The conscience of the world is awake, the wisdom of the world is aroused, the mind of man has taken up the great problem, and it befits every man, and especially every one in high responsible position, to cease finding fault with others' ideas, except as he may point out other ideas that will the better effectuate the purposes of the world, and the greatest purpose of the world to-day is the peace of the world.

The President of the United States has been harshly criticized for going abroad at this time and not remaining here to advise the Congress by those partisans who would not heed and follow his advice if he were here. He has been criticized for not disclosing to these enemies of the administration what terms of peace he may have in mind when they well know that neither Woodrow Wilson nor the combined peace delegates from this country can dictate the terms of peace. He has been attacked by Senators in a partisan spirit for not telling them what are the details of his scheme for a league of nations for the preservation of the peace of the world when they well know that such details must be the result of the combined wisdom and judgment of the representatives of all the allied nations, and possibly later of the representatives of the greater neutral countries of the world. They say that they want a lasting peace, but they are unwilling that the President shall go amongst the peoples whose support we must have to attain that result to get their opinions and to give them his judgment in order that an overwhelming sentiment may be created throughout the world for that peace which all true men must wish.