

SENATE SECRET DEBATE ON SEIZURE OF THE HAWAIIAN ISLANDS

U.S. SENATE.
TUESDAY, *May 31, 1898.*

WAR-REVENUE BILL.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. ALLISON. I move that the Senate proceed to the consideration of the revenue bill.

The VICE-PRESIDENT. The Senator from Iowa asks the Senate to proceed to the consideration of House bill 10100, to provide ways and means to meet war expenditures. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H.R. 10100) to provide ways and means to meet war expenditures.

Mr. LODGE. Mr. President, as I have no desire to speak behind closed doors this morning, I shall not call up the amendment which I offered on Friday last. I had intended to use the subject of that amendment merely as an illustration of an argument which I desire to make. I shall dispense with the illustration, if it is to condemn me to a secret legislative session, and make the argument, which contains nothing, so far as I am aware, that would require closed doors even under the narrowest construction of our rules.

My service in Congress, Mr. President, has not been very long, but I have served now some eleven years in both branches of Congress, and in that time I have been able to observe and understand, I think, the rule and power of a minority.

In the Fifty-first Congress I had the honor to be a very obscure member of the party which, under bold and admirable leadership, reformed the House rules. The House of Representatives had then fallen into a condition where it was unable practically to do business, and that reform of the rules, one of the greatest reforms in our system of parliamentary government that has been seen, principle that in this country the majority ought to rule, and that an American House of Representatives which was unable to do business, except at the will of a minority, was a travesty on American Government: that is, the proposition was that a majority ought to have a right to act upon any question they desired, whether favorable or unfavorable. That reform, as I have said, was carried out. It made a great stir and excitement at the time. After the storm had passed, the wisdom of it was fully seen. It was approved by the courts and by the people.

But it seems, Mr. President, that systems are stronger than reforms and than man. The new system contains the old principle. The minority has been changed, but it is still the minority that rules. It is now a minority selected by a majority at the start, instead of a fortuitous group, but the principle of minority rule is unchanged. In this body, where there has never been any change in the rules, it is also well known that unless under exceptional circumstances, unless there is a great popular demand or a very overwhelming majority, a determined minority can prevent action on a given matter of legislation.

Mr. President, if we assume for a moment that there is a measure which has been twice urged by the President in a message, that the Administration is known to desire it, and a majority in both Houses desire it also, and if under those circumstances we are unable to have a vote upon that measure in either House, nothing remains to the members of a helpless majority but to utter their protest. Even that privilege has been taken away elsewhere. But here in the Senate it is still possible for a member of the helpless majority to say at least what he thinks ought to be done, and to call the attention of the country, so far as one feeble voice may be able to do so, to the situation that exists. If such a situation as I have described exists, then it is desirable that the country at this period of war should know it. It is for this reason that I have taken the floor.

Some senators were prompt to criticise me for the amendment I introduced, apparently with the idea that I intended to block and to obstruct the war-revenue bill now before the Senate. Mr. President, I have never, to my knowledge, attempted to obstruct legislation in this body. I have no intention of trying to obstruct this great bill now, either by amendment or by speech, but I do think that the situation is such as to deserve a few moments of discussion. I believe that we ought to pass not only the war-revenue bill as a war measure, but every other war measure that the Administration desires, every other measure which it regards as a military necessity. I for one am not ready to vote to adjourn until all the measures necessary for the prosecution of the war or thought necessary by the Administration have been acted upon by Congress.

The President of the United States is charged with the great responsibility of war. In his hands are the war powers of the Constitution. If a helpless majority in the two Houses of Congress are unable to give him in certain directions the legislation he needs, he can employ the war powers. If he does employ them, he will be justified and applauded by the entire country. But, Mr. President, such action will elevate the executive power still higher in the public mind. It will lower the legislative power in the public mind. This has been a deplorable tendency of late years. It is one that I certainly do not desire to see accentuated, and yet if Congress does not perform its whole duty, that is the position in which it is likely to find itself, and it is to its own prestige and its own standing that it will administer the blow.

The President is charged with the conduct of the war. The glory falls to him of successful war and triumphant peace, and on him rests also the heavy responsibility. If disaster comes, whether he be innocent or not of the disaster, whether it is owing to his plans being mistaken or not, it is on him it will fall, and therefore he has the right to ask of Congress the prompt support of every measure which is his judgment and that of his advisers is necessary to the conduct of the war, and until he receives from Congress every aid he can fairly demand, Congress should not adjourn. Until the Administration is ready to say, and does say, that the President does not desire the further presence of Congress in session, it seems to me it is our plain duty to stay here, in order to pass the measures he may desire and give him all the assistance he needs. When he has received all the measures he thinks the military necessity of the times may demand, when he feels that there is no longer need of the presence of Congress, he can signify it to us.

Mr. President, far more important to my mind than the amendment which I have not been able to use as an illustration is the question of adjournment. I for one, anxious as I personally am to leave Washington and return to my home, will never give a vote for adjournment, and I am against the policy that seeks to hasten an adjournment, until the President has received every measure he asks and until in his judgment it is fitting and proper that Congress should retire.

Mr. President, the existing conditions which have led me to make this statement, which would have led me, could I have had the freedom to do so, to discuss the amendment I offered Friday, I desire very briefly to describe. At the end of April the President ordered the Asiatic squadron to attack the Spanish fleet, to capture and destroy it.

Mr. TURPIE. I ask the honorable Senator from Massachusetts whether he means to discuss the subject-matter of his amendment?

Mr. LODGE. I have already stated that I did not, and I have not alluded to it. I do not think Admiral Dewey's victory, about which I am about to speak, is a subject for executive session.

Mr. TURPIE. No; but—

Mr. LODGE. I have not mentioned the Hawaiian Islands, and I do not propose to do so, if that is what the Senator means.

Mr. TURPIE. That is what I mean. Under that construction of the—

Mr. LODGE. I stated at the beginning that I did not intend to allude to the subject-matter of my amendment. I do not intend to discuss it, but I propose to discuss the general aspect of the war, and that I think I have a right to do.

Mr. WHITE. I desire to refer the distinguished Senator from Massachusetts to the proposition that some time ago, when the general subject-matter of the war was to be discussed, we were remanded to the executive-session provision of the rules; and what is fair for one is fair for another. There may be an omission of a name, and yet the whole subject may be discussed. I am perfectly willing to discuss the Hawaiian question in the open, and have tried to do so very often. Having been denied that right, those of us who have certain views upon the topic will insist that anything relating to that subject shall be discussed in secret session, unless we are allowed throughout to debate the matter in the open, a debate from which we have never in any way shrunk and which has been forced into privacy by the vote of the Senate.

Mr. LODGE. I thought I explained when I began that I had desired to use the subject-matter of my amendment as an illustration of the argument I was about to make. I understood that if I did we would be put into secret legislative session. The argument that I desired to make seemed to me important. The Hawaiian matter I wanted to use simply as an illustration. I do not propose to discuss the matter of Hawaiian annexation. I do not propose to make any argument upon it. I propose simply to discuss the existing military situation, not future events, but past events, and where those past events have left us. I have not yet said one word that has gone in the least diplomatic or international question. I do not intend to do so if I can possibly avoid it.

The name of Hawaii would not have crossed my lips if Senators on the other side had not asked the questions. I did not intend to allude to the islands. The subject of Admiral Dewey's victory and the necessity of supporting him are open questions. That is the past. He is in Manila. That is a fair subject for public discussion, and that is all I had started to speak of. I do not know why Senators start in alarm when I mentioned the Asiatic squadron. That is far remote from Hawaii.

Mr. WHITE. I wish to correct the Senator from Massachusetts if he thinks that I started in alarm at anything he said today or may say at any future time.

Mr. LODGE. I am glad the Senator is so full of courage.

Mr. WHITE. It would not require very much courage to make that remark.

Mr. LODGE. No; I think not. The Senator, I am sorry to see, seems annoyed, but I did not intend to be annoying.

I was beginning to speak of the Asiatic Squadron. At the end of April that squadron was sent with orders to capture and destroy the Spanish fleet. How that order was obeyed the world knows. Admiral Dewey descended on Manila and swept the Spanish fleet out of existence. As

brilliant in conception as Aboukir and even more complete in its execution and results, that victory is one of the greatest naval actions of the century. We have to go back as far as Trafalgar to find one equally perfect in execution, more vast in its results. There he was sent by the orders of the President to make this attack; a wise attack, Mr. President, for it is not alone necessary in war to defend; it is also necessary, if we would have peace, to attack. The attack on Spain's most valuable possession was the quickest road to a victorious peace. There, then, was the American admiral, with his victorious fleet, and Manila helpless under his guns. It is all-important to support him.

If, Mr. President, anything should befall Admiral Dewey, if any adverse fortune should come to him and to his fleet after their great victory, the American people would never forgive the Administration or the Congress under whom it happened. They would feel as the English people felt after the death of Gordon because no relief came to him at Khartoum. The President of the United States has sent a war ship, the *Charleston*, to Manila. He has sent 2,500 men. Seven thousand more are even now getting ready. They will go in a few days. They will be followed by the great armored ship, the *Monterey*. One of the best of American generals has been appointed to command. All these things are wise, prudent, and pave the way to peace, triumphant peace, for the United States.

However, Mr. President, I may stand alone in my conception, but I believe, and I have believed from the beginning, that Admiral Dewey and his fleet were in a real and especial danger despite the distance from Spain, and that the President was wholly justified in his strong and admirable policy of supporting him.

Mr. TURPIE. Mr. President, I have listened to these remarks for some time, if the honorable Senator will allow me, and I do not think they are such remarks as ought to be made public. I move that the Senate proceed to the consideration of this subject in secret legislative session.

The VICE-PRESIDENT. Is the motion seconded?

Mr. COCKRELL. I second the motion.

The Vice-PRESIDENT. According to Rule XXXV, the Chair is obliged to direct that the galleries be cleared and the doors closed.

The Senate thereupon proceeded to deliberate with closed doors.

At the expiration of five minutes, the Reporter was recalled.

Mr. GRAY. Mr. President—

Mr. LODGE. Before the Senator from Delaware proceeds, the little statement I made was not taken down.

Mr. GRAY. Make it again.

Mr. LODGE. I will make it over again if it is desired. It was simply to the effect that I had not intended to discuss anything that could by any stretch of the imagination be supposed to be the subject of secret legislative session; that I was engaged in explaining why I had felt that it was so important to give every support to Admiral Dewey; that the reason why I felt so was because there was a great and powerful interest in Europe directly interested in having Manila wrested from him and his fleet destroyed; that that was the great interest of the Spanish bonds and the Spanish loan, chiefly held by the bankers of Paris, and that though they would advance money to Spain for no other purpose they would advance money to Spain for that purpose. That was the reason it seemed to me why he needed special support. That was the extent of my argument, except that I was going to add I thought the Administration was doing everything in its power to support him.

Mr. GRAY. Mr. President, the propriety of the rule which the Chair has just administered in closing the doors in order that we might consider whether the discussion which the Senator from Massachusetts was indulging in ought to be made in public or with closed doors was never more apparent, it seems to me, than it is today. That rule has been there time out of mind no doubt, but I do not think that any of us who are members of the Senate now, unless perhaps the senior Senator from Vermont (Mr. MORRILL), has ever sat in this body to perform the high function of a Senator while war was flagrant. If there is a time it seems to me it is now when there should be the greatest care in discretion by men in public place, men who occupy seats in this body or the other, when discretion should be had with caution and should be indulged in with that circumspection which will prevent its ever being used by the common enemy of the country, giving aid and comfort, no matter how small, to those who are seeking to thwart the policy of the United States or inflict injury upon it.

Of course it is impossible to anticipate just where the remarks of any Senator, and of the Senator from Massachusetts in this case, would lead; but certainly at the time when the Senator from Indiana interrupted him he was discussing a most interesting phase of the war. He was indulging in a discussion which I should be very glad to hear. He was speaking of matters of the utmost importance, of matters which we should all consider, and which should be addressed to our judgment in molding and deciding upon our conduct. But nevertheless they were matters that concern the policy of the Government in carrying on the war.

He was discussing the weakness or the strength of the U.S. in regard to one great theatre of war, the Asiatic waters, and as I understood the

Senator from Mass. he was pointing out certain reasons why the U.S. were weak in their present position, or at least needed strengthening by some policy not yet fully developed by the Senator. In that case it seems to me that so far as I could judge the trend of his remarks they ought to be pursued, and certainly no harm can come from their being pursued, in the secrecy of this legislative session.

Mr. LODGE. The Senator will pardon me. He very naturally misunderstood me, because of course I had not an opportunity to say what I was going to say, having been cut off in this way. I was not going to say that we were to disclose any weakness there—not at all. I was simply going to exhibit reasons why in my mind justify the vigorous measures of the administration in the support they were giving to Admiral Dewey, that was all.

Mr. GRAY. I think reasons pro or con for any military policy are much more safely discussed behind closed doors than in public.

Mr. LODGE. These are not military reasons, I will say to the Senator, they are purely political reasons.

Mr. GRAY. I do not understand the difference between political and military reasons while war is flagrant. They all tend in the same direction. Of course the Senator from Mass. is a patriotic Senator, we all know that, and what he is seeking to do, if it be to point out to the administration and to those who are vested with authority here certain phases of the contest that deserve consideration, certainly it is important for us to hear him, but it is not important that it should be addressed to the ears of the enemy; and we had better take the chances of sitting behind closed doors, even if the Senator does not seem to agree with me that it is so important, than to run the risk of engaging in a discussion the propriety of which is doubtful.

Mr. LODGE. Mr. President, I have no intention, I had not the least intention of saying anything that could give the slightest information to the enemy, because I do not know anything that would give them any information. I was referring to nothing that was not matter of public notoriety in the newspapers, and far from making suggestions to the Administration, I think their policy in regard to the manner in which they are supporting Admiral Dewey is wholly admirable. Far from making suggestions, I am well aware they can carry it out a great deal better than I can or than any suggestion I could make. The point of my argument has already been made and is in public print now. I was simply endeavoring to back it up by what I thought was a description of the existing situation.

Mr. HALE. Mr. President, it seems to me the whole situation is in a nutshell. The Committee on Finance has reported a revenue measure to endow the President and the Administration with the power to conduct

the war. But the bill is entirely in the line of taxation. I think it is a matter of congratulation that the deliberations of the committee have comprehended consultations of both parties upon the committee. It has been felt that a patriotic duty rested upon us, Democrats and Republicans alike. Unlike previous revenue bills where the party in power has matured a bill and then reported its consideration to the other side and where the bill has been put through by party pressure on each side, here everybody on the committee, as I understand, has been consulted, has been present at every meeting, and has contributed to the final result. That there are differences has been shown from the beginning, but the differences have been frankly stated to the Senate, and votes have been taken and will be taken that will decide which policy shall settle the result in raising revenue.

Mr. President, up to a very short time ago there was a manifestation of restraint and of carefulness and prudence in not obtruding anything except the actual fines raised by the bill. What should be taxed and how much, whether a tax should be imposed upon corporations and to what extent, how much if any legacy and succession tax should be imposed, whether revenue should be raised by the seigniorage coined, or by a loan, or by greenbacks—all of those things pertain to the essential quality of the bill, a revenue raising measure; and we have proceeded in a calm and deliberate way, with the opportunity for debate upon both sides, not obtruding upon the bill any thing that raised a question as to the conduct of the war. It has been to me a manifestation greatly to the credit of the Senate that we have proceeded in this way, and never until the Senator from Massachusetts (Mr. LODGE), perhaps the Senator from Alabama (Mr. MORGAN) brought upon this bill the attempted discussion of matters outside of the distinctive purpose of the bill has anything else been brought before us.

It does not seem to me that it is a question what the Senator from Massachusetts was going to say about Admiral Dewey, whether he was to censure the Administration or not. It may seem essential to him, but it does not seem essential to me.

Mr. LODGE. Why does the Senator say that I was going to censure the Administration when just a moment ago I said I thought the conduct of the Administration in the whole business was admirable?

Mr. HALE. The Senator said that, but I do not think upon this bill it is an essential question that the Senator from Massachusetts should discuss the war question and should praise or censure the Administration. We ought to proceed and discuss the bill and the matters pertaining to it that clearly, in the eye of everybody, are open matters before the Senate and the world.

Surely, Mr. President, to-day when war is not simply threatened but is upon us, it would seem as if it would appeal to every Senator that any

discussion of our resources or of our dangers or of rocks ahead upon Admiral Dewey, or Admiral Sampson, or Commodore Schley or any of the naval forces or the land forces should be either left silent and untouched to the discretion of the Administration, or if we would wish to confer and consult and discuss upon those matters we should then in this time of war do it in secret session.

So I do not think that the answer of the Senator from Massachusetts that he was only going on with reference to Admiral Dewey in a guarded way is any answer to the proposition that we should go on, if at all, in secret session. When he or any Senator departs from the purposes of the bill as brought to us by the committee, opening up absolute and complete discussion, no matter what it is, with reference to the war, we should either let it alone or go into secret session and discuss it there and determine what we should do.

It is an infirmity of this Govt., Mr. President, absolutely without avail and without remedy, that we have not the power of conducting war by any constituted tribunal that can proceed with that safety and security which secrecy requires and insures. The last place in which to discuss what shall be done about war, which goes on the wing of the lightning to every part of the globe, is the Senate.

I hope that now and hereafter when this body does as it has a right to do, confers and considers and discusses for we are a co-ordinate branch of the Govt., any measures in relation to a war that is upon us we shall come in here and sit as a board of directors do upon corporation interests, and in the secrecy of the session that the laws and the Constitution guarantee to use consider the grave subjects of war.

Mr. STEWART. Mr. President, I am not able to comprehend any possible secrets involved in the discussion of the annexation of the Sandwich Islands. It is a question that has been discussed by the American people for the last fifty years. There is no new question connected with it which is not directly or indirectly connected with the pending revenue bill. If we are to retain the Philippine Islands, to send a large army there, we must have money for that purpose. "I supposed that we were providing means for sending our forces to the Philippine Islands, that that is a part of the revenue to be raised by this bill, and that the extent of the appropriation will depend very largely upon the purposes of the Govt. with regard to the occupation of those islands."

Mr. WHITE. Will my friend permit me to ask him a question?

Mr. STEWART. Certainly.

Mr. WHITE. The Senator will no doubt recollect that some time ago the Senator from South Dakota [Mr. PETTIGREW] had before the Senate a resolution which he wished to discuss regarding annexation and several

members of the Senate, including myself, spoke in favor of having an open discussion on both sides, everybody participating. Yet it was voted down, and if my memory serves me right my friend from Nevada voted in favor of going into executive session upon that proposition. Whether I am mistaken in that or not, he certainly will agree with me that we should have an *exparte* discussion of it in public, but that if it is to be discussed at all in public it ought to be with reference to all parties interested and all phases of the question.

Mr. STEWART. Most undoubtedly, but that was a question of ratifying a treaty, and whether I voted that way or not, I do not remember.

Mr. WHITE. You voted that way.

Mr. STEWART. I did not see any particular reason for changing the rule in regard to that.

Mr. WHITE. And the Senator voted the same way on the resolution submitted by the Senator from South Dakota (Mr. PETTIGREW).

Mr. STEWART. This is a question which is entirely germane; it is a question of the appropriation and occupation of the Philippine Islands. It will take very largely more money if the purpose of the Administration is carried out as indicated by the President's order already made, and preparations are made to occupy those islands. It has become now a military necessity and the Administration so regards it and believes that those islands should be occupied.

There is nothing in the question of a secret character. The world knows as well as we do how the Hawaiian Islands are situated; they understand that it is necessary to have a coaling and resting place between the United States and the Philippine Islands. There is no coaling station there at all. We have, however, a contract for a coaling station, but we do not know that we shall be able to get into it. Pearl Harbor cannot be entered with ships, and there is no place for us to enter and coal without further action. It would require an appropriation, which we shall never be able to obtain, to dredge out the mouth of Pearl Harbor so as to get entrance by ships. There is absolutely no landing place there. Either we must have the Sandwich Islands or the Administration must recall Admiral Dewey.

It would be preposterous; it would be monstrous to keep him there, and allow effective communication with him to be cut off. The question is now involved whether we shall sustain him at the Philippine Islands, or whether he shall be recalled and the expedition abandoned, or shall we hold the islands?

It is stated in the public press that we may be under the military necessity of taking the Hawaiian Islands. That will be placing the Administration

in a very embarrassing situation. If neither House of Congress will take permanent action and it becomes a military necessity for the President to act without the sanction of Congress, it will be the gravest subject which has been presented in this Congress for a long time. It would be humiliating indeed, pending this war, to be compelled to call back Admiral Dewey; and the world would laugh at us if we should pursue such a course. I say we should not give up those islands if the people will not tolerate giving them up at this time. Whatever may be the disposition after the war, whatever action we may come to take, the American people would not now consent, nor would any of us consent to the giving up of the Philippine Islands until the war is closed.

Mr. WOLCOTT. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Colorado will state his parliamentary inquiry.

Mr. WOLCOTT. As I understand the rules of the Senate, what is now under discussion is the motion to continue in secret legislative session, and the question is, whether or not we shall continue in secret legislative session, or whether we shall go into open session? I ask if I am correctly informed.

Mr. CULLOM. Before the answer is made, I wish to ask if the Senator from Mass. did not close his remarks when the secret legislative session was ordered?

Mr. STEWART. I only yielded the floor for a parliamentary inquiry.

Mr. CULLOM. I only asked a question for information.

Mr. STEWART. I did not yield the floor for a discussion.

Mr. CULLOM. I understand that I am not discussing the question.

The VICE-PRESIDENT. The Chair understands the question is, Shall the discussion begun by the Senator from Mass. be proceeded with behind closed doors?

Mr. STEWART. I apprehend that my remarks are relevant to that motion. I am trying to make them relevant. I was showing that the question was connected with the preparations to take possession of the Philippines. Are we to quit now? If so, it will not cost so much money. The operations which are to be conducted on the Pacific Coast will have very much to do with the amount of money necessary to be raised. It seems to me that it is not only germane, but it is a necessary part of this bill to know the probable amount of money we shall require; and as the Senator from Mass. has raised a proposition which goes to the very essence of this revenue bill, I hope he may be able to talk in public,

because it cannot possibly injure the cause of the Government of the United States, for I suppose there is hardly anybody in any part of the world who does not know that the Hawaiian Islands would be a convenient place for us to stop on our way to the Philippine Islands to recruit, recruit, and resupply ourselves. I hardly think there is any body ignorant enough to know that. If so, they are people too trifling to be affected by the information, and they are of such a character that they could not avail themselves of the information when given them if they do not know it now. Consequently I hope there may be an open session.

Mr. WOLCOTT. I should like to ask the Senator, in whose remarks I was very much interested, wherein would there be any disadvantage in discussing this question behind closed doors if it is a question that pertains to the wisdom or unwisdom of passing this bill? Inasmuch as those who are to pass upon it are not shut out, but shut in, and we are in here who are going to vote upon the question, where is the disadvantage of discussing it behind closed doors?

Mr. STEWART. I am very glad to answer that question, because I think that as we move on under present conditions, we are moved on a good deal by the pulse of the people. They are our mentors, they are the force behind us; and we are moving on with them, and consulting them. I think wherever we can do so, we should take them into our confidence. When we do so, it makes them feel stronger and better, and we are more likely to succeed. I should like to have the American people taken into our confidence with regard to this movement on the Pacific. If they are opposed to our taking possession of the islands and sending troops to there, we shall hear from them very soon. If they are in favor of it, there will be expressions of opinion in that way.

I should like to have the speech of the Senator from Mass. made in public, so that the American people can read it and we will then understand how they view it, for everybody knows more than anybody.

Mr. HALE. Does the Senator think it would be a sensible thing for the President and his advisers to take the public into their confidence about every movement they may see fit to make? Does he think that would be advisable?

Mr. STEWART. There are some movements which should be kept secret, but this is not one of that kind.

Mr. CHANDLER. Will the Senator yield to me?

Mr. STEWART. Certainly; I am done.

Mr. CHANDLER. I should like to ask the Senator a question, if he is done. I ask the Senator whether there may not be some information as well as facts and movements which it would not be advisable to make

public? For illustration, suppose one Senator advocates the taking and retaining permanent possession of the Philippine Islands—as I should judge the Senator from Mass. (Mr. Lodge) would, for his remarks seem to lead up somewhere in that direction—then suppose some other Senator very much opposed to the annexation of the Philippine Islands should get up and ventilate his views to the contrary would it not be, on the whole, injurious to the country and to our prosecution of the war to have that kind of open debate take place?

Mr. HALE. Whatever the result might be.

Mr. CHANDLER. Yes.

Mr. MORGAN. Mr. President, as I understand the situation, though I was not in the Chamber at the time the Senator from Mass. (Mr. LODGE) was arrested in his remarks, he was discussing the whole tax bill, and in the course of his remarks he made some observations upon some topic that the Senator from Indiana (Mr. TURPIE) thought were improper to be made in public, and thereupon a motion was made and seconded, which, under our rules, carried us into secret legislative session.

Now, upon what proposition are we in secret legislative session? Is it upon the whole bill or is it upon the remarks of the Senator from Mass.? If the Senator from Mass. was proceeding out of order, he ought to have taken his seat when a suggestion of that kind was made. If he was proceeding upon a topic, or in the course of his remarks used observations which were calculated to prejudice the general welfare of the United States, then the Senator from Indiana had the right to move to go into secret legislative session.

The Senator from Mass. has said here in this session that he had already stated to the public what he desired to say. I want to know whether, if the vote is taken upon the proposition that is now before the Senate, we are in secret session upon the entire bill, or whether we are in secret session upon the remarks of the Senator from Mass.?

Mr. HALE. On the remarks of the Senator from Mass. undoubtedly.

Mr. MORGAN. Very good. The Senator from Mass. left the floor but I do not know whether he intends to resume it or not. He has gotten into the Record all the remarks that he says he desired to make upon a particular subject that was under discussion at the moment, and, of course, we have nothing to do but to go back into open legislative session. We cannot, unless we intend to debate all of this bill in secret legislative session, now remains longer in secret legislative session upon any proposition that is before the Senate.

Mr. President, I wish to say that nothing would suit me so well, nor do I believe anything would be more beneficial to this country, than for this Senate to discuss all of this bill in secret legislative session.

I do not like the spirit which prompted the motion, not from the Senator from Ind., but the spirit which has been referred to, which, in connection with the subject referred to by the Senator from Colo., seemed to anticipate that the question of the annexation of Hawaii was to be brought under debate, and yet nothing has been said on that subject, or intimated on the floor of the Senate, but the Committee on Finance have met and have determined upon the amendment which the Senator from Mass. the other day had printed and upon the amendment which I had printed, that whenever those amendments, or subjects germane to those amendments, come under discussion, we should go into secret legislative session.

If there is any thing connected with the public welfare which prevents the discussion of those questions, which have already been discussed ad nauseam in public through the newspapers and everywhere else, then, of course, we ought to go into secret legislative session, but if this is a filibuster against the passage of a resolution or amendment of annexation, then, Mr. President, it is not worthy of the occasion. If the purpose is here by the committee to choke a man down in his freedom of speech because in his opinion it is germane and proper that he should speak of the situation of the Hawaiian Islands with reference to the war, with reference to this bill of taxation, with reference to the future that may come out of this, then, of course, close the doors, but do not reproach a Senator who, in good faith and in perfect honesty and sincerity of purpose, wants to bring to the attention of his colleagues those facts in the case and those provisions of law which, many of them decided by the Supreme Court of the U.S., appear to have been entirely ignored by this learned Committee on Finance—do not reproach a Senator for doing that.

This plan was made up in advance that the Senator from Mass. and myself should be choked down by a proceeding of this kind whenever we dared to mention anything in connection with Hawaii or that could by the remotest inference be brought into that category.

I am here delighted, Mr. President, with the opportunity now, if I am permitted to do so, of entering into the discussion not of the propriety of the annexation of Hawaii as a measure of national policy, but of entering into the discussion as to the necessity of annexing Hawaii or taking it under military control while the war is going on.

The Senator from Mass. proposed the broad proposition, which has been reported by the Committee on Foreign Relations here, to annex Hawaii, the same proposition that is now pending in the House of Representatives. The amendment which I proposed did not mention

Hawaii, nor did it mention any other island or place in the world. It merely provided for what should be the powers of the President of the United States in the conduct of this war when he was in countries that are extra-territorial, and a more important question cannot possibly arise for this Senate to determine than that, nor is there any question more intimately connected with the purview and purpose of the bill of taxation that is now pending before this body.

I do not intend at this moment of time to discuss the amendment which I have had the honor to offer here, or the purport of it or the subject of it, but at the proper time I will discuss it. I should very much prefer to have the opportunity of discussing that question in secret session with a reporter here to take down my remarks, and for the Senate afterwards to determine whether they shall be printed or not. I should very much prefer that personally. But while I prefer that, Mr. President, I have not lost my respect for my own liberty of speech, and I do not think that I am in any sense disposed to allow the committee to pass upon me before I utter any remark, and to say that when I get up in the Senate the doors shall be closed upon me. That is a reproach that I am not amenable to; that is a liberty that no committee can take with me without an effort on my part at least to defend myself and to protest against what I conceive to be a wrong.

I am as considerate about the welfare of this country as any gentleman on that committee, I am as urgent in favor of the passage of the bill to provide for revenue for conducting this war as any gentleman on that committee. I will take far less time than any of them in the discussion of the bill, and yet I conceive that my rights are quite equal to any of them on this floor. I may not have the wisdom to give good advice to the Senate, but I have a conscience which responds, sir, to my convictions, and a tongue that is not afraid to utter them in any place.

I regard this movement as being extremely unfortunate. Suppose these doors remain closed, and we take up the whole subject of the annexation of Hawaii, if you please, the subject of the disposition that is to be made of the Island of Cuba, when we have occupied it, and of the Philippines and Puerto Rico—suppose we take up these questions here in this secret session, how much time will be saved in the passage of this bill? Why, sir, if the doors were to remain open a sense of duty and propriety on the part of any Senator in discussing this bill would admonish him that he ought not to touch upon any feature of this question that is not germane to the bill, or that he does not believe is germane to it. Does one who desires the annexation of Hawaii as a war measure—one to which your President is bound to resort with the consent of Congress or without it—does one who proposes that, in the handling of it before the Senate, in the discussion of it here, put himself in a position of antagonism to the committee or of antagonism to the bill, or of antagonism to the war? By no means, sir. Those men are the friends of the Government of the United States who cast their eyes a little to the front, who forget the

elections in November, and legislate for the good of this country without reference to who shall be returned to Congress at that time.

But, sir, this bill before us today—while I would not say that of it in open session perhaps—is web and woof a political bill. It is nothing else but a political bill. The parties are divided politically on almost every feature of it; and the discussion, so far as it has gone now, has been a political discussion. The silver question has been handled at large by everybody who is concerned in the debate—I have had nothing to do with it--; the income tax has been discussed freely and fully; and the powers of income taxation have been discussed; the duty of corporations to pay some part of the expenses in the conducting of this war for the support of the Government has been very largely and intricately discussed; and in the discussion and in the votes this Senate has divided itself upon party lines. This is a party bill, and intended for politics, and not for the good of the country. I am sorry to say it, sir, but it is true. I am saying it to my colleagues in the Senate, not to the world unless the distinguished reporter of the Senate happens to be present and gives my remarks out to the world, which I presume will be done, not with my consent though, but with my reprobation and utter disgust, for the man who will leave this Chamber and go out and make a report of the language used by a Senator in this secret legislative session is a scoundrel, to begin with, because he is a man in whom you cannot repose any trust; and he is bound to be.

Here we are with a speech broken in the middle, and the question before the Senate is whether these doors shall remain closed or whether they shall be opened; and having signified my desire or my preference that they shall remain closed, I insist that they shall be closed on the whole bill. If we are in earnest here about refusing to discuss questions which might affect the situation of this country in a war with Spain, this bill touches it at every feature. You cannot discuss one feature of this bill in the open that is not directly connected with the subject of the conduct of the war with Spain—not one.

Now that we have got the doors closed on it, let us stay here and dispose of this bill. I shall vote to keep these doors closed if the question is settled, as I think it is bound to be, that is to say, that the bill shall be considered in secret session—not the remarks of the Senator from Massachusetts, for he has left the floor, and has not persisted in a discussion of the question he had in his mind and on his tongue at the time the doors were closed on him. Let us discuss the whole bill here now in secret session. We shall get through with it quicker, we shall have freedom of speech, and Senators will have an opportunity of expressing themselves upon any feature of this whole subject. There will not be half the delay there would be if we had an open discussion about Hawaii or any other thing connected with this subject.

I call for a distinct statement of the question before the Senate, whether or not we shall remain in secret session to discuss the bill, or whether there is some other topic before us that we have got to discuss in secret session.

Mr. MORRILL. Mr. President., in relation to the point suggested by the Senator from Ala. (Mr. MORGAN), I wish to say that, so far as I know anything about it, there has been no vote in the Committee on Finance in relation to the matter.

Mr. MORGAN. If the Senator will allow me a second, the honorable Senator from Iowa (Mr. ALLISON) told me he was instructed by the committee to move to close the doors both upon the Senator from Mass. (Mr. LODGE) and myself whenever we came to discuss our respective amendments.

Mr. MORRILL. Various topics were discussed by the committee, but no action was had in my presence.

Mr. President, it is obvious that the United States cannot have a war without it being a great war, and if it is to be conducted with success, it must be conducted by the Executive Department. It cannot be conducted by a town meeting, nor can it be conducted by a committee of safety. I regret to have seen some intimation which looked as though we might ere long appoint a committee on the conduct of war.

Mr. President., of course we all have our difference of opinion to what ought to be done or what should be done with countries we may conquer. Some of us would be averse to ever retaining any of these dependencies of foreign islands; and yet, I take it, there is none of us who would be averse to retaining them as a pledge for such a sum of money as we may demand from Spain whenever we close the war. I certainly would not be willing to surrender anything we conquer unless we should get something in the recompense for our losses and for the expenses of this war.

In relation to the matter submitted by the Senator from Nev. (Mr. STEWART) about Hawaii, I will say that we now have Pearl Harbor. To be sure we cannot enter it with ships drawing any considerable amount of water, but we can approach it and land any amount of coal, and take that coal and put it on board any of our ships, only it will require a little more labor, and we can do that without any further treaty with Hawaii or without any apprehension of interference on the part of foreign governments.

I had hoped, Mr. President, that we should get through with this bill without running into a political debate. I want very much a debate in open session in order that I many put on record some of my views in relation to the annexation of Hawaii. The Senator from Ala. has already

placed his views before us in various reports, and we know how able and how well put they are; but there has not been any speech by any Senator opposed to the annexation of Hawaii which has ever been put upon record; and my impression is that our people before any action is taken should hear both sides of that question.

I hope we shall continue the discussion of the revenue measure in open session. I do not think this measure has been considered as a political question at all. My impression is—while, of course men have party views, and they believe their own views are right and those of others are wrong—when we have met together there has been a give and take about the matter. So I think the members of the Senate never have been in better mood than they are now in relation to doing exactly what is right and what will best promote the success of our arms during the conflict which is before us. I do not know anything about what the Senator from Mass. (Mr. LODGE) has said; and therefore I say nothing regarding his remarks; but I hope that we shall return to open session and make some progress as desired by the committee in charge of the bill.

Mr. PETTIGREW. Mr. President, some months ago I introduced a resolution, not with regard to the annexation of Hawaii, but a resolution with regard to the policy of this Government in acquiring distant country, which would require a navy to defend it, and the Senate decided that that subject should be discussed in secret session.

I feel as I felt then, that the decision was wrong, and I think now that if this question should be discussed at all, it should be discussed in open session. For my part, I would rather discuss it in open session. I do not shrink from the debate in open session upon the policy of the Government in respect of acquiring distant colonies, as I believe the American people should be taken into our confidence before any decisive act is done in this direction.

I am willing to discuss the question even of the war—necessity of Hawaii in open session, and I calculate we would have much the best of the argument, for Hawaii is not on the line of the Philippine Islands and no ship goes there unless it sails out of its way to go there. We own the harbor of Unalaska and the island of Kista, both on the track of commerce on the road to the Philippine Islands and by a route at least 500 miles shorter than the route by Honolulu. Yet no one clamors that we shall place coal at these points where there are harbors to accommodate every ship in our navy. No one insists that we shall fortify them as a war measure in order to protect our recent possessions in the Philippines. However, there is a clamor for islands not on the route, 500 miles out of the way which we do not own, and it is said that we must take possession of them as a war measure. I am willing to discuss this question before the American people, for these statements cannot be again said or disputed. The world is a globe and not a plain surface, and therefore the straight line from our port, either at Puget Sound or San

Francisco, to Manila does not come within thousands of miles or more than a thousand miles of Honolulu, but does come within 200 miles of Unalaska. I therefore hope the discussion will be continued in open session, so that these questions may be laid before the American people. Not only the American people it seems need to study geography on the subject but the Senate itself, judging from the remarks made in regard to the war necessity of acquiring Hawaii.

Mr. CULLOM. Would not the Senator be willing to consider those questions on a separate measure?

Mr. PETTIGREW. I did not bring this debate here. I introduced an amendment to abrogate the Hawaiian treaty after the amendment had been introduced to acquire those islands.

Mr. CULLOM. I am aware of that.

Mr. PETTIGREW. And my amendment is more germane to the subject, because if that treaty were abrogated it would save \$10,000,000 a year which could be used for the purpose of furthering the interests of the war.

Mr. CULLOM. I did not say the Senator had brought the matter here. My question was whether he did not think it better to consider those measures separate from the revenue bill?

Mr. PETTIGREW. I certainly do think so. I would not have brought the question here myself, if it had not been brought here by others, and neither shall I press my amendment if the others are abandoned. I am willing to discuss the proposition, and I hope we shall be able to discuss it in open session. How many ships of war and how many fortifications would \$10,000,000 a year build, which sum we now throw away in the interest of a few sugar planters and adventurers.

Mr. CHANDLER. Mr. President, I should be very glad to hear I think in open session the remarks of the Senator from Mass. (Mr. LODGE). So far as I know he did not intend himself to say anything which I should think it would do any injury to the country or embarrass the prosecution of the war to have said. I am not so certain that what Senators might have said in reply to him would not have been injurious to the country. I voted on the occasion to which the Senator from South Dakota alludes, when he has been discussing a general resolution as to the acquisition of territory which might require a navy to protect, that that discussion should proceed in secret session, because I did not see how he could proceed far with his discussion without reaching the Sandwich Islands, and I do not see how the Senator from Mass. could have considered at length the question of reinforcing Admiral Dewey without reaching by the way the Hawaiian Islands.

I am convinced by the statement of the Senator from Maine, with whom I am happy to agree on this occasion, that all questions of this kind ought to be discussed in secret session. I do not understand that the Committee on Finance, who I am informed have considered this subject have intended to insist upon a secret session on any portion of the bill except this particular part of it, that is to say this Hawaiian amendment, if that is insisted upon. Mr. President, I do not think that should be discussed in open session, but while we are in secret session I take occasion to say that I think the subject ought to be discussed by the Senate at no very distant day. The amendment which the Senator from Mass. proposes contains a proposition for the annexation of the islands which has already been reported favorably by the Committee on Foreign Relations. That report was made on the 16th day of March, and Report No. 681, made by the Senator from Minn., the chairman of the Committee (Mr. DAVIS), who has adorned that report with all the learning and eloquence and force which he always gives to the performance of every public duty of that kind, states the reasons why we should acquire the Sandwich Islands. That is a living question. It is more important in my judgment to have it decided than that we should pass the war revenue bill. Our armies are already on the way to the Philippine Islands. They are not going to Unalaska or any of the other Alaskan islands, as suggested by the Senator from South Dakota. They are going on the regular track, the steamship line to Manila. They cannot go without stopping to coal at Honolulu, and perhaps while we are now considering this subject several thousand troops of the U.S. are landing at Honolulu or are in the harbor of Honolulu seeking the opportunity to land.

The Senator from Massachusetts (Mr. LODGE) tells me that the Navy has 12,000 tons of coal in that harbor. How do our ships go in there? Do they go into a port which we control, which we will protect by the power of the United States, or do they go into a neutral port; and if Hawaii is neutral its neutrality must be respected by the United States as much as the neutrality of Haiti or any of the smaller powers of the globe. How are our fleets and ships and transports going to Hawaii? If the neutrality of Hawaii is respected there should not be a ton of coal allowed by the government of Hawaii to be taken from our coal piles there and put upon our ships. I say this is a present question, right off now. It is a question of importance. It is one which creates anxiety to the Executive. After the 7,000 troops which have already started shall have reached part way on their journey, 10,000 more are going, as is a military governor, and they are all going to stop at Hawaii. Shall they stay cooped up on the war ships and transports or shall they get off upon those islands. It is a question that ought to be met. It is a question, I take occasion to say, which, while I am not at liberty to speak of the House of Representatives, the Committee on Foreign Relations of the Senate should immediately bring before the Senate, and in my belief they should bring it before the Senate before the passage of the war revenue bill, rather than wait to let it drag its slow length a week or two more.

If our ships go into Hawaii and our troops get off of those ships and stretch themselves and if we take that coal upon board, the neutrality of Hawaii is destroyed. She is subject as a matter of fact and subject as a matter of international law to be captured by Spain for that act. If I am wrong I should like to have any of the distinguished international lawyers whom I have heard discourse in this body so much in years past tell me that I am mistaken.

Mr. CAFFREY rose.

Mr. CHANDLER. I see one of them has already risen.

Mr. CAFFREY. We own a coaling station in the Hawaiian Islands. Would we violate neutrality in time of war if we coaled there?

Mr. CHANDLER. I was about to allude to that fact. If the coal had been in there, if this Government and Congress had done what the junior Senator from Maine has often urged upon his body, if it had taken possession of Pearl Harbor, if it had dug out the channel of Pearl Harbor so that the ships could get into it, then there would have been some sense in talking about Pearl Harbor. No, it would not destroy the neutrality of Hawaii if we went into a harbor which we possessed by previously made treaty.

Mr. President, the coaling station is there only in name and not in fact, because the coal is not there and the ships cannot get into it, and we are going right straight to Hawaii with all our ships and all our sailors and all our troops on the assumption that it is a friendly power, not a neutral but a friendly power, in alliance with us for the purposes of our war with Spain.

Mr. BACON. Will the Senator from New Hampshire permit me to ask him a question? He spoke of the liability of the Hawaiian Islands to be captured by Spain as a penalty for violation of the neutrality laws. I desire to ask the Senator from New Hampshire whether he regards that as a practical or possible contingency?

Mr. CHANDLER. I do not regard it as a wise thing for us to subject Hawaii justly and according to the rules of international law to capture by Spain and simply say to the world "Well, we have destroyed the neutrality of Hawaii, but no Spanish ship can get there." The Senator from Georgia will see that his case is gone the moment he admits that—

Mr. BACON. No.

Mr. CHANDLER. The moment he admits that we have destroyed the neutrality of Hawaii, as we are already perhaps destroying it this very day by our ships of war and our soldiers.

Mr. BACON. I do not admit that. I think the suggestion of the Senator from Vermont fully answers that proposition, that we have a treaty by which we can utilize Pearl Harbor without the destruction of neutrality; and while our ships cannot get in there, it is entirely practicable, by lighters and otherwise, to put coal in there and take it out for our ships.

Mr. CHANDLER. I admit that, I say to the Senator from Ga. as I said to the Senator from La., if the coal was there and there was a channel. I am dealing with facts as they are with reference to the 20,000 troops who are going there. I want to say that if Hawaii's neutrality is violated, when this war is over Hawaii will be liable, according to the principles which we asserted in connection with the Geneva Award, to pay to Spain every dollar of the damage done to her by the ships which took on coal and received friendly treatment in the harbor of Honolulu.

Mr. TILLMAN. Will the Senator from N.H. allow me to ask him a question?

Mr. CHANDLER. Certainly.

Mr. TILLMAN. Is there any usage in international law which requires a country to declare its neutrality? Cannot Hawaii allow us to coal and allow Spain to coal and not subject herself to any consequences! Has not Hawaii actually declared neutrality in this war? Is not Hawaii lying there praying to the U.S. please "come and swallow me and pay the \$4,000,000 you promised."

Mr. CHANDLER. I do not see the pertinence of the remarks of the Senator from S.C.

Mr. TILLMAN. The latter part may not be pertinent, but you do not deny the first.

Mr. CHANDLER. Undoubtedly Hawaii wants to be annexed to the U.S. We have a treaty—

Mr. TILLMAN. Which could not pass the Senate.

Mr. CHANDLER. But until she is annexed she is a neutral power and she must preserve her neutrality or else she subjects herself to the penalties which may come to a nation that does not observe the law of neutrality.

Mr. SEWELL. Will the Senator allow me to ask him a question? Is it not a fact that Hawaii has not declared neutrality up to this period?

Mr. CHANDLER. She has not.

Mr. SEWELL. And if we go there and coal, that act will probably require her to give coal to Spain. Is it not also the fact that we have got to coal there, we must coal there, and if we were prevented, we would have to take the island by force of arms today in order to save our fleet and our people. It is more a necessity than the Philippine Islands to this country. Personally, while I will support the administration in anything it does, I have been opposed to the Philippine Islands. I should have been very glad if Dewey had gone over and gone on to the Hawaiian Islands and raised the flag there, instead of staying in a country that will inevitably require us to send there a large number of men and a very large fleet and in the end get us into complications which we should desire very much to avoid. But the main fact stares us in the face today that we cannot get to the Philippine Islands without coaling at the Hawaiian Islands, and we must coal there no matter what it costs the country.

Mr. TILLMAN. If the Senator from N.H. will permit me, is there anything to prevent the President ordering Dewey to let go of Manila and come away now.

Mr. SEWELL. I do not know of any reason—

Mr. TILLMAN. Nobody here wants to. God knows I do not. I want to take them and hold them until the war is over and we get an indemnity or else continue to hold them.

Mr. FORAKER. Will the Senator from N.H. allow me to ask him a question? The question I desire to ask is whether or not the 12,000 tons of coal spoken are in Pearl Harbor or Honolulu.

Mr. CHANDLER. They are at Honolulu.

Mr. FORAKER. They are at Honolulu. So by going into Pearl Harbor, if that were possible, we could not get any coal upon the facts as they now stand. It does not obviate the necessity for violating neutrality to say we have 12,000 tons of coal at Honolulu, for that is a harbor in which we have to right to enter in time of war for that purpose.

Mr. CHANDLER. I have already stated that if we have the coal there, as we have wisely provided by the forethought of the Secretary of the Navy, Hawaii, if she remains neutral, has no business to let our ships take it to go on to Manila with on an expedition hostile to Spain. She would have a perfect right to allow the coal to be taken by our ships if they would do as the Senator from South Carolina suggests might be done, turn about from the Sandwich Islands and come home again, but she renders herself liable to Spain. She is making war in our behalf against Spain when she allows the coal to be taken by our ships that are now upon the waters.

Mr. TILLMAN. Does not the Senator from New Hampshire think we can defend her from any consequences after the war is over?

Mr. CHANDLER. If we do we ought to say so now. I am not contending that the passage of this resolution or the ratification of the treaty is the only thing we can do. We might make a temporary treaty. We might take military possession of the islands, notifying the Hawaiian government that we should protect her from any of the consequences of that act. We might do that, but I say it is cowardly on our part, cowardly treatment of the little republic, to leave her in the condition in which she now finds herself while we are pottering away as to whether or not we will put a stamp tax or a beer tax or a corporation tax upon the people of this country to pay the expense of this war, which expense could easily be paid by borrowing money I say it is unworthy of the United States to leave this question in doubt; and in closing I take occasion—

Mr. DANIEL. How is Hawaii suffering in any way?

Mr. CHANDLER. Hawaii from that time forward becomes an enemy of Spain, subject for a hundred years to just Spanish attack, because of our act. I say I do not undertake to demand that we shall annex the islands, although I think that is the proper course, but I do say that the President of the United States with the Senate, which is composed of his constitutional adviser, ought to know what we think he ought to do, and we ought not to stand here saying it is a little petty question, that it makes no difference. I know General Merritt is likely to take possession of the islands when he gets there. I know that if the distinguished soldier, the Senator from New Jersey (Mr. SEWELL), who says he has been against the acquisition of the Philippine Islands up to this time, were major general in command of the forces going to the Philippine Islands, to be its military governor, he would take possession in the name of the United States of the Hawaiian Islands when this troops got there and put the United States flag upon those islands.

Mr. TILLMAN. Will the Senator allow me.

Mr. CHANDLER. I would rather finish and let the Senator from South Carolina take the floor.

Mr. TILLMAN. It is only a question relevant to the point the Senator is now making. Do you not believe that the expedition which left San Francisco several days ago has already seized or will, when it reaches Honolulu, seize the islands?

Mr. CHANDLER. I do not believe that you can keep those soldiers on board their ships. I think they will get off and stretch—

Mr. TILLMAN. Will they not get off by permission of their officers?

Mr. CHANDLER. By permission of their officers and stretch their legs upon Hawaiian territory and probably do it with the permission of the Hawaiian government, but I say that within a week from this time the United States by its act will have destroyed the neutrality of the Hawaiian Islands, and it belongs to us, the Senate and the President of the United States and the House of Representatives, to take up at once the question of what protection we will give Hawaii for this position of hostility to Spain in which it is proposed to force her. It is not a petty question and it is not a future question. It is an immediate question.

Mr. ELKINS. Mr. President, I think if we had allowed the Senator from Massachusetts (Mr. LODGE) to proceed we would have been on the revenue bill now. That is the practical way to look at it. I do not think any harm would have been done, especially when so able and self restrained a Senator speaks to the country and the Senate. All this is for nothing. It is not practical. I am for the Hawaiian Islands. I am willing to discuss the matter in the Senate with closed or open doors, but we are getting so tender about how we shall speak here and such solicitude is manifested that I think we are violating the traditions of the Senate. I for one wanted to get to the Senate in order to be in one place where I could talk as long as I pleased and about anything I pleased.

Mr. FRYE. The Senator has got there.

Mr. ELKINS. I am here now, but it took a long time.

But it seems that rules are sometimes invoked which new members cannot quite understand. I do not for my part. We are pressed to go on with business, and that is given as a reason why we should not talk.

I think this motion emanated from the Senator from Ind. (Mr. TURPIE), who is a member of the committee. Where is the line is to be drawn when Senators say "do not criticise the war"; that we are not to have freedom of discussion about the war or to say anything about the results of the war? Let us see how this debate was opened by the Senator from Ind:

The policy of this administration with respect to the war remains yet in the mystery of abeyance.

I do not know what that means.

The mystery of abeyance!

That is in the speech of the Senator from Ind. The Senator then went on and said that the Senator from Minn., chairman of the Committee on Foreign Relations, had promised that Cuba should be recognized, and he wanted to have it recognized right then and there. I do not want to do the Senator from Ind. any injustice; that is far from me, but he would not

allow the Senator from Maine who is agreeing with him now to interrupt him or talk about Cuba. He wanted himself to talk about Cuba.

Mr. TURPIE. Mr. President, that promise must be kept. It must be kept to the hope, not only to the ear. It must be kept in deed, in verity, in truth, in fact. Intervention has come. It is now flagrant. Where is the promise? Where is the recognition of independence? Where is the sign of its coming?

The Senator from Maine (Mr. HALE) said: Where is the Cuban government?

That was discussing the results of the war. Which is the more flagrant, which is the more violative of the rule now invoked here in the Senate, a discussion of the Hawaiian question or of the Cuban question.

Mr. MORGAN. Was that on this bill?

Mr. ELKINS. It was on the 18th of May. Yes, sir, it was on the revenue bill. It attracted my attention, but inasmuch as I know nothing about the rules of the Senate and am always guided or led or controlled by the Committee on Finance or any other committee having charge of a bill I kept still. But that is not all.

If we go down there and take possession of Cuba and hold it for future disposition, we take it as conquerors subject to the debt charged upon the island.

What is the limit of discussion? That is bad law, to begin with. It is very offensive from that standpoint. We are going to take the Island of Cuba, I will tell the Senator from Ind., and not pay any debts to anybody or for anybody, not to the Cuban Junta in New York either, and we are going to keep the island, I hope we will, and I wish I had an opportunity of saying this in open session.

Mr. GEAR. We said we would not keep it.

Mr. ELKINS. I know we did, but we did not mean it—not one of us. Two or three meant it.

Mr. GEAR. It was a lie.

Mr. ELKINS. I do not know whether the Senate understands such language.

Let us go a little further with the Senator from Ind., inasmuch as he made this motion. I do not think my friend, the Senator from Mass. has crucified all the rules of the Senate at one stroke.

Mr. President, we shall put our trust in the God of battles, that out of this feebleness, this delay and infirmity.

What feebleness and what delay? Does he mean the administration in the conduct of war? Does he mean the administration in the conduct of the war? I do not know that my friend the Senator from Mass. was criticising the administration. Some people were afraid he would. I saw him at the White House in earnest conversation with the President. I do not think he meant to criticise the administration. But I have never known nor could understand—

Mr. LODGE. On the contrary, I said its policy was entirely admirable.

Mr. ELKINS. The Senator from Ind. proceeded: His omnipotent hand will work great gain to the cause of liberty.

These are results. He wants to take the Omnipotent into partnership with the Senator and the Senate.

A larger room for the feet of freeman, a manifest and final delivery from the system of monarchical oppression and despotism wherever it obtains, and especially in the heretofore Spanish islands of the Mediterranean of the West.

That is the Philippines.

Mr. TILLMAN. The Mediterranean of the West!

Mr. DAVIS. The Gulf of Mexico.

Mr. ELKINS. The Gulf of Mexico, perhaps.

I have not misrepresented the Senator at all because I have read his language. Why should the distinguished Senator from Ind. have this wide liberty and the members of the committee—and he is one of the members—to say what they please and then move a secret session when another Senator arises in his place and offers some criticisms and some expressions of opinion about the war and about the results of the war and about the Philippines and about the Sandwich Islands. I cannot understand it. Why was freedom of the widest latitude granted to the one Senator and why should it be denied to another?

I favor going on with the bill and I want to go on with it, but it is just as well that we should understand where we are and what we are doing and what are the rules that govern the discussion of public measures, here, especially revenue bills. I know the impatience of the overworked and hard-worked committee, but let us have the facts stated just as they are. The distinguished Senator from Indiana is on the committee. Now if that is not just as broad a discussion, perhaps broader than my friend the

Senator from Massachusetts would have indulged in, then I am mistaken. I hope we will go on with the bill. I hope we will simply on the motion of someone who understands the rules and knows what to do go out of secret session and proceed with the bill, because I want to discuss the corporation tax.

I want something to say on this subject, and I am just as earnest and as frantic for Hawaii and the Philippines and Cuba and Puerto Rico as the Senator from Indiana and the Senator from Mass.

Mr. PETTIGREW. Mr. President, I just wish to call attention to one fact in reply to the Senator from New Hampshire (Mr. CHANDLER). The distance from San Francisco to Honolulu is 2100 miles. The distance from San Francisco to Unalaska is 2100 miles. The distance from Unalaska to Manila is 4160 miles and from Honolulu to Manila it is 4917 miles. Now, we have a splendid harbor at Unalaska. Every ship can go there and coal in our own territory in a harbor that will hold all the vessels of our Navy, and they can sail right in. Why are there not ten thousand to twelve thousand tons of coal there eight hundred miles nearer Manila than at Honolulu in a foreign territory? Why bring Hawaii into this complication? Why embarrass that feeble republic, or monarchy, or oligarchy, or whatever it is, with our presence? Why sail eight hundred miles out of the way in order to relieve Dewey?

Why did we not sail straight there, coal in our own territory, sending our coal vessels to Unalaska in advance to meet our fleet and save time two or three days perhaps, precious time, in the relief of our ships in Manila. For no other reason under heaven than to stimulate the prospects of annexing the sugar plantations of Hawaii are we trifled with and our interests jeopardized and our ships turned from their course.

Mr. ALLISON. Mr. President, one word.

Certainly no one knows better than I do, unless it is the Senior Senator from Vermont (Mr. MORRILL), the absolute latitude of debate in this Chamber, and certainly no committee and no Senator would undertake a censorship over the Senate as respects the liberty of debate.

Now, in regard to the matter in hand, I perhaps ought to say a word or two as a member of the Committee on Finance. It was no part of the purpose of that committee to undertake to regulate the business of the Senate as to whether this or that or the other topic should be taken up for debate and consideration and action; but the Committee on Finance was charged with the important duty of dealing with the bill that came to us from the House of Representatives, one of magnitude and importance and absolutely essential and necessary to the conduct of the war.

Senators, the bill came to us and since it has been under debate in the Senate we have added or have had added to our expenditures \$75,000,000 annually.

When the Senator from Mass. introduced the amendment the other day I became satisfied, from what came to me from others, that if we were to include in the consideration of this bill the great question (because I agree with the Senator from New Hampshire that it is a great question) of the peaceable annexation of Hawaii as a part of the bill it would lead to long debate, how long I do not know, and no man can tell. That is a subject which ought to be considered by the Senate, and I have no doubt that it will be considered. If it be true, as the Senator from Mass., has said that a large majority of this body is in favor of annexing those islands certainly the body will sustain itself.

But, Mr. President, we cannot do everything at the same moment. Here is a bill of large detail, involving certainly \$150,000,000 of taxation or about that sum, and it may amount to much more. It came to us on the second day of May. The Committee on Finance reported it back on the 12th day of May. It is now the 31st day of May. It does involve all the expenditures and everything connected with this war, and it is necessary that the bill shall pass at an early day. It may be necessary that other measures shall pass at an early day but this bill involves largely increased taxation; it involves a taxation upon objects and subjects which in the nature of things it will be impossible to make it attach for from thirty to sixty days. We double the tax upon malt liquors; we double the tax upon tobacco; and we largely increase the taxation upon many other things. It seems to be the sentiment of the Senate that we cannot attach this taxation to the property that is in the hands of one hundred thousand or a million people in the United States. Therefore, having taken up the bill it seemed to the committee, as it seems to me, that it is important that we should take this measure in hand and deal with it, because it matters not after all, in the by and large of this discussion and the conclusion of this bill, whether it is \$25,000,000 less or \$25,000,000 more than \$150,000,000 raised by taxation. It is as certain as noon-day, and it is apparent to every Senator upon this floor, that in some way and by some other methods we must raise two or three hundred million dollars for the fiscal year just approaching.

In raising this money and carrying on the war it is necessary that time shall be given after this legislation is placed here, and therefore it becomes of supreme importance, in my judgment, that we shall consider this bill now that we have it here before we consider any other measure, and that other measures should not be attached to this bill in order to force those measures upon the bill, or else that we shall not raise the money necessary to carry on the operations of the war.

Therefore, Mr. President, it was the conclusion of those who were present on yesterday in the committee, knowing as we knew and

knowing as every Senator knows that a debate on the annexation of Hawaii will take two or three weeks, or a week at least speaking.

Mr. WHITE and OTHERS. It will take a great deal more time.

Mr. ALLISON. Senators all about me say it will take a great deal more time. In view of that fact, inasmuch as those who were opposed to the annexation of Hawaii had had no opportunity of public debate, and that there must be a large opportunity of public debate for those who were opposed to the annexation, we considered that it was wiser and better that we should submit to the Senate the question whether we are to delay this bill until all the questions that are to arise out of the war shall be attached and placed upon it. I know, as Senators in this chamber know, that if we give our attention to the consideration of the tax features and to the revenue features of the bill, which relate to the borrowing of money or to the issuing of money, on Thursday of this week, if not on Wednesday, by giving assiduous attention to it, we can intelligently consider it and pass it from our desks here to the other House, and then the majority of the Senate can take up any other question that it chooses to take up and deal with it intelligently and separately. If the exigency is as the Senator from N.H. says, in the nature of things, the majority will take up this question and deal with it, but why shall we place upon this revenue measure all these outside, collateral, and incidental questions? They may be war measures, if you please, but why shall they be considered now, in connection with the pending bill, when its early passage is of supreme importance that if the bill shall pass within a week, it cannot go into full force and execution for sixty days after its passage, and in the meantime the revenues of our Government are being lost day by day to the extent of perhaps a million dollars a day because of the postponement.

It is for these reasons, Mr. President, that the Committee on Finance, not a part of the committee but the whole committee, believe that it is wise, if possible and if practicable, as respects the good sense of Senators, without limiting debate and without curtailing the freedom of debate, that we should deal with revenue questions only upon this bill, and not upon all collateral questions that are connected with it as respects the war. Certainly it is the farthest from me, as I believe it is the farthest from any Senator upon the Committee on Finance, to curtail in the slightest degree the independence of any Senator, and least of all the independence of the distinguished Senator from Alabama (Mr. MORGAN), who is familiar with all these topics, by and large, and who can discuss them intelligently and for the information of the Senate.

Now, we are in executive session. I was not here when that occurred, and therefore I do not know the occasion of it especially. But as we are in secret session I hope that we can have some understanding that this bill should go on and be debated as respects its details as Senators may wish to debate it, and debate it as respects amendments that any Senator

wishes to offer, and that we shall see to it that the bill shall be finished in two or three days. Then Senators will have an opportunity of bringing forward the important questions which they say are so exigent now, and which were reported from the Committee on Foreign Relations nearly three weeks before this bill came to the Senate, and which were in the Senate for twelve days when we were considering it, and yet there was no opportunity to consider that question.

Mr. DAVIS. My friend must understand very well that these resolutions were not considered because of the pendency of appropriate bills.

Mr. ALLISON. Very well.

Mr. DAVIS. Entirely so.

Mr. ALLISON. Very well; I am not criticising any committee. I am very glad to have the Senator make that suggestion because it is very true.

Mr. DAVIS. It is the fact.

Mr. ALLISON. But what I only plead for now is that we shall get this bill out of the way, and I promise the Senator from Mass. that I shall throw no obstacle in his way for a full consideration of any measure that the Senate shall decide to take up or consider. But surely the means whereby the war shall be carried on should be provided. Surely when appropriations of money for the purpose of carrying on the Government are proper and are ready to be brought before the Senate, they should be considered. It seems to me, therefore, Mr. President, that we should have some understanding, a friendly understanding, not a hostile understanding, not seeking here and there to impede this or that measure, but an understanding that we shall deal with the question that we have in hand until it is disposed of, and then take up the other questions that are important, if the Senate shall so decide.

Mr. MORGAN. Mr. President, this side, at least the friends of annexation of Hawaii, have been notified that certain gentlemen in the Senate and certain gentlemen in the House intended to institute what we claim to be a filibuster to prevent the consideration of that measure at this session of Congress. I have been informed by a distinguished Republican in this Chamber, who is a man of great influence and power, that as soon as this revenue bill was passed and they had fixed up the appropriation bills, Congress would adjourn, which meant, of course, that there was to be no day given for the consideration of any measure relating to Hawaii. I received that information with great regret, not because of my anxiety for the annexation of Hawaii as a measure of civil policy but because of my conviction that it is an indispensable element in the conduct of the war as it is now progressing. So those of us, the Senator from Massachusetts (Mr. LODGE) and others, who desire the

annexation of Hawaii, thought it was proper to bring this subject to the consideration of the Senate upon this bill because it was connected with the subject of taxation.

As the Senator from Nevada (Mr. STEWART) suggested the amount of taxation upon the people of the United States will be greatly enhanced if we are compelled to conduct the war in the Philippines without including Honolulu or Hawaii within the limits of our national power, either civil or military. Other considerations have arisen to my mind in that connection, some of which are as follows: If we succeed in the Philippines in holding that country we have got to do it at a great expense of life and health in that moist, hot climate, where the bubonic plague prevails, where cholera prevails, where yellow fever prevails, where small pox prevails, and all the terrible diseases to which humanity is incident prevail. Many of the noble gentlemen who have gone out bearing our flag in that country must come back home in a state of terrible distress on account of their health.

Now, Mr. President, I would not refuse to these men a stopping place on the salubrious islands of Hawaii. I would as soon shut the door upon my children and tell them they had to starve to death or perish in the streets. Claims of humanity towards those soldiers, claims of national duty, require us to consider this question. The President of the United States, I am informed, has got his mind made up that as a matter of military necessity he is obliged to take those islands and intends to do it. I applaud him for his humanity, and his courage, and for his feeling of responsibility for the lives of our soldiers who have gone to the Philippines already.

The question of economy of sending small ships to Honolulu with coal, sailing ships and other craft, piling up resources of coal, refreshments, supplies, medicines, and what not in Honolulu, is a question that I think would address itself to the intelligence of this great Committee on Finance, and that they would see at once, and ought to have seen before now, that it was a proper thing to include some measure of power and authority in favor of the President of the United States to take those islands by annexation or to take them by military force, and that that would be included in the item of expenses of the conduct of the war; and a very great item it is.

Here then are the two features, economy in expenditures, and humanity and duty towards our soldiers. No man can blind his eyes to these considerations, or if he can, he need not suppose that there is a twenty year old person in the United States fool enough not to see it.

Therefore, a duty rests upon us to act upon this matter. I consider that there is no sanctity in the particular political garment that this committee has cut out for us to act upon which prevents us from making reasonable suggestions in respect of including within the purview of that bill

something that is so important and so indispensable. I will not stop to argue this question. We have had here this evening a full example and demonstration of the unwisdom of undertaking to break in by arbitrary rules and take off the floor by closing the doors, men who never intended to discuss the question of the annexation of Hawaii as a civil proposition, who never intended to refer to it at all in any other way than as a part of the military necessity connected with the conduct of the war. Hawaii was not mentioned by the Senator from Mass. (Mr. LODGE). The argument about Hawaii has been thrust in here by gentlemen who want to prevent the annexation, and who have pledged themselves to this country privately and publicly that they will prevent it if they can live long enough to do it; it makes no difference what the results may be. That is a general and a special filibuster against which, Mr. President, I feel that I have got the right to make resistance if I can do it.

Now, about the consumption of time, we see that this question has been forced up by shutting these doors upon the Senator from Mass., who never intended to make any such observation and did not intend to provoke anybody to bring it in here. But suppose he had intended to discuss the Hawaiian question, are the gentlemen who oppose Hawaii so intensely patriotic that they cannot hear the question suggested without rising and taking the time that is necessary to pass a tax bill in discussing that side issue?

We shrink from the question because we are afraid of provoking them into debate. That is all of it. The majority of this body is in favor of the annexation of Hawaii or else gentlemen have changed their opinions very much in a very recent period of time. But the Senator from Mass. did not bring up the question. He never intended to bring it up as a question of civil policy but only as a matter relating to the necessities of the war; and I do not know that he ever would have mentioned it.

So far as I am concerned, I am under the same condemnation and prejudgment as the Senator from Mass. because I have had the temerity to offer an amendment to this bill that I can demonstrate by the Supreme Court reports of the United States is absolutely necessary as a part of the measure. Because I had the temerity to bring forward an amendment of that kind and suggested that at some time in the consideration of the bill I would offer it, the decree was already prearranged against me that I was required also to take my seat and the Senator from Ark. (Mr. JONES) and the Senator from Indiana (Mr. TURPIE), who seem to sit in judgment upon matters of this kind, decided that I was to be put down whenever the question was brought up.

Now, Mr. President, I do not take those rebuffs just quite in the Christian spirit of some of the meek minded and sweet souled men who are around me. I have got quite too much of old Adam in me for that.

In 1895 the Committee on Foreign Relations made the following report: The Committee on Foreign Relations (through Mr. Davis) to whom was referred the bill (S. 1309) to provide by treaty or otherwise, recommend the passage of said bill with the following amendments. That bill went on the Calendar and here it is.

That whenever the United States shall acquire dominion over any foreign country of place, by treaty of annexation or otherwise, the President of the United States, may appoint a governor for the same and legislative council, to consist of any number of persons not less than three nor more than twenty-five, whose acts shall be subject to revision or repeal by Congress; and, unless the treaty of annexation or cession shall otherwise provide, said governor and council shall constitute and conduct a provisional government for such country of place until Congress shall otherwise provide by law.

What is the origin of that bill? Not the contemplation of the annexation of Hawaii but to take care of the island of Navassa, which belonged to citizens of Maryland, and which my friend from Maryland (Mr. GORMAN) has very long engaged here in trying to have brought within the protection of the United States, and also to take care of the Midway Islands which have been duly and solemnly annexed to the United States by the raising of our flag under the order of Mr. Bayard. That is the second event in which it has occurred, and those islands belong to us. The President of the United States has no authority to extent the civil jurisdiction of the United States over those islands. The circuit court of the United States for Maryland by some stretch of authority I do not know what—I am not complaining of it; I think it was right to do it—found a way to punish some people for murder committed on the Island of Navassa as a part of the territory of the United States. Where is the island of Navassa? South of Jamaica; south of Puerto Rico. How did we get any right to the Island of Navassa? Some enterprising citizens of Maryland went out there and found a valuable deposit of guano, and thereupon they established a guano shipping factory and took several hundred laborers upon that island or those islands; it is one island I believe. Thereupon we passed an act of Congress authorizing those people to occupy and hold that island, provided they would consent that all of the guano taken from it should be shipped to the United States and none of it to foreign countries. They consented. In virtue of that assumption of sovereignty we sent our marshals down there, or some captain of a ship caught up some people who had been engaged in murder and brought them to Baltimore and they were tried and condemned and executed under the laws of the United States. Yet the President of the United States has no power to-day and never had any power to extend the civil laws of the United States or any other laws of the United States of the Island of Navassa.

My amendment was intended to cover cases like that. We are not looking forward to Hawaii or to the Philippines or to Cuba or to Puerto

Rico. Supposed we had it here now and that those islands should pass within the jurisdiction of the United States, how happy would be the United States to know that their President had the right and the power with the consent of Congress, to appoint a governor there, and that he might assemble around him a legislative council to consist of not less than three nor more than twenty-five to pass laws for that portion of the territory that we were occupying?

In the amendment that I had the temerity to offer here I did not go quite so far. I confined the jurisdiction and powers of the President of the United States to the existence of a state of war; by which I meant, of course, until peace should be concluded and proclaimed; for you all remember that a state of war existed in my section of country in Alabama, very long after the armies had been surrendered and disbanded, and we were kept under the regimen of war there for years. It was a necessary thing to be done; but it was done by an act of Congress. It was not done by the President of the United States in virtue of his office. I have got the decisions of the Supreme Court of the U.S. here to show that he could not do it.

Now, you have got revenues coming from the Philippines, containing 8,000,000 people, with a large trade in sugar, Manila hemp, fruits, and various other important matters in commerce; you have got Admiral Dewey down there in charge of the bay, and he has established a blockade. Do you not want to know something about what is to become of those revenues? Do you not want to make some provision by which the President of the U.S. would be authorized by Congress, and not by the laws of nations—for he has to get his authority from one or the other—authorized by Congress to do certain things which are required to be done in order to handle that country there, even while we are in occupation of it?

What money paid for the Soldiers Home out there—that beautiful park? Revenues collected by General Scott while he was in the military command in Mexico. After that war was over a fund was left in our military treasury, which had to be disposed of, and we took it and we applied it to the purchase of this beautiful tract of land out here. That was Mexican money, won by war. It was taken in hand by Congress and put into that beautiful park. We shall have possibly something like that in the Philippines, and probably we shall have a good deal of it, for the income of the government at Manila from importations alone is over \$13,000,000 a year—a large sum to neglect, too large a sum to pass over in the sweet innocence of that committee that never thought about it, and now refuse to think about it. It is a large sum.

When you get to Cuba what are you going to do, sir? We have been receiving from Cuba \$90,000,000 a year of her productions. It may not be two years until she will get back to the point of production, when she can again supply us with \$90,000,000, after we get possession and

restore peace and order and that country is open to the migration of our people, who will go there in swarms. What provision do you propose to make in regard to that? None. You propose to leave it entirely in the discretion of the President. If you do, his discretion is not broad enough, for there are certain things which the Supreme Court of the United States has decided he cannot do as commander in chief of the Army and Navy, which are absolutely essential to be done. I am not going to point them out just now, but I am going to do so in the open Senate. If you want to close the doors upon me, then, all right, but I am going to debate that question in the open Senate on the tax bill because it is a necessary part of it.

There is another feature in this amendment of mine. When we get down into Cuba we have got to use money in paying our troops, and in the Philippines and in Puerto Rico, and if Hawaii should come in also as part of our military possessions, we shall have to use money there to do that. What kind of money are you going to use? You pay your soldiers who are down there in the gold or in the silver or in the legal tender paper of the United States. They are obliged to have money although they may be six or seven thousand miles away from home. They will need it worse than they do now. What are they going to do with it? You must have some power, which has authority from the Congress of the United States, to declare what shall be a legal tender for public and private debts, contracts, and receipts. Are you going to put your soldiers down there at the mercy of sharpers, tricksters, tradesmen, and Jews who want to shave them to the bone upon their pay without the Congress of the United States making the slightest effort to protect them?

We have not had a foreign war heretofore, except in Mexico, and we have not made provision by law for these things. After the Mexican war was over, through lawsuits and litigations which came to the Supreme Court of the United States, it was developed that the Congress of the United States had been extremely derelict in its duty in not making provision for these things. I propose now to make provision in advance, and I trust I am not trenching too much upon this political machine that is here today in this bill, made for the November elections, when I undertake to try to protect the soldiery, their lives, their health, and their finances, and also to protect the Govmt. of the United States not merely in the collection of revenues in Cuba, Puerto Rico, and the Philippines, but also in the regulation of trade between those countries and this.

There is more than that in the amendment. When we get to Cuba, we find there three governments an autonomous government at present under the Spanish Crown. Suppose they declare their independence, like the Gomez part has done, then you have got the autonomous party there, regularly organized, with laws and institutions of every kind, occupying one end of the island, and the government of Maso, the republic, occupying the other, and the Govmt. of the United States comes in with what? Supreme military power. Anything else? There is nothing that

Congress has given to them. We go there and we exert supreme military power over either or both of the two governments that we find there. Mr. Prest., is it not the duty of the Congress of the United States to say that the President of the United States when he occupies Cuba, for the purpose of protecting the peace, the lives, and property of the Cubans—for that is what my amendment says—may appoint a governor of Cuba, civil or military, that he may do the same thing in Puerto Rico, in the Philippines, and in Hawaii, if that should be taken by him as a military necessity in the course of the progress of this war.

Can we discharge our duty to ourselves and keep posterity from holding up a picture before us that would disgust us now if we could only look at it in its outlines? Can we excuse ourselves from going a little further, perhaps, than this committee has gone, and putting something in this bill besides taxation of the people of the United States? We must provide for taxing the people of Puerto Rico, of Cuba, of the Philippines, of Hawaii, and if Hawaii shall come in as a military possession.

Mr. ALLEN. I should like to ask the Senator whether the President of the United States has any authority to appoint a military governor without legislation?

Mr. MORGAN. I do not think he has.

Mr. ALLEN. Would not that be the natural result of taking possession of a country?

Mr. MORGAN. No, Mr. Prest., there are no natural results.

Mr. ALLEN. There I differ with the Senator.

Mr. MORGAN. The only results that are possible in this country are results that come from law, because this is a law-abiding country, and nothing in the nature of power exists in the United States which has not got the sanction of law.

Mr. MONEY. Will the Senator permit me to ask him a question?

Mr. MORGAN. Yes.

Mr. MONEY. Has not the President, as commander in chief of the Army and Navy of the United States, the right to appoint a military governor in a town or city which has been conquered? Is not that the usage of the Army of the United States?

Mr. MORGAN. Oh, yes, that is the usage.

Mr. MONEY. But is it not right?

Mr. MORGAN. No. That does not make it right. What the armies of the United States have found it necessary to do in times of emergency, they have done, but that does not create a right, nor does it create a precedent, nor does it fix any feature of law, national or international. No, sir, there is but one source which you can refer to at all for the authority of the Commander in Chief of the United States Army, or any of his subordinates to create law in any country that is in military occupancy, except the laws of nations.

Mr. MONEY. If the Senator will permit me, when the city of Mexico surrendered to the Army of the United States, Major General Quitman, of Missi., was appointed military governor. It was impossible to have the action of the President of the United States for weeks, and there was a necessity of having a military governor, and he was appointed. So it was with other cities which came into our hands.

Mr. MORGAN. They tried to establish an admiralty court in California, and the Supreme Court decided that they could not do it. General Kearney established a code of laws, with two hundred and ninety-odd sections in it, in New Mexico, and I think followed it up in California. General Quitman established a different code in the City of Mexico when he was military governor there. Commander Sloan established a different code, he being commander-in-chief of the Navy, but all these things trace their authority back to what? To the laws of nations.

The laws of nations tolerate the despotic powers of this earth in establishing in a conquered country what they please, but the laws of the United States do not do that; and the Constitution of the United States is as obligatory upon the President of the United States in the establishment and creation of laws and courts and judicial establishments in a foreign country as it is here at home. It is the duty of Congress to provide for such a contingency, and if we do not do it, it is because we are either delinquents or cowards.

Mr. ALLEN. But that was not the question I put to the Senator. The question was this: That, having the power to conquer or having conquered, is it not an incidental power of the commander-in-chief to place a military governor over the conquered territory until a civil government may be established?

Mr. MORGAN. Yes, to put a civil government there until some other is established.

Mr. ALLEN. No; that is not a logical sequence.

Mr. MORGAN. They are both true.

Mr. ALLEN. But the appointment of a military governor is the means of accomplishing the object of the expedition.

Mr. MORGAN. And the appointment of a civil governor is just as legal as that of a military governor. Both derive their authority under the law of nations—remember that.

Mr. ALLEN. That is what I think.

Mr. MORGAN. Yes, that is right; but the question is, Shall the President and the Army of the United States be governed by the laws of nations in those countries, that we are going out, with our splendid banners, to relieve with rejoicing and in the midst of arms, from the iniquities and oppressions which Spain has put upon them—shall they go out under the laws of nations or shall the Congress of the United States give to them the powers and define their limits as they go?

Mr. SPOONER. Will the Senator allow me a moment?

Mr. MORGAN. I will.

Mr. SPOONER. I do not rise to interrupt the Senator or to debate with him, but I did not hear his answer to the question put to him by the Senator from Neb. (Mr. ALLEN), if such appointments are within the power of the President.

Mr. MORGAN. I will say that under the laws of nations the conqueror has the right to prescribe a military or a civil governor to be conquered; and there is no restraint upon him except his own will.

Mr. SPOONER. The Senator does not deny the power of the President to appoint a military governor at the Philippines?

Mr. MORGAN. I do not, but I say the President of the United States has not got in his exclusive control and grasp one shred of prerogative power—not one shred. When we left Great Britain we took all the prerogatives of the crown and divided them up amongst different tribunals here, legislative and otherwise. The President of the United States has got no shred of prerogative. All such powers belong to him as Commander-in-Chief of the Army and Navy, and those powers the Supreme Court say are limited to the function of making war. He cannot even make peace.

Mr. BACON. Will the Senator permit me?

Mr. MORGAN. Yes.

Mr. BACON. I desire to know under what constitutional power the Senator places the alleged power, which he says today he applauds in the President of the United States to seize the territory of a neutral nation if it becomes a military necessity—a neutral nation, not a nation with which we are at war—

Mr. MORGAN. I understand.

Mr. BACON. Seeing that the Executive only has such powers as are given in the Constitution, I want to know under what clause of the Constitution the Senator finds the power to seize the territory of a neutral nation, one with which we are not at war?

Mr. MORGAN. I will bring that question up, and will give a sound answer on it from the decisions of the Supreme Court, but just now I am on the skirmish line. I am not fighting any legal battles before the Senate. I am trying to excuse and exonerate myself from the necessity of having to intrude upon the committee some ideas they never have thought about, and which are absolutely necessary for properly providing for the situation and which belong to this bill. That is what I am trying to do.

Mr. ALLEN. I do not desire to interrupt the Senator needlessly, but I want to understand his position. I infer the Senator means that Congress shall legislate and establish a civil government over territory before it is conquered and that that legislation may be carried into execution when the country is reduced by force of our arms?

Mr. MORGAN. What I mean is, the President having no prerogative powers, but deriving his powers from the law, that Congress shall enact a law to enable him to do it, and not leave it to his unbridled will and judgment.

Mr. ALLEN. Would it not be just as wise, then, to provide a code of laws for the government of a neutral territory in anticipation that within five or six months we might declare war against that power and reduce its territory?

Mr. MORGAN. I am not discussing the wisdom of that.

Mr. ALLEN. Would it not be exceptional because we have never before had a foreign war like this, or anything approximating to it. All I am contending for at this time, and all I intend to contend for at any time, is that the President of the United States shall have the powers conferred upon him by Congress full and ample, but that he shall understand that they come from Congress and do not come from his prerogative, or whatever his powers may be merely as the fighting agent of the United States, the Commander-in-Chief of the Army and Navy of the United States.

Mr. ALLEN. That would arise from his constitutional powers as Commander-in-Chief of the Army and the Navy.

Mr. MORGAN. No; his constitutional powers as Commander-in-Chief of the Army and the Navy are not defined in that instrument. When he is

in foreign countries he draws his powers from the laws of nations, but when he is at home fighting rebels or Indians, or the like of that, he draws them from the laws of the United States, for the enabling power comes from Congress, and without it he cannot turn a wheel.

These things, Mr. President, are not new except that we have not thought about considering them. They are all here in the Supreme Court Reports, and I will read them to the Senate, and I will convince the Senate that I am right about it, and that the necessity is absolutely imperious and unavoidable upon our part not to lay our duty down and to leave the President in a strait, where he will have a thousand difficulties to contend with. We are obliged to provide something of this kind, and the Committee on Foreign Relations so thought years ago, and in 1893, reported a bill for it. If that bill were a law today, there would be no trouble in the case. We have neglected our duty, and now we have come to appoint where it is necessary that we should perform it, and I want to perform it understandingly. It may break up the little political gerrymander that is fixed up in this bill, and that is to be fixed up for the November elections, I want us to do our duty, notwithstanding the committee's great efforts to confine us to the particular issues contained in this bill.

Mr. President, Congress seems to be afraid of everything and everybody. The House of Representatives seems to be afraid of somebody whom I do not dare to mention, because it would be unparliamentary. They sit there and shiver in apprehension and alarm until they want to keep out of sight of the world and of the people. The people will keep a great many of them out of sight, I am afraid. And the Senate of the United States is alarmed to death at a decision of the Supreme Court of the United States that stood for months affirming a hundred years of decisions and then, by the change of the opinion of a single man on the bench took the other turn, and we are in such a state of alarm about it that we cannot consider that there is any possibility of that decision being reversed, and the Senate will not stop to consider whether that decision covers the case presented in this bill or not. We are so scared that we will not stop even to look back to find out whether we are on safe ground. The decision of the Supreme Court—I do not say properly construed, but when looked at and read by the simplest minded man who can read an opinion and understand it—does not cover numbers of things that are shut out in this bill and numbers of things that are included in it. We are in a state of alarm; we run off from our duty and refuse to consider it, and allow the country to go--, well, to the devil. That is exactly where we are drifting by reason of fear and alarm. It seems as if we are afraid to land a soldier in the Island of Cuba lest some Spaniard should come along and eat him up before he could get behind a tree, or bush, or something. Alarm attends everything. It is all inaction; it is all supineness; all dread. If the Spanish had the enterprise that they ought to have, they would come here and lick us before we could get waked up and understand that we had manhood enough to defend our country and take care of our lives.

I am not reproaching any person about this any more than I am myself, and I include myself in the category with my brethren here. That is the situation of all of us. The Republican party, when they came to pass the Dingley bill, were so alarmed at the people that they would not repeal those thirteen sections in the Wilson law, but they repealed every other section of the Wilson law but those thirteen, which cover the income tax, and left them standing, and they are the law today so far as Congress can make law.

I propose to get out of this shuddering attitude and that we should, like a band of good, honest, square Americans, come up to our duty and consider any question that any Senator presents here in good faith, and see whether or not the arguments he has got to produce are worthy of consideration. There is not any breakneck haste about this bill any way. We are not suffering for money, so far as I have been able to hear, and we are liable to get any amount. If you put your printing press to work and print greenbacks to the amount of \$500,000,000, you will have as much money in this country as you can pack on miles, and it will be as good as any that is here now. There is no trouble about money.

Here is a controversy which the national banks are making for the purpose of controlling \$500,000,000 in the form of bonds, and another \$100,000,000 in the shape of interest-bearing Treasury notes, which they know will go into that sink—every one of them. They are playing for that; that is the game they are playing, and the committee is helping them out all it knows how. There is nothing left undone here to help the national banks get the control of this money, and then using it for the purposes of getting out of the people interest and usury to the amount of at least from 8 to 16 per cent. Per annum, when we could just as well put out the money to the people and pay the soldiers with it, without paying any interest at all.

These things are not misunderstood by the people of the United States. They are perfectly aware of the condition; and when I speak of it in the Senate, I only speak what all the country knows. The country is perfectly aware of it. This little game of hide and seek, that is going on amongst the politicians, leaders and rules, the chairmen of Congressional committees and the chairmen of the political committees—this little game of hide and seek, playing around here for advantage, is something that the people do not misunderstand. Then gentlemen get alarmed about our bringing in something that is really of value. I am not myself very much stirred up about it. I intend to pursue on this bill the course I esteem to be right. I am for every Democratic measure on this bill, and I know them as well as I know my right hand from my left. They all meet my approval—every one of them—and I intend to vote for them. When it comes to a political question, and they are all voted down, as I know they will be, and you know it, too—for every one of them will be voted down—when it comes to the proposition of taking the House bill in the shape that the Republican majority on that committee ask us to take it, or

the Republicans on that committee want us to take it, then the question will be about voting for it. I do not intend to cast a vote while this war is going on that denies to the party in power the right to conduct it, even to the extent of supplying the finances of it—that being the bottom fact in the whole case. There is no use of providing soldiers if you do not provide finances.

So far as the annexation of Hawaii is concerned, those who want to oppose it have a perfect right to do so. I understand the Senator from Cal. (Mr. WHITE) who is the chairman of the Democratic Congressional committee, and the Senator from Ark. (Mr. JONES), who is the chairman of the National Democratic committee, are both opposed to the annexation of Hawaii. Whether you take it as a war measure or take it otherwise, they are utterly opposed to it. I do not expect to correct their opinions nor to reproach them for holding them. I only say to those two gentlemen, who occupy the most distinguished positions in the Democratic party, that they cannot make that opposition Democratic. They cannot do that, and then go back to the old Marcy platform on these questions. They must stand on stronger ground than they did when they stood by Grover Cleveland when he tried to keep Liliuokalani on the Hawaiian throne.

When you object to the Democracy of those who are in favor of the annexation of Hawaii on this side of the Chamber, we have as much claim to Democracy as any of the balance of you, and we will assert it whenever you put up a man for the Presidency of the United States who says he is against all progress, against all justice, against all treaty obligations, and against doing those things which are necessary for carrying on this war. When you come to put him in the Presidential chair you will find yourselves mistaken and encounter a power you do not dream of. There are men still alive in this world who have the old Jackson stock in them, and plenty of it, and the Marcy stock, too.

Mr. CHANDLER. May I ask the Senator whether he is talking to the Republican party or to the Democratic party?

Mr. MORGAN. I certainly am not talking to the Senator from N.H., for of late I do not know whether he is a Democrat or a Republican.

Mr. CHANDLER. Because I do not know myself. [Laughter.]

Mr. MORGAN. I am satisfied you do not, and the misfortune is that the Senator from N.H. will not live to be old enough to find himself out, or if he should ever do that, he would be as old as Methuselah.

Mr. CHANDLER. But I do want to find out what the Senator from Ala. means when he is taking so eloquently.

Mr. MORGAN. There is nobody but the Senator from N.H. in the Senate who misunderstands me—nobody else. These gentlemen I have been talking to do not misunderstand me. The people are not going to misunderstand me, and I do not feel like I was putting myself out of harness or in any particular predicament by telling the truth about these things as I go along here—the truth no Democrat was ever afraid of in the affairs of this Govt. and in the reference to the men who manage them.

Now I have got through with what I had to say on this subject for the afternoon, but I am going to discuss it and in discussing it if I mention the name of the Hawaiian Islands I hope the chairman of the committee or the Senator in charge of the bill will not lock the doors on me because of that fact. It will not be intentional and I might accidentally stumble on it.

Mr. STEWART. Mr. President, I regret that the Senator from Iowa suggested that this bill was not intended as a subject for general debate. If it had been a bill for speedy action it would have been an ordinary revenue bill. In the history of this Govt. previous to the civil war and during that time the method of raising money for like emergencies was to issue short time Treasury notes.

Mr. ALLISON. I will say, in order to save the Senator any further time on that question, that what I said was quite to the contrary, that it was a subject of the wildest debate.

Mr. STEWART. I think the putting into this bill of the whole money question was unfortunate. You could raise money as you have in all time past, by Treasury notes drawing interest. It gave an abundance in the Mexican war, and in the war of 1812 there was no trouble. But here is something else wanted. There is a contest whether it shall be bank or Govt. money, and they must under any and all circumstances have a large issue of three per cent bonds to be taken by the banks, and the banks are here asking for this thing. The whole money question is involved in this. If you put out these bonds and strengthen the banks, then of course that gives the gold power an additional weapon. That is what they are fighting for. Every recommendation coming from the bank party from Gage up and down—true, it is but a little ways down—has advocated bonds, bonds, bonds. We have heard nothing else but bonds to be taken by the banks. That is what this for. Nobody believes that this is a mere war measure to raise revenue, because if it were it would have done it in the regular way. The majority of the committee have adopted the principles of the war measure of thirty years ago.

Then there is another peculiarity of which I hardly want to speak in public. We are called copperheads and traitors because we do not like the bond issue, and particularly the majority of the committee are called all sorts of names too horrible to mention for suggesting greenbacks.

The Republican prayers are full of it, loaded down—copperheads, traitors, sneaks, and such terms.

Mr. HAWLEY. It is the first time I have ever heard such an expression used.

Mr. STEWART. In the papers?

Mr. HAWLEY. Yes, and I am somewhat of a newspaper man.

Mr. STEWART. I saw them this morning. I refer you to the Indianapolis Journal, quoting from a whole lot of other papers the same kind of language.

That reminds me of what the Republican party said of the Democrats because they opposed greenbacks, because they opposed the exercise of the power of the Govt. to issue greenbacks. They were denounced in every possible way as we are now denounced, but, presto, change.

Mr. ALLEN. The language referred to was used in an editorial this morning in the Post, copied from some other paper.

Mr. STEWART. In the Post and several other papers. Such papers are sent to me from all points. For opposing greenbacks the Republicans for twenty years denounced the Democrats as copperheads, and after the war the Democrats took another step, that they could not issue legal tender money, that the Government of the U.S. had no such power in time of peace, and the Republican press went for them terrifically and said that it was treason, because the time would come when they would want them again and it was treason to deny to the Government this authority, and the Republican party went so far—I was a member of it at the time and know it—as to pack the Supreme Court. The Supreme Court had decided that the power did not exist to issue legal tender money in time of peace. There were two vacancies and two men were appointed who notoriously were in favor of that power of the Government. Their views were well known in this Chamber. I am glad it is in secret session. The Democrats said they packing the court. They replied they would pack the court, that they had a right to do it to save the Government, to save the power to the Government; that if the Government was deprived of the power to issue legal tender money it was something with which the Government could not dispense and exist. They did not deny the charge. They said the exigency warranted it, that the President had a right to pick out men of known views. He took two lawyers, Bradley and Strong. That charge was made.

From 1862 to 1882, when Judge Gray rendered the last decision, the Republican press denounced Democrats who questioned it. Now this committee is arraigned by the same press for proposing to exercise a function which the Supreme Court said the Government had a right to

exercise and which the Republican party contended for here was essential to the existence of the Government.

Mr. WOLCOTT. I rise to a parliamentary inquiry. I have been away for a time. I desire to ask what is the question before the Senate.

Mr. STEWART. I am discussing the question.

Mr. WOLCOTT. I ask for information.

The Presiding Officer (Mr. GALLINGER in the chair). The Senator from Nevada will suspend. The chair will state that the parliamentary question is, Shall the discussion which is being carried on by the Senator from Massachusetts (Mr. LODGE) be proceeded with behind closed doors. That is the only question.

Mr. WOLCOTT. Thank you.

Mr. STEWART. I will excuse my friend, the Senator from Colorado, because his mind does not generally follow closely enough so that he can understand the bearing of a legal argument. With his loose ideas he of course gets bewildered.

Mr. LINDSEY. Mr. President—

The Presiding Officer (Mr. GALLINGER in the chair). Does the Senator from Nevada yield to the Senator from Kentucky?

Mr. STEWART. No. I am replying to arguments which were made here that this is a bill not to create discussion but purely to raise revenue. I say it is a bill to transfer this Government to the banks. It is a bill to get out bonds which could not be got out in any other way. They dare not attempt it in any other way. They are taking advantage of the war. The first thing is the issue of bonds. We have heard of this for years. We say why not raise money as we have done in every other war? At all times previous to 1860 it was raised by Treasury notes, payable in one or two years, receivable for Government dues, and drawing interest. During the war the first thing we did was to put out greenbacks. We say why not follow the established precedent? Why start in on this new departure to get bonds out before you require them and open the whole question, and I tell my friends that if they want to cut people off in this way and take a man off the floor there is enough questionable material in the bill that needs discussion.

I do not take any stock in discussions to stop legitimate amendments. I do not take any stock in any of the threats that if Hawaii is to be considered there will be filibustering. I give the gentlemen notice that filibustering can occur, not filibustering, but legitimate argument. The money question is a big one and involves a great deal of argument.

There may be a large amount of legitimate argument made and probably there will be more made than otherwise if we did not hear the threats of filibustering. They say that you shall not discuss at all the question of having this way-station, because if you do somebody will filibuster. Is that the way you are going to get bills through?

My friend the Senator from Ala. (Mr. MORGAN) does not filibuster, but he has a capacity for argument in extenso, and he does not talk nonsense. He talks sense all the time. He illuminates a question. He may have some remarks to make, and he will have some remarks to make if you have no other game than that of talk. He can talk with argument and that beats talking without argument which his opponents must necessarily be driven to if they attempt to filibuster against the annexation of the Sandwich Islands in this emergency.

We had better go on without threats. We had better go on without the pretense that here is a bill which has no debatable matter in it, a bill that patriotism ought to put through. I say it is a bill the banking green wants. The mode of raising money is unusual and never was resorted to before in the history of the Govt. under like circumstances. Every time we have got into war Treasury notes were issued, starting with Madison, and during the war they were resorted to first and bonds were the last resort. They kept them out. There were very few long time bonds out when the war closed. The bonding scheme was invented since the war. It was invented to improve the credit of the Government; to get it bonded so that it could not pay. Look at how the bond scheme has operated. In the five years preceding the repeal of the purchasing clause of the Sherman \$112,000,000 was paid off annually. At the same rate the whole debt would have been paid six months ago. But they started in with this non-partisan scheme to strengthen the public credit, to bring prosperity in a moment. You have passed it. You have added \$60,000,000 a year to the public debt since, making more grievous taxation. Now you have nearly \$900,000,000. That is the way you raise revenue and strengthen the public credit. You put into all of your legislation some game of that kind to rob the people, and if Senators can be taken off the floor on the ground that if they talk they are going to prolong debate, I merely make these suggestions to show that there are elements of debate sufficiently involved in the bill.

I hope the doors will be opened and that the Senator from Mass. will conclude his speech. It is a shorter road to the final result than any other you can adopt, and I give you notice of that right now.

Mr. WHITE. Mr. President, those of us who are opposed to the annexation of the Hawaiian Islands are not opposed to an open debate upon that topic; in fact we have courted it from the beginning, but we object to an ex parte debate participated in by the other side. Perhaps we would not be so liberal if we constituted the ex parte element. However that may be, it is the fair thing, if we are to discuss it at all to discuss it in

open session or in secret session exclusively. Those of us who are opposed to annexation as I have remarked prefer discussing it in the open. We think there are a great many fallacious notions prevailing about the subject which could be readily cleared up by open discussion. We cannot be driven very much. We have not heretofore responded to anybody's lash and we do not propose to do so here. The comments of my friend, the Senator from Alabama, in reference to myself of course will be respectfully considered, as I have regard for his opinions upon any subject, as I ought to have, but I certainly will express my own views and intend to adhere to them until I am shown that I am wrong, and I will not be deterred from expressing them by any remarks he made with reference to them outside of the actual argument which may be suggested showing that I am wrong.

Now, so far as the pending bill is concerned, those of us who are opposed to annexation have not filibustered. We have not attempted to impede its passage at all. We have endeavored to disentangle it from everything outside of the matters legitimately and properly appertaining to it, and in the Finance Committee there has been no dissent as to the policy to be pursued in this regard. On the contrary it has been understood by the members of the committee that Congress was here mainly because of the necessities of the war and that the probabilities are we would have been at our homes to-day had not war come upon us. We are endeavoring to pass this bill to obtain the revenues necessary for the Government, and those who are attaching other measures to it are to blame if the revenue bill does not pass.

Another thing. It must be remembered that the appropriation bills are in a very sad condition. People in my State, in certain portions of it especially, are agitated about the non-appearance of the sundry civil bill which has been in conference for a long time because the distinguished chairman of the Committee on Appropriations has had a great deal to do, more than anybody else, I may say, in connection with the present revenue bill, and he could not do two things at one time and a thousand things all at once. So in regard to the Indian appropriation bill. It is also in conference. These are great leading measures.

As to the schemes of annexation, whether they be of the 1,200 Philippine Islands and of the seven millions of oriental combination products contained there or regarding islands in the West Indies, I know not, but one thing we are certain of: When we reach out and annex 1,200 islands upon the shores of China, tenanted by six or seven million barbarians, six thousand and odd miles from our coast, we will think about it a little, I imagine, and discuss it, I trust. When we talk about annexing an island in the Caribbean Sea or in the Atlantic Ocean or elsewhere tenanted by non-assimilative races, people who have no knowledge of our institutions or capacity of acquiring any knowledge, I hope we will think a little bit about it. It seems to me it is worth considering a little. It should not be put as a rider upon a bill nor passed during the heat of summer. The

Hawaiian question is only one of those foreign questions now before. It must be solved in the light of the experiences and obligations imposed upon us by the present war. What will they be? Who knows? I do not. Does any Senator know? I imagine not.

Mr. President, therefore I think it is not unreasonable if some of us believe that this great question of annexation of territory ought to be postponed until the war is over and we know what we have on hand. This talk about foreign interference with us because we shall want to coal, if we do so, at Honolulu has nothing to support it. The charge made in the report of the Committee on Foreign Relations regarding Japan was absolutely without foundation. I have investigated the matter myself sufficiently to make me feel absolutely confident of this assertion, and I defy anybody to produce any proof that France or Germany or any other power is protesting against our getting coal at Honolulu. It is a mere announcement of those who are trying to get up a scare in order to make men do that which under ordinary conditions they would not do.

We will, I suppose, go on with this war as we see fit. We are not asking Spain's permission to coal in Honolulu, and the Senator from N.H. (Mr. CHANDLER) who is afraid that Spain may feel hard towards the Hawaiian govt. if we coal at Honolulu certainly feel more towards Spain in that regard than in other. We are not asking anything of Spain. If we do something in the Hawaiian Islands which Spain does not like and Spain makes a fuss about it, we will chase her around the Hawaiian Islands as we are trying to chase her in other places, and with more success I hope than we have done recently.

Mr. CULLOM. We have got them in a pen.

Mr. WHITE. If it be true that they are penned up we will endeavor to apply the Cervera trick, so-called, upon them in Honolulu. Certainly at all events we do not intend to and we will not consult Spain about anything. I think we have severed diplomatic relations with Spain, although the President informed us that Spain had no reason to feel aggrieved at what we had done, and he was no doubt right about that matter. Still we did sever diplomatic relations with her and we are not consulting her in any regard, and my friend, the Senator from N.H. is the last man to consult Spain, unless he changes tactics entirely, and whatever may be said about him in connection with other subjects, I do not think there will be any alteration of his course in this regard. He is always very consistent.

Mr. CHANDLER. What I said was that if we destroyed the neutrality of Hawaii Spain would have a claim against Hawaii which she could enforce according to the principles of the Geneva Award and make Hawaii, if she were able to do it, pay for every dollar's worth of damage done to the ships of property of Spain by the fleet that may go out of Hawaii.

Mr. WHITE. I do not think my friend, the Senator from N.H. is very much disturbed about that. As far as the Geneva Award is concerned that was decided upon agreed principles laid down in certain rules which I believe that all of the writers upon international jurisprudence agree were not the rules of international law, but we won our case for, I believe the first and only time in history, by outwitting Great Britain—

Mr. CHANDLER. Will the Senator allow me to ask him a question? First, whether he is willing to have the Navy and Army of the U.S. violate the neutrality of Hawaii?

Mr. WHITE. I am not, as everybody knows, a soldier, nor am I familiar with military affairs, but if I were conducting this Govt. and fighting Spain I would proceed so far as Spain was concerned just as I saw fit. I would get the better of her in any way I deemed proper, without trenching upon the rights of other people. So far as the Hawaiian Islands are concerned, we talk about a coaling station. We have had one, and because we have not improved it we are told that we ought to go and annex the islands. There is an argument for you! Then why have we not, if we need a coaling station in the Hawaiian Islands now, if we have needed it so badly as the Senator states, had a treaty to give us one in Honolulu Harbor before the war began? Mr. Dole would be very willing to enter into any kind of treaty with us. But the matter has been held up for the purpose of attempting to create a necessity, and we are asked in the presence of necessity to do that which a sane man under ordinary circumstances would not think of doing, this to establish a precedent in order to enable our speculative friends in various parts of the world to argue that we ought to annex all the barbarian tribes we may conquer in this war.

Mr. WILSON. The Senator states that the matter has been held up. Will he be kind enough to say where?

Mr. WHITE. Certainly. I mean if the Administration desires to establish a coaling station at Honolulu it would be easy to negotiate a treaty to do so.

Mr. WILSON. It was held up in the United States Senate.

Mr. WHITE. It has been rather dormant here, very dormant, I agree with the Senator. There is a very singular feature about the matter referred to, called to my attention by the Senator from Washington, and it is this: This treaty was not called up until the middle of January. Then it was dropped, and now it is brought up at this time, and we are told that conditions are so exigent that we must tack it on to a war measure. We have certainly become remarkably anxious and excited about it.

Mr. WILSON. Interrupting the honorable Senator again I will say that personally I am entirely in favor of the annexation of the Hawaiian Islands.

Mr. WHITE. I regret to say that I know that.

Mr. WILSON. All my people are in favor of the annexation of the Hawaiian Islands, but I do not think myself that it is advisable to tack it on to this war measure. I want to see this bill passed as speedily as possible. We are not going to change a single vote by prolonging this discussion. We could vote on it to-morrow and pass the bill and give the Government, that we continue to complain of every day for forcing the war, money and men to carry it on. That is what we ought to do and what the people of the United States hope we will do.

Mr. WHITE. And what the Committee on Finance is trying to do, as I understand it.

Mr. WILSON. I am trying to aid the committee as far as my one vote will go in that direction.

Mr. WHITE. Another thing. When we are told that it is necessary to legislate regarding the various acquisitions that we are to make, I think we are told that we are opening a question involving this entire international subject and which is entirely outside of the scope of the revenue measure before the Senate. I hope that we will go on and consider the revenue bill and dispose of it and dispose of the other urgent matters that are before us and await the result of the conflict now going on, and settle upon some policy consistent with the occasion and which patriotism and duty to our country require us to determine wisely.

The PRESIDING OFFICER. The question is, Shall the discussion which is being carried on by the junior Senator from Massachusetts be proceeded with behind closed doors? [Putting the question.] The ayes appear to have it. The ayes have it, and the Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, if I had been permitted to continue I could have finished in ten minutes. I have really made the argument which I desire to make. If it had not been that it would have precipitated a protracted debate, I should have argued then what has been argued ably since we came into secret legislative session, that at this moment the Administration was compelled to violate the neutrality of those islands, that protests from foreign representatives had already been received, and complications with other powers were threatened, that the annexation or some action in regard to those islands had become a military necessity.

Mr. MORGAN. May I ask the Senator how he acquired the knowledge of the fact that protests of foreign governments have been interposed?

Mr. LODGE. I was so informed.

Mr. WHITE. I should like to know by what governments.

Mr. LODGE. I was advised on what I regard as good authority. I was not shown the papers. I was told that we were threatened with foreign complications and that protests had been received from the German and French consuls. So I was informed.

Mr. GEAR. Has Hawaii declared neutrality yet?

Mr. LODGE. That has absolutely nothing to do with it. She is bound to be neutral whether she declares it or not.

Mr. WHITE. I simply desire to say that I think I have been quite directly informed that nothing of that kind has been sent in by Germany.

Mr. LODGE. I may be mistaken. I thought my authority was good.

At all events it was that view that I should have used the Hawaiian Islands as an illustration of the argument I desired to make, which I did make, that I thought Congress should not to be in a hurry to adjourn until all measures for the prosecution of the war were disposed of. I should have continued only about five minutes longer. I have no intention of delaying this bill either by amendment or argument, as I stated in the beginning. I have said all I really desired to say, and I have nothing further to add. I move, if agreeable to the Senate, that we go into open legislative session.

Mr. HOAR. I think the Senate should rescind or reconsider the vote just passed without division.

Mr. ALDRICH. No, that was the rule. We can now return to open legislative session and go on with the bill.

Mr. HOAR. I am not quite sure of that. I should like to ask the Chair to state the parliamentary position.

The PRESIDING OFFICER. The Chair will state that the question before the Senate, if the Senate should go into open legislative session, is the amendment submitted by the Senator from Minnesota [Mr. NELSON] to the amendment of the Senator from Maryland [Mr. GORMAN] to the bill.

Mr. HOAR. What has the Senate voted?

The PRESIDING OFFICER. The Senate has voted that the discussion which the Senator from Mass. [Mr. LODGE] was participating in, which was a mere speech, should be continued behind closed doors.

Mr. HOAR. Was not the revenue bill up?

Mr. LODGE. It was.

Mr. HOAR. As I understand the parliamentary position, the revenue bill was before the Senate, and my colleague proposed to discuss it. In the course of that discussion he alluded to a certain topic. Thereupon, one Senator moved and another joined with him in insisting that the discussion should proceed with closed doors. Now, that settles the question upon the pending bill. The Senate does not take notice of particular arguments on particular topics. The Senate has voted that the discussion on the revenue bill should proceed with closed doors, and if we go back to open legislative session we go back not at liberty to take up that subject, but only to proceed to other matters in open session.

Mr. COCKRELL. Oh, no.

Mr. HOAR. Now, in order to get rid of that we must rescind it. My colleague states that he does not propose to continue his speech or to continue further the discussion of that particular topic. If any other Senator should propose to do that, the suggestion would be made here—

Mr. GRAY. Do we not rescind it when we vote to open the doors?

Mr. HOAR. No, that does not rescind it; that goes back to other legislative business.

Mr. ALDRICH. No such motion as has been suggested by the Senator from Mass. was adopted by the Senate.

Mr. HOAR. It is not a motion. It is a suggestion simply.

Mr. ALDRICH. No such motion has been adopted by the Senate.

Mr. HOAR. Yes it has.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. HOAR. What was the motion just passed within five minutes?

The PRESIDING OFFICER. The Chair will state, if given permission, that he put the question to the Senate shall the discussion which was being carried on by the Senator from Mass. [Mr. LODGE] be proceeded with behind closed doors.

Mr. ALDRICH. That is, the speech of the Senator from Mass., and it has nothing to do with the revenue bill.

Mr. HOAR. There is nothing in the rule of the Senate which makes it in order to vote that a particular speech shall go on behind closed doors. It is the pending business which that vote related to.

Mr. SPOONER. If the Senator will pardon me a moment, the Senator's colleague had introduced as an amendment to the revenue bill what were resolutions proposing to annex Hawaii.

Mr. HOAR. Certainly, to the revenue bill pending.

Mr. SPOONER. And he was proceeding it was thought to discuss that proposition, and it was that proposition—

Mr. TILLMAN. The amendment of the Senator from Mass. [Mr. LODGE] was not up particularly for discussion.

Mr. LODGE. The amendment was not up, and I did not have it read.

Mr. SPOONER. What was up?

Mr. HOAR. The revenue bill.

Mr. GRAY. The Senator was up.

Mr. LODGE. I was up.

Mr. HOAR. It is not very important, if Senators think otherwise, that the business shall go on correctly, except as a matter of precedent. There is no such thing as a vote in the Senate that a particular speech shall go on behind closed doors. The vote relates to the ordinary question to which the particular speech relates, and it has been voted that the revenue bill, which was the pending subject, shall go on and proceed behind closed doors. That vote should be the mere going back into open session. It allows us to go back only for other business and not for that.

Mr. CHANDLER. I ask that the rule may be read.

The PRESIDING OFFICER. The Chair will cause Rule 35 to be read from the desk.

The SECRETARY read as follows:

Session with Close Doors. On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

Mr. HOAR. That is the business now, the business was the revenue bill.

The PRESIDING OFFICER. The Chair is very clearly of the opinion that if the Senate votes to proceed to the consideration of business in open session, it is entirely competent to do so, and it vacates the former motion. The motion is made that the Senate proceed to the consideration of the revenue bill in open session.

The motion was agreed to, and at 4 o'clock and 45 minutes from, after 2 hours and 53 minutes spent with closed doors, the doors were reopened.