

# Canal Tolls Debate in the House

Speeches For and Against the Administration's Policy

## SPEECH OF CONGRESSMAN PALMER

Speech of Hon. A. M. Palmer of Pennsylvania, in the house of representatives, March 27, 1914:

"Mr. Speaker, the distinguished gentleman from Alabama (Mr. Underwood) and I look at this question from points of view which are so wide apart that we can not even find common ground on which the subject ought to be debated.

I can voice the regret which I am sure every member of this house who proposes to vote for this repeal feels in his heart that at this crisis in our party's history, at the time when a measure is up fraught with so much danger, if it should be lost, to the prestige of this great administration, we find this leader upon whom we have relied forsaking what he himself has taught the necessity of—cooperation between leaders in the party for the accomplishment of the general good of the party and the country. The gentleman from Alabama has broad shoulders and can carry heavy burdens, but I venture to say that as the years go by he will be able to convince himself that he has never carried a burden more heavy than when he undertakes to lift and carry the load of insurrection within the party which has honored him against the efficient leadership which has made it possible for our party to write a record of achievement in the first year of this administration unparalleled in the history of the country.

"Of course, the gentleman from Alabama said this morning that he regretted that he must differ with the president. He makes no attack upon the president or his policy except by shadowy innuendo and intimation. He is too good a democrat; he is of too sweet and kindly a disposition and too great a character even to share in small degree the criticism and attack which gentlemen upon the other side of the house have made and will freely make against the head of this administration; but I could not help feeling as he made his remarks this morning and again this afternoon, as he received the tumultuous applause of the historic enemies of the party which is now in power, that he was very much like an old Quaker ancestor of mine who, like the gentleman from Alabama, was of kind and sweet disposition and great gentleness of character. He was at one time bitten by a mad dog. He said to the dog, 'If I were not a Quaker, if I did not believe in peace and gentleness, I would kill thee; but since I do believe in these things and can not be rude or cruel I will simply call thee a bad name.' So he went down the street shouting 'Mad dog,' and other persons, without his sweetness of disposition and kindness of character, attended to the dog. I know the gentleman from Alabama makes no attack upon his party's chief. He makes no fight against the administration's policy. He just contents himself with making a few remarks which give hope and cheer to the enemies of the party in power and make them believe that with reinforcements such as they have today they may split us wide open so that we will be deprived of the opportunity to give this country the blessings to which it is entitled and which it will receive if the party remains in power.

"When the Panama canal act was before the last congress, those members who opposed the exemption of American coastwise shipping from the payment of tolls did so for two reasons: They believed it to be a subsidy to the shipping interests, and they construed it as a violation of the Hay-Pauncefote treaty defining the rights of the nations with respect to the use of the canal. Upon these propositions reasoning men might easily differ. Equally patriotic statesmen contended that it was not a subsidy but a mere subvention in the interest of building up an American merchant marine; that it was a discrimination in favor of our own shipping for which example, if not justification, might be found in similar discriminations by other governments in favor of their own shipping interests. Equally able international lawyers contended that it was no violation of treaty obligations and, as a domestic matter, was beyond the purview of the treaty in question.

"A majority of both houses of congress resolved these doubts and differences in favor of the exemption, and it was written into law. Of course, as one of those who originally opposed

the exemption, I do not have to search my mind to find reasons to support the view that the exemption of American coastwise shipping from the payment of tolls through the canal is unsound in law and wrong in economic principle. I convinced myself then, and I am no less convinced now. Having a reasonably clear understanding of the plain meaning of English words, I can not see how any other man with like understanding can bring his mind to believe that free passage for the citizens of one nation is no discrimination against the citizens or subjects of other nations subjected to the payment of tolls.

"I am equally clear that whether it be called a subsidy, subvention, or bounty, the exemption constitutes such a privilege to one small class of our people as to make it offensive to true democratic doctrine. What is it we originally proposed to do? Either that we should collect at the isthmus tolls sufficient to pay the expense of operating and maintaining the canal and its fixed charges or we should collect a less amount. We did not propose to make money out of it. If we now propose to compel ships using the canal to pay tolls sufficient to cover these operating and other expenses, then if we exempt a part of the ships from the payment of tolls, we manifestly place upon the ships which do pay not only their own share but the share of the ships which do not pay. It would be obviously unfair to make foreign ships pay the expense of the American ships, and as I understand it, no such purpose is contemplated. To compel foreign ships to pay all the expense of the canal would be tantamount to asking them to pay the tolls of the American ships. If, on the other hand, we do not propose to collect sufficient tolls to pay the expense of the canal, then the difference must be provided for by appropriations from the public treasury. In that case, every dollar given to American ships by the remission of tolls is made up by taxation of the people. That certainly looks like a bounty. You may call it subsidy, you may call it subvention. The fact remains that out of the taxes collected from the people is supplied the means of giving a valuable special privilege to a comparatively small interest.

"These questions were important and controlling when the proposition was originally considered. They are interesting now, and I assume that gentlemen will occupy many hours in their discussion. But I sweep them all aside. In my view they are today wholly irrelevant and absolutely immaterial. Gentlemen who search for excuses to leave this exemption upon the statute books may discuss them with much learning and at great length, as the gentleman from Alabama (Mr. Underwood) has done, but they can hardly persuade themselves that they discuss the real question which now confronts us. The situation is materially different from what it was when the law was passed, for now comes the president of the United States and upon the solemn responsibility of his high office declares, in effect, that the solution of problems which involve the continued friendly relations between our country and the other great nations depends upon the repeal of the law. As patriotic men we ought not to differ as to our duty now. Under our system of government the foreign relations are peculiarly within the province of the executive. He is the treaty-making power, acting by and with the advice and consent of the senate. The negotiations which lead to agreements, conventions, and treaties between the nations are necessarily within his sole control and guided entirely by his knowledge of conditions, conditions which shift constantly like the colors of the kaleidoscope. In the very nature of things the president must have knowledge of those conditions and their relations to each other which can not at all times be shared with the public or with the legislative branch of the government. The value of his information would be utterly ruined by its general diffusion. His power to treat in the interest and for the benefit of his country would be shattered beyond hope of usefulness if the world were kept constantly advised of every development and informed of every fact and condition relative to the negotiations. To the president alone is committed the duty of acting upon the knowledge which he alone must have, and upon him is the responsibility for action.

"The question, therefore, is shifted from in-

teresting legal and economical problems which engrossed our attention two years ago to the practical and patriotic proposition with which we are now confronted. Refined distinctions upon the technical meaning of words and phrases in treaties must await our answer to the question which no man can fail to understand. The interests of shippers and consumers, whether in big profits or small benefits, must give way to the interests of the nation as a whole while we pause to make reply to this question: Shall the American congress sustain the president in his conduct of our foreign affairs or shall we rebuke him while all the world looks on?

"The country has never failed heretofore to sustain every president who spoke for the country to the other nations of the world, whether his utterance meant peace or called for war. In my judgment the congress and the country never will fail to stand behind the president in the management of our relations with the other nations of the earth. And it is because they realize this full well that gentlemen adroitly sidestep the real issue and spend their time, their talents, and their energies in discussing matters which now belong to the realm of ancient history. I venture the confident assertion that if the house could be made to believe that the continuance of our friendly, perhaps our peaceful, relations with the great powers of the world depended upon the acknowledgment of this legislative error, an acknowledgment fraught with no sacrifice of national honor, regardless of the original merits of the controversy, not a single vote would be cast against the repeal. I will go further and declare with equal confidence that if every fact and condition upon which the president has acted in his extraordinary course in making this appeal for a change in a law not yet enforced could be laid before the congress the patriotic impulse of every member would be immediately stirred in the president's support. We would ungrudgingly hold up his hands at the door of every chancellery in Europe. What, then, does the opposition really mean? It means that gentlemen either do not believe the president when he declares "I came to state to you a fact and a situation," or they believe he is mistaken as to the true import of that situation when he asks this repeal "in support of the foreign policy of the administration" and admits without it his inability to deal with other matters of "even greater delicacy and nearer consequence." In other words, gentlemen impeach either the veracity or the intelligence of the president. They would not state it so badly, but that is exactly what their opposition amounts to. At the bar of public opinion in this country neither impeachment will ever be sustained.

"The outcome of our policy with respect to a single foreign government is not necessarily involved. We are not forced to conclude from the president's declaration that the tolls exemption prevents the accomplishment of any particular purpose which this government has in mind covering its relations with this, that, or the other nation. We may conclude, however, that we can not go forward in any direction with hope of receiving that consideration to which we are entitled so long as we are considered "outlaw" by the nations of the world. Upon every path upon which we start we are opposed by the hurdle of suspicion which comes from the unanimous opinion of the nations of the world that we have either knowingly misinterpreted or wilfully violated what is elsewhere considered the plain language of a solemn treaty.

"The president has been freely charged with inconsistency because in his campaign he expressed himself as favorable to the exemption and extolled its apparent advantages to shipper and consumer. No man who knows the present occupant of the White House will believe that his change of opinion was made lightly or without careful consideration, full investigation, and thorough knowledge of all the facts and circumstances necessary to decision. No stronger proof of the grave import of the situation to which he refers could possibly be offered than this difference in judgment of the candidate and the president. The one was expressed with knowledge shared by every citizen of the United States; the other was based upon information which the chief executive alone can have. If this knowledge was sufficient to impel him to an admittedly difficult confession of error, shall we refuse to make like acknowledgment while necessarily in the dark as to all the facts and circumstances essential to a decision? Shall we insist that lack of information must prevail over full knowledge?

"Nations like men must obey the law if they