

# WASHINGTON.

## The Dissenting Report on the Cuban Question Made to Congress.

### Views of Five of the Ten on the Foreign Affairs Committee.

### The Course of the Administration Fully Indorsed.

### REAL STATE OF AFFAIRS IN CUBA EXPLAINED

### Passage of Mr. Schenck's Tax Bill and Tariff Amendment.

### The Funding Bill as Reported, in Full.

#### THE CUBAN QUESTION.

#### Dissenting Report of the Foreign Affairs Committee—Answer to the Arguments of Gen. Banks—The Power and Duty of the Government—Mr. Orth's Bill Recommended and Explained.

Special Dispatch to the New-York Times.

WASHINGTON, June 6.—The House has agreed to consider the Cuban question on Tuesday of next week. The position heretofore taken by the Administration is ably sustained by the minority report from the Committee on Foreign Affairs, drawn by Judge ORTH, of Indiana, and signed by four members. They say they cannot agree with the views of Gen. BANKS and his associates, but think the bill reported by Mr. ORTH some time ago ought to be passed. This bill, it will be remembered, makes it a misdemeanor to fit out or equip ships of war with intent that they shall be employed in the service of any European Prince or State for the purpose of subduing American colonists claiming independence, and provides for the forfeiture of ships or vessels so fitted out or equipped. The report is in full as follows:

The minority of the Committee, in recommending this bill, is influenced by the conviction that its passage and due enforcement will have the effect of establishing perfect neutrality on the part of this Government between the Government and Spain of the revolutionary party in Cuba, and that it will have the same effect upon any future conflict of a like character in any American possessions of a European Power, without reference to the questions that would otherwise arise, as to the extent and character of the insurrection or revolution. It is, in fact, an enlargement of the principle known as the Monroe Doctrine, and, without giving any reasonable cause of offense to any European nation, is an affirmative of the doctrine that this nation, while it opposes any unauthorized interference on the part of its citizens with the concerns of other nations or colonies, is decidedly averse to the continuance of a colonial system for the government of any portion of the American continent. It also declares that this Government will, from the beginning, refuse assistance to a European Government in maintaining its supremacy whenever an attempt is made by an American colony to cast it off; nor will it permit its citizens to give such assistance. In short, the policy suggested will prevent European Governments from obtaining hereafter in the United States any armaments or munitions of war for the purpose of suppressing insurrections in American colonies, which the law now forbids to be sold to the insurgents themselves, thus putting the parent country and the insurgents on terms of precise equality in that respect.

#### MEANING OF THE NEUTRALITY LAW.

The Neutrality law, so called, passed in 1818, defines the acts which it declares to be criminal in the following sections: [Sections 1, 2, 3, 5 and 6 are quoted, and the report then continues:] The friends of the insurgents in Cuba have claimed that the words "colony, district or people with whom the United States are at peace," are broad enough to include these insurgents; and that the fitting out of the Spanish gunboats was as much an offense against the law as the fitting out of the *Hornet*. The Executive Department of the Government has, however, decided that the Cuban insurgents are not "A colony, district or people with whom the United States are at peace." It is not now necessary, in view of the action we recommend, to inquire whether this construction of the law is or is not correct, inasmuch as the bill we report, if it becomes a law, will give the insurgents all that a construction of the Neutrality law most favorable to them could give them. We have copied these sections of the statute, however, to enable the House more readily to see, by comparison of the law with the bill we propose, the full scope of this measure. It will be observed that the policy proposed by the minority of the Committee, in the present and all future cases, waives any question of power, character, or prospects of the revolutionary party. It assumes the right of American countries to self-government, and declares the policy of this Government as not inimical to the assertion of that right in any case.

#### THE CONCLUSIONS OF THE MAJORITY.

In view of the action we propose, it is unnecessary to consider the reasons or the facts which are urged by the majority of the Committee in support of the resolutions recommended by them. We are constrained, however, to say that the alleged facts, if true, do not by any process of reasoning or logic lead necessarily to the conclusion reached by the majority. They only prove, at the most, that this Government may declare itself neutral, if it chooses so to do. But they by no means confine the legislative department to that particular line of policy. Congress is the law-making power. It can declare a policy not only for this case but for all cases, while the Executive has no choice, except to do as he has already done, or recognize a state of war as existing. It seems to the minority to be at once more manly and more statesmanlike for Congress, if it is to act at all, to declare some general doctrine applicable to all similar contests, and thus, while affirming and giving effect to the American doctrine, avoid offense to any European nation by declaring its policy in a general law.

The undersigned would further submit that no cause of offense can arise from this legislation, as it is but repeating what was supposed to be the effect of the act of April 20, 1818, by a large proportion of the American people, and the necessity for this legislation arises from the construction given to that act by the Attorney-General in the matter of the release of the Spanish gun-boats.

#### REAL CONDITION OF AFFAIRS IN CUBA.

The undersigned confess their inability to arrive at the same conclusions attained by a majority of the Committee as to the condition of the insurrection in Cuba. We have seen no evidence that there is a Cuban revolutionary Government in existence, and exercising permanent control over any portion of the island. And we are constrained to believe that the Constitution, political divisions and control of the island are mainly on paper, the manner of the promulgation of the Constitution, the long-continued doubts as to its provisions, the absence of elections and the uncertainty which hangs over everything connected with the insurrection, seem to the undersigned not at all compatible with an actual existing, consolidated, and established Government, entitled to any sort of recognition. In our opinion, the revolutionary Government of Cuba has no existence outside of the camps of the "patriot bands." It is not pretended that the insurgents control any considerable town or city. Indeed, the majority concede they do not. The only towns claimed as within their control are Sibanca, a mere hamlet, and Guaimaro, an interior village of about 500 inhabitants, and so far as we are advised, both of these have been destroyed. It is submitted that a revolution that has not yet acquired a single town as its capital, has not command of a single scaport, and has not a vessel afloat, is hardly in condition to claim that it is a "government," entitled to a formal declaration of neutrality, which in effect is a recognition that it is entitled to belligerent rights.

#### RESULT OF DECLARING NEUTRALITY NOW.

This brings us to a consideration of the probable result of passing the resolutions reported by the majority of the Committee. A declaration of neutrality is a concession of belligerent rights. It recognizes a condition of war as existing, and entitles both parties, so far as the neutral nation is concerned, to belligerent rights. Such a declaration would enlarge the rights of

Spain as against this country. Spain would, after such a recognition, be entitled to all the rights granted in the treaty of 1795—rights which she has already claimed, but abandoned after remonstrance by our Government. This treaty, among other things, concedes the right of search as therein specified and limited, and no form of manifest or certificate having been agreed on, it would give the right to search for contraband of war, under the law of nations, every American vessel found in Cuban waters, or on the high seas, and the carrying of such goods would then become unlawful. That this would be an advantage to Spain, and a constant source of embarrassment to our large commerce in the West Indies, is manifest. The corresponding advantages to us, or even to the Cuban insurgents, is not so clear, while the probability that the exercise of this right would lead to complications, difficulties and perhaps war, would seem too certain, in the light of the history of this country and the known character of Spain, to need argument. It is not wise to take such action as will lead to these complications unless some duty on the part of this Government requires such action.

#### WHEN NEUTRALITY CAN BE DECLARED.

We do not deem it necessary to raise any question as to the right of this Government to make a general declaration of neutrality. [The American doctrine on the subject stated by Mr. ADAMS and Mr. DANA is quoted, and the conclusion of the report is as follows:] It will be observed that all writers leave the question, so far, an undetermined one. The point of time when a nation may make a declaration of neutrality must, after all, be decided by each nation for itself. Generally it is the duty of any nation to remain strictly neutral; to do nothing which may in the least degree affect the result. This has been done by this Government so far as the law permitted, the only instance in which the Government was not impartial, being in relation to the gun-boats, and its course in respect to the gun-boats was controlled by the fact that under the law, as interpreted by the Attorney-General, it had no right to detain them, unless it was prepared to recognize a state of war as existing in Cuba, and this it was not satisfied it ought to do. This defect of the law will be entirely remedied by the passage of the bill recommended by the minority. In other respects, it is submitted that the entire conduct of this Government has been neutral and fair. But the right to declare neutrality is one thing; the duty, quite another. The right may exist long before there is any duty at all. When it becomes our duty to recognize a state of war as existing and declare our neutrality, we trust there will be no hesitation, either in this or any other case. We ought to discharge our duties, though the heavens fall. But when the question is one of right merely, we may rightfully and we ought to consider the consequences.

#### WHAT THE GOVERNMENT CAN DO.

Now, surely, the only demand that the Cubans can rightfully make upon us is, that we shall establish a neutrality in fact, and this is done as effectually by the action we propose as by the resolution proposed by the majority. The difference is, that the majority propose a declaration of neutrality in this struggle. We propose a declaration that will be sufficient for this and all struggles of like character. The majority resolutions seem to assume a condition of things in Cuba that requires us to declare our neutrality as to that struggle. We propose to crystallize into a statute the American doctrine that in all struggles of American colonies against European domination this Government will not stop to inquire as to the extent or power of the revolutionary party; but the fact of an insurrection against the European Power shall of itself entitle that insurrection to consideration, so that it shall be unlawful for an American to assist in its suppression. It is a declaration that we will not, even as a commercial transaction, sell ships or vessels of war to aid in suppressing revolts among American colonies, but will, from the beginning of such struggle, do nothing for the European government that it is not lawful to do for the insurrectionary party. We cannot resist the conclusion that this course is in every regard the best for this country, and as favorable to the Cubans as the resolution proposed by the majority; while it prevents complications that would be likely to arise under the treaty of 1795 and the law of nations by the adoption of the majority resolutions, and at the same time settles the future policy of the Government.

#### THE REPORTED OUTRAGES ON AMERICANS.

We have purposely avoided a reference to the reported outrages on American citizens in Cuba, because these matters are, as we conceive, in no wise involved in the discussion of the present question. It is an unfortunate fact that such outrages have occurred, although it is questionable to what extent the Spanish Government in Cuba is responsible for them, as there exists in the island a third power, neither Spanish nor Cuban, which dominates the Government and controls the military forces of the island apparently against the will of the constituted authorities. This condition of things, and these outrages upon American citizens, seem to call for such action on the part of our Government as will prevent such outrages in the future. But the undersigned are not able to see that a declaration of neutrality would have any such effect, or, indeed, tend in any such direction.

#### THE "CUBAN PATRIOTS" IN AMERICA.

Indeed, we are persuaded that the conduct of American citizens resident in this country, and interested pecuniarily in the success of the attempted revolution, has had much to do with producing the feelings of exasperation which have resulted in these outrages; and we cannot but condemn the conduct of those persons who, without the courage to assist in the actual struggle, have made war at the safe distance of New-York or Washington, and sought to involve this Government in Cuban affairs for the advancement of their own selfish ends—ends that we are persuaded refer not to Cuban independence as an object so much as to the enlargement of their own private fortunes. If these persons have the passionate desire for Cuban independence which they pretend to have, their presence on Cuban soil, with arms in their hands, aiding CESPEDAS, would be more courageous, as well as more seemly, than their present course, engaged, as they seem to be, in inventing reports, violating the laws of the United States and resorting to other practices of a hardly less questionable character to induce our Government to espouse the cause of a rebellion in which they do not seem disposed to risk much themselves.

#### THE DUTY OF THE GOVERNMENT.

Under the circumstances, we deem it the duty of the United States to preserve an impartial neutrality between the parties to this struggle in Cuba, as in every other struggle against European supremacy on any portion of this Continent. And that it may have a role of action for this and all similar cases, we recommend the passage of this bill. And we cannot refuse to avail ourselves of this opportunity to express our conviction that this Government should maintain such a naval force in Cuban waters as will fully protect our citizens in their rights and insure them a fair trial on any criminal charges that may be preferred against them. The present condition of things in Cuba requires this for the protection of our citizens and commerce. There is sufficient available naval force in the waters about the West Indies for this purpose, and we submit that it can be put to no better use.