

The Economic Club of New York

12<sup>th</sup> Year

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The Proposed League of Nations

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March 11, 1919

Introduction

Henry Morgenthau, Presiding

DR. ROBERT ERSKINE ELY: Many thanks to everybody who has helped to contribute a little bit to the average comfort on this exceptional occasion, which breaks all records to smithereens in the 12 years' history of this club. (Applause)

MR. HENRY MORGENTHAU: Members of the Economic club: This is exclusively for you and not for the ladies. We have a problem before us and that is, that we desire to give the opposition to the League of Nation idea an opportunity to address you, but as we have completed our program for the fourth dinner, we want to put it up to the members of the club whether they are willing that we should give an extra dinner, a fifth dinner, charging each member who attends \$5.00, and I would like to put that to a vote. All those who are in favor of our having a fifth dinner this season, will please say "Aye."

(Members say "Aye)

MR. MORGANTHAU: Any opposed?

A VOICE: No

MR. MORGANTHAU: The recalcitrant member need not come.

Now, my friends, Ladies and Gentlemen: This is, as Professor Ely has said, a most auspicious occasion. I am not going to introduce President Taft to you, because you know him better than he knows us. I am going to introduce, Mr. Taft, this club to you, because I think that he was so kind as to take me across the continent and introduce me to his friends, and his friends are legions and cover this entire country, from the Atlantic to the Pacific. (Applause)

It was one of the greatest treats, the finest experience that I have had, to have traveled with President Taft, President Lowell, Dr. Van Dyke, Professors Wilson and Brown, Mrs. Moore and Mr. Fineline. We traveled all over this country and attended these various congresses and we spoke to over 40 audiences from the rear platforms, in other words, we looked into the faces and into the souls of the finest samples of American citizens that anyone could see, and you, my fellow members of the Economic Club, don't know, and cannot know, what the American people think until you have communed with them.

We became convinced, all of us in that part, that President Taft was not the bureaucrat that people thought he was. President Taft has developed since he left the Presidency, (Laughter and Applause) into one of the greatest, if not the greatest, champion of the people of America. (Applause) He has proven that he can be the best loser in this country, and he can't tell us, as he did to Mr. Bryan, who told him when he met him that he congratulated him upon being such a

good loser, and President Taft answered, "Praise from a man of your experience, is praise indeed." (Great Laughter)

My friends, it has been a revelation to see how honest intellectuality is rewarded in this country. We are in the middle of one of the greatest crises in the world, and President Taft has stood up and shown that non-partisanship is the thing to apply in this crisis, and to have witnessed the response of these various tremendous audiences, Democrats and Republicans, and even the Non-partisans in North Dakota, -- they all responded, because they could not look into his face and couldn't listen to his address without being firmly convinced of his sincerity and his bigness and his patriotism. (Applause)

Now, I am not going to make a long speech. We have reserved for the President an hour to an hour and a quarter, so don't think that I am depriving him of any part of it. I am not going to do as he did to me in California. We were there in San Francisco. I was slated to speak and the President took an hour and a half. He left me but 15 minutes -- it was in Portland -- and I told the President quietly, "You are just like Tom Sawyer; you have left no core, and I want a good Portland apple to bite into," and I refused to speak until the afternoon session, and he got up and told the audience just what I had said, (Laughter) and they gave me a fine apple in the afternoon.

Now, my friends, all I want to say to you is just on thought and that is this: this great fight that is going on in the world is a great struggle, an immense duel between the governing classes and the

people. Now we know just how they are lined in Europe and it took us a long time to find out exactly what this great titanic struggle was about, and we are beginning to find out in this country who is for the people and who is for the perpetuation of the little governing classes that exist in this country, and I believe that the American People are learning rapidly that this is a non-partisan question, that the real friends of the people of both parties are in favor of having the United States take off its coat and help the democracies of the world, and not do, as one of the Senators said, wrap itself in its cloak of selfishness and tell these struggling nations to get out of their own trouble as best as they can. (Applause)

This is the first time in the history of the world that Democracy is able to unite sufficient force to stand up and destroy Autocracy and Anarchy.

Heretofore, Democracy could not do it, because Autocracy and the governing classes had control in the governments and never gave the people a chance to gather together, unite themselves, and fight against that we will in a short time realize, the ridiculous principle of leaving the government of the world to a few monarchs and self-constituted rules.

Now we have gone into this fight, those of us who believe in it, because we realize that unless the United States throws its full power, and not only nominally but the spirit of the United States goes back of this League of Nations, that the League of Nations cannot succeed even if it is formed, for formed it will be. (Applause)

Now, I know you are going to have two fine speeches and complete explanations of this proposition, and I am going to introduce, first, our splendid friend, a man who has done so much for literature, who has rejoiced us all with those splendid stories of his and whom we all learned to love and feel proud of, Dr. Henry Van Dyke. (Great Applause)

Dr. Henry Van Dyke

Formerly Minister to the Netherlands

Ladies and Gentlemen: It is very good to have a friend like his Excellency, Morgenthau, although he puts me now in an embarrassing situation, as standing between you and what you have come here to hear. (Laughter) But I beg you of your gentleness and kindness to regard me merely as an aerial bombing expedition before the heavy battalion goes over the top. (Laughter)

In regard to the heavy battalion, I may say that while through the game of golf he has somewhat reduced his flesh, he never carried as much weight in the country as he carries today. (Applause)

I am going to speak to you about the moral responsibility of America in the matter of the League of Nations, in other words, preach a sermon, but there will be no collection. (Laughter)

Much of the current talk against the League of Nations seems to proceed upon the assumption that the United States is entirely at liberty to decide whether it will or will not enter such a league, and that there is no moral duty resting upon our country in regard to it. That assumption, I believe, to be false, immoral, and un-American. It is absolutely in line with the German doctrine that the state has no moral responsibility and is not accountable to anybody for its conduct. It is directly contrary to the American doctrine that the state is a moral entity, responsible to God and to other nations, as well as to its own people. (Applause) to that American doctrine our greatest statesmen and leaders have always committed themselves. That truth they have always upheld both in speech and in conduct and this is not time for use, in the face of the present crisis, to abandon it. There is not only a moral responsibility resting upon nations, but there is also a law of conduct, a law of good faith, a law of fair dealing, which binds nations as much as it binds individuals. (Applause)

George Washington, in that famous farewell message, which has been so much discussed and misquoted in these later days, set forth this idea of national responsibility in noble and stately eloquence. "It will be worth," said he, "of a free, enlightened, and at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided -- by what, by self-interest? --- always guided by an exalted justice and benevolence."

On those words of George Washington I take my stand tonight to assert that and to defend the moral responsibility of these United States for entering the League of Nations. (Applause)

That responsibility is four-fold; no, it is three-fold, because 2 of them I can condense. That responsibility is three-fold; first, we are responsible for our action in this matter to the God, who as our national hymn says, “made and preserved us a nation.” Why should we not recognize that there is such a power above us, and why should we not recognize that in His eyes ability is always the measure of responsibility. In those last days, god has given great things to Democracy. Events without parallel in the history of mankind have take place. People have always said that Democracies cannot fight; democracies in the face of organized empires are impotent, but in these last 4 years, the strongest, military autocracy in the world, the most malignant force for evil that mankind has ever seen, the German Empire, with its appendices vermiform is and otherwise, that malignant autocracy has been absolutely whipped on its chose field of battle and broken to pieces by the democratic nations of the world. (Applause)

Now that power give by God, through human conscience, human courage and devotion, that power imposes upon us the responsibility for deciding what shall be the fruit of this great victory. The democratic countries of which the United States is the largest, the richest and the strongest, are responsible to God for finding the right answer to the question.

What is to become of the world now that the German robber of chiefs has been retired into innocuous desuetude, that is to say, in Holland?

It is clear as day that unless some league or compact or covenant of peace, backed with power enough to make it effective, as formed by the nations which believe that wars of aggression and conquest are criminal; unless these nations, I say, band together and stand together in defense of peace, the world will be in imminent peril of drifting back into that ancient chaos of strife and suffering from which the overthrow of that predatory Potsdam gang has delivered mankind.

Now, I don't care so much what becomes of them, but I do care of what becomes of the world now that we have got rid of them, and the man who doesn't care what becomes of the world now that we have got rid of them, the man whose eyes are fixed upon his own political advancement or his own commercial greed in this hour, is unworthy of the name of a man, not to say the name of a Christian. (Applause)

Already signs and tokens of the danger which still exist are dark on the horizon; already the little newborn baby nations are scratching and biting each other, like a basket full of kittens; already the-what-you-call-it which remains of the German empire and the thingamabob which remains of the Russian empire are in arms in various parts of the world. The powers of good must join hands not only to prevent a repetition of the German crime of 1914 in forcing war upon the world, but also to provide ways and means, enforced by adequate sanctions by which the nations can settle their disputes along the lines of peace through justice.

Where is the machinery for that today? The Hague Conference and Court of Arbitration, both of these failed simply because Germany prevented us from putting force behind it. Now shall Americans prevent us from putting force behind a new tribunal to which the causes of the nations can be referred?

I doubt not that the reason why God has given such power and strength to this Republic is in order that she bears her rightful share in this glorious task. Understand, gentlemen, the power to which has been given to America is not a one talent power, it is a ten talent power.

All the more shame to us if we hide that ten talent power in the selfish napkin of indifference and bury it deep in the hole of nationalistic greed. All the more honor and glory to us if we have the courage of our convictions to give the world, as Washington said, “The example of a great republic, devoted to justice and benevolence,” and how can we do that if we stay out of the League.

I am sick of hearing Washington quoted against the League. Washington would have been in favor of the League, absolutely. (Applause) Washington never rode in an automobile, it is true, because there wasn't any for him to ride, but if he were alive today, do you think he wouldn't ride in one, and I will bet you he would have a roadster that would take the stuffing out of anything else on the road.

We are responsible, in the second place, to our brave soldiers and sailors, who have fought in this war to win the victory of peace. How gloriously they fought! How proud we are of them! Shall we let our pride in them end with cheers and parades, or shall we condense and concentrate it in making sure the thing, for which they fought, namely, to put an end to war.

I was on this famous trip of which President Taft was the leader. I was speaking from the rear platform of the car to a group of some 5 or 600 men out in a little town in Montanan, and I said, "What did we go into this war for?" An old man, an old working man, all hunched up, with a wry neck and strong German accent said, "We went in this war to smash the Kaiser; I would like to help smash him myself," and there was a big, tall, husky young fellow next to him, in Khaki, and he said, "We went into this war to make peace on earth. (Applause)

Well, both answers were right, and we got the first part of our purposes. "Der Kaiser is Kaput." The second one is still to be won from the League of Nations.

Who that has seen the horror, the frightfulness of war, as I have seen it, in the trenches under fire, and in the ruined towns and cities of Belgium, -- I am not talking to you what I know nothing about -- I am talking to you of what I have seen and what I felt and what I know -- who that has seen the horror of war as it was waged by the Germans, can desire that it should ever come back again upon earth? Who, I say, that has seen what war means and what it really is and felt its fierce breath on his cheek, would be willing to omit doing anything in his power to

prevent or minimize the danger of its coming back again upon earth in a worse for than ever. Our boys in Khaki and in blue have faced danger and death to put an end to war. This is what they fought for, and if we rob them of the trust for which they fought, we make their victory vain. We must keep faith with them. We must do what we can to insure what so many of them died to win, by taking our part in this League of Nations to enforce and defend peace.

People say that this League will involve us in European wars and quarrels. You might as well say that the police patrol of the forest service was intended to involve men in additional fires. The object of the patrol is to suppress the fires before they can get out and get hold of the forests, and the object of the League is to suppress war before it can get out and burn the world again.

(Applause)

Now once more the United States is responsible to the Allied nations for a hearty support of such a League, as proposed. Let the draft constitution be amended, if necessary. (Applause) Most human things have to be amended. There is nothing sacrosanct about it, and nobody has claimed that we must bow down before this draft constitution as an idol and worship it, but don't let the amendments destroy its meaning and reduce it to a spineless, toothless, pulpy thing. That, I fear, is what some men would like to do, and that the American people, by their responsibility to the Allies must prevent them from doing. This must be a real league to enforce peace, positively designed for, and in my judgment, strictly limited to the definite purpose. I don't care for any world state of super-state or world president or world keeper league, I don't care for that, I don't

think we can do it, but a league of free nations to punish the resort to \_\_\_\_ before a previous resort to justice and trial, is perfectly possible and thoroughly consistent with all our ideals, plans and purposes as Americans. (Applause)

Now, such a covenant represents the principle to which we practically pledged ourselves when we entered the war beside our brave allies, Great Britain, France, Belgium and Italy. They counted on us, they welcomed us as representatives of just his idea, namely, that the war of 1914, begun by Germany was a crime against mankind, and that we were out to stop the crime and to prevent its recurrence.

No condemnation of Germany could be as great as the formation of a league, pledged to its discontinuance, resist and suppress the repetition of precisely the crime which she committed in 1914, namely, that of going to war without submitting her case to a tribunal.

There you have it all in a nutshell and there you see the line which must divide us from Germany and unite us to the allies.

Consider carefully what some men do not seem to have considered; consider what our refusal to enter into such a league of nations would mean for us. Our country would be left alone in selfish isolation -- "grand, gloomy and peculiar," like a senator from Idaho. (Laughter) All the other democracies, Britain, France, Italy, Belgium, whom the Senator from Missouri describes as

bigoted monarchies, Britain, France, Italy and Belgium will no doubt take their stand together to form a compact, a covenant, in defense of peace, but we, if these men have their way, will not be in it.

The United States, by taking such a position, will be in effect the only free nation deliberately taking this stand alongside of Germany in the assertion that war is a biological necessity and that we can do nothing to prevent it by lessening the danger of it. What a shameful position that would be. How dark for our national honor would be the future if by a refusal to meet her full responsibility in securing the fruit of victory in this war, America should alienate her true Allies, and when trouble comes again should find herself without a friend except the-what-you-may-call-it which is left of Germany.

Shall the opponents of the League of Nations, many of whom have a taint of Pre-Germanism in their previous records, shall they succeed in preventing our country from meeting her responsibility and fulfilling her honorable obligations? No, a thousand times No! Let America assert and magnify her sovereignty by fully meeting her responsibility. Let her not be a recreant, but a true leader among the nations who worked to devise better things for the world. Let us believe not only in our power but also in our duty and in our future. Let her raise no banner of Internationalism or Bolshevism or militarism, but let her carry her own national flag, the Stars and Stripes, carry her own national flag everywhere in the front rank of nations, who have fought

to conquer war and who are willing to pledge themselves to uphold and maintain peace on earth to all men of good will. (Great Applause)

MR. MORGENTHAU: Electricity has existed for thousands of years and so have the deep oil wells in this country and elsewhere. They have been of no use to the world until the scientists were able to utilize them, and with the aid of proper machinery, to put it in the hands of everybody to be benefited thereby.

Just as those 2 great forces have existed, Democracy, the desire for self-government, has existed for thousands of years, and it would be strange indeed, if the wonderful brains of the world that have been able to make such rapid progress in all fields, could not get together and construe a covenant that all peoples of the world would be benefited thereby, and it is one of the finest things in this contest that our great ex-President has come to the front and has taken up this fight of behalf of the peoples of the world, and I want to propose to you that we give 3 cheers for the ex-President of the United States, for the President of the United States, and for the next President of the United States, and I think we are only cheering 2 people. (Great Applause)

(Audience arises and gives President Taft a tremendous ovation.)

The Honorable William Howard Taft

27<sup>th</sup> President of the United States

My friends: You ought to look after your secretary. You will lose him by explosion one of these days. (Great Laughter)

One of the advantages and one of the disadvantages of having gone around the country in a combination like that to which Mr. Morgenthau and the Doctor who has just spoken and I belong, is that we each can make the other's speech. (Laughter) We are familiar with the metaphors, the illustrations, the jokes, (Laughter), but we are bound together by a band of secrecy which I shall never break. (Laughter)

I don't know what Henry Morgenthau meant when he referred to me in the distant past as a hated bureaucrat, (Laughter), but I think his judgment in that regard is just about as good as his prophecies. (Great Laughter)

Senator Knox has presented a formidable indictment against the proposed covenant of the League of Nations. A number of his colleagues seem to have accepted his views as to its meaning. He says that it is unconstitutional in that it turns over to the Executive Council of the League the power to declare and make war for us, to fix our armament and to involve us as a mandatory in all sorts of duties in the management of backward peoples. He says that it thus

transfers the sovereignty of this nation to the governing body of the League, which he asserts the Executive Council to be.

When Senator Knox's attack upon the validity of the covenant is analyzed, it will be seen to rest on an assumption that the Executive Council is given executive powers which is unwarranted by the text of the covenant.

The whole function of the Executive Council is to be the medium through which the League members are to exchange views, the advisory board which is to consider all matters arising in the field of the League's possible action and to advise the members as to what they ought by joint action to do. The Council makes few, if any, orders which are binding on the members of the League. After a member of the League has agreed not to exceed a limit of armament, the Executive Council must consent to raising the limit. Where the Executive Council acts as a mediating and inquiring body to settle differences not arbitrated, its unanimous recommendation of a settlement must satisfy the nation seeking relief, if the defendant nation complies with the recommendation. These are the only cases in which the United States as a member of the League would be bound by action of the Executive Council. All other obligations of the United States under the League are to be found in the covenants of the League, and not in any action of the Executive Council. When this is understood clearly, the whole structure of Senator Knox's indictment falls. The Executive Council is a most necessary and useful body for coordinating the activities of the League, for initiating consideration by the members of the league of their proper

joint and individual action, and for keeping all advised of the progress of events in the field of the League jurisdiction.

It is impossible in the time I have to follow through Senator Knox's argument in all the Articles of the League. But his treatment of Article XVI is a fair illustration of the reasons he advances for ascribing to the Executive Council super sovereign power. Article XVI is the penalizing section. Whenever a member of the League violates its covenant not to make war under Article XII, it is an act of war against the other members and they are to levy a boycott against the Outlaw Nation. There is in the covenant no covenant or agreement by them to make war. An act of war does not produce a state of war unless the nation acted against chooses to declare and wage war on account of it. The Executive Council is give the duty of recommending what forces should be furnished by members of the League to protect the covenants of the League. The members are required to allow military forces of members of the League cooperating to protest the covenants passage through their territory.

Of this article Senator Knox says: "If any of the high contracting parties breaks its covenant under Article XII, then we must fly to arms to protect the covenants." Again he says of it: "Whether or not we participate, and the amount of our participation in belligerent operations is determined not by ourselves but by the Executive Council in which we have seemingly, at most but 1 vote out of 9, no matter what we think of the controversy, no matter how we view the wisdom of a war over the cause, we are bound to go to war when and in the manner the

Executive Council determines.” Again Senator Knox says the power of the Executive Council is that of “recommending what effective military or naval forces each member of the League shall contribute to protect the covenants of the league, not only against League members but non-League members, that is, as a practical matter, the power to declare war.”

I submit in all fairness that there never was a more palpable non sequitur than this. I venture to think that were Senator Knox charged as Secretary of State with construing the obligation of the United States under this covenant, he would on behalf of the United States summarily reject such a construction.

By what manner of reasoning can the word “recommend” be converted into a word of direction or command? Yet upon this interpretation of the meaning of the words “recommend”, “advise” and words of like import as they occur in many articles, depends his whole argument as to the power of the Executive Council under the covenant, and their super sovereign character.

Senator Knox contends that the plan of the League will create 2 Leagues -- one of the Allies and one of the outcast nations. The covenant provides for a protocol to invite in all nations responsible and fit for membership. Certainly Germany and the other enemy countries ought not now to be taken in but they ought to be kept under control. The League wishes to prevent war in the world and realizes of course that excluded nations are quite as likely to make war as their own members. The covenant therefore declares the concern of the League in threatened war

between nations whether members or not and asserts its right to take steps to prevent it. This declaration is made as the justification for Article XVII, by which a nation or nations not members of the League who threaten war are invited to become temporary members of the league in order to enable them to settle their disputes peaceably as permanent members covenant to do. These temporary members are visited with the same penalties for acts which would be by permanent member's breaches of their covenants not to begin war. Thus the scope of the League's action is extended to all nations.

This is the explanation and the purpose of Article XX and Article XVII. They involve the whole world in the covenants of the League not to make war. They operate to defeat the formation and warlike organization of a rival League of Nations not admitted as permanent members of this League. They unite the rest of the world against such nations in any case of war threatened by them.

There is no Supreme Court to construe this covenant and bind the members and each nation in determining its own obligations and action under it must construe it for itself. Our duties under it are not to be declared and enforced against us by a hostile tribunal or by one actuated by different principles and spirit from our own. Its whole strength is to rest in an agreed interpretation by all. Its sanction must be in the good sense of the covenanting nations who know that, in order that it may hold together and serve its purposes, they must all be reasonable in their construction. What rules of interpretation should and must we therefore apply?

The president and Senate are to ratify this covenant if it be ratified, by virtue of their constitutional power to make treaties. This power, as the Supreme Court has held, enables them to bind the United States to a contract with another nation on any subject matter, usually the subject matter of treaties between nations, subject to the limitation that the treaty may not change the form of government of the United States, and may not part with territory belonging to a state of the United States, without the consent of the state. The making of war, of embargoes, of armament, and of arbitration is frequent subject matters of treaties. The President and Senate may not, however, confer on anybody constituted by a League of Nations, the power of function to do anything for the United States which is vested by the Federal Constitution in Congress, the Treaty making power or any other branch of the United States Government. It, therefore, follows that whenever the Treaty making power binds the United States to do anything, it must be done by the branch of that Government vested by the Constitution with that function. A Treaty may bind the United States to make or not make war in any specific contingency; it may bind the United States to levy a boycott, to limit its armament to a fixed amount; it may bind the United States to submit a difference or a class of differences to arbitration; but the only way in which the United States can perform the agreement is for Congress to fulfill the promise to declare and make war; for Congress to perform the obligation to levy a boycott; for Congress to fix or reduce armament in accord with contract; and for the President and Senate, as the Treaty making power, to formulate the issues to be arbitrated and agree with the opposing nation on the Character of the court. When the Treaty provides that this obligation arises upon a breach of a Covenant, and

does not make the question of the breach conclusively determinable by anybody or tribunal, then it is for congress itself to decide in good faith whether or not the breach of the Covenant upon which the obligation arises, has in fact occurred, and find that, it has to perform the obligation. These plain limitations upon the Federal Treaty making power are known to nations of this Conference, and any treaty of the United States is to be construed in the light of them. Following these necessary rules of construction, the provisions of the Covenant entirely and easily conform to the constitution of the United States. They lose altogether that threatening and dangerous character and effect which Senator Knox and other critics would attach to them. They delegate to nobody but to our own Federal Constitutional agencies the duty of deciding in good faith what our obligations under the Covenants are, when they become immediate, the appropriate means and method by which they are to be performed, and the performance of them.

By the first article the action of the high contracting parties under the covenant are to be “effected through the instrumentality of a meeting of a body of Delegates representing the high contracting parties, of meetings at more frequent intervals of an Executive Council, and of a permanent international secretariat.”

This means only that when the high contracting parties wish to take joint action, it is to be taken through such meetings. This does not vest these bodies with power except as it is especially described in the succeeding articles. The unusual phrase “effected through the instrumentality of meetings of “ means what it says. It does not confer authority on the Body of Delegates or the

Executive Council, but only designates the way in which the high contracting parties shall through their representatives express their joint agreement and take action. On this head, Lord Robert Cecil, who had much to do with formulating the covenant, made an illuminating remark in his address following the report by the Committee of the Covenant to the Conference. He said, “Secondly -- we have laid down (and this is the very great principle of the Delegates, except in very special cases, and for very special reasons which are set out in the Covenant) that all action must be unanimously agreed to in accordance with the general rule that governs international relations. That this will to some extent, in appearance at any rate, militate against the rapidity of action of the organ of the League is undoubted. In my judgment, that defect is far more than compensated by the confidence that it will inspire that no nation, whether small or great, need fear oppression from the organs of the League.” This interpretation by one of the most distinguished draftsmen of the League shows that all its language reasonably construed delegates now power to these bodies to act for the League and its members without their unanimous concurrence unless the words used make such delegation clear.

Article VIII provides that the Executive Council shall determine for the consideration and action of the several governments, what military equipment and armament is fair and reasonable in proportion to the scale of force laid down in the program of disarmament formulated by it, and these limits, when adopted, shall not be exceeded without the permission of the Executive Council. This leaves wholly to the governments the acceptance or rejection of the proposed limitation. Senator Knox says that as this recommendation will be made with the consent of our

representative on the Council, we shall be in honor bound to accept the limit and bind ourselves. It is difficult to follow this reasoning. The body which is to accept the limitation is the Congress of the United States. Why should the Congress of the United States be bound by a representative selected by the President to represent the United States in this function, in respect to a matter of great importance under the control of Congress?

That the United States should recognize the wisdom of a reduction of armament under a world plan for it seems manifest. The history of competitive armaments, with its dreadful sequel, are too fresh in the minds of the peoples of the world not to recognize the wisdom of an agreed reduction. If we have an agreed reduction, then there must be some limit to which the governments agree to submit. If the national of Europe are content to bind themselves, to a limitation with so many dangerous neighbors, why should we hesitate to help this world movement? There is not the slightest probability that we will wish to exceed the limit proposed. Our national failing has been not to maintain enough armament. The argument of Mr. Knox involves the conclusion that the United States cannot enter into any agreement not to exceed a certain limit of armament. Since 1817 we have agreed by treaty with Great Britain not to have warships on the Lakes. The validity of that treaty has never been contested. There are other treaties of the same tenor. It is true that in the treaty of 1817 either part is able to withdraw from the treaty after a year's notice, but the principle would be the same whether it was a year or ten years. I quite agree that a period should be fixed either for expiration of the obligation or a withdrawal there from by a reasonable notice; but that we should have such an agreement it

seems to me goes without saying, and I don't know anybody better able to make a just recommendation for our consideration than the Executive Council.

Senator Knox conceives that there will be thrown upon the United States obligations in respect to the backward countries in Turkey and in Africa which formerly belonged to the Central Powers, because it would be obliged to govern as a mandatory under direction of the Executive Council and that the Executive Council might require the sending of American troops to these distant lands to die in an unwholesome climate and to expose themselves to all sorts of dangers in remote countries. It is a sufficient answer to this to say that there is no obligation on the part of the United States to accept obligations as a mandatory. It does not covenant to do so, and it is not likely to do so. If it did, it would manage this country over which it was a mandatory with the fullest discretion. The high contracting parties would lay down rules in advance, or the Executive Council would grant a charter under which the mandatory would discharge its trust, but the United States not being obliged to act as a mandatory could decline to accept any charter to which it objected. A mandatory is required to make a report at the end of a year to show that it has conformed to the limitations of the trust, but there is not power on the part of the Executive Council to direct the campaigns of a mandatory or to compel its armies to go into the dangers so eloquently pictured by Senator Knox.

Senator Knox objects to the provision that no treaties made by members of the League shall have effect until after they have been registered in the office of the League. He says this is contrary to

the constitution, because treaties are to take effect when ratified by the Senate and proclaimed by the President. This objection is not very formidable. All this requires is that the United States shall provide in every one of its future treaties that it will not take effect until the treaty is registered in the Secretariat of the League. Certainly an agreement on the part of the United States and the nation with whom it is making a treaty as to conditions upon which it shall take effect are not in violation of the constitutional requirement to which Senator Knox refers.

If, as it seems clear from a consideration of the language already examined, and of all the other language that refers to the Executive Council, there is no delegation of constitutional functions to that Council by the United States in entering the League, the whole argument of Senator Knox with reference to a transfer of sovereignty falls. The United States merely makes agreements which it has the right to make under the treaty making power and these agreements are to be performed by its constitutional agencies. Those agencies are merely limited by the contracts of the government and retain their power and discretion to dishonor such contracts they choose, although we would hope they would not.

As long as all the branches of the government function as the constitution requires, with the discretion fixed in them by that instrument, the form of the government is not changed and the sovereignty is not given up. In the proper and true sense a lawful contract does not interfere with the liberty of the individual or the sovereignty of a nation when full and freely entered into. This League does not intend to curtail the sovereignty of the United States. The sovereignty of the

United States is a sovereignty consistent with the sovereignty of every other nation. It should be a sovereignty limited by international law and international morality. The League only furnishes the machinery by which this equal and just sovereignty among the nations may be preserved. It furnishes for that preservation the sanction of a loose agreement between the nations under which the united forces of the nations may be directed to restraining the abuses of sovereignty by any nation.

Senator Knox criticizes the League because it recognizes the possibility of war and proposes to use war to end war. Certainly there is no means of suppressing lawless violence but by lawful force and any League which makes no provision for that method and recognizes its validity would be futile. He points out that the plan of the League is not war proof, and that war may come in spite of it. Then he describes the kind of League which he would frame in which he provides a league which will involve the United States in quite as much war and in just as great a transfer of its sovereignty as he charges this covenant with doing. He proposes to have compulsory arbitration before an International Court of international differences, excluding questions of policy. His court would not settle all differences likely to lead to war for questions of policy however non-justiciable are just as likely to produce war as questions which are justiciable. Then he would declare war a crime and any nation engaged in it other than in self defense, should be punished as an International Criminal. Would not punishing a nation as a criminal be likely to involve War? The Court would have the right to call on powers constituting the League to enforce its decrees and awards by force and economic pressure. It would be

difficult to state a League more completely transferring sovereignty to an outside body and giving it power to involve us in war than the plan of Senator Knox. It is far more drastic and ambitious, and derogates much more from National Control than anything in this League. In contrast with it, the present League is modest.

The supporters of the present covenant do not profess that it is a perfect instrument. It does not profess to abolish war. It only adopts a somewhat crude machinery for making war improbable, and it furnishes a basis for the union of nations by which if they are so minded they can protect themselves against the recurrence of the disaster of such a war as that with which Europe has been devastated during the last four years. Experience under the League will doubtless suggest many improvements. But it is the first step that counts. Let us take it now when the whole world is yearning for it. (Great Applause)

MR. MORGENTHAU: there is nothing that can be said but that would be an anti-climax, except that I want to pas a vote of thanks for this magnificent, illuminating address of President Taft.

All those in favor will please say “Aye.”

(Entire audience shouts “Aye”.)

MR. MORGENTHAU: The meeting is adjourned.