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THE ATTITUDE OF THE AMERICAN PEOPLE
TOWARD THE LEAGUE OF NATIONS
1919 - 1939

BY
MARY HEALY

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF MASTER
OF ARTS IN LOYOLA UNIVERSITY

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1949

VITA

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CHAPTER I

ATTITUDES EVIDENT IN 1919

An overwhelming majority of the American people is in favor of the League of Nations.¹

When President Wilson made this statement in an address at the Metropolitan Opera House in New York City on March 4, 1919, the day before sailing back to France, he set many an American mind to thinking and questioning. Here he had made a statement presented as a fact and many an alert American queried the reliability of it. How did he know? How was it humanly possible for anyone to know?

Still there are ways of sounding opinion. One such way is to ask newspaper editors all over the country, as each of them, no doubt, watches the drift of opinion in his district, and his own opinion tends to guide that of his readers. That is just what the Literary Digest did. The editor of this magazine sent to the editor of every daily newspaper in the United States a letter asking his attitude toward joining "the proposed League of Nations".² He was then asked to tell, if possible, the attitude of his community toward it. The response seemingly broke all records for 1,377 editors replied.

1 Woodrow Wilson, The Hope of the World, Harper and Brothers, New York, 1920, 212.

2 The Literary Digest, Funk and Wagnalls Co., New York, April 5, 1919, 9-13.

In answer to the question, "Do you favor the proposed League of Nations?", the results showed that 718 of the editors replied "Yes"; 181 answered "No"; and 478 voted "Conditional".³

Another means of analyzing the replies to this press poll is by the circulation of the cooperating newspapers. The following table shows this most clearly.

Total Circulation of
Replying Newspapers⁴

		<u>Independent</u>
For.....	9,886,449	For..... 3,648,141
Against.....	4,326,882	Against.... 2,955,706*
Conditional	<u>6,792,461</u>	Conditional <u>2,447,660</u>
	21,005,792	9,051,507

*Including the 2,488,976 circulation of the Hearst papers.

<u>Democratic</u>		<u>Republican</u>	
For.....	4,327,052	For.....	1,911,256
Against.....	121,912	Against....	1,249,264
Conditional	508,384	Conditional	3,836,417
	<u>4,957,348</u>		<u>6,996,937</u>

3 Ibid., 13.

4 Ibid., 9.

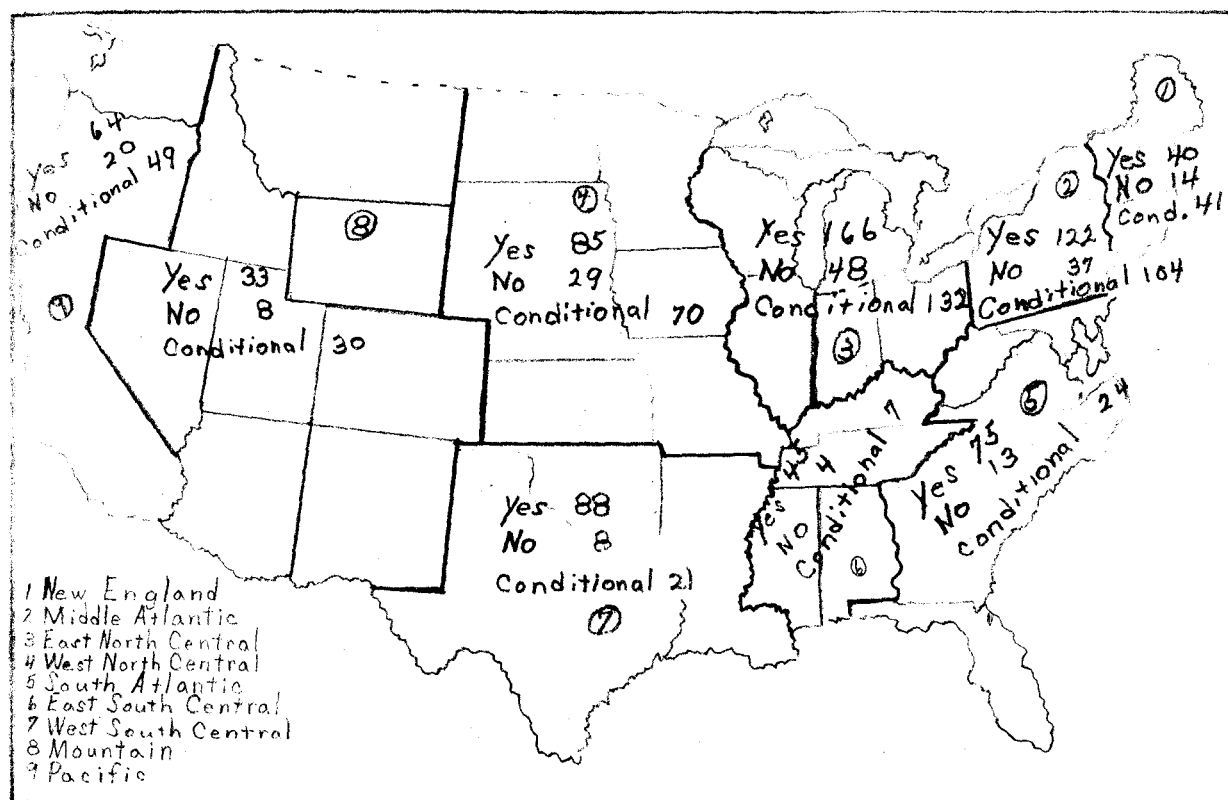
In studying this press poll of opinion we must realize that it was taken early in April, while the Covenant of the League was still in the Conference and before it was presented to the Senate. The attitudes reflected in the results are not colored one way or the other by the debates and reaction to the League Covenant in the Senate.

Two further points deserve emphasis. If we are to regard this poll as the people of 1919 did, we will think of it as only a straw vote. It attempted to prove nothing in any final way. No such investigation ever can. But it afforded some basis for a guess -- indeed, an excellent basis and it was considered the best indication short of a national vote.

Some of the opinions quoted were those of small newspapers in small communities, and many may think that these opinions should not be considered as important enough to warrant an analysis, however, half the people lived in small communities. Those newspapers reflected the opinions of farmers, of miners, of village shopkeepers. Not infrequently they were more definitely in line with local sentiment than were the large newspapers of large communities. Not infrequently they offset the influence of metropolitan journals circulating in small communities. Their numbers all

told were impressive. What they may have lacked in individual importance they made up in aggregate importance.

To show the results on a nationwide basis the accompanying map illustrates the sectional variations of the attitude of the American people toward the proposed League of Nations.



This map shows the country divided into nine sections, geographical sections along state lines. The number of votes

refers to the opinions of the 1,377 editors replying to the press poll of the Literary Digest.⁵

In no section of the country do we find evidence of a definite and overwhelming dislike of the League of Nations. Rather it seems that the people in April 1919 wanted to gain admission to the proposed League.

Another means that was used to learn the attitude of a specific group toward the League of Nations was the poll of the faculties and students of the colleges and universities of the country.

Much attention and publicity were attracted to this poll due partly to the discussions in the Senate over the returns. Senator Hitchcock, of Nebraska, introduced into the Congressional Record a synopsis of the returns and that started the bitter debates.⁶

In these discussions is given a very complete and detailed account of the manner in which the poll was conducted. Blank ballots were submitted to the faculties and students.

5 Ibid.

6 Congressional Record, United States Government Printing Office, Washington, D.C., 1920, v.59, pt.1, 1276-1283.

These ballots stated the following questions:

1. I favor ratification of League and Treaty without reservations and amendments.
2. I am opposed to ratification in any form.
3. I favor ratification of the Treaty but only with the Lodge reservations.
4. I favor a compromise between the Lodge and the Democratic reservations in order to facilitate ratification.⁷

These blank ballots were approved by Senator Lodge and Senator Hitchcock each representing the opposite viewpoint. Two arguments were placed before the students and faculties in printed form, one was prepared by Senator Lodge and the other by Senator Hitchcock. Senator Lodge argued for ratification with the Lodge reservations while Senator Hitchcock opposed the Lodge reservations, but stated that reservations had become inevitable. Senator Hitchcock maintained:

I did not contend at all for ratification without compromise. I maintained that the only practical question was what reservation should be taken, and urged a compromise between the Lodge and Democratic reservations.⁸

Therefore despite the fact that no argument was presented in favor of simple ratification the largest vote polled,

⁷ Ibid., 1281.

⁸ Cong. Rec., v.59, pt.1, 2182.

about 45%, was for unqualified ratification. About 30% voted for compromise reservations, about 20% for the Lodge reservations, and less than 10% against ratification in any form, 300 colleges reported.⁹

This referendum, containing the basic proportions of the two main political parties, was voted upon early in February 1920, with 410 colleges reporting, which showed an increase of 110 colleges over the previous total of 300. In these 410 colleges and universities 139,788 votes were cast. The results given out by the press contain the following figures:

Compromise between the Lodge and Democratic reservations -----	49,653 votes
Ratification without reservation -----	48,232
Ratification with the Lodge reservation	27,970
Opposition to the treaty in any form ---	13,933 10

Even the chief proponent in the Senate for the League, Senator Hitchcock, in referring to the final results stated:

This shows a sentiment for uncompromising and unqualified ratification much stronger than I had supposed - a sentiment so strong as to cause amazement.¹¹

9 Literary Digest, February 14, 1920, 33.

10 Ibid.

11 Cong. Rec., v.59, pt.1, 2183.

As may well be thought the significance and value of this vote was variously estimated. Each seemed to be able to interpret the results to his own gain. In the Senate the findings were attacked bitterly by Senator McCormick.

In his [Wilson's] appeal to the faculties and students of the colleges and universities, the very elements of our population with which he has been most of his life most intimately associated, and to which he was most confident in his appeal, he was overwhelmingly defeated and rejected. The intellectuals are at one with the rest of the people in opposing the denationalization of the United States.¹²

The figures actually speak for themselves. It seems rather apparent that neither side could feel confident of a clear cut majority. Actually the figures show that if the three divisions of ratification in some form are grouped together 125,855 voted for ratification against 13,933 in opposition to the Treaty in any form.¹³

In 1919 and 1920 it seemed almost the fashion to express one's opinion on the League question. Many of the leaders of the country reflected their attitude, during this period, toward the League of Nations in speeches and other modes of expression.

12 Ibid.

13 New York Times, Feb. 10, 1920.

On March 1, 1919, Josephus Daniels, Secretary of Navy, in a speech celebrating the drafting of the Peace-League Plan gave a very lofty interpretation to the League.

Any man in this country who tries to stir up opposition to the League of Nations will be guilty of trying to pave the way for another world deluge of blood, and will be just as great a criminal as the ex-Kaiser. This document makes Magna Carta and the Declaration of Independence mere forerunners of an immortal instrument that blesses all the world for all generations.¹⁴

Herbert Hoover, Food Administrator, in an address at Leland Stanford University on October 3, 1919 gave his personal view of the Covenant of the League of Nations.

To me every line of the covenant is the complete negation of militarism.... Opposition to it there arose entirely from the representatives of the old militaristic regimes and from the reactionaries of the world in general.¹⁵

Later in October "Teddy" Roosevelt gave a statement to the press concerning his opinion of the League.

14 Literary Digest, March 1, 1919, 18.

15 Times, Oct. 4, 1919.

The great civilized nations of the world....should combine by solemn agreement in this great world league for the peace of righteousness.¹⁶

In the March 22, 1919 issue of the Literary Digest, attention is called to the very serious omission in the platform of the League of Nations as cabled from Paris.

Nowhere in the platform, nor ... in the proceedings that led up to its promulgation is to be found any hint of... recognition of the fact, generally accepted by civilized humanity, of the existence of a Supreme Being....

Man proposes but God disposes, and unless the League of Nations takes into account - not alone in word, but in spirit - the fact of God, it is foredoomed to failure, just as every previous plan and scheme of men to insure permanent peace has broken down under the pressure of national ambition, hatred, or avarice - traits that have not yet been banished from the world. There must be something more potent than bayonets or battle-ships, needful as both are under present world conditions, as the ultimate authority. Back of the citizen is the state - using the term in its broad sense - and back of the state is, or will be, the League of Nations. Back of the League must be God, if it is to endure.¹⁷

16 Ibid., Oct. 19, 1919.

17 Literary Digest, March 22, 1919, 7.

A still more cynical view of the League is championed by J. C. Walsh, staff correspondent of the Catholic weekly, America, who writes dubiously of the League, reviewing the failure of similar dreams since Henry IV and Queen Elizabeth. He sees also some of the principals at the Peace Conference as being:

...so eagerly intent upon carving the carcasses of this and that empire as to be uncertain whether there is any conscious concern whatever for mere humanity; whether the League of Nations is anything more than a convenient subject on which to engage conversation while business of immediate and intimate importance is being dispatched.¹⁸

In a petition sent to the Senate, Dr. Watson, Secretary of the War Work Commission of the Methodist Episcopal Church South of Washington, D. C. recommended:

That we urge Senate of United States... consideration of the ... treaty and the league of nations ... with such reservations as will not in any way weaken the high purposes of that document or make necessary its withdrawal or its resubmission.¹⁹

In the Congressional Record many reflections of opinion are found in the letters, petitions and telegrams sent to the

18 America, February 15, 1919, 463.

19 Cong. Rec., V.59, pt. 1, 413.

Senate. Instances are found where many colleges sent statements urging consideration of the League. One such petition was signed by Rev. Dr. Henry Churchill King, president of Oberlin College, Ohio and of 118 members of the faculty favoring the ratification of the treaty of peace with Germany.. "with such interpretatic reservations as may be proper and necessary."²⁰ Senator Chamberlain of Oregon presented a statement from Reed College, Portland, Oregon, in reference to the vote of the faculty on the peace treaty.

We, the undersigned members of the faculty of Reed College, are convinced of the supreme importance of the ratification by the Senate, as soon as possible, of the treaty of peace with such interpretative reservations as may be proper and necessary to protect American interests, but which recognize the solemn duty of this country as a world power to assume its fair share of responsibility for the preservation of the world peace and justice. We urge the Senators from Oregon to promote this action. We believe that a strong majority of the most intelligent and public-spirited citizens of all parties in the State will support them in favoring a resolution ratifying the treaty of peace with the League of Nations covenant in terms that will make it clearly unnecessary to resubmit the treaty to the general peace conference.²¹

20 Ibid., 959.

21 Ibid., 1070.

Another petition was signed by Rev. John W. Hoffman, D.D., president of Ohio Wesleyan University, and 29 members of the faculty, favoring the League. A resolution was also unanimously adopted by the faculty of Toledo University, Ohio, favoring the League. A resolution was also unanimously adopted by the faculty of Toledo University, Ohio, favoring ratification of the treaty of peace with Germany and the covenant.²² At a public meeting held in Pueblo, Colorado, January 2, 1920, the following resolutions were adopted:

Whereas it is apparent that a strong effort is being made by interests not wholly in accord with Americanism to force a compromise upon the adoption of the ... League of Nations.

Resolved by the citizens of Pueblo, Colorado, regardless of party That we are unalterably opposed to any compromise in any way changing or modifying the Senate reservations, and that the Knox resolutions declaring peace be adopted.²³

Creeping into the petitions now was found some evidence that the people were becoming uneasy of the fact that technically they were still at war with Germany. Emphasis was being laid not so much on the League but on ratification

22 Ibid., 1083

23 Ibid., 590

of the treaty with Germany. The above quotation shows this tendency and in the following petition it is also quite evident. This statement was presented January 26, 1920, representing 20,000 California women requesting the Senate to ratify the treaty of peace with Germany and the covenant of the League of Nations. Attention is brought to the fact that:

...Armistice day is a year and a quarter past. Yet the departments of our Government are not agreed as to the American relations with her late enemies and to her allies in war. Into half a dozen camps they are divided, questioning the motives of the treaty, the practicability of the covenant, the definition of words, the contradiction of articles, the spirit of allies abroad and citizen at home. Surely the world will be nearer the millenium when war is as hard to make as peace.²⁴

Even the Cleveland Chamber of Commerce laid pressure upon the legislature. In a telegram dated December 20, 1919, this organization stated, "We believe that with the exception of an unimportant minority the people of the U. S. desire to have a league of nations...."²⁵ This apparently was not sufficient, for a month later the board of directors of the

24 Ibid., 2037.

25 Ibid., 1920.

Chamber of Commerce of the United States of America sent a resolution urging "the President and the Senate to take prompt action with respect to the treaty of peace with Germany with such reservations as will fully safeguard every fundamental principle of the Government of the United States."²⁶

From all these statements, resolutions, telegrams and petitions found in the Congressional Record it is evident that considerable pressure was laid upon the legislators for action. In an article from the New York Sun of January 27, 1920 Professor Philip Marshall Brown, professor of International Law at Princeton University takes exception to this coercion. He continues by stating:

I desire to register a vigorous protest against the organized moral coercion now being exerted on the Senate at a time when it should be most respected in the exercise of one of its most important functions, namely, the treaty-making power. The pressure which has been brought to bear on the Senate ... is most insidious and dangerous.

...The Senate owes a duty to the American people to reserve its judgement and action in order to safeguard national interests.

If the real object of popular sentiment is merely the speedy attainment

²⁶ Ibid., 1972.

of peace and the clarification of an ambiguous situation, then let us restore a legal state of peace and reserve the discussion of principles for a time when reason can assert itself and the people of the U.S. can fully understand the exact nature of the obligations they are asked to assume....²⁷

It is from statements like that and more especially of those similar in tenor to that of Senator Borah's that made it comparatively easy to use the League as the spring-board in the campaign of 1920.

On December 11, 1919 Senator Borah expressed the following viewpoint.

... I trust sincerely that it (the treaty) is dead and that it will stay dead. It is the best thing the Senate has done since it has been in session or for many years, and if it does nothing else except to kill the treaty it will be entitled to the gratitude of the American people for all time to come. ... The American people have a way of assuming jurisdiction and retaining jurisdiction until they render final judgement and this question has gone to the jurisdiction of the American people and it will be definitely and finally settled by them in the election of 1920. It does not make any difference how we vote here in the meantime or what proceedings we may have this question is now in the minds of the masses of the American people and you can not eliminate it....²⁸

²⁷ New York Sun, January 27, 1920.

²⁸ Cong., Rec., V.59, pt.1, 919.

CHAPTER II

ATTITUDES IN ELECTION YEARS

Peace! Progress! Prosperity!¹

These vote getting exclamations were the watchwords of the Democratic Party and sounded the keynote of the campaign of 1920.

Governor James M. Cox of Ohio, publisher of the Dayton News, was the choice of the Democratic Party for the Presidency and his running mate was Franklin D. Roosevelt, Assistant Secretary of the Navy. The Republican Party placed its hopes on Senator Warren G. Harding, also of Ohio and also a publisher of an Ohio paper, the Marion Star. Striking for the Vice-Presidency was Governor Calvin Coolidge of Massachusetts.

The completed platform of the Democratic Party commended the President for his courage and good faith and charged that the Republican Senate refused to ratify the treaty merely because it was the product of Democratic statesmanship.²

1 The Democratic Text Book - 1920, issued by The Democratic National Committee, 1920, 27.

2 Ibid., 8.

The League plank declared:

The Democratic Party favors The League of Nations as the surest, if not the only, practical means of maintaining the peace of the world and terminating the insufferable burden of great military and naval establishments.³

The Republican Party did not come out as boldly for the League of Nations as did the Democratic Party. In its platform of 1920 the Republicans maintained:

The Republican party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice, and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.⁴

Thus, the usual aim of the platform-makers to carve a plank for a controversial question upon which all could stand was achieved in a remarkable degree. The first paragraph read well to those who wanted the League. It promised at the very least a consultative part with nations

3 Ibid., 10.

4 Republican Text Book - 1920, 6.

whereby "instant and general conference" should be had whenever the peace was threatened. The second paragraph denounced the covenant in words grave enough to suit any bitter opponent of the League as "certain" to produce "the injustice, hostility, and controversy among nations which it proposed to prevent".⁵

To prove this further, that the Republicans did not try to urge the League referendum on the voters as did the Democrats, it is only necessary to consult the utterances of Harding. The following excerpt, found in an address by Harding, shows the characteristic tendency, as the campaign wears on, for the Republicans to underplay the League and to stress other policies of the platform.

It will avail nothing to discuss in detail the league covenant, which was conceived for world super-government, negotiated in misunderstanding, and intolerantly urged and demanded by its administration sponsors, who resisted every effort to safeguard America and who finally rejected when such safeguards were inserted.⁶

5 Ibid., 7.

6 Ibid., 26.

Harding in his acceptance speech at Marion, Ohio, July 23, 1920, attempted to clarify the Republican attitude toward the League from the time it entered the Senate until this campaign.

We Republicans of the Senate ... when we saw the structure of a world super-government taking visionary form, joined in a becoming warning of our devotion to this republic. If the torch of constitutionalism had not been dimmed, the delayed peace of the world and the tragedy of disappointment and Europe's misunderstanding of America easily might have been avoided. The Republicans of the Senate halted the barter of independent American eminence and influence which it proposed to exchange for an obscure and unequal place in the merged government of the world. Our party means to hold the heritage of American nationality unimpaired and unsundered. It is better to be the free and disinterested agent of international justice and advancing civilization, with the covenant of conscience, than be shackled by a written compact which surrenders our freedom of action and gives to a military alliance the right to proclaim America's duty to the world. No surrender of rights to a world council or its military alliance, no assumed mandatory, however appealing, ever shall summon the sons of this republic to war. Their supreme sacrifice shall only be asked for America and its call of honor, there is sanctity in the right we will not delegate.⁷

7 Ibid., 26-29.

Thus construing the purpose of the covenant and brushing the League aside, he proceeded to say that the way was "very simple".⁸ Explaining how simple it was, he continued:

With a Senate advising as the constitution contemplates, I would hopefully approach the nations of Europe and of the earth, proposing that understanding which makes us a willing participant in the consecration of the nations to a new leadership....⁹

The first move of the candidates of the Democratic Party was to force the League of Nations to the front as the leading campaign issue. This mode of procedure on the League issue was brought out clearly after a conference between the Democratic nominees at Columbus, even as early as July 1920. Franklin D. Roosevelt, the Democratic Vice-Presidential candidate told the newspaper men that the League of Nations was to be the "big outstanding issue of the campaign".¹⁰

Later in July we again find the Vice-Presidential candidate stating the attitude of his party toward the League and also the attitude of the Republican party seen through the eyes of a Democrat.

⁸ Ibid.

⁹ Ibid., 45.

¹⁰ Ibid., 68.

The Democratic party enters the campaign with the clear cut purpose of proving that the world war has not been fought in vain. Senator Harding says, "Should the Democrats win, the treaty and the league will be ratified." He is right. No one, probably not even Senator Harding himself, knows what would happen should the Republicans win. ...one branch of his supporters, such as Senator Hiram Johnson, assures the nation that a Republican victory means no League of Nations. Another branch, led by such men as former President Taft, assures the nation that a Republican victory means the acceptance of the League with certain undefined reservations....

One of the prominent issues is thus becoming early and clearly drawn. A Democratic victory means ratification of the Treaty and the League of Nations, which, as the world knows, is already constituted. A Republican victory means that the United States with Russia, Mexico, and Turkey shall remain outside. The election of Cox means that the United States, in particular with the other civilized nations of the world, will, through the League of Nations solve international difficulties and prevent a recurrence of the holocaust of 1914-1918.¹¹

We find the Democratic candidates much more articulate in reference to the League of Nations. Franklin D. Roosevelt is especially more vociferous than Calvin Coolidge, the Republican Vice-Presidential candidate, for in his acceptance

¹¹ Literary Digest, July 20, 1920, 9.

speech at Hyde Park, New York, August 9, 1920, we find Mr. Roosevelt again dealing almost wholly with the League.

The League of Nations is a practical solution of a practical situation. It is no more perfect than our original constitution.... was perfect. It is not anti-national, it is anti-war. No super-nation, binding us to the decision of its tribunals, is suggested, but the method and machinery by which the opinion of civilization may become effective against those who seek war is at last within the reach of humanity....¹²

Seldom do we find a Presidential candidate stating as forcibly the marked cleavage between the two parties. At Tulsa, Oklahoma, on October 1, Governor Cox said, "Now he [Harding] is against the League I am for it."¹³ And again at Nashville, Tennessee, we find Cox stating, "We will accept any reservations that help to clarify. We will accept any reservations that help to strengthen."¹⁴

As the campaign wore on and with more and more pressure and bitter words being laid on both sides, Senator Harding, at Marion, Ohio, October 11, 1920, came out with a clear

¹² Democratic Text, 33.

¹³ Literary Digest, October 10, 1920, 10.

¹⁴ Ibid., October 23, 1920, 6.

statement of his position. "I am in favor of a world association - call it what you will, the name is of slight consequence - that will discourage or tend to prevent war."¹⁵ Again in October the concentration of forces made necessary a summation of his attitudes. In his important Des Moines speech, Harding came out forcibly against the obligations of the League, and he too, made quite evident the difference of policy between the two parties, and the plan he would follow when elected - an association of nations, rather than the League of Nations.

I do not want to clarify these obligations; I want to turn my back on them. It is not interpretation but rejection I am seeking.

The Democratic candidate in his speech of acceptance has said, "A definite plan has been agreed upon. The League of Nations is in operation. Senator Harding as the Republican candidate for the Presidency, proposes in plain words that we remain out of it. As the Democratic candidate I favor going in."

The issue, therefore, is clear, I understand the position of the Democratic candidate, and he understands mine.... As soon as possible after my election, I shall advise with the best minds in the United States, and especially I shall consult in advance with the Senate...to the end that we shall have an association of nations for the promotion of international peace.¹⁶

¹⁵ Republican Text, 20.

¹⁶ Ibid., 45-48.

In an appeal to Republicans and Independents who favor the League, Chairman White of the Democratic National Committee said, in commenting on this concrete statement of Harding's favoring an association that,

Senator Harding has tried to revive his "Bush-League", his association of nations that will not associate. All sensible people know that the forty nations now composing the major League, the League of Nations, will not abandon it at Mr Harding's behest, and that if he were to form his separate association after his separate German peace it would have to be composed of Mexico, Bolshevik Russia, Germany, Austria, Turkey and United States.

The only definite thing he has ever said was in his Des Moines speech. That statement made a square issue and rendered it certain that the only hope to secure our adherence to the League of Nations or any other modification of it is through the election of Governor Cox.¹⁷

Democrats attached great significance to the repudiation of Harding on the League issue by Herbert Parsons, a former Republican National Committeeman, and an active New York Republican. In a letter resigning his membership in the New York County Republican Committee, he announced his intention to vote for Cox because:

¹⁷ Literary Digest, October 23, 1920, 13.

The issue to the American voter is between going into the League with reservations and not going into it at all. Harding is and will be for not going into it at all. The only likelihood that the United States will under Harding, enter the League is that he will find it impossible to erect an association of nations or a new league and so will have to crawl into this one.¹⁸

As the League had many opponents so too did it have proponents and among them can be counted the American Federation of Labor. In 1920 this organization with a membership of four million did not come out officially for any candidate but practically endorsed the Democratic platform. Samuel Gompers, president of the A. F. of L believed the Democratic platform more nearly in accord with the Federation's "declaration of human rights" than the Republican platform. The Non-Partisan Political Campaign Committee after investigating the past attitudes of the two principal candidates toward labor legislation reported the "record of Governor Cox uniformly favorable to labor and that of Senator Harding sometimes favorable and sometimes unfavorable."¹⁹

¹⁸ Democratic Text, 85.

¹⁹ Samuel Gompers, Seventy Years of Life and Labor, E. P. Dutton and Company, New York, 1925, II, 323.

Why, if it appears that there were so many supporters of the League, did not the Democratic candidates win the election? Was Wilson given his solemn referendum as the following article stated he would? "Mr. Wilson is to be granted his solemn referendum ...and the issue at this election is whether we are going into the Wilson Covenant or staying out."²⁰ Being faced with the prospects the New York Times believed would occur, one may wonder why the Democrats did not win. The Times stated: "The men and women of the country on November 2, will vote for peace or war, for safeguarded and enduring peace, or for certain and frequent wars."²¹

In analyzing the election results we find that Harding's victory showed the largest shift of voting strength between the two parties which ever occurred in four years.²² At first glance this does appear as a repudiation but upon further study we are less certain that such is the case. Is it correct to hail this overwhelming victory solely as a repudiation of the League? In attempting to answer this question we are led not to the answer directly but to more questioning. Could it have been desire for a change, hatred

20 Editorial in Chicago Daily Tribune, October 23, 1920.

21 Editorial in New York Times, October 29, 1920.

22 Edgar E. Robinson, The Presidential Vote, Stanford University Press, Stanford, California, 1934, 21.

of Wilson, disapproval of the League of Nations, disapproval of some other features of the Treaty of Versailles, the effect of the women's vote or of prohibition, of the large Republican campaign chest and the large and powerful Republican press? In posing these questions we reveal the number of issues present in any thorough explanation of this supposed mandate against the League in the election of 1920.

Irving Fisher, Professor of Political Economy at Yale University, in an analysis of the election, stated that the dominant factors were two:

The natural reaction against the party in power, which inevitably accumulates enemies in proportion to its length of office holding its activities and aggressiveness and the historical untoward accidents for which the party in power is always held responsible by unthinking masses of men.²³

Certainly there was a desire for change. There was a general disgruntlement among the people because of the numerous discomforts which the country had suffered during the last four years including especially the high cost of living. The people evidently wanted to try their luck with another party to see if that would bring relief in some way.

²³ Times, March 6, 1921.

It is interesting to observe that the high cost of living, besides being a thorn in the flesh, gave an accidental lift to the Republicans. It was one reason for their large campaign fund. When the profits were rising as they did during the years immediately preceding the election, the process creates profits to business men, and the Republican Party had a greater constituency among business men than the Democratic Party.

However large the number of Republican advocates of the League who were held in line by the Harding promises to remodel the League of Nations or provide an effective substitute - and they must have made a great army - there can be no doubt of the torrent of anti-Wilson support that flowed into the Harding headquarters.

Many different racial extractions deserted the Wilson camp. Some of the Italian-Americans were disgruntled over Fiume. Some of the Irish-Americans were angry because Irish freedom had not been provided for and because England was supposed to have six votes in the League. The German-Americans and the Austrian-Americans hated the reparation features of the Versailles Treaty.²⁴

24 Ibid.

The editor of an Italian daily newspaper called on Harding to assure him that, "The Fiume question had made all Americans of Italian extraction Republicans."²⁵ George Viereck, nationally known leader of organized German-American sentiment promised to deliver the votes of that huge group to Harding. Governor Cox, he admitted, might be an estimable gentleman, but Viereck added: "We do not know; neither do we care. As long as he is a supporter of the Wilson policies we are determined to defeat him. We have decided that there must not be another Democratic President for a generation."²⁶ Fisher claims that it was the foreign-born defection which hurt the Democratic Party most. He analyzes the results and in comparison with the previous election finds:

...that the shift of votes in the States with a large element of Germans, Austrians, Italians and Irish is large and the shift in the States where such elements were small is small. The larger the foreign-born element in any State, the more votes gained by the Republican Party.

...the natural reaction will ... account for about half of the landslide. The mere return of

25 Ibid., September 6, 1920.

26 Ibid., September 5, 1920.

the Republican votes lost in 1916 would account for 40 per cent. It is significant that, in comparing the different States, we find in general the larger the left shift in 1916 the larger the right shift in 1920.²⁷

Many other Americans were equally willing to dispose of Wilson and his administration. The acts of the government during the war were inevitably an issue in the election, and a legion of minor irritations incident to it clamored for expression. Necessarily, too the personality of the man who led the nation's mighty war effort could not be kept out of consideration even though he was now retiring as an invalid. But aside from occasional references to Wilson's condition there seems to have been no effort to mitigate the storm that beat around him. On the contrary it was fanned as the campaign proceeded. When Governor Coolidge, in an address toward the close of the campaign, expressed sympathy for Wilson and hope of his recovery, the New York Times considered it so notable that it asked who else had done likewise and added:

When the President was first stricken down a year ago, and during the weeks when he hung between life and death, not a word, not a whisper of concern or condolence came from the Republican Congress and since then the attitude of his opponents

27 Ibid., March 6, 1921.

has been one of thinly concealed gloating over his breakdown. Never have they made a magnanimous gesture toward his sickroom.²⁸

When the votes were tabulated it was quite evident that Cox was at the bottom of the landslide, for 16,152,220 votes were cast for Harding to 9,471,553 for Cox. Harding had succeeded in winning 60.35 percent of the total vote, the largest percentage of the total vote since 1896. The Democratic portion was 34.13 per cent and in no section did its voting share sink below 24 per cent. The Republicans carried every state of the North and West, all the border states except Kentucky and Tennessee.²⁹

The total vote showed an increase of eight million over the previous presidential election. The Democratic vote was almost exactly the vote of 1916, but the Republican vote nearly doubled, as did the "other" vote. The nineteenth amendment had been proclaimed in August 1920, and thereby women were entitled to vote in every state. The effect of women suffrage and the prohibition question on the election

28 Ibid., October 29, 1920.

29 Pres. Vote. 21.

is more difficult to determine than some of the other issues. The fact that women were given the franchise makes the proper comparison of returns for 1916 and 1920 impossible.³⁰

True it is that the returns did give Harding the over-whelming victory over Cox a triumph which many interpreted as a smashing repudiation of the "Wilson League", but even Calvin Coolidge, the newly elected Vice-President denied any such result and said soon after the election, "I doubt if any particular mandate was given in the last election on the question of the League of Nations...."³¹

So in the light of all this evidence it seems only fair to believe that the country went to the polls in November and voted not against the League of Nations as the sole issue of repudiation but against every one of these factors for each one of them counted to some extent, but no one of them had a monopoly.

Just as the personality of Wilson dominated the war era, so did those of his successors set the pace of the period of normalcy.

30 Ibid.

31 Times, November 23, 1920.

As in 1920 so in 1924 the candidates were new in a presidential campaign. But whereas Cox and Harding had been in no real sense presidential candidates prior to their nominations, Calvin Coolidge had held the presidency since his accession upon the death of Harding in 1923, and Robert La Follette, who appeared as an independent candidate in this campaign, had been an active contender for the Republican presidential nominations in several Republican conventions, notably in 1908 and in 1912. John W. Davis was a newcomer to the presidential race, as would have been the chief contenders for the Democratic nominations, William G. Mc Adoo and Alfred E. Smith.

In its platform adopted at Cleveland on June 12, 1924 the Republican Party declared strongly against the League. Their plank on foreign policy contained this statement:

The Republican Party maintains the traditional American policy of non-interference in the political affairs of other nations. This Government has definitely refused membership in the League of Nations and to assume any obligations under the covenant of the League. On this we stand.³²

32 Cong. Rec. 69 Cong. 1 Sess., 1157.

While the Republicans apparently were united in their "hands off" policy toward the League, the Democrats found the League question ample ground for bickering. The Democratic Party in its platform adopted at Madison Square Garden in July 1924 stated:

It is of supreme importance to civilization and to mankind that America be placed and kept on the right side of the greatest moral question of all time, and therefore, the Democratic Party renews its declaration of confidence in the ideal of world peace, the League of Nations and the World Court of Justice, as together constituting the supreme effort of the statesmanship and religious conviction of our time to organize the world for peace.³³

This too seemed like a simple statement of fact and future policy. But another plank was added at the convention to the Democratic Platform which caused great discord. This plank reaffirmed that "there is no substitute for the League of Nations", and urged:

...that the question of joining the League be taken out of party politics by submitting it to the American people at a referendum election, advisory to the Government, to be held officially under

33 Ibid., 1071.

act of Congress, free from all other questions and candidacies, after ample time for full consideration and discussion throughout the country.³⁴

On the floor of the Democratic Convention itself Newton D. Baker, Secretary of War in the Wilson Cabinet, warned the delegates that if they voted this referendum plank in place of one frankly advocating American membership in the League of Nations, they would be "repudiating Woodrow Wilson and substituting in the Democratic Party the leadership of Henry Cabot Lodge".³⁵

This was strong language. Even the mention of the name of Henry Cabot Lodge at a Democratic Convention should have been cause enough for trouble. But when the vote was taken it was 351½ for Newton D. Baker's plan to 743½ for the referendum plank. This dissension in party ranks helped none but the opponents.

While the Democrats were bickering among themselves they of course did not forget to cast slurs at the Republicans. They claimed that "The Republican administration has no foreign policy", and that it had drifted without plan.

34 Literary Digest, July 12, 1924, 8.

35 Ibid., 10.

They had a remedy for this in what they called "a sound and positive foreign policy" but a more ambiguous group of statements would be difficult to find. The Democratic Party maintained:

This great nation cannot afford to play a minor role in world politics. It must have a sound and positive foreign policy, not a negative one. We declare for a constructive foreign policy based on these principles:

- (a) Outlawry of war and an abhorrence of militarism, conquest and imperialism.
- (b) Freedom from entangling political alliances with foreign nations.
-(g) Full, free and open cooperation with all other nations for the promotion of peace and justice throughout the world.
- (h) In our foreign relations, this country should stand as a unit, and to be successful, foreign policies must have the approval and support of the American people.³⁶

Evidently the Republicans were to stand on their record and so in the preamble to the party platform we find this statement:

³⁶ Roy V. Peel and Thomas C. Donnelly, The 1924 Campaign - An Analysis, Richard R. Smith, New York, 1927, 159.

The Republican Party in national convention assembled presents to the people of the Nation this platform of its principles, based on a record of its accomplishments, and asks and awaits a new vote of confidence. We reaffirm our devotion to the Constitution of the United States and the principles and institutions of the American system of representative government.³⁷

Of course it is indeterminable how many people ever read this platform and it is also doubtful how many would after having read it voted to reelect the Republicans on the basis of accomplishments. It has been said by many that the Coolidge landslide of 1924 was a personal victory and that the Republican Party did not win the election but the personality of Coolidge did.³⁸ Not that he was such an outstanding personality but the people were won over by his "calm, judicial ways", and his "simple homely virtues".³⁹ This was a clear-cut statement of policy and it appeared as though in this election there was to be no doubt or straddling of the League plank. In fact there was hardly a League plank that could be considered as such. Though the

³⁷ Ibid., 129.

³⁸ Hugh L. Keenleyside, "The American Political Revolution of 1924", Current History, V. 21, March 1925, 25.

³⁹ Literary Digest, July 12, 1924, 7.

Republicans came out firmly against the United States joining the League still they were not against cooperating with the League in some of its endeavors. Their platform provided for just this.

In accordance, however, with with the long-established American practice of giving aid and assistance to other peoples, we have most usefully assisted by cooperation in the humanitarian and technical works undertaken by the League, without involving ourselves in European politics by accepting membership.⁴⁰

In this platform we also find a rather slight reference of endorsement of the World Court.

....the Republican Party pledges itself to aid and assist in the perfection of principles of international law and the settlement of international disputes.⁴¹

When the campaign is reviewed we find that in the July Convention the Democrats lost their real opportunity. In the animosities and bickering in this convention we find the party disunited and divided. Though John W. Davis was intellectually one of the most eminent candidates who ever

40 Ibid.

41 Ibid.

aspired to the White House he was unable to unite and revitalize a disorganized and faction-ridden Democratic Party. This is reflected in bold contrast to the Republican campaign which was excellently managed both politically and financially.

Actually the League was not considered a real issue in this election. The Republicans, as we have seen absolutely refused any relation to the League and the Democrats were divided and disunited on their League policy. Some held Wilson and his policies in such high regard that it amounted to almost religious fervor and to alter their policy toward the League would, to them, mean total repudiation of Wilson and all for which he stood. Others in the Democratic Party evaded the League as a party issue and declined to carry the League as a dominant policy.⁴²

Many cartoons depicted the Democratic Party evading the League question and refusing to carry the "millstone of the League" through the campaign.⁴³

42 Ibid., 6-8.

43 Ibid., 11.

Thus we find the campaign that ended in the re-election of Calvin Coolidge was remarkable in no way except for the existence of a third party which made a substantial showing.

Coolidge received.....	15,729,060	
Davis received	8,391,431	
La Follette received ...	4,820,758	
Scattered vote of	<u>164,634</u>	44
Total vote cast	29,105,883	

The number of eligible voters was 56,925,000, which showed that 51.1% of the eligible voters cast their ballots. This total was raised by the passage of the Nineteenth Amendment which extended the franchise to more than 25,000,000 politically inexperienced women.⁴⁴

Politically the scene was very much as usual. There was a comparative lack of well-defined issues and a general apathy and detachment on the part of a large percentage of citizens was evident. Prosperity, Prohibition, and Prejudice, -these three were the real issues of the campaign of 1928 and in reading the campaign literature of the day we see that foreign policy was curiously inert as an issue.

44 Keenleyside, 36.

45 Ibid., 38.

The candidates nominated in the Democratic convention held in Houston, Texas were Alfred E. Smith, and Joseph T. Robinson. The Republicans were pinning their hopes on Herbert Clark Hoover, and Charles E. Curtis. Both of the presidential candidates had been widely known as potential candidates long before the campaign of 1928 opened, and both were generally regarded as possessing outstanding leadership.

Four years previously Al Smith had been hailed as the eighth wonder of the world because of his tremendous victory in the gubernatorial election in New York State. He was elected by a majority of 115,000 votes and in that election of 1924 was the only Democrat elected in the state. He also held the distinction of being the only governor to be elected to Albany for three terms in nearly a century.⁴⁶

Hoover's accomplishments were many. He was Belgian Relief Commissioner, Food Administrator, and Secretary of Commerce under President Harding and the Republicans exalted themselves by declaiming upon his greater fitness, by training, travel and temperament for the administration of world affairs.⁴⁷

46 Literary Digest, November 15, 1924, 9.

47 Ibid., July 21, 1928, 6-8.

Seldom has this been the case of both contenders in a presidential election. This in itself led to the expectation of a great vote. However, each candidate faced serious discontent within his party and neither candidate had the wholehearted support of the party organization.

No mention is made of the League of Nations in either the Democratic or the Republican Party Platform. The Democratic Platform as adopted on June 29, 1928, showed that the party still revered Wilson and his ideals as evidenced in this excerpt:

We the Democratic Party in convention assembled, pause to pay our tribute of love and respect to the memory of him who in his life and in his official actions voiced the hopes and aspirations of all good men and women of every race and clime, the former President of the United States, Woodrow Wilson. His spirit moves on and his example and deeds will exalt those who come after us as they have inspired us.

We are grateful that we were privileged to work with him and again pay tribute to his high ideals and accomplishments.⁴⁸

Nothing tangible was made of the League as a campaign issue rather the people were more concerned with issues such

⁴⁸ Roy V. Peel and Thomas C. Donnelly, The 1928 Campaign-An Analysis, Richard R. Smith, New York, 1931, 129-143.

as the following:

We hold that government must function not to centralize our wealth but to preserve equal opportunity so that all may share in our priceless resources, and not confine prosperity to a favored few. We, therefore, pledge the Democratic Party to encourage business, small and great alike; to conserve human happiness and liberty; to break the shackles of monopoly and free the business of the nation; to respond to popular will.⁴⁹

On election day, November 6, 1928, Herbert Hoover carried forty states including four states of the "solid South". Governor Smith's popular vote of 15,005,497 to 21,429,109 for Hoover showed that he was stronger than either Davis in 1924 or Cox in 1920.⁵⁰ Still, Smith lost his own state, where for the first time he ran behind his ticket, which included the victorious Democratic candidate for governor and United States senator, respectively, Franklin D. Roosevelt and Dr. Royal S. Copeland.

In the campaigns of 1932 and 1936 the League of Nations ceased to be an issue. The American people were concerned more with domestic issues than with international policies. Two rather formidable problems confronted the presidential

49 Ibid., 129.

50 Pres. Vote, 26.

aspirants they were, prohibition and the depression.

In the 1932 campaign we find both parties, Democratic as well as Republican, paying "verbal homage to certain phases of internationalism", but not including the League of Nations in these utterances. Both parties asked that the United States join the World Court and both favored consultation with other governments in case of threatened violation of the anti-war pact. While the Democrats did not even mention the League, the Republican platform did take satisfaction in the fact that during the Sino-Japanese dispute the United States did act in harmony with the government represented in the League of Nations.

This is the only mention of the League, as such, to be found in either platform.⁵¹ There was slight divergence of policies between the party platforms and really the great difference between the two platforms, apart from the contrast on prohibition related to their divergence on economic problems. In fact, many claimed that the parties were so in accord in this campaign that, "...essentially the issue is a choice between a conservative and a progressive standard-bearer."⁵²

⁵¹ Roy V. Peel and Thomas C. Donnelly, The 1932 Campaign-An Analysis, Farrar and Rinehart, Inc., New York, 1935, 136.

⁵² Literary Digest, July 16, 1932, 4.

Roosevelt was the more progressive of the major candidates. He, even during the campaign, was looked upon as a man of action. From the day of his nomination at Chicago he showed his tradition-shattering technique. For it was the first time in our history that a presidential candidate flew to the convention to accept the nomination of his party and to deliver his own acceptance speech.⁵³

Early in the campaign Governor Roosevelt set the pace of the campaign and presented the issues. By declaring, "Your candidate wants repeal ... from this date on the Eighteenth Amendment is doomed," he stated flatly his policy on prohibition.⁵⁴

In Roosevelt's opinion, because of the existing conditions, the depression was to take first place. He declared:

...it is inevitable that the main issue of this campaign should revolve about the clear fact of our economic condition, a depression so deep, that it is without precedent in modern history.⁵⁵

53 Ibid., 2, also 1932 Campaign, 214.

54 Ibid., 4.

55 Ibid.

Again at Salem, Massachusetts Governor Roosevelt proved that the depression was the dominant issue in the campaign. In addressing the Democrats in the Boston Arena he said:

I wish I could stay to see the burning of the witch of depression, but that is impossible. The witch of depression will be buried ten feet under ground after March 4, next.⁵⁶

The whole atmosphere of the campaign showed that the depression not the League was upper most in the minds of the people. Banners, speeches, parades, are evidence of this. In Boston a banner proclaimed: "Let's Greet 1933 With Roosevelt and Prosperity", another declared "12,000,000 Unemployed Want Jobs."⁵⁷

At this time Roosevelt seemed to be the answer to what the people wanted - a leader to take them out of the depths of the depression. The election results are evidence of this, and are almost exactly the reverse of the election of 1928. Roosevelt obtained 22,815,539 votes to Hoover's 15,759,930 a plurality of 7,055,609 for Roosevelt.⁵⁸

56 Times, November 1, 1932.

57 Ibid.

58 1932 Campaign, 215.

At the beginning of his inauguration speech Mr. Roosevelt stressed the need of leadership and briefly characterized the distressed conditions of the country but again no mention was made of the League.⁵⁹ In this inauguration speech the President did give hope and did relieve, to some extent, the distraught nation by proclaiming in that now famous utterance, "...the only thing we have to fear is fear itself."⁶⁰

At the Democratic and Republican conventions in the summer of 1936 we find slight mention of the League and this in opposition. The Republicans, in their platform were at least rather consistent in their opposition for they maintained in the plank on foreign affairs that:

America shall not become a member
of the League of Nations nor of the
World Court nor shall America take
on any entangling alliances in
foreign affairs.⁶¹

The keynote of President Roosevelt's acceptance speech was the continuation of the New Deal. The Democrats in this convention, in Philadelphia, went on record to:

59 Literary Digest, March 11, 1935, 5.

60 Ibid., 7.

61 Ibid., July 4, 1936, 5.

Extend the policy of the good neighbor.... Guard against being drawn, by political commitments, international banking, or private trading into any war.⁶²

The foreign policy formulated at this convention contained not a word concerning the League. It proposed:

...no interference with the affairs of other nations.... We seek only by force of our own example to spread the gospel of peace in the world.... Our closest neighbors are good neighbors. If there are remoter nations that wish us not good but ill, they know that we can and will defend ourselves.⁶³

62 Ibid.

63 Ibid., November 14, 1936, 11.

CHAPTER III

EFFORTS TO INDUCE NATION TO JOIN WORLD COURT

A Permanent Court of International Justice is hereby established, in accordance with Article 14 of the Covenant of the League of Nations.¹

By this statute prospects opened which permitted the future of the Permanent Court of the International Justice to be acted upon officially by the United States.

It was hoped that consideration in the United States of this World Court would be deliberated upon without regard to some of the preoccupations that beclouded United States membership in the League of Nations. As we are to observe, this was not possible for the alignments resulting from the disagreements over the League were still evident and active.

On February 17, 1923 Secretary of State Hughes sent a letter to President Harding recommending that the Senate be asked for advice on, and consent to, the United States' adhesion to the Protocol of December 16, 1920. President

1 "Statute for the Permanent Court of International Justice", The United States and the Permanent Court of International Justice, United States Government Printing Office, Washington, D.C., 1930, 19.

Harding acted accordingly and sent the letter and a message to the Senate on February 24, 1923.

In his message the President cited the fact that a court was functioning at The Hague in which the United States was able to bring suit, but he considered that not enough for a nation which had long been committed to the peaceful settlement of international controversies. He asked the Senate for approval of adhesion to the protocol, because by the Hughes reservations we could remain free from any legal relation or assumption of obligation under the Covenant of the League of Nations. He believed that these conditions would be acceptable to the great nations, although nothing could be done until the United States offered to adhere to these reservations. The executive had no authority to make this offer until the Senate gave its approval and he therefore urged their "favorable advice and consent".²

In his letter dated February 17, 1923, which accompanied the President's message, Secretary Hughes, before stating his present plans, reviewed the active part which the United States had taken in judicial settlement of international disputes. He stated:

2 Cong. Rec., v.64, pt.5, 4498.

Prior to the First Peace Conference at the Hague in 1899 the United States had participated in fifty-seven arbitrations.... The President... in the past, had acted as arbitrator between other nations in five cases; ministers of the United States, or others chosen by the United States, had acted as arbitrators or umpires in seven cases.³

In recalling the part the United States had, in former times, played as a peacemaker or at an attempt at being a peacemaker the Secretary referred to the instructions Secretary Hay had given the delegates to the First Peace Conference. Secretary Hay instructed:

Nothing can secure for human government and for the authority of law which it represents so deep a respect and so firm a loyalty as the spectacle of sovereign and independent States whose duty it is to prescribe the rules of justice and impose penalties upon the lawless, bowing with reference before august supremacy of those principles of right which give the law its eternal foundation.⁴

A plan for a permanent international tribunal accompanied these instructions. It was at this conference that the Permanent Court of International Justice was established.

3 Ibid.

4 Ibid.

However this organization while called "a permanent court really consisted of an eligible list of persons designated by the contracting parties" from which tribunals might be constituted.⁵ Secretary Hughes proceeded to reassure the President that this was not a new or unpopular problem. He asserted:

...that the preponderant opinion in this country has not only favored the policy of judicial settlement of justiciable international disputes through arbitral tribunals specially established, but it has also strongly desired that a Permanent Court of International Justice should be established and maintained.⁶

Referring to the last phase of the Court's growth Hughes mentioned the relation the League of Nations had to the present proposed plan.

The covenant of the League of Nations provided, in article 14, that the council of the league should formulate and submit to the members of the league plans for the establishment of a Permanent Court of International Justice which should be competent to hear and determine any dispute of an international character which the parties thereto should submit to it and which might also give an advisory

5 Ibid.

6 Ibid.

opinion upon any dispute or question referred to it by the council or by the assembly of the League. This provision of the covenant, it may be said, entered into the subsequent controversy with respect to participation by this Government in the League of Nations; on the contrary it is believed that this controversy reflected but little, if any, divergence of view in this country in respect to the advisability of establishing a permanent court of international justice.⁷

In the following words the Secretary of State determined to show the distinction that the Permanent Court was not made effective by the Assembly of the League but rather by a separate protocol. He no doubt realized that any connection whatsoever with the League would be considered detrimental to the Court and wanted to emphasize this distinction.

The council of the league appointed an advisory committee of jurists.... It recommended a plan... and after certain amendments had been made, the statute constituting the Permanent Court of International Justice was adopted by the assembly of the league on December 13, 1920.

Though these steps were taken under the auspices of the league the statute constituting the Permanent Court of International Justice did

7 Ibid.

not become effective upon its adoption by the assembly of the league. On the contrary, it became effective by virtue of the signature and ratification by the signatory powers of a special protocol. The reason for this procedure was that although the plan of the court was prepared under article 14 of the covenant, the statute went beyond the terms of the court, especially in making the court available to States which were not members of the League of Nations. Accordingly a protocol of signature was prepared by which the signatory powers declared their acceptance of the adjoined statute of the Permanent Court of International Justice.⁸

In order to presage any unsurmountable difficulty, if the relation of the Court to the League should prove a stumbling block in so far as involving the United States in any legal obligation under the Covenant of the League of Nations, Hughes advised that if this presented any question that this point should be distinctly referred to as a part of the terms of adhesion on the part of the United States.

He recommended to the President that if this plan as outlined should meet with his approval he advised the

8 Ibid.

President to request the Senate to take suitable action toward the adhesion of the United States to the protocol of December 16, 1920 accepting the adjoined statute of the Permanent Court of Justice and rejecting the optional clause for compulsory jurisdiction.

Secretary Hughes also recommended that the terms should be based upon the following conditions which were to be made a part of the instrument of adhesion. He set forth his four reservations in these words which in the succeeding debates over the question of adhesion were to become famous and referred to as the "Hughes reservations".

- I. That such adhesion shall not be taken to involve any relation on the part of the United States to the League of Nations or the assumption of any obligation by the United States under the covenant of the League of Nations constituting Part I of the Treaty of Versailles.
- II That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other States members respectively of the council and assembly of the League of Nations in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

III That the United States will pay a fair share of the expenses of the Court as determined and appropriated from time to time.

IV That the statute of Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.⁹

Since this message of the President to the Senate on February 24, 1923 pertained to a treaty or protocol with foreign governments, it was read behind closed doors. Hughes' letter was not read. According to one report there were few Senators present as the business of the day was practically over. Upon a motion of Senator Lodge, the message and accompanying letter of Secretary Hughes were referred to the Committee on Foreign Relations.¹⁰

On February 27, this Senate Committee adopted a resolution offered by Senator Borah calling on Harding for further information about his proposal. It was generally understood that this procedure was a move for delay intended to give the committee an excuse for not passing on the World Court question during that session.¹¹

9 Ibid.

10 "President Harding's Plea for the World Court", Current History, The New York Times Co., N.Y., v. 18, 39.

11 Ibid.

On the previous day, Senator King of Utah, introduced Senate Resolution 454, which embodied the four reservations recommended by Secretary Hughes. It was laid upon the table until the next day.¹²

It was hardly expected in the short time which remained before Congress adjourned that the Senate would be able to sanction the President's suggestions.¹³ Some believed that the President was clever to make the proposal at this late date in the session with the idea of getting it before the country so there would be sufficient time for the people to consider it during the months of the Congressional recess.¹⁴

At first thought it appeared that if the President had really been interested in this legislation and earnestly wished its passage he had made a grave mistake in timing by sending his message to Congress in the closing days of a busy session when action on so serious a question was practically impossible. However more serious students of the situation readily considered it a very fine piece of timing. By asking the Senate to consider the Court question

12 Cong. Rec., v 64, pt.5, 4632.

13 Times, February 25, 1923.

14 Ibid., February 26, 1923.

the President had put the issue before the American people, to be talked of all summer, to be the subject of Presidential and other utterances on the platform and to create a public sentiment bound to have a decisive influence on the members of the new Congress. It was to prove a topic of lively discussion with Johnson, Borah, and other anti-League Senators against the plan, and the President for it. Political commentators forecasted that the discussions would continue on into the next Republican convention. Mark Sullivan thought that it was more than likely that the World Court question "may have the same relation to the campaign of 1924 that the League of Nations had to the campaign of 1920."¹⁵ The New York Times, observed that the Harding Hughes plan for membership in the World Court received "... a spontaneous and remarkable approval by the press, irrespective of party and the endorsement of many Americans of light and leading."¹⁶

Again on March 5, 1923 President Harding reiterated his proposal in a letter to Lieutenant-Governor Bloom of Ohio by declaring that, "it is inconceivable to me that the

15 Ibid., February 25, 1923.

16 Ibid., February 26, 1923.

American people who have long been devoted to this ideal, should refuse their adherence now to such a program as is represented by this tribunal."¹⁷ The fact that this letter was given rather widespread attention and publicity was regarded as indicative of the fact that the President was determined in the nine months of the Congressional recess to keep his proposal before the American people.¹⁸

President Harding's first public address dealing with our entrance in the World Court was delivered the following month on April 24, 1923, before the Associated Press, in New York.

What better occasion could be asked to get this before the American people than to present it to the press of the nation? On this occasion the President admitted that some observers of the national scene claimed that our adherence to the Court was a move toward becoming a member in the League of Nations, but he wanted to assure any so thinking that there was no such thought among those officials who shaped American foreign policy. Still others said that entanglements with the League would be unavoidable. But any relationship with the League would have required the

¹⁷ Current History, v.18, 34.

¹⁸ Ibid., 39.

assent of the Senate, and this was not to be feared. But if by some chance the Senate approved of such action, Harding promised that his administration would not complete the ratification. The President pointed out that there was only one political bugbear in the fact that in the Assembly of the League the British Empire had six votes in that branch of the Court electorate of the Council. In view of the fact that no nation could have more than one judge it seemed less formidable in the Court than when applied to the League. Furthermore, if other nations accepted this voting strength of the British dominions, we too should have done so in view of the natural ties of the English speaking race. Finally Harding commended our adhesion to the Court as a great step in the direction of peaceful settlement of justiciable questions.¹⁹

On his trip to Alaska in the summer of 1923 President Harding stopped in St. Louis and on June 21 spoke about the Court, laying down two conditions which he considered indispensable to our acceptance. These were:

¹⁹ Congressional Digest, A. Gram Robinson and Norborne T. N. Robinson, Publishers, 1923, v. 2, 232-233.

1. That the tribunal should be in theory and practice a World Court and not a League Court.
2. That the United States should occupy a plane of perfect equality with every other power.²⁰

He further stated:

There admittedly is a League connection with the World Court though I firmly believe we could adhere to the Court Protocol, with becoming reservations, and be free from every possible obligation to the League, I would frankly prefer the Court's independence of the League.²¹

Harding went on to praise the Court as it was constituted, but suggested that it be made self perpetuating in one of two ways:

1. By empowering the Court to fill any vacancy which arose from the death or retirement of a member without interposition from any other body.
2. By transferring the power of electors from the Council and the Assembly to the remaining members of the Permanent Court of International Justice so that in fact the Court's members elected their successors.²²

20 Ibid., 55.

21 Ibid.

22 Literary Digest, July 14, 1923, 9.

Therefore from these statements of President Harding we can see that his policy was characterized by patience. His tactics were those of patience and not forcefulness. Harding did not attempt to force his proposal through Congress by legislative manipulation or executive pressure. In considering this policy we must remember that Harding was a candidate for re-election when this question was brought to the fore. It probably would not have been too wise for the President to attempt force or to try to impose his will upon the Senate. His policy was also interpreted by some who thought that he would have considered conditions other than the Hughes reservations under which the United States might adhere to the Court because he had put forth suggestions of other possibilities. They thought this was likely to win over both the Senate and public opinion.²³

In poor health and oppressed by the charges already made against his administration, Harding continued on to Alaska where he fell seriously ill. On the return trip he died, at San Francisco, August 2, 1923. Shortly before his death an address on foreign affairs, which he had prepared to deliver in San Francisco was published. In it he

²³ Ibid., 8.

attempted to justify the attitude of his administration toward the League as follows:

If our people are ever to decide upon war they will chose to decide according to our own national conscience at the time and in the constitutional manner without advance commitment, or the advice and consent of any power. To revive the old controversy in any phase would have been disastrous. We do not challenge the utility of the League of Nations to others; we wish it more power in every righteous exercise of its functions; but it is clearly not for us as presented in the Versailles Covenant.²⁴

He confirmed the wisdom of the Senate in opposing the League, and continued:

Out of the inevitable Presidential contacts with the World War's havoc and destruction and the measureless sorrows which attended and has followed, I would be insensible to duty and violate all sentiments of my heart and all my convictions if I failed to urge American support of the Permanent Court of International Justice. I do not know that such a court will be unfailing in the avoidance of war, but I know it is a step in the right direction.²⁵

These final words of Harding's left the issue sharply outlined for his successor, Calvin Coolidge.

24 New York Tribune, August 1, 1923.

25 Ibid.

The World Court issue must have been foremost in the minds of the American people, at least in the mind of the President, for in his first official address to Congress President Coolidge dealt with the entrance of the United States to the Court. The first statement of his policy took form in his message to Congress on December 6, 1923. After paying due respect to the late President, Coolidge said:

Our foreign policy has always been guided by two principles. The one is the avoidance of permanent political alliances which would sacrifice our proper independence. The other is the peaceful settlement of controversies between nations.²⁶

Like Hughes, Coolidge too harkened back to the Hague Tribunal and also gave a short history of our attempts and efforts toward entrance in a permanent international court. He favored our entrance and stated:

By example and by treaty we have advocated arbitration. For nearly twenty-five years we have been a member of the Hague Tribunal, and have sought the creation of a permanent world court of justice. I am in full accord with both of these policies. I favor the establishment of such a court intended to include the whole world. That is and has been an American policy.²⁷

26 Cong. Rec., v. 55, pt. 1, 96-97.

27 Ibid.

Continuing his message to Congress President Coolidge dealt with the present plan for a world court by stating that this plan with the Hughes reservations was not perfect but that it was workable and he would like to see the Senate act favorable. He continued by declaring:

Pending before the Senate is a proposal that this Government give its support to the Permanent Court of International Justice, which is a new and somewhat different plan. This is not a partisan question. It should not assume an artificial importance. The court is merely a convenient instrument of adjustment to which we could go, but to which we could not be brought. It should be discussed in entire candor, not by a political, but a judicial method without pressure and without prejudice. Partisanship has no place in our foreign relations. As I wish to see a court established, and as the proposal presents the only practical plan on which many nations have agreed, though it may not meet every desire. I therefore commend it to the favorable consideration of the Senate, with the proposed reservations clearly indicating our refusal to adhere to the League of Nations.²⁸

By this statement we see that the President recognized that the Senate had delayed in its deliberations of the Court and intimated that because partisan policies had

28 Ibid., 97.

crept into the discussions other considerations had taken precedence over it. He considered our adherence to the Court necessary but he emphasized that it had grown out of proportion to its importance and he wished it placed in its proper setting.

Four days later on December 10, 1923 Senator King of Utah, introduced a resolution which called for United States adherence to the World Court, with the exception of the compulsory jurisdiction clause under the Harding-Hughes reservations. It was referred to the Committee on Foreign Relations.²⁹

That same day Senator Lenroot of Wisconsin offered a resolution to the Senate which called for adherence to the Protocol of the Court under certain conditions. This too was referred to the Committee on Foreign Relations. This included the usual clause found in these resolutions of adhesion to the Protocol. The same fear was expressed concerning the refusal of the United States to enter the League of Nations or assume any obligations under the League. In this resolution it was so phrased:

29 Ibid., 153.

That such adherence shall not be taken to involve any legal relationship on the part of the United States to the League of Nations, or the assumption of any obligations by the United States under the covenant of the League of Nations, constituting a part of the Versailles treaty.³⁰

President Coolidge, in a Memorial Day address in 1924, said that the Harding proposal had already been approved by him. He did not oppose the other reservation, but felt that any material changes would probably not receive the consent of the nations and for that reason would be impractical. He thought that the United States could not take such a step without assuming certain obligations and surrendering something. But the situation had to be faced and an ambiguous position would accomplish nothing. The fear of entanglement with the League seemed unlikely to President Coolidge with the Hughes reservations. He thought that the United States should sustain a Court which it had advocated for years.³¹

30 Ibid., 151.

31 Outlook, Outlook Co., N.Y., 1924, June 11, 1924, 219.

In his annual message to Congress, on December 3, 1924, President Coolidge declared:

I believe it would be for the advantage of this country and helpful to the stability of other nations for us to adhere to the Protocol establishing that Court upon the conditions stated in the recommendation which is now before the Senate, and further that our country shall not be bound by advisory opinion which may be rendered by the Court upon questions which we have not voluntarily submitted for its judgement. This Court would provide a practical and convenient tribunal before which we could go voluntarily, but to which we could not be summoned, for a determination of justiciable questions when they fail to be resolved by diplomatic negotiations.³²

Even the House of Representatives was becoming impatient with the pondering of the Court question in the Committee of Foreign Relations, the Subcommittee Hearings, and in the Senate as evidenced by this Resolution adopted by the House, March 3, 1925.

Resolved, That the House of Representatives desires to express its cordial approval of the said Court and an earnest desire that

32 Cong. Rec., v.66, pt. 1, 55.

the United States give early adherence to the Protocol establishing the same, with the reservations recommended by President Harding and President Coolidge.

Resolved further, That the House expresses its readiness to participate in the enactment of such legislation as will necessarily follow such approval.³³

On the following day President Coolidge came out once again for the World Court. He said:

In conformity with the principle that display of reason rather than a threat of force should be the determining factor in the intercourse between nations we have long advocated the peaceful settlement of disputes by methods of arbitration and have negotiated many treaties to secure that result. The same conditions should lead to our adherence to the Permanent Court of International Justice.³⁴

Not being as vociferous as some of his predecessors or as some of his successors in the office of President we are forced to rely on his official utterances on traditional occasions. In his annual message to Congress on December 8, 1925 he reminded the Senators that the proposal to adhere

33 Ibid., 5404-5.

34 Ibid., v.66, pt. 5, 56-58.

to the Court had been pending before the Senate for nearly three years although the United States had taken a leading part in laying the foundation on which this institution rested.³⁵

In Senate Resolution 5 of January 27, 1926 another reservation was added to those recommended by Secretary Hughes in his letter of February 17, 1923. It took just three years for the Senate to get this far. This resolution stated:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the adherence on the part of the United States to the said protocol of December 16, 1920, and the adjoining Statute for the Permanent Court of International Justice (without accepting or agreeing to the optional clause for compulsory jurisdiction contained in said Statute), and that the signature of the United States be affixed to the said protocol, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution....³⁶

35 Ibid., v. 60, pt.1, 459.

36 U.S. and P.C.I.J., 31-32.

The following reservation incorporated in this resolution proved to be the famous stumbling-block to American adherence to the Court. It declared:

That the Court shall not render any advisory opinion except publicly after due notice to all states adhering to the Court and to all interested states and after public hearing or opportunity for hearing given to any state, concerned; nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.³⁷

Apparently this would seem that the United States was sincere in its intentions of adherence to the protocol.

The Senate resolution of adherence with reservations and understanding, was promptly transmitted by the Secretary of State to each of the forty-eight member States. On September 1, 1926, these States met in a conference called at Geneva, to consider the American proposals and ultimately agreed upon a plan for accepting the Senate reservations, leaving the door open for further discussion and explanation if necessary. The reply was communicated to the United States, but the State Department made no official reply. The announcement that the

37 Ibid.

report was unacceptable to the American government was made by President Coolidge in his Armistice Day speech. The President in discussing the Court noted the fact that no final answers had been received from the signatory powers, but with the situation as it was then, he felt that he could not ask the Senate to modify its position. Furthermore, unless the Senate proposals were met by the members of the Court he saw no prospect of the United States joining the tribunal.³⁸

Hearst, Borah, the Chicago Tribune and others opposed to the Court interpreted the President's address as acceptance of defeat and as total defeat for the Court, but as another administration passed on, the question of American adherence to the World Court was a legacy presented for solution to the Hoover administration.

Herbert Hoover, in his inaugural address of March 4, 1929 gave strong support to another approach to the Court. He explained that the reservations sought no special privilege for us but only clarification of our relation to advisory opinions. The new President stressed the fact that:

³⁸ International Conciliation, Carnegie Endowment for International Peace, New York, 1927, No.232, 360.

The Permanent Court of International Justice is particularly identified with American ideals and with American statesmanship.... The way should and I believe will, be found by which we may take our proper place in a movement so fundamental to the progress of peace.³⁹

At this point in the development of the World Court in the United States attention was focused on Elihu Root who had gone to Geneva to work out a plan that would prove satisfactory to the Senate and also to the World Court signatories. It was indeed, a monumental task.

Root's formula attempted to solve the deadlock between the two. His plan was a compromise. He reaffirmed the Senate's claim to a veto over advisory opinions and then set up rules governing the exercise of this veto power. The United States was to be notified of every request for an advisory opinion and discussion was to be invited. If this discussion should disclose:

(1) that no agreement can be reached as to whether the question does touch an interest of the United States within the true meaning of the second paragraph of this article; and

³⁹ Literary Digest, March 16, 1929, 7.

(2) that submission of the question is still insisted upon after attributing to the objection of the United States the same force and effect as attaches to a vote against asking for the opinion given by a member of the League of Nations either in Assembly or Council; and if it also appears that the United States has not been able to find the submission of the question so important for the general good as to call upon the United States to forego its objection, in that particular instance leaving the request to be acted upon by the Court without in any way binding the United States; then it shall be deemed that owing to material difference of view regarding the proper scope or practice of requesting advisory opinions, the arrangement now agreed upon is not yielding satisfactory results, and that exercise of powers of withdrawal provided in Article XII hereof will follow naturally without any imputation of unfriendliness or unwillingness to co-operate generally for peace and good will.⁴⁰

Root doubted that it would ever be necessary to put this solution into use but if this plan was ever put into practice he felt that it would result in agreement in any such dispute. In explaining his plan to the Commission set by the Council to deal with the question of American adherence he quite frankly told them this and added that he believed the apprehension aroused in Washington and in

40 Times, March 7, 1929.

Geneva to be unfounded but that this had to be guarded against and he felt this was the way. This plan was adopted by the Commission with slight modification made by Sir Cecil Hurst.⁴¹

It seemed that this was the real solution to the Court question concerning the United States and that surely when given another chance the Senate would indubitably consent to adherence but the catalytic agent came too late. By the time the World Court protocols had been signed by the foreign nations concerned the prosperity bubble had exploded and the depression had hit with full force in October 1929. The problem was survival and every effort was strained toward that end.

A year later there was concern that the submission of the World Court protocols in the Senate might block emergency legislation in the short session and thereby necessitate an extra session. Nevertheless, President Hoover in his annual message to Congress on December 10, 1930 declared his position in relation to the World Court question. In this message we can see that this problem

41 Ibid., March 12, 1929.

was no longer a major issue. The country had witnessed the "Crash of '29" and was definitely feeling the need of assistance in trying to stem the full tide of the depression. The President was of course aware of this critical condition throughout the country and was willing to give it necessary precedence over the Court. In making known to Congress his policies, he stated: "I trust the protocols may have consideration as soon as possible after the emergency relief and appropriate legislation has been disposed of." He continued discussing the Court and gave a brief history stressing the most recent developments. He reiterated that he believed the United States should join the Court and stated:

...on January 27, 1926 following extended consideration the Senate advised and gave consent to adherence to the court with five reservations; and it gave authorization to effect their acceptance by an exchange of notes. Consent to four of these was promptly expressed at a meeting of the nation members of the court and after negotiations undertaken with the approval of President Coolidge two protocols were drawn to revise the statutes of the court in order to embody their consent and also to meet the fifth reservation. The protocol of accession of the United States and the protocol of revision have now been signed by practically all the nations which are members of the court and have already been ratified by a large majority of those nations.

The provision of the protocols free us from any entanglement in the diplomacy of nations. We can not be summoned before this court. We can from time to time seek its services by agreement with other nations. These permit our withdrawal from the court at any time without reproach or ill will.

The movement for the establishment of such a court originated with our country. It has been supported by Presidents Wilson, Harding and Coolidge; by Secretaries of State Hughes, Kellogg and Stimson....

Through the Kellogg-Briand pact we have pledged ourselves to the use of pacific means in settlement of all controversies. Our great Nation, so devoted to peace and justice should lend its co-operation in this effort [World Court] of the nations to establish a great agency for such pacific settlement.⁴²

Immediately after this message from the President was read Senator Borah recommended that the following editorial from the New York Sun entitled, "When League Court Protocol Comes Out, Kill It", be included in the record.

We might make friends for a day by entering the league court. We should make enemies for a generation when the time came - and it inevitably would come - when circumstances compelled us to withdraw. Let us keep what friendship we have abroad by

42 Cong. Rec., v. 74, pt. 1, 504.

refusing to adhere... When the league court protocol comes ... into the Senate Chamber it should meet its death. And, to make assurance doubly sure, the Senate should rescind the resolution which Geneva rejected, thus clearing the air completely of the smoke of danger.⁴³

This defiance on the part of the Chairman of the Foreign Relations Committee against the President's conduct of our foreign policy is an example of the intensity of the war waged over the Court. Consideration of the issue was postponed for another year in fear of necessitating an extra session. Still no solution was found during this administration and the problem was passed on to the next.

The Roosevelt landslide in November of 1932 swept a considerable number of Republican Senators out of office and assured the Democrats of a majority in the Senate of the 73rd Congress but not until March 1932 did the pressure of domestic business lessen sufficiently to allow consideration of the Court problem.

This period of waiting for action is summarized in one of the country's leading newspapers as follows:

43 Ibid.

Dickens' Circumlocution Office was a miracle of speed compared with the Foreign Relations Committee of the Senate when dealing with the World Court. Year after year, session of Congress after session of Congress, it goes on weaving a tangled web about the whole subject. Just now it has made a report to the Senate, but with so many reservations, with so many wire-drawn objections and scruples, that action upon the matter seems impossible.⁴⁴

The national conventions met soon after and both parties endorsed the Court once more, the Republicans more strongly. Their platform commended this step toward the settlement of international disputes by the rule of law and held that we should join our influence and "gain a voice in this institution, which would offer us a safer, more judicial and expeditious instrument" than arbitration. The Democratic platform simply advocated, "adherence to the World Court with the pending reservations."⁴⁵ One member of the press maintained that argument for and against American adherence had long since been exhausted. The two political parties had favored our joining the Court again and again, "but their leaders have done nothing about it except recommend." There was always fear of a long debate, so action on the issue

44 Times, May 16, 1932.

45 Ibid., June 16 and 30, 1932.

necessarily waited until a more convenient season. But "judging from the past, that season will never come. Successive Congresses and Presidents of both political parties have made a long and painful record of dilatoriness and indifference in this matter."⁴⁶

Finally on January 6, 1935 it was thought that the convenient time had arrived for a serious consideration of the World Court proposals during the Roosevelt administration. President Roosevelt called a conference of party leaders at which it was decided to bring to the fore the Court protocols.⁴⁷

Many felt that a President as popular as Roosevelt could certainly evoke prompt ratification and it was estimated that at this time not more than twelve senators would vote against the Court.⁴⁸

But signs of opposition impelled the President to send a message to the Senate, (on January 16, 1935) in which he stated:

⁴⁶ Ibid., March 24, 1934.

⁴⁷ Ibid., January 6, 1935.

⁴⁸ Ibid., January 12, 1935.

The movement to make international justice practicable and servicable is not subject to partisan considerations for years Republican and Democratic Administrations and party platforms alike have advocated a court of justice to which nations might voluntarily bring their disputes for judicial decision.

To give concrete realization to the obviously sound and thoroughly American policy I hope that at an early date the Senate will advise and consent to the adherence of the United States to the Protocol of Signature of the Statute of the Permanent Court of Justice dated December 16, 1920, the Protocol for the Revision of the Statute of the Permanent Court of Justice, dated September 14, 1929, and the Protocol of Signature of the Statute of the Permanent Court of Justice, dated September 14, 1929, all of which were submitted to the Senate December 10, 1930.⁴⁹

Mindful of what had happened in 1926 the President urged:

...that the Senate's consent be given in such form as not to defeat or to delay the objective of adherence.

The sovereignty of the United States will be in no way diminished or jeopardized by such action. At this period in international relationship when every act is of moment to the future of world peace, the United States has an opportunity once more to throw its weight into the scale in favor of peace.⁵⁰

49 Cong. Rec., V.79, pt. 1, 468.

50 Ibid.

As soon as this message of the President's had been read Senator Hiram Johnson took the floor to maintain that he wanted peace and said, "What peace do we gain by going into the Court or by going into the League of Nations?" He stated that going into the Court would "ultimately mean going into the League of Nations just as surely as night follows day." He also claimed this was the worst moment to go into the Court, when "all Europe sits on a volcano" and no one knows when the eruption will come.⁵¹

It is interesting to note that Senator Johnson rejected any responsibility for the long delays about the Court. He maintained:

If Mr. Root had not at the instance of Sir Cecil Hurst manufactured something destroying our irreducible minimum of protection there would have been no delay.⁵²

The next day Senator Huey Long, of Louisiana, gave the Senate what the press termed "a three-hour harangue. Waving his arms and shouting at the top of his lungs," he accused the Standard Oil Company, of financing wars." This appeared

51 Ibid., 479-489.

52 Ibid., 479.

to be the beginning of a filibuster and seemed that the usual process of killing the Court was under way again.

Many resolutions favoring the proposed entrance of the United States in the World Court are to be found which show the pressure laid upon the Senators at that time. To mention just a few: American Bar Association, Faculty of Colby College, Montana Bar Association, Women's Organization of Kansas and also a statement from General John F. O'Ryan urging American entrance.⁵⁴ Favorable communications were also sent by: Rotary Club of Pleasantville, New Jersey, Rotary Club of Dallas, Texas, Bar Association of Erie, New York, American Legion Posts of New York, Miami Florida Women's Club, Women's Republican Club of Orange, New Jersey, Chamber of Commerce of Wellsboro, Pennsylvania and National Committee of Republican Women.⁵⁵ A letter was also sent from Democrats throughout the country to Democratic Senators asking for action on the World Court during the present short session. This letter was as follows:

54 Cong. Rec., v. 79, pt. 14, 611.

55 Ibid., v. 75, pt. 15, 659.

As the short session opens, we think it in order to emphasize the clear implication of the Democratic platform of 1932 recommending "adherence of the United States to the World Court with the pending reservations".... we respectfully urge the exercise of your own influence toward expediting the court on the Senate Calendar ...in order that a record vote may be reached before adjournment March 4.

Our hope is that you share our view that the Senate should consent to the ratification of the three pending treaties which were favorably reported to the Senate Foreign Relations Committee on January 1st last, and which when ratified will achieve the adherence of the United States to the court.⁵⁶

This letter was signed by about a hundred prominent persons throughout the country including: John W. Davis, of New York City, former Ambassador to Great Britain; James M. Cox, former Governor of Ohio; Gilbert Hitchcock, former United States Senator from Nebraska; George Fort Milton, historian and publisher of Chattanooga News.⁵⁷

We also find a petition circulated by a national group of Republican women organized to support the administration's policy of ratification of the World Court Protocols. This organization was considered to be a

56 Ibid., v. 76, pt. 1, 301.

57 Ibid.

representative group of women who circulated this petition extensively through out the country. The petition distinctly clarified their stand on the issue by stating that they were:

...organized for the sole purpose of making clear to the public and the Senate the support which Republican women throughout the country entertain for ratification of the three World Court protocols which the United States signed two years ago.⁵⁸

The members of this organization were headed by the Chairman, Mrs. Arthur Levermore, also president of the Women's National Republican Club and six vice-chairman: Miss Sarah Schuyler Butler also of the New York State Republican Committee, Mrs. Worthington Scrants and Mrs. Grace Semple Burlingham both members of the Republican National Committee, Mrs. Silas Strawn of Illinois and Mrs. Charles Taft 2nd, of Ohio.

This committee prepared a message which was sent to thousands of Republican women voters all over the country.

58 Ibid., v. 75, pt. 2, 2129.

It urged immediate support for the official Republican policy and indorsed the adherence of the United States to the World Court. This message said in part:

The question now before the Senate is not whether we shall enter the World Court. The Senate in 1926 by a vote of 76 to 17 passed a resolution declaring that we should; if five reservations were met.⁵⁹

The public generally thought that the result could not be in doubt. Roosevelt's prestige was great and the mind of the nation had been made up for a long time. Only two days before the vote on the Court was cast the New York Times declared that "There has never been a doubt, especially since the President's message that two-thirds of the Senate would favor ratification", though it added Roosevelt was "puzzled" by the methods of the opposition in fighting the treaty.⁶⁰

On January 29, 1935, the Senate voted on the Court protocols and defeated them by a vote of fifty-two favoring adherence to thirty-six against. Forty-three Democrats and nine Republicans voted for adherence; twenty Democrats, fourteen Republicans, and two others voted against. By this we see that a strong majority still stood by the Court

59 Ibid.

60 Times, January 27, 1935.

but it was not strong enough, for seven votes were lacking to make the necessary two-thirds.⁶¹

As could be expected many factors entered into the rejection. Overconfidence was blamed by some for the defeat. Others claimed that, "The leadership of the Administration forces was too languid...." and that "Mr. Roosevelt was misled". Still other reasons advanced were that, "while the supporters of the treaty slept... its opponents kept up a secret but effective campaign against it," and that minor causes, personal and political entered into the defeat but considered the most important element, was the successful appeal to have nothing to do with Europe.⁶²

President Roosevelt made no comment on the vote except to say, that he was very grateful to Senator Robinson, the Democratic leader, for the able and honorable fight he had conducted, and to the other pro-court Senators.⁶³

Senator Borah stated triumphantly that this was the most important Senate action since the World War and by this the Court issue in the United States may be said to have been officially dead.⁶⁴

61 Ibid., January 30, 1935.

62 Ibid., January 31, 1935.

63 Ibid.

64 Ibid.

Immediately after the defeat of the Court, Senator Robinson, majority leader, wrote an article about the struggle in which he said that some fifteen senators who were friendly to ratification, but not unqualifiedly committed, ended by joining the opposition, while only two votes not counted upon were picked up. He ascribed the result to the organized resistance, which gathered volume, and to its "exaggerations, misinformation, political threats, and misrepresentations." Pictures were painted "of battle scenes, death, desolation, and sacrifices to accomplish purposes in no wise related to the welfare of our people."⁶⁵

It would be thought that the defeat of so serious and widespread an issue would be cause for a marked reaction, at least in Washington but this was not the case. Arthur Krock, reported that congressional leaders, including Senator Robinson, went serenely about their business. At the White House, also, the President seemed in his press conference "to be sincerely unconcerned about the action of the Senate. Nothing like a pall hung over official Washington."⁶⁶

⁶⁵ Ibid., February 3, 1935.

⁶⁶ Ibid., January 31, 1935.

Quite to the contrary the day following the defeat was the President's birthday and he was preparing to celebrate it with the entire nation invited to attend birthday balls held in his honor, all over the country.

This defeat well illustrates that the failure of the United States to join with other States in their efforts to make the Court a universal agency for the development of international law may be attributed in part to its position as a non-member of the League of Nations. As we have seen the debates as well as the fate of the American reservations, turned chiefly on advisory opinions, but the hostility to them was largely due to the fact that the opinions were given by the Court at the request of the Council of the League of Nations. The relation of the League to the Court attached such a stigma to the Court that it ultimately brought it down to defeat.

In consequence, the Government of the United States has had no share in maintaining the Court and has made no financial contribution to its support. Though an eminent American, Elihu Root participated in drafting the Court's Statute and the American members of the Permanent Court of Arbitration regularly nominated candidates in the elections of judges after 1923, and four Americans were successively

elected as judges of the Court, John Bassett Moore, Charles Evans Hughes, Frank B. Kellogg, and Manley O. Hudson. Yet with one exception the United States refrained from entering into agreements with other States providing for the Court's jurisdiction; by becoming a member of the International Labor Organization, the United States conferred on the Court the jurisdiction to be provided for in the constitution of that organization.

Without challenging the motives of the Senators who labored for limitations and ultimately defeat of the World Court protocols, we can not help but question the means used to attain their end.

For twelve years the Senate professed an ardent desire for a type of court such as provided for in the protocols presented to them; many times voting for it but always with some reservations that prevented the action which they had professed. Such a course as this dictated by the Senate could not help but mar its prestige.

CHAPTER IV

ATTITUDES IN YEARS OF SPECIAL DEVELOPMENT

I hope it is practicable, by improving the mind and morals of society, to lessen the disposition to war; but of its abolition I despair.¹

After reviewing the prolonged and entailed developments over the World Court it is most gratifying and reassuring to consider the Kellogg Peace Pact. The correspondence between France and the United States during the years 1927 and 1928 was simple, sincere and thereby successful. During the previous decade a small but influential group, including Samuel O. Levinson, a Chicago lawyer, and Professor James T. Shotwell, of Columbia University, had been urging that instead of making laws recognizing war as a legal condition, there should be laws against war, making it illegal. Professor Shotwell, considered one of the ablest of the leaders of this movement, while visiting France in the spring of 1927, presented his ideas to Foreign Minister Briand. The result

¹ Thomas Jefferson, The Writings of Thomas Jefferson, Andrew A. Lipscomb, Editor, The Thomas Jefferson Memorial Association, Washington, D.C., 1903, v. 18, 298.

of these Briand-Shotwell discussions was the Briand proposal of April 6, 1927.² It was on this day, the tenth anniversary of the United States entrance into World War I, that M. Briand entrusted to the Associated Press his famous message, addressed to the American people.³ Here in this instance the Foreign Minister of France challenged public opinion by his offer to commit the Government of France to a renunciation of war as an instrument of national policy if the United States would cooperate with it in this act "to outlaw war". The significant passage of this message is as follows:

For those whose lives are devoted to securing this living reality of a policy of peace the United States and France already appear before the world as morally in full agreement. If there were need for these two great democracies to give high testimony to their desire for peace and to furnish to other people an example more solemn still, France would be willing to subscribe publicly with the United States to any mutual engagement tending "to outlaw war," to use an American expression, as between these two countries. The renunciation of war as an instrument of national policy is a conception already familiar to the signatories to the Covenant of the League of Nations and of the Treaties of Locarno. Every engagement entered into in this spirit by the United States toward another nation such as France would

2 James T. Shotwell, War As An Instrument of National Policy, Harcourt Brace and Co., New York, 1929, 45-46.

3 Literary Digest, November 26, 1927.

contribute greatly in the eyes of the world to broaden and strengthen the foundations on which the international policy of peace is being erected. These two great friendly nations, equally devoted to the cause of peace, would furnish to the world the best illustration of the truth that the immediate end to be attained is not so much disarmament as the practical application of peace itself.⁴

This message did not immediately receive much public attention. In fact it passed virtually unnoticed by the American press for nearly three weeks. Then Dr. Nicholas Murray Butler wrote a letter which appeared in a prominent newspaper on April 25, 1927. This letter repeated the above passage from M. Briand's message and asked:

Is it possible that the American people failed to hear the extraordinarily important message addressed to them through the Associated Press.... If not what answer do they propose to make, and how long will they permit M. Briand to be kept waiting for the answer?⁵

This communication of Dr. Butler's aroused dormant public opinion. Though we find instances of this awakening in the press there was apparently no sudden concerted effort

4 International Conciliation, No. 243, 463.

5 Times, April 25, 1927.

on the part of the general public to encourage a prompt reply to M. Briand's proposal.

Undaunted by the coldness of its reception in many quarters the advocates of outlawry kept up their campaign. Though the State Department had neglected to answer the informal question of M. Briand's of April 6, 1927 he was determined to receive a reply.

No details were specified in his note of April 6, 1927 and technically since this was not presented through the proper diplomatic channels no reply was necessary. But M. Briand evidently was not content with the reaction. Since our treaty of arbitration with France was to expire on February 28, 1929, he, no doubt, considered this an opportune time to discuss the subject of a new treaty. So on June 20, 1927 M. Briand formally submitted the following treaty in which the State Department could hardly have replied in the negative and which did necessitate an answer. These two short paragraphs are the very heart of the treaty. Just these following two articles with the addition of the provisions for signature and ratification form the entire treaty.

Article 1

The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Article 2

The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.⁶

This message of M. Briand's was followed by a rather long period of inaction on the part of the United States. The reasons for this Secretary Kellogg explained in the following memorandum written at a later date.

The President at this time was in Dakota spending the summer, and I had no opportunity to discuss the matter with him. Furthermore, Congress had adjourned, and neither the President nor I thought it was advisable to enter into a treaty unless we had some assurance that it would receive

6 International Conciliation, No. 243, 522-523.

the ratification of the Senate. I was criticized by some newspapers for the delay, but I felt, as the President did, that in a matter of this tremendous importance it was best to make haste slowly and be sure that we were taking the steps which would be approved by the Senate of the United States and the people of the Country.⁷

Secretary Kellogg claimed that after conversations with Senator Borah, Chairman of the Committee on Foreign Relations, and with members of this committee he came "to the conclusion that they would not approve a bilateral treaty with France and the United States; but ... they would approve a multi-lateral treaty such as I had in mind, with all the nations of the world."⁸

In the present situation the probable attitude of the Senate seemed to be a factor of crucial importance. The difficulty of ascertaining what this attitude would be in relation to any proposal that might be made, with the Senate in adjournment and the President on vacation was obvious. Mr. Kellogg apparently had a deep sense of the importance of having the Senate with him. He, of course, knew the

⁷ David Bryn-Jones, Frank B. Kellogg, G. P. Putnam's Sons, New York, 1937, 239.

⁸ Ibid.;

difficulties that had arisen on other occasions as a result of the seeming disregard of the Senate prerogatives by Presidents and Secretaries of State in previous negotiations. The controversies in relation to the League of Nations were still evident and probably served as a warning to him to proceed with caution. It appeared that he was determined at least not to repeat the more obvious mistakes of the Wilson era. Therefore his policy which was interpreted as inaction and delay until December 1927, when the Senate was in session actually gave him the opportunity to engage in these conversations with the Senate leaders to which he referred.

Certainly there was an advantage in waiting for as important a factor as the attitude of the Senate, but public opinion was still important and some delay would give it time to grow and to clarify. It is believed by some observers that Kellogg realized from the beginning of the negotiations that success depended upon the force and intelligence of that opinion, and that he could not have been unaware that he would meet obstacles and opposition in protracted negotiations.⁹ As experienced a man as he must have realized that a proposal such as he was contemplating would give rise to suspicions

9 Ibid., 240.

and objections. This is apparently the basis for his revolutionary policy of doing away with the customary method of secret diplomacy and must have determined his course to conduct the negotiations in the full light of public inspection with the aid of the press and other agencies for the distribution and dissemination of knowledge. The success of the proposals was to prove just how right his decision was in formulating and in continuing this policy.

By the autumn of 1927 this growth and clarification of public opinion was quite evident. The following opinions are presented as indicative of this. By November the press had predicted that public opinion had reached such a pitch that the proposal to outlaw war promised to be a live subject in Washington through the winter.¹⁰

The pact is a subject on which we find not so much a variety of opinions as a variety of people expressing in various ways approximately the same opinion. Even the President was approached for action.

It is noted that a delegation visited the White House bearing a petition signed by hundreds of prominent churchmen throughout the country supporting the Briand proposal.¹¹

¹⁰ Literary Digest, November 26, 1927, 11.

¹¹ Ibid.

At that time President Coolidge is said to have announced that negotiations toward a treaty to outlaw war would be begun as soon as Ambassador Herrick returned to France. Which proved that the treaty would be taken out of the hands of the press and the people and dealt with according to strict diplomatic procedure.¹²

Like the treaty which embodied the League of Nations this pact was hailed, by some, in quite idealistic terms. After reading the two articles of the proposed treaty one commentator said, "Those are the magnificent words which form ... what is becoming to be known as the Kellogg Peace Pact. Read by themselves they outlaw war."¹³ Another in comparing it to the League noticed:

The Covenant of the League required its members to agree to submit all disputes to arbitration or inquiry and not to resort to war until three months after the arbitral award or report, but it left a gap that war might then be declared. The Kellogg plan seems to close that gap. Unqualified it would constitute a new era in international relations.¹⁴

12 Ibid.

13 Ibid.

14 Ibid.

But it also pointed out that, "unfortunately it is not unqualified. Mr. Kellogg's note of June 23 substantially accepted the French reservations to his original treaty," and held that, "Mr. Kellogg's acceptance of an undefined right of self-defense is another matter, opening the gates to such interpretation of his pact as may leave nothing of it."¹⁵

Secretary Kellogg answered this indictment by defining his policy toward the right of self-defense. He declared:

There is nothing in the American draft of an anti-war treaty which restricts or impairs in any way the right of self-defense.... Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion, and it alone is competent to decide whether circumstances require recourse to war in self-defense.¹⁶

Analysis of Mr. Kellogg's explanations of his treaty led to various interpretations. Many were led to a suspicion that perhaps the whole affair was intended, "rather as an election year gesture to warm the hearts of the American people toward the Republican Party than as a real forward step in international relations."¹⁷

15 Ibid.

16 Ibid.

17 The Nation, The Nation Incorporated, New York, 1928, v.127, 76.

The opposition was not altogether silent. Drew Pearson in a Consolidated Press dispatch from Washington pointed out what he believed to be two weak spots in the Briand plan.

These were:

The well founded fear that such a treaty negotiated with France alone would be construed as an alliance; and the belief that such a treaty would guarantee the supremacy of France on the European continent and tie the hands of the United States in case of European conflict.¹⁸

He expanded these points by declaring that through treaties France had built up a "family of loyal nations" which made her almost supreme on the continent. His belief was that only one thing was lacking to make France absolutely supreme. This was the assurance that the United States would remain open to her as a source for munitions. With this country as a neutral the American Navy would be used to protect American merchantmen carrying supplies to France, and by this policy we would be risking a war with the opponent of France and that "eventually the United States would find itself pulled into the conflict."¹⁹

18 Literary Digest, November 26, 1927, 12.

19 Ibid.

A less forceful yet more pessimistic viewpoint expressed and flatly declared that, "nations are never going to avoid violent outbreaks by merely agreeing in advance."²⁰

We are also reminded that there was the Senate to be considered and that it was not an easy matter to get any treaty through the Senate. In considering this aspect it was remembered that this treaty would go into the Senate with several millstones around its neck. There was for instance, the fact that the debt agreement with France remained unratified and the fact that France did not send delegates to the naval disarmament conference at Geneva, and also the difficulties with France over the tariff question were to be considered.²¹

The New York Times reminded us that:

If favorable sentiment could be registered in the several States and at Washington by the time that the Senate meets again, it should have a wholesome effect in preparing the way for such a treaty, not only with France, but with each of the other Powers, with which the United States already has treaties of conciliation that are soon expiring.²²

20 Ibid.

21 Ibid.

22 Times, November 19, 1927.

As prospects developed for consideration in the Senate of the proposals one editor observed that, "the important thing is that the Briand plan has been taken out of the pigeon hole at Washington." He claimed that, "President Coolidge can render the cause of peace a very distinct service by submitting to the Senate a treaty to carry out the desire that is in the hearts of the people."²³

The real attitude of the United States upon this issue was at last becoming articulate in a way which could not fail to find expression in Congress.

Throughout the following months this general movement of American public opinion continued to gain strength and to find effective expression not only in Congress but outside it as well. This fact should not be forgotten as we turn to the proposals for actually embodying it on the part of the Government of the United States. It should be born in mind that public opinion throughout the United States gathered such force in the support of the proposals during the summer of 1927 that when Congress met in December there were resolutions in both Senate and House calling for action. Two of the most important and significant were those of Senator Arthur Capper

²³ Literary Digest, November 6, 1927, 11.

of Kansas, a member of the Committee on Foreign Relations and Senator William E. Borah of Idaho, chairman of this committee. These two resolutions received widespread attention throughout the country. Though these resolutions did not bring to the fore any new items of discussion they did epitomize the consideration of these proposals as brought out in public discussions since the Briand note. Senator Borah's resolution of December 1927, was almost identical with one presented by him on February 13, 1923 dealing with the problem of a world court.²⁴ It was as follows:

Resolved, That it is the view of the Senate of the United States that war between nations should be outlawed as an institution or means for the settlement of international controversies by making it a public crime under the law of nations....

Resolved Further, That a code of international law of peace based upon the outlawry of war and on the principle of equality and justice between all nations... should be created and adopted.

Second, That, with war outlawed, a judicial substitute for war should

²⁴ Cong. Rec., v. 67, pt. 4, 441 and v. 69, pt. 1, 477-478

be created ... modeled on our Federal Supreme Court ... to hear and decide ... international controversies.... and its judgments shall not be enforced by war under any name or any form... but shall have the same power for their enforcement as our Supreme Court, namely, the respect of all enlightened nations for judgments resting upon open and fair investigations and impartial decisions, the agreement of the nations to abide, and be bound by such judgments, and the compelling power of enlightened public opinion.²⁵

Senator Capper's resolution reviewed the favorable attitude of the United States toward adjusting disputes through "mediation and arbitration" from 1916 to the Briand note of April 6, 1927, and declared:

Whereas there has been strong expression of opinion from the people and the press of the United States in favor of suitable action by our government to give effect to the proposal of Monsieur Briand; and

Whereas the present arbitration treaty between the United States and France providing for the submission to arbitration of

25 Ibid., v. 69, pt. 1, 477-478.

differences of a legal nature arising between them will terminate on February 27, 1928....

Be it further resolved, that the President be requested to enter into negotiations with France and other like-minded nations for the purposes of concluding treaties with such nations, in furtherance of the declared policy of the United States.²⁶

This resolution continued by stating the definition of an aggressor nation. It declared:

By formal declaration to accept the definition of aggressor nation as one which having agreed to submit international differences to conciliation, arbitration or judicial settlement, begins hostilities without having done so....²⁷

It was the opinion of those who watched public opinion develop that the rising tide of public opinion voiced in Congress by these resolutions and others was directly responsible for the negotiations which led to the Pact of Paris.²⁸ Secretary Kellogg reported later that there was some opposition but at "least 90 percent of the United States enthusiastically favored the ratification" and that he

26 International Conciliation, No. 242, 441.

27 Ibid.

28 Shotwell, VI, VII.

received 500 letters a day requesting action on this issue.²⁹

Before examining the reaction of others to this plan to abolish war let us determine what Secretary Kellogg, himself, had to say about it. Speaking in New York, on March 15, before the Council on Foreign Relations, he reviewed the history of the negotiations between France and the United States from June 20, 1927 the date the formal note was presented which contained the bilateral provision and then reviewed his note of December 28, 1927.³⁰ In this later note Secretary Kellogg stated:

The Government of the United States welcomes every opportunity for joining with the other Governments of the world in condemning war and pledging anew its faith in arbitration. It is firmly of the opinion that every international endorsement of arbitration, and every treaty repudiating the idea of a resort to arms for the settlement of justifiable disputes, materially advances the cause of world peace.³¹

This was the communication that set forth the multilateral provision to include, Great Britain, Germany, Italy and Japan. In his speech of March 15, Mr. Kellogg

29 Bryn-Jones, 237.

30 Literary Digest, March 31, 1928, 6.

31 Foreign Policy Association Information Service, Foreign Policy Association, New York, 1928, v.3, No. 25, 409.

continued by pointing out that France promptly agreed to this idea of a multilateral treaty but that France suggested that the treaty provide only for the renunciation of wars of aggression. Kellogg objected to this and stated the reasons for this objection. He said:

My objection to limiting the scope of an anti-war treaty to mere wars of aggression is based partly upon a very real disinclination to see the ideal of world peace qualified in anyway, and partly upon the absence of any satisfactory definition of the word "aggressor" or the phrase "wars of aggression". It is difficult for me to see how a definition could be agreed upon which would not be open to abuse.³²

Throughout the negotiations we find that Secretary Kellogg was not agreeable to the use of economic sanctions to enforce this treaty but he did believe that true enforcement must come from the peoples of the world. In order to maintain peace he declared:

In addition to treaties there must be an aroused public conscience against the utter horror and frightfulness of war. The peoples of the world must enjoy a peaceful mind ... and treaties ... and the

32 Literary Digest, March 31, 1928, 6.

efforts of statesmen to advance the cause of world peace can only be regarded as a portion of this problem.³³

Evidently Secretary Kellogg was not as idealistically inclined as some of his followers or as some members of the press would have us believe. In the following statement we see that he was rather modest in his belief of what the treaty could do. He said:

I am not so blind as to believe that the millennium has arrived, but I do believe that the world is making great strides toward the pacific adjustment of international disputes, and that the common people are of one mind in their desire to see the abolition of war as an institution.³⁴

He was far more modest than many of the other proponents of the movement to outlaw war. In the press a variety of statements showed that for the most part the people of this country were willing to acclaim this as a momentous action on the part of the peoples of the world. One writer hailed the Kellogg Pact as, "One of the greatest events since the birth of Christ." Though President Coolidge was more reserved he called the Pact of Paris "a great step forward in the preservation of peaceful relations between nations."³⁵

33 Ibid.

34 Ibid.

35 Ibid., September 8, 1928, 5.

Secretary Kellogg referred to it as "a moral step forward of civilization."³⁶ But James T. Shotwell, one of the early leaders of the movement, cautioned against any idealistic type of thinking and called for a practical viewpoint. He declared:

The pact of Paris must be judged, not merely as an expression of international morals, as some of its friends have tried to interpret it, but as the effective embodiment of political realities; unless it has some practical value, it has little value at all.³⁷

A point worthy of consideration was brought out by David Hunter Miller, an authority on the legal aspects of the pact. What he considered the most striking feature of the Kellogg-Briand Treaty was one that was not written in its text. He pointed out that the treaty is perpetual. That it contained no clause of limitation, and no provision for determination or denunciation. It was made to last for all time, except for the theory that all the signatories would unanimously agree to end it. Even the preamble, he declared, "...indicates that the Treaty would not be terminated or abrogated by its violation, even as to a delinquent Party; the Aggressor is merely deprived of its benefits."³⁸

³⁶ Ibid.

³⁷ Shotwell, VII.

³⁸ David Hunter Miller, The Peace Pact of Paris, G. P. Putnam's Sons, 1928, 146.

It is also interesting to note that the idea and the very language of the Treaty were adapted from the proposal of M. Briand of April 6, 1927, which he called a "Pact of Perpetual Friendship".³⁹

Another item which is also of importance is one to which it seemed incredible that the Senate ever agreed. Miller observed that the treaty was a qualification of the Constitution. He showed that it definitely was an alteration of that document. Though he did not use the word "amendment" he claimed that, "the Treaty marked as real a change in the Constitution of the United States as would any amendment proposed by two-thirds of each House and ratified by three-fourths of the Senate."⁴⁰ By this treaty the war-making power of Congress was limited. The Constitution delegates to Congress the sole right of declaring war, if and when, and for a valid reason or for no reason at all, but with the treaty, Congress may not declare war unless and until the United States has sought and failed to settle the dispute with the other country "by pacific means". Congress may not declare war as an instrument of national policy. It may

39 Ibid.

40 Ibid., 148.

declare war only in self-defense on occasion when the treaty is violated by another Power.⁴¹

Miller further clarified this analysis and maintained that this limitation was not imposed upon us but rather that it was of our own choosing and that the United States was not alone in this alteration of its fundamental law. He stated:

The Treaty is our own suggestion our pledge to the civilized world; and it is also the supreme Law of the Land, all other Powers by their acceptance of the Treaty limit their freedom of action under the hitherto accepted rules of international law, but like other Powers with written Constitutions, we also limit our freedom of action under our fundamental law; in a very real sense (not the strict legal sense) we forever curtail one of the constitutional powers of the Congress of the United States.⁴²

Had there been a popular opposition to the Kellogg-Briand proposal, this legal argument would have made itself heard much more than was actually the case. The fact that it was not taken up widely nor strongly supported was an additional proof that the public opinion of the country remained favorable to the proposal.

41 Ibid.

42 Ibid., 149.

When had a matter of such extraordinary importance been expedited as had this Kellogg-Briand Pact? On April 6, 1927 M. Briand suggested the bilateral agreement and on August 27, 1928 fifteen nations signed the pact outlawing war "as an instrument of national policy in their relation with one another." Included among the signatories were the Governments of: Germany, the United States of America, Belgium, France, Great Britain, Canada, Australia, New Zealand, Union of South Africa, Irish Free State, India, Italy, Japan, Poland, and Czechoslovakia.⁴³ This historic event took place in the Salle de l' Horloge of the Quai D'Orsay. In our country the pact was warmly heralded in the press and the general opinion was typified in the following report:

... the Pact of Paris is heartily acclaimed in the press, with a small minority distrustful and fearing that our national interests are being betrayed. The general feeling is that whatever the treaties may lack in legal weight they make up for by their moral influence.⁴⁴

43 International Conciliation, No. 243, 522-523.

44 Literary Digest, September 8, 1928, 7.

The Senate, during the short session of the 70th Congress which met December 3, 1928, was requested by President Coolidge to authorize ratification of the Kellogg Treaty for the Renunciation of War. There was little doubt that the Senate would be asked to ratify the treaty without any qualification or reservation, inasmuch as Secretary Kellogg insisted upon a similar unqualified acceptance on the part of the other signatories prior to the signing in Paris. Although compliance with the request was gained only by permitting the several powers to express their understanding of the treaty in unilateral notes or declarations, the text of the agreement itself had been signed in the precise terms of the American Secretary of State without amendment or alteration.⁴⁵

Though there was some controversy in the Senate ultimately a compromise was reached. It was reported from the Committee to the Senate where the resolution was passed by a vote of 84 to 1. Ratification was signed by President Coolidge and Secretary Kellogg on January 17, 1929. The one dissenting vote was that of Senator Blaine, of Wisconsin. It was his belief that the treaty was of little worth, that

⁴⁵ Foreign Policy, v. 3, No. 25, 321.

it was "not even a truce."⁴⁶ Senator Glass, of Virginia and Senator Hiram Johnson, of California evidenced about the same amount of faith in the treaty. Senator Johnson declared that since "the first casualty when war comes is truth", it would be a simple matter for a nation in time of need to declare a war in self-defense.⁴⁷ Senator Borah came to the defense of the treaty when he asserted:

No government refusing to come into conference or refusing to make an effort for peaceful settlement, could ... ever afterwards successfully claim that it was in good faith acting in self-defense. It would have great difficulty in satisfying the public opinion of the world that it was acting in good faith. It would indeed be violating the treaty. Here is ... a means to test any government acting not in good faith under the treaty, and to place it in a position before the world where it would be practically impossible to defend its course or conduct.⁴⁸

The discussions in the Senate centered not so much around the principle involved in the treaty but what procedure would be followed upon its violation. From the above statement of Senator Borah it was evident that the sanction to be applied in case of violation was the sole sanction of public opinion.

46 Cong. Rec., v. 70, 1467.

47 Ibid., 1467, 1791.

48 Ibid., 1269.

A great part of the success of this movement was due to the fact that for the first time since the peace problem had become a vital issue in practical politics, all the peace forces in America were united in support of a sole definite measure.⁴⁹

Another remarkable feature of these negotiations was that the United States led in a new renunciation of war less than ten years after her failure to enter the League. Even more remarkable and stranger still was the fact that the United States Senate, led by Senator Borah, ratified the pact.

In comparison to other diplomatic negotiations few notes were exchanged among the parties involved. In fact all the documents concerning this pact are contained in one small volume and most of these transactions were publicized as they were sent to the respective parties. This was an innovation in international relations. The people, and the Governments of the people concerned, should be complimented. Especially sincere compliments should be tendered Secretary Kellogg and M. Briand for the execution and consummation of their ideal.

49 International Conciliation, No. 242, 448.

In his Armistice Day address of 1929, President Hoover summarized the two modes of procedure possible in case of an outbreak of violence. He said:

The European nations have by the Covenant of the League of Nations, agreed that if nations fail to settle their differences peaceably, then force should be applied by other nations to compel them to be reasonable. We have refused to travel this road. We are confident that at least in the Western Hemisphere that public opinion will suffice to check violence. This is the road we propose to travel.⁵⁰

Little did he realize then that the first test of this road was to be the road-bed of the South Manchurian Railway, it was on this ground that the first real test of the Kellogg Peace Pact was tried.

The key to the problem involved in the Manchurian crisis was the system of transportation. The dependence of Manchuria upon rail transportation meant that those who controlled the railroads had a very powerful influence in the control of the country.

⁵⁰ Ibid., v. 31, 676.

The real foundation of Chinese influence in Manchuria, however, was the actual settlement of the country by the Chinese. The small farmers and ordinary laborers of Manchuria were almost all Chinese. Even in the territory under Japanese control, where Japanese labor was in a more favorable position the Chinese were the predominant workers.⁵¹ It was partially because of this situation that public opinion was favorable to China. It was widely thought that Manchuria was Chinese territory. This opinion was evidenced in the following article. It was estimated:

The general public the world over believes that Manchuria is a part of China and therefore occupancy by any other nation is an act of war.⁵²

Since the adoption of the Kellogg Pact the Chinese diplomats had two alternatives to which they could turn for assistance in the settlement of their problem with the Japanese. They could appeal to the United States in case of a threat of war on the basis of the Kellogg Pact or they could petition the League for protection of their rights under the Covenant of the League.

51 Current History, v. 35, 345.

52 Ibid., v. 35, 350.

Hostilities officially broke out during the night of September 18, 1931 when Japanese troops seized the capitol of Manchuria. In justification of this act it was alleged that some Chinese soldiers had tried to blow up the track of the South Manchurian Railway north of Mukden. The morning of the 19th found a barracks of the Manchurian army, Mukden, and some of the surrounding towns in the hands of the Japanese.⁵³ It is interesting to note that the Lytton Commission set up by the League to investigate the difficulties between the Chinese and the Japanese was never convinced that the Chinese had made this attack on the railroad.⁵⁴

This difficulty was referred to the League which was in session at that time. It attempted to act promptly but all the League members could not agree on the correct procedure nor would the United States assist to bring about an immediate investigation of the problem. The State Department did not want to approve a commission of inquiry or to agree that the Kellogg Peace Pact had been violated, since it did not wish to injure the diplomatic relations with Japan and thus weaken

⁵³ Report of the Commission of Enquiry Appointed by the League of Nations, U. S. Government Printing Office, Washington D. C., 1932, 71.

⁵⁴ Ibid.

the moderate government in power. Ambassador Debuchi of Japan had seemingly convinced Secretary Stimson that any pressure would only weaken the power of the civilians in the Japanese Cabinet.⁵⁵

The reaction to this was not generally expressed for it was not widely known but one report noticed:

No one on the inside is likely ever to forget the deep gloom and bitter disillusionment that overwhelmed the League officials then, while the Japanese grew arrogant. Apparently frantic messages that night convinced Washington it must try to undo the mistake, for Mr. Stimson rushed into print with a note expressing "whole-hearted" sympathy with League efforts. The American public, seeing only this note, never got the impression that Washington had faltered, but looking backward behind the scenes Geneva finds it came too late irremediable psychological harm had already been done and the favorable moment had gone forever.⁵⁶

The American note of September 22 to Japan stated very precisely that it considered Japan responsible for the cessation of hostilities. It affirmed:

55 Times, September 26, 1931.

56 Ibid., September 18, 1932.

The actual situation is that an arm of the Japanese Government is in complete control of South Manchuria ... the responsibility for determining the course of events with regard to the liquidation of this situation rests largely upon Japan, for the simple reason that Japanese armed forces have seized and are exercising de facto control in South Manchuria.⁵⁷

After suggesting that there be "no further application of force," the note ended by stating:

What has occurred has already shaken the confidence of the public with regard to the stability of conditions in Manchuria and it is believed that the crystallization of a situation suggesting the necessity for an indefinite continuance of military occupation would further undermine that confidence.⁵⁸

These were rather strong words from the United States to Japan, but the Japanese leaders must have realized that the United States probably would not be able to unite with the League with pressure strong enough to restrain them.

Since remonstrances and promises did no more than delay Japan's onward sweep of conquest the American Government went

57 Senate Document, No. 55, 72nd Cong., 1st Sess., 5.

58 Ibid.

on record as emphatically opposed to this policy. Both China and Japan were notified that the American Government would not recognize any agreement between these two governments. This declaration has become known as the Stimson Doctrine. It stated that the Government would not admit the legality of any de facto situation nor did it intend:

...to recognize any treaty or agreement entered into between those governments, or agents thereof, which may impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence, or the territorial and administrative integrity of the Republic of China, or to the international policy relative to China, commonly known as the open-door policy; and that it does not intend to recognize any situation, treaty, or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1928, to which treaty both China and Japan, as well as the United States, are parties.⁵⁹

Copies of this doctrine were forwarded to the signatories of the Nine Power Treaty with the hope that it would be possible to apply this to the situation at Shanghai and in Manchuria but this too was with out success.⁶⁰

59 Ibid., 53-54

60 Henry L. Stimson, The Far Eastern Crisis, Harper and Brothers, New York, 1936, 159-166.

Though the Japanese objected to the United States being invited to meetings of the League Council this objection was over-ruled and Prentiss B. Gilbert was the United States representative of the Council. He was instructed by the State Department to participate in its discussions only "when they related to the possible application of the Kellogg-Briand Pact. ...If present at the discussion of any other aspect of the Chinese-Japanese dispute, it must be only as an observer and auditor."⁶¹ Apparently public opinion was approbative to action on this basis of the Kellogg Pact, for a survey of newspapers showed that 202 favored action and 28 opposed American participation at the League Council.⁶²

The following address delivered by Senator Walsh, of Montana, expressed a favorable attitude to the League but it also revealed that some still bitterly opposed any relation of the United States to the League. Senator Walsh said:

...the President ... has aroused the ire of critics of the League of Nations. They have recently poured on him ... their wrath, because of his attempts to compare the differences which have resulted in a state of war in Manchuria ... because to that end he has joined with the Council of the League of Nations consisting of

61 Senate Document, No. 55, 72nd Cong., 1 Sess., 18.

62 Literary Digest, October 24, 1931, 6.

representatives of 13 of the first powers. One is led to believe that in their unrestrained venom toward the League of Nations they would rather that open warfare ... should ensue than that the League should be credited with a part in averting it.⁶³

He continued by exalting the policy of cooperation with the League. He maintained:

While conceding the high-mindedness of the isolationists, those of us who do not concur in the do-nothing policy, though invectives be hurled at us, our motives impugned, our patriotism questioned ... modestly maintained that ours is the more effective, the more Christian policy, and I may add, it has the approval I believe, of the vast majority of the American people.⁶⁴

The American press in the winter of 1932 was concerned mostly with economic sanctions and mandates in relation to the Manchurian situation. The big question was whether Japan would be able to retain the mandate over the strategic islands in Pacific if she withdrew from the League. All eyes were focused on the Mandate Commission of the League of Nations which was to decide this leading question.⁶⁵

63 Cong. Rec., V. 75, pt. 3, 2866.

64 Ibid., 2867.

65 Literary Digest, March 4, 1933, 11 and Times, November 2, 1932.

A feature article in one of the country's prominent newspapers typified the attitude of the American people toward the inhabitants of Manchuria. It was very sympathetic to the occupants of the disputed territory and played up the fact that their fate was in the hands of Geneva.⁶⁶ Though it was also noted that United States trade with Japan had not decreased since the Japanese occupation of Manchuria.⁶⁷

It was granted that the American people were sympathetic to the inhabitants of Manchuria but actually the general opinion was that "millions of plain people care little about Manchuria but much about the peace machinery." Another statement claimed the American people realized:

...that the issue cannot be regarded as a satisfactory test of the League's honesty or of the Kellogg-Briand Pact simply because China's policy was indefensible. Some ardent friends of the League and with them, apparently, Secretary of State Henry T. Stimson, as an equally ardent friend of the Pact of Paris would like to see some formal censure of Japan's actions, accepting the consequences in the hope that public opinion of the world would approve and inflict some kind of moral ostracism on Japan.⁶⁸

66 Times, November 27, 1932.

67 Ibid., November 13, 1932.

68 Ibid., November 20, 1932.

In reviewing the negotiations pertinent to this crisis it was quite evident how very differently they were conducted from those relating to the creation of the Kellogg Pact. In this instance the State Department lapsed into the traditional methods of secret diplomacy. Secretary Stimson reiterated this fact. While the Japanese Cabinet was being changed by rather revolutionary means from the hands of the moderate government to the power of the military leaders little was told the American public the exact nature of their part in the negotiations to bring about a settlement between China and Japan. Secretary Stimson stated this was done to protect the moderate government in Japan and to give "it an opportunity to regain control of its own truculent elements."⁶⁹

He continued by unwittingly causing a very serious indictment to be recorded against his administration of the State Department. He declared:

I finally concluded that the time had come when the cause of peace was no longer best served by a situation in which the normal methods of diplomacy left the public opinion of America practically unguided and voiceless in this controversy.⁷⁰

69 Stimson, 73.

70 Ibid.

How could he or any other official justify the responsibility of leaving the American people "unguided and voiceless?"

In retrospect Stimson tried to relieve the blame from the League by claiming that, too much was expected from it in its first major invocation. He declared:

Some critics have blamed the nations not at once setting in motion stronger machinery of compulsion against Japan; for not having at once invoked the pressure of economic sanctions. These critics disregard the limitations of man in international action. True, the power to invoke such measures existed within the League Covenant; but it had never been used. Mankind does not at once jump into the skillful use of new international machinery. The road of progress is ... strewn with the wrecks of previous unsuccessful efforts.⁷¹

That the Lytton Report reviewed the entire controversy and made recommendations for a settlement was about the only lasting contribution that grew out of these negotiations in connection with the League. This report at least proved that the machinery of the League could establish the essential facts of a controversy even though it could not successfully cope with them when once established.

⁷¹ Ibid., 83-84.

Throughout the discussion the basis for the intervention of the United States in the dispute was the application of the Kellogg Pact. The United States seemed to be in a position where it could actually do very little. It had invoked a treaty which had no enforcement machinery behind it, other than public opinion. If world opinion had in it any power to halt hostilities this crisis was the time for it to make its influence known. If the Kellogg Pact, which staked everything on the power of public opinion, was not to be discarded this was the opportune time to invoke this sanction of world opinion. But hostilities continued and none of the great powers of the world could settle the dispute.

The illusion of a war free world began to crumble in 1931 with Japan's invasion of Manchuria. This dispute was watched cautiously throughout the world. Even three years before this outbreak when hostilities began smoldering it was estimated:

The most difficult situation which our State Department has had to face this year is brought about by the Japanese ultimatum.⁷²

72 Literary Digest, July 7, 1928, 13.

Most observers realized that this could bring on an extensive war and all efforts were directed to avert this outcome. In the opinion of one authority in the field of neutrality, "when the war was over, the American attitude toward neutrality changed" and the American people took shelter in the policy of isolation.⁷³ He based this on the following theory and stated:

...a considerable body of public opinion, disillusioned by the results achieved at the Peace Conference (and it is immaterial whether and to what extent such disillusionment was justified) clamored for a return to the policy of isolation.⁷⁴

The defeat of the World Court in 1935 quickened the isolation cause. If the Court had been brought up in the succeeding years it probably would have received a smaller vote each time.

On August 31, 1935, as Mussolini plunged toward the conquest of Ethiopia, our first neutrality law was enacted. It applied an arms embargo impartially to all future belligerents.

73 International Conciliation, No. 358, 74.

74 Ibid.

On October 5, 1937, the President momentarily escaped from rigid neutrality and encouraged by contact with the crowds on a long trip, wrote into his Chicago speech some sentences apparently not scrutinized by all of his advisers on foreign affairs. He actually spoke of "quarantining" warlike powers. Isolationists everywhere took instant alarm. Their reaction was so intense that in his fireside talk of October 12 the President spoke only of co-operating with the other signatories of the Nine Power Treaty "including China and Japan". Senator Pepper explained "quarantine" as merely letting a troubled area alone, but Senator George of Georgia served stern warning that he would not vote for any measure which would enable the President "to declare who is the aggressor, to say nothing about quarantining the aggressor, because, in my judgement when we take that stand, we take a step towards war."⁷⁵

After Japanese airman sank the American gunboat Panay on the Yangtze River, December 12, 1937, the isolationists in Washington rushed to force out of the House committee the Ludlow resolution to require a national referendum before war could be declared, "unless our territory were directly invaded." The Hearst press and several peace societies

⁷⁵ Times, October 13, 1937.

chimed in - notably the National Council for the Prevention of War and the Women's International League for Peace and Freedom - and the administration had all it could do to defeat the resolution in the House. Thereby the congressional isolationists made a drive to make it impossible either for themselves or any future Congress to accept war until bombs were raining on our own heads.⁷⁶

There was a storm of demands that we retire from the Far East and have no dealings with the British in the Orient or elsewhere. Hitler's legions conquered Austria, March 11, 1938 without any American condemnation. Our attention turned to weaning Mussolini away from Hitler, a hope which did not die until the day he struck France in the back. Secretary Hull denounced isolation and warned of war ahead and on August 18 the President assured Canada that we would "not stand idly by if domination of Canadian soil is threatened."⁷⁷

The neutrality laws were not revised. Hitler invaded Poland on September 1, and devastated her from end to end on the first day. Then, as there was no important fighting between Germany and the Franco-British Allies, Senator Borah termed the war "phony".⁷⁸

76 Ibid.

77 Ibid., August 19, 1938.

78 Ibid., October 4, 1938.

Former President Herbert Hoover in appraising the strength of the Allies on October 3, 1939, saw no "possibility that they can be defeated." They control the seas, said Hoover, and can "sit there until their enemies are exhausted," at the worst there would be a stalemate. "Even if Russia and Italy joined Germany in actual warfare the Allies would still retain control of the seas. Germany might try a quick, overwhelming attack", he added, but there was "little reason to believe it can succeed." Therefore "we need to keep cool. For after all we must keep out of this war. We would be yielding the last strand of democracy if we got into it, win or lose."⁷⁹

⁷⁹ Catholic World, Paulist Press, New York, 1939, v. 150, 273.

CHAPTER V

ATTITUDE OF NATION IN 1939

And peace itself is war in masquerade.¹

The attitude of the United States Government towards the agencies of international co-operation which developed out of the peace settlement of 1919 became considerably more fully defined during the fateful year of 1939, despite or perhaps even because of the fact that the world was once again moving relentlessly toward and eventually entering a second period of widespread hostilities. It was reported:

The American Government gave fuller expression of its views towards the League of Nations than in any year since 1919 and considerably strengthened its already strong position as a member of the International Labor Organization. It was only toward the Permanent Court of International Justice that no development took place during the year.²

The year 1939 marked the twentieth anniversary of the Washington Conference of the International Labor Organization.

1 John Dryden, "Absalom and Achitophel", The Works of John Dryden, Editor, George Saintsbury, William Patterson, Edinburg, 1884, v. IX, pt. I, line 752, 288.

2 International Conciliation, No. 361, 209.

On November 15, a dinner was given in the Capital to commemorate this event. A few days later President Roosevelt, in a letter to the Conference in Havana, declared:

Twenty years of the International Labor Organization's existence have proved the usefulness of such an organization in time of peace. I am confident that it can and will be of service to its members, indeed to society as a whole, in time of war. Its many activities make it a focal point from which should come constant reminder in these tragic times that human civilization can flourish only under conditions of just and humane relationships.³

Co-operation with the League had increased greatly. It was a gradual evolution from non-recognition to co-operation. By 1927 it was reported that the co-operation of the United States with the ordinary activities of the League was constant and cordial. An official of the Secretariat said that "communications go back and forth quickly. There is the utmost courtesy and friendliness and the Washington Government co-operates about as far as possible, given existing circumstances."⁴ This policy of mutual co-operation continued to grow and develop. In Secretary Stimson's estimation this

3 Ibid., 257.

4 Times, March 28, 1927.

"co-operation was largely based upon the effective influence of the Kellogg-Briand Pact in promoting the recent emergence of the United States from the accentuated isolationism which had marked its attitude towards the League of Nations since the Great War."⁵

Further evidence of this cooperative spirit was given when the League accepted an invitation to participate in the New York World's Fair.⁶ This cooperation never reached the political field. In remembering the achievements of the League attention was invariably called to the non-political advancements.

One observer stressed:

...the point ... that by its mere existence the League has given an unprecedented stimulus to international cooperation.⁷

To clarify this point he continued:

The very fact that there has been in operation a permanent agency with an annual assembly, a quarterly Council, manifold committees, and a permanent staff and an adequate budget has made it possible for

5 Stimson, 100.

6 International Conciliation, No. 361, 209.

7 Foreign Affairs, v. 19, 192.

many international activities to catch the world's attention, receive a hearing, and be given whatever encouragement they deserved.⁸

Archbishop Mc Nicholas of Cincinnati voiced his opinion toward the happenings of the year in a letter to members of his archdiocese. The trend of thought that was eminent is evident in this pastoral letter. Archbishop Mc Nicholas wrote:

Not only must we remain aloof from the present war, but there seems to be no moral justification for our participation in it. Every Catholic citizen should weigh seriously the question whether he can conscientiously participate in a war that is entirely unnecessary for us Americans and which he regards as morally wrong.⁹

The editor of this periodical envisioned us as being capable of remaining as impartial judges. He stated:

...we Americans are in the position of onlookers, not participants in the war. There is on that account more chance of our being impartial judges in the matter of guilt and blame than if we were from England or Germany or Russia.¹⁰

8 Ibid., 193.

9 Catholic World, v. 150, 261.

10 Ibid., 262.

In the later part of the year, 1939, a very interesting and revealing exchange of notes took place between President Roosevelt and Pope Pius XII.

In the following paragraph from his note of December 13, 1939 President Roosevelt set the tone of these letters. He wrote:

Because, at this Christmas time, the world is in sorrow, it is especially fitting that I send a message of greeting and of faith. The world has created for itself a civilization capable of giving to mankind security and peace firmly set in the foundations of religious teachings. Yet, though it has conquered the earth, the sea and even the air, civilization today passes through war and travail.¹¹

In continuing the President showed evidence that clouds of war were gradually approaching. He continued:

Because the people of this nation have come to a realization that time and distance no longer exist in the olden sense, they understand that which harms one segment of humanity harms all the rest. They know that only by friendly association between the seekers of light and the seekers of peace everywhere can the forces of evil be overcome.¹²

11 International Conciliation, No. 357, 49.

12 Ibid., 50.

In reply to this message Pope Pius XII declared:

We have been particularly impressed by one characteristic feature of your Excellency's message: the vital, spiritual contact with the thoughts and feelings, the hopes and the aspirations of the masses of the people, of those classes, namely, on whom more than others, and in a measure never felt before, weighs the burden of sorrow and sacrifice imposed by the present restless tempestuous hour In fact our own daily experience tells us of the deep-seated yearning for peace that fills the hearts of the common people.¹³

From these conflicting shades of opinions it can be accurately predicted that the place which the League of Nations deserves in the history of this period will doubtless be the subject of controversy for decades to come.

There is a truism of the law that "justice long delayed is justice denied" and this seems all too evident in the case of the League of Nations. From what we have seen the people apparently were in favor of the League in 1919. The election of 1920 was not a mandate against the League as was later interpreted. The people went to the polls and voted not against the League in particular but against Wilson and his administration.

13 Ibid., 51

Disillusionment had enveloped the country partly because of the Treaty of Versailles. Few were satisfied with its provisions. The German element thought it unfair and those of Irish and Italian extraction were disappointed by the outcome. Disillusionment was also felt because during the war America was told and led to believe that she was fighting for an exalted cause that she was fighting "to make the world safe for democracy". When the soldiers returned and realized that this had not been achieved they too were disillusioned. That their efforts had apparently been in vain made them want to let Europe take care of its self and to wash their hands of the whole affair.

That the League of Nations was analyzed to defeat seems true for if the League had been presented to the people of the nation in a national referendum at the time it was presented to the Senate there seems little doubt from the evidence we have examined that this would have been the overwhelming victory in favor of the League. This would have been the mandate. The people would have enjoined Congress to vote to accept membership in the League.

Bear in mind this would have been presented before the Senate had brought out all the imaginable and some unimaginable pitfalls that would befall the United States if she enter the League. By the time the Senate had haggled and struggled over this, the fire of their spirit had cooled into a firm nationalism. They had become wholly disillusioned that the good fight they had fought had not been a total victory but had opened new and broader avenues of discontent. The fight had been futile. Certainly it had not saved the world for democracy. So the public sentiment turned from one of helpfulness to that of disillusionment. The general opinion was that we fought and won their fight now the least they could do was to bandage the wounds and recuperate without our assistance.

Through the years the League as an issue was dusted off and brought out for an airing in order to stir up this purposeful indignation but we never find the public aroused to a frenzy over its acceptance or rejection. Evidence of this is presented in the following manner.



This graph shows the number of entries in the Readers Guide to Periodical Literature under the heading "League of Nations". Not all of these articles were favorable to the League, on the contrary some were in direct opposition to it. Though this graph does not show the degree or intensity of attitudes toward the League, during this period, it does show the degree of interest the nation showed toward the

League and this is one means of obtaining a true reflection of the attitudes. This is not an indication of attitudes pro or con but it is a barometer of interest. By analyzing this evidence of interest we can see that interest in the League certainly was far from static. It fluctuated throughout this period but the general trend was always down, less and less interest was shown from the zenith in 1919 to an almost negligible degree in 1939. In the period 1919 to 1921 it was found that 586 entries were listed; in the 1922 to 1924 period there were 279; a very slight increase to 282 was evident in 1925 to 1928; in the next grouping 1929 to 1932, 216 entries were found; from 1932 to 1935 there were 230 listed; 1935 to 1937 only 125 articles were listed; in the last period a drop to 39 was evident. From 586 items in 1919 to 39 in 1939 is certainly a decrease of importance in a twenty year period.

That it is difficult to refrain from estimating the actions of the American people and of their representatives during this period 1919 to 1939 is true. From the vantage point of 1948 it becomes all too easy to give sage advice and leaves us wondering why such mistakes must be made. It

certainly facilitates an examination but it does not give a true picture, the features, the movements are distorted. We certainly have not succeeded in retaining the peace so sought for at this time so perhaps it would have been to our advantage to have joined the League of Nations in 1919. Who can say what course of action would have been best? Certainly it is not fair to say as some have that the full blame for the default of the League of Nations rests on the shoulders of the United States. Certainly if all other nations of the world had joined together to maintain the peace and did, the United States would not have been the nation to break this charm.

The peace problem should be considered in the light of practical politics. We can no longer dream of it in terms of idealism. When we face it on these terms we realize how vast a change is called for in the proposal to rid the world of war.

Now we have an advantage over those who lived during this time, those who were too close to view it in its entire perspective. We have the advantage of time. We are far enough removed from the phenomenon that we can see it less disturbed by the immediate preoccupations of statesmanship

than was possible at that time of conception. Though this clarity of vision as to the ultimate end to be achieved is ours we cannot take full advantage of this and still give the historical corrective.

Therefore, lest we turn to cast judgment on whether or not the past proposals achieved all that was claimed for them by their proponents, we should pause a moment to meditate on just what it would mean today for the nations of the world to renounce their most potent policies.

Little hope can be offered the peoples of the world until each and every one of them wishes the abolition of war and the maintenance of peace. Even the word maintenance is too hopeful a word for by its very connotation it assumes that peace is existent and that it is just to be affirmed - Oh, that that were true - "it is a consummation devoutly to be wished."

Peace seems to be all too easy a condition to idealize but all too difficult a problem for the world to solve. This solution will never be obtained until it is earnestly invoked in the heart of man.

CHAPTER VI
CRITICAL ESSAY ON AUTHORITIES

SOURCE MATERIAL

1. Government Publications

The Congressional Record, United States Government Printing Office, Washington, D. C. All volumes of the Record pertinent to this period were investigated. Especially thorough examination was given volumes 59 to 79 which yielded many evidences of attitudes. These volumes were indispensable to a thorough analysis of the subject. The United States and the Permanent Court of International Justice, United States Government Printing Office, Washington, D. C., 1930. Contains documents relating to the question of American accession to the Court. Report of the Commission of Enquiry Appointed by the League of Nations, United States Government Printing Office, 1932. The title of this document stated clearly its contents in relation to Manchuria. Senate Document No. 55, 72nd Congress, 1st Session, United States Printing Office, 1932. This document relates to the conditions in Manchuria.

It was transmitted from President Hoover to the Senate where it was referred to the Committee on Foreign Relations for advisement. The Pact of Paris - Three Years of Development, United States Government Printing Office, Washington, D. C., 1932, is an address broadcast by, Secretary of State, Henry L. Stimson.

2. General Publications

The Democratic Text Book - 1920, issued by the Democratic National Committee, 1920 and The Republican Text Book - 1920 were both used to obtain the party platforms in this election. Roy V. Peel and Thomas C. Donnelly, The 1924 Campaign - An Analysis, Richard R. Smith, New York, 1927 and by the same authors: The 1928 Campaign - An Analysis, Richard R. Smith, New York, 1931 and The 1932 Campaign - An Analysis, Farrar and Rinehart, Incorporated, New York, 1935. Explanations of the vote and interpretations of its meaning are presented. Edgar E. Robinson, The Presidential Vote, Stanford University Press, Stanford, California, 1934, and by the same author They Voted for Roosevelt, Stanford University Press, Stanford California, 1947.

These two volumes give a complete analysis of voting since 1896 to 1944 including many maps, tables and graphs. Manley O. Hudson, The Permanent Court of International Relations, Harvard University Press, Cambridge, 1925, is a very scholarly treatise on the Court. David Hunter Miller, The Peace Pact of Paris, G. P. Putnam's Sons, 1928. This presents a thorough study of the Kellogg Peace Pact stressing the legal aspects with an excellent documentary appendix containing all the published correspondence pertaining to the negotiations of the Pact. James T. Shotwell, War As An Instrument of National Policy, Harcourt Brace and Company, New York, 1929. The Preface to this volume contains the author's opinions which were indicative of that period and of the leaders of the movement. As Director of Economics and History for the Carnegie Endowment for International Peace he has been able to exert his influence to further the peace movement. An instance of the furtherance of this influence is evident in his later book, On the Rim of the Abyss, The Macmillan Company, New York, 1936.

Arthur N. Holcombe, The Political Parties of To-Day, Harper and Brothers Publishers, New York, 1924.

Presents a general treatment of the Republican and Democratic party politics. Woodrow Wilson, The Hope of the World, Harper and Brothers, New York, 1920.

Gives evidences of Wilson's attitude toward the League during 1919 which is reflected through the messages and addresses delivered by him during 1919, including his country-wide speeches in behalf of the Treaty and the Covenant.

3. Publications of Learned Organizations

International Conciliation, Carnegie Endowment for International Peace, New York, Volumes numbered 228 to 363 yielded an inestimable amount of pertinent source material. World Peace Foundation Pamphlets, Volume 7, Published by the World Peace Foundation, Boston, 1924. These pamphlets are similar to those of the Carnegie Endowment for International Peace and were used because they contained opinions and attitudes of authorities in the field under investigation. The Annals, Published by the American Academy of Political and Social Science is an excellent publication worthy of extensive use. Volumes of the years 1931-1936

were most helpful for the topics under consideration. Foreign Policy Association Information Service, Volumes 3-6, Foreign Policy Association, New York 1928. The appendix to volume 3 contained the texts of the notes exchanged between United States and France for the outlaw of war. The American Journal of International Law, Volume 27, Published by the American Society of International Law, New York, 1933. This was utilized for the relation of the Pact of Paris to the Manchurian dispute. A feature of this publication entitled "Chronicle of International Events" proved to be an excellent and unanticipated source of bibliographical material.

4. Biographies - Autobiographies

Ray Stannard Baker, Woodrow Wilson: His Life and Letters Volumes 1-6, Garden City, 1927-1937. A great work by the authorized biographer of Wilson, the founder of the League of Nations. Henry Cabot Lodge, The Senate and the League of Nations, The Macmillan Company, New York, 1925. An apologia of his life which reveals the Senator's bitter partisanship. Samuel Gompers, Seventy Years of Life and Labor - An Autobiography,

2 Volumes, E. P. Dutton and Company New York, 1925, was useful in giving Gompers' own views and his interpretation of labor's attitude concerning the League. Henry L. Stimson, The Far Eastern Crisis, Harper and Brothers, New York, 1936. This volume is an autobiography dealing exclusively with Secretary Stimson's work in the Manchurian dispute. David Bryn-Jones, Frank B. Kellogg, G. P. Putnam's Sons, New York, 1937 is a very sympathetic treatment of Kellogg's entire life though emphasis is laid upon his work for the Kellogg Peace Pact. It is vitalized through direct memoranda of Mr. Kellogg's.

5. Periodicals

The Literary Digest, Funk and Wagnalls Company, New York. It would be futile to list the volumes consulted for practically every volume of this publication from 1919 to its expiration was utilized. These volumes were indispensable. Current History, Volumes 18, 21, 31 and 35, The New York Times Company, were consulted for timely evidences of opinions as was: The Nation, Volumes 127, The Nation Incorporated, New York, 1928, and The Outlook, The Outlook Company, New York, 1924. Congressional Digest, A. Gram Robinson and Norborne

T. N. Robinson, Publishers, 1923. This is an excellent and unusual publication. Both favorable and unfavorable opinions of well known personalities on timely subjects are presented with no alteration and very little interpretation. Two foremost Catholic periodicals were employed. America, Volume 53, The American Press, New York City, 1919 and The Catholic World, Volumes 141 and 150, Paulist Press, 1935 and 1939 respectively. The article entitled "Editorial Comment" gave a clear view of Catholic thought by a recognized authority.

The following newspapers were used in compiling this paper: New York Sun, New York Tribune, Chicago Daily News, Chicago Daily Tribune and finally but by no means the least important was The New York Times. This newspaper proved to be the source of a wealth of material. It seemed impartial in most cases and objective in its viewpoint. The further utilization of this newspaper was greatly aided through the use of The New York Times Index Volumes 1919 to 1939. Published by The New York Times, Times Square, New York, 1919-1939. These volumes proved to be a time saver

in using not only the Times but also other available newspapers. It was helpful in locating a specific item and in placing an approximate date that, that item was discussed in the newspapers of the country.

APPROVAL SHEET

The thesis submitted by Mary Healy has been read and approved by three members of the Department of History.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

January 15, 1949
Date

Paul Finney
Signature of Adviser