# An American Plan for the Promotion and Maintenance of International Peace

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by

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## An American League of Nations
## A European League of Nations
## and
## An Inter-League Union

Supplementary Statement—January 10, 1926

# INTRODUCTION

**How the United States can assume a proper position in promoting peace by international co-operation and yet prevent European and American interference in the internal affairs of either continent.**

DURING each of two national campaigns the proposed entry of the United States into the League of Nations has been a dominant issue. So far as a referendum can be taken through the medium of political parties the expression has been decisively adverse to membership in the League and there is no indication of any marked change in sentiment as time goes on.

One of the most unfortunate phases of the controversy, however, has been the disposition of many opposed to the League, of decrying any possible advantage to the European nations associated therein, and of openly rejoicing over the frequent failure of the League to function in matters admittedly within its jurisdiction.

From the beginning this nation should have welcomed the initiation of any organized movement to stabilize European affairs, however much opposed to being directly connected therewith. The failure of this effort abroad would be most unfortunate and not to be taken as a reason for non-participation, since justification for this course depends primarily upon much more logical and patriotic grounds.

If there is any possibility of yielding to a demand, both here and abroad, that this country give some tangible evidence of its natural desire to assist in displacing war by arbitral means, it is taking form in a well organized movement towards giving adherence to the so-called World Court.

Just what this persistent effort means and how it will affect or modify our previously consistent refusal to become involved in European politics, can best be shown by considering some of the main objections to an association with the Court. Such consideration, naturally, precedes the presentation of any substitute plan looking towards the United States participating in another combination of nations seeking peace by international co-operation.

## PART I

### Creation and Jurisdiction of the World Court and Objections to Representation Thereon

The Court of International Justice, while created independently of the League by the concurrence of a group of nations, was subsequently adopted and taken over by the League as its judicial branch. The list of eligibles for the Court was designated by The Hague Tribunal, and from this list the judges were elected by the League, under an agreement to pay their salaries, provide pensions and appoint their successors. Non-members in the League, seeking representation on the Court, are required to comply with such terms as might be prescribed.

The Court, therefore, became a component part of the League of Nations and necessary to its autonomy. The creation of the Court and manner of appointment therein warrants no serious criticism and doubtless was the best possible plan under existing conditions. But the extensive and illy-defined jurisdiction of the Court; the absence of any code of international law to guide it in the discharge of judicial duties; the imposition of political burdens inconsistent with its integrity or independence; the unusual methods of enforcing judicial decrees, often in direct conflict with the fundamental laws of the United States, with a jurisdiction compelling our participation in European controversies, and a similar right of foreign intervention in the internal affairs of American Republics, are some of the reasons requiring present consideration, for the United States, unlike most foreign nations, operates under a written constitution and cannot delegate any of its prescribed sovereign powers to an outside group of nations, however laudable the purpose, without a constitutional amendment permitting this.

*Is it a Super-court That Can Override Our Laws?*

In many cases the League is authorized to enforce the decrees and findings of its judicial branch by placing embargoes on international commerce, an important supervisory power reserved exclusively to Congress, under its authority "to regulate commerce



with foreign nations," while the same coercive methods can impair or abrogate reciprocal trade treaties in derogation of the authority vested jointly in the Executive and the Senate. Moreover, the League may declare war against any nation within the League or any non-member in the attempted enforcement of a judicial decree, a right reserved exclusively to the lower House of Congress.

Imagine our representative on the Court, whether in affirmance or dissent, involved in proceedings setting aside or ignoring the Constitution of the United States or laws enacted thereunder. This is not a probability—it is almost a certainty. This country is still smarting under the misdirected criticism of foreign governments over the Senate's alleged "repudiation" of the sanguine and well-meant promises of President Wilson.

The geographical jurisdiction of the Court may be divided into three general classes:

(*a*) Controversies between European nations, and in which the United States has no concern;

(*b*) Controversies between American Republics, and in which Europe has no concern, and

(*c*) Controversies between European nations and American Republics and in which each continent is equally concerned.

In the first two classes it is plain that the internal or domestic affairs of neither hemisphere should be subject to outside interference, while in the last one it is equally plain that in disputes of an inter-continental character there should be some tribunal for adjustment, and this question is given particular attention when considering an international court better adapted for the settlement of this class of controversies.

*Ill-advised Advisory Opinions.*

The covenanted right of the League to call upon its Court for advisory opinions seems open to three major objections: (a) such opinions are of a non-judicial and political character; (b) interested parties have no adequate chance to be heard, whether represented in the League or not, and (c) the possible purpose, and certainly the effect, is to smoke out the Court concerning its attitude on questions that might finally or otherwise come before it for judicial determination.

The proposed cyclone cellar reservation, permitting our representative on the bench to seize his hat and retire when he suspects his colleagues are about to bring forth an advisory opinion, is a good example of privileged timidity and our willingness to hybridize the personnel and duties of the Court.

*"Upon What Meat Doth This, Our Cæsar, Feed?"*

One thing that ought to be clear is the need of the present Court having an established code of law under which to function, not only in recognition of its jurisdiction, but laws that become the basis of judicial procedure and action. What are these laws? Practically none. For so-called international law is now so confused, intangible and conflicting as to be an unsafe basis for judicial interpretation or enforcement. The suggestion frequently made by some of our leading statesmen that the League Court should codify international law or, by its procedure put the brand of approval on such as it favored, are such remarkable propositions that only the absence of an otherwise suitable medium can account for this. The idea of any Court, superior or inferior, exercising purely legislative functions is utterly inconsistent with any conception of jurisprudence throughout the world and when these abortive methods must be followed by the same Court interpreting or enforcing the laws it gave life to, the limit of judicial tyranny would indeed be reached. Here again this problem is referred to later and at greater length.

The Covenant of the League only confers two distinct duties upon the Court and it is otherwise left to its own devices, namely: (1) the issuance of advisory opinions, now constituting the major portion of its activities and which, by reason of their political character cannot be participated in by our representative and (2) the "interpretation of treaties," whatever that may mean. Until treaties are registered, classified and made amenable to some form of judicial review by consent of the parties thereto, such contractual relations between nations are not a proper subject of adjudication by a Court from which no appeal lies and which is uncontrolled by any recognized system of judicial procedure. Treaties, moreover, under our Federal Constitution, are "the supreme law of the land" and as such can not be brought under the jurisdiction of an outside agency without such authority being made a part of the original compact. It is possible that the so-



called World Court is just the kind of a tribunal now needed in Europe, where drastic methods can be made effective. Until a World Court is organized and functions under some system of international law it would be inadvisable for this country to seek connection therewith. Under existing conditions the jurisdiction of the present Court offers nothing to us except an exclusion from most of its activities or the yielding to subversive methods not in accord with our form of government. The "sentimental effect" of such a joinder would be entirely outweighed by objections herein considered.

*Half In and Half Out.*

By representation on the Court this country accepts and becomes a fractional part of the League of Nations. But unlike those countries having full membership therein we are deprived of any practical influence in the Council and Assembly, where the policies of the League are initiated and developed. In the promulgation and enforcement of judicial decrees we become a Lord High Executioner, instead of a mediator and friend. With the Covenant of the League determining the jurisdiction of the Court, how is it possible to escape responsibility for the conduct of the League? It would be better, therefore, to join the League and all its works or have none of it.

*The Difference Between An International Court and the Judicial Adjunct of the League.*

During the Harding campaign, the Republican party opposed entry into the League of Nations and won by a popular vote that could not be mistaken. Since then it has been truthfully asserted that the creation of a Court of International Justice has been advocated for more than twenty years by the various leaders of this party, and that, therefore, the logical and consistent course was to give adherence to the present Court. The answer is a simple one—the existing Court is not an independent World Court and of the kind heretofore contemplated, but is, in reality, a component and essential part of the League of Nations, the very governmental organization so strongly and successfully opposed in the campaign referred to. Cuckoo eggs are deposited furtively in strange nests and hatched out by foster parents certainly lacking in any keen sense of discrimination.

The International Court of Justice suggested and considered fully hereafter, seems to meet the requirements of previous advocates and this should be borne in mind by those who are interested in this phase of the present controversy.

There is here presented for consideration a plan whereby the United States may become a foremost advocate of international cooperation without yielding to the many objections arising from an adherence to the League Court.



## PART II

### Separate Leagues for America and Europe with an Inter-League Union

FOREMOST among the reasons for the United States not participating in the League of Nations would have been our unquestioned involvement in European politics and the corresponding interference of European nations in the political affairs of American Republics, thereby imperiling the Monroe Doctrine, besides inciting racial and religious animosities now the bane of foreign countries. These perfectly sound objections were further supported by the constitutional inability of the United States to surrender or delegate away certain inalienable governmental powers, that a full and honest support of the League would require, and which other nations were in a position to grant without violating any of their prescribed forms of government.

Therefore, by having separate Leagues in the Eastern and Western Hemispheres, the first two vital objections are fully met and by having a medium in the form of an Inter-League Union all subjects of an inter-continental or of a world-wide scope would be met by an intermediate body capable of considering and acting upon the same, without becoming involved in the internal affairs of either League.

In the successful continuance of the Eastern or European League of Nations all that is required would be the withdrawal of those South American Republics associated therein, thus permitting the present League to function in its natural sphere.

In the creation and maintenance of a Western or American League of Nations the foundation is already laid by the Pan-American Union and which suffices for the superstructure. Recently the Pan-American Congress has undertaken the development of a well-organized co-operation between the various American Republics comparable, in a way, with the general purposes of the present League of Nations.

The first step to be taken by the American and European Leagues would be an authorized association with the Inter-League Union, thereby making effective the joinder of the two Leagues in all matters requiring mutual co-operation.

Assuming, therefore, that the creation of separate Leagues is entirely practicable, the consideration of just how the intermediate organization is to be formed and how it will function becomes the most important question at this juncture.



## PART III

### Inter-League Union

ITS ORGANIZATION AND JURISDICTION

THE formation of a governmental body designed not only as a liaison between the nations comprising the two leagues, but for non-associated nations desirous of co-operation therewith, can be accomplished by a convention composed of delegates representing the various signatories. The first step, after the preliminary consideration of the objects and means of attaining the same, would be the adoption of a constitution wherein the various governmental functions would be determined.

These might be designated as follows:

*First.* An executive council, acting largely in an administrative capacity;

*Second.* A Legislative Assembly;

*Third.* An International Court of Justice; and

*Fourth.* A Tribunal of Arbitration.

On examination it will be found that this plan would bring into existence a permanent organization, capable of removing practically every objection the United States has heretofore had towards official participation in the present movement, and at the same time making possible the alliance of nations throughout the world under a proper division of governmental responsibility in each hemisphere, while providing an effective supervision over those forms of international intercourse lying outside the jurisdiction of the defined governmental areas represented by either league.

In the order of their relative importance, each division of the Inter-League Union may be considered more in detail.

INTER-LEAGUE ASSEMBLY

The legislative branch of the Union would have a most important rôle in putting its Constitution into effect by defining under statutes the jurisdiction and other governmental activities of the Union.

The order of procedure would first involve the appointment of appropriate committees to consider and report needed legislation and especially measures looking towards a codification of international law, heretofore so unstable and uncertain. Such a codification would, of course, take many years, but the more important laws could be formulated in a comparatively brief time. As indicative of the scope of this legislation, the following subjects are presented:

### Control of the High Seas by the Inter-League Union as Trustee of Joint Owners

While international law is particularly involved in this problem, nevertheless the manner of attaining a proper control over the high seas should be given a separate consideration, for the effective regulation of the open sea would undoubtedly prove one of the greatest factors in preserving peaceful relations throughout the world.

No generally accepted definition of the high seas seems satisfactory in the present case. All of the authorities, of course, agree that each nation has an equal and common right in the use of these public waters, but this definement fails to show the exact legal status in the inter-relation of nations that is now needed. For the present purpose it would seem better to define the mutual relations of the various nations as a "tenancy-in-common of the high seas." By accepting this simple definition there comes into existence and application the common law of nearly every nation, together with innumerable statutes and judicial decisions defining the rights and obligations of co-tenants in their use or abuse of common property.

The constitution of the Union would provide for the taking over and permanent control of the high seas, inclusive of its waters, the land beneath, and the air above. This right of supervision, exercisable by the authorized agency of the associated nations, would invest the Assembly of the Union with extensive and important legislative powers far exceeding in value any now being exercised by the present League of Nations and which, in addition to the codification of international law, may be grouped as follows:





*Extension of the Three-mile Limit.*

The enlargement of the present three-mile limit to twenty-five miles is now required in order to meet modern conditions and give each maritime nation a sovereign control over border waters essential for protection in times of war and heretofore required in the enforcement of revenue and criminal laws, in the conservation of its fisheries and the abatement of public nuisances in adjacent waters. Such a partition in severalty of common property would be entirely legal, when authorized or concurred in by all interested parties.

*Control of Submarine.*

With the suggested extension of riparian waters the naval use of the submarine could be limited to defensive purposes in such territorial waters. This needed international regulation would outlaw the submarine on the high seas and yet permit its proper use in the coastal waters of each nation.

*Limitation of Naval Warfare on the High Seas.*

With the commonly owned waters of the ocean thus put under joint control, there seems to be no good reason why naval warfare should not be prohibited thereon; subject to regulations allowing a relaxation whenever certain emergencies justified. Thus in a single step, there would be a great reduction in naval armament and the prevention of aggressive war by confining naval vessels to defensive purposes within the sovereign waters of each country. Could a greater check be placed upon the future possibility of a world war than this?

*Criminal Laws for the High Seas.*

The Assembly of the Union should promptly consider and enact laws defining and providing punishment for piracies, felonies, and other offenses committed on the high seas.

Within a recent period many piracies and felonies have occurred within one hundred miles of the port of New York, in the war now being waged between foreign rum runners and local hijackers, involving robbery and murder to an indeterminable extent. While the public has naturally been indifferent as to the outcome of such feuds, nevertheless, the uncontrolled commission of crimes at our very door indicates the lack of any enforcible criminal jurisdiction.

The clause in the Federal Constitution providing for legislation "to punish offenses against the Law of Nations," committed on the high seas, and which offenses being undefined, it must necessarily follow that the proper definement of the same by the Assembly of the Union would be acceptable to this and other countries, for in such co-operation depends the safeguarding of life and property on the high seas.

*Game Laws for the High Seas, in Conservation of Fish and Aquatic Mammals.*

Another important subject of legislation by the Assembly and which would be generally supported throughout the world, would be the enactment of laws, of international application, protecting the wild life of the high seas.

Fishery disputes in the earlier times were the fruitful source of war and in more recent times have caused much unnecessary friction among maritime nations.

In no period has there been a properly organized effort to recognize the economic value of sea products or to conserve such for the good of humanity, so that many species of fish, fur bearers and whales have been brought to the verge of extinction. The valuable fur seal colony of the Pribilof Islands was only saved to the United States by treaties made with countries that had been carrying on unrestricted pelagic sealing about these islands, resulting in the death of mother seals in search of food for their young, thereby depleting the breeding stock and starving thousands of seal pups. This necessary protection was only accomplished by buying off foreign sealing fleets through an annual division of profits accruing to the United States from the sale of pelts taken from the young male seals on the Islands. There should be, of course, a seasonal prohibition upon the taking of seals under such destructive conditions so that no country would be compelled to pay large sums in order to suppress a wasteful and naturally illegal method of taking this form of sea life. In the absence of laws protecting the same there would today be no game animals, fur bearers, or commercial and game fish within the borders of any civilized lands. The need for such protection applies equally to the high seas, where the ruthless and unlimited destruction of aquatic life has been a scandal for many years, resulting in the loss of billions of dollars, a reduction in valuable food and other commercial products, and the unemployment of thousands who followed the sea for generations.



*Uniform Supervision Over Illegal Traffic on the High Seas.*

Another international law that should be enacted by the Inter-League Assembly would be one prohibiting traffic on the high seas designed to elude or violate national laws prohibiting the sale and landing of intoxicating liquors and narcotics or the smuggling of aliens. The fact that hundreds of vessels leave foreign ports, under false clearance papers and boldly anchor within sight of American shores for the sole purpose of selling commodities prohibited from entry or use in the United States, clearly constitutes a common nuisance and therefore amenable to control by international law. Since the above statement was made Congress has appropriated more than twelve millions of dollars for the use of the Coast Guard in enforcement of the laws referred to. Lawful commerce on the high seas is a navigable right of course possessed by all nations, but the anchorage or loitering of vessels near shore for the sole purpose of violating the laws of a friendly nation should find no legal justification under the law of nations and therefore can be stopped, thus favoring law enforcement and saving the unnecessary expenditure of millions of dollars.

*Codification of Admiralty and Maritime Law.*

While Admiralty law is no longer confined to where "the tide ebbs and flows," extending over into the waters of different nations and there subject to domestic rules, nevertheless there is urgent need for the codification of laws relating to navigation on the high seas, as a separate division of an international code. The present regulations are based upon various treaties, or on common acceptances, and hence are inconsistent, only partially cover the subject, and are incapable of just judicial interpretation or enforcement. This codification naturally belongs to the Assembly and should provide therein for the exercise of an admiralty jurisdiction by the Inter-League Court.

*Sanitary Control of the High Seas.*

International regulations are needed in suppressing nuisances affecting public health and the many utilitarian uses of near-by coastal waters. The discharge of oil wastes injuriously affecting shell fish, water fowl, or the use of bathing beaches as well as involving fire hazards, falls clearly within the proposed jurisdiction of the Inter-League Assembly.

In final consideration comes the remaining branches of the Inter-League Union, comprising the Court, the Council and the Tribunal of Arbitration.

### Inter-League Court—A World Court.

With both Leagues having judicial branches for the determination of subjects coming within the purview of each, it naturally follows that this Court, representing the Inter-League Union, would become, in reality, a World Court; for its jurisdiction would relate only to justiciable controversies of more or less universal concern. Created and supported by the joint agreement of all nations, performing its duties under international law enacted by the Assembly of the Union (the scope of which has been heretofore enumerated), this Court becomes vested with definite powers and in a definite field, for it would be primarily concerned with controversies arising between nations of separate leagues, in the interpretation of treaties of general import and in the interpretation and enforcement of international law, as applicable to the high seas or other forms of international intercourse of a general character.

In other words, the "Law of Nations," as specifically recognized in the Federal constitution would assume definite form under a tribunal capable of interpreting and enforcing the same.

From the nature of the subjects it would involve no impairment of national sovereignty, for the jurisdiction of the Court would relate only to matters over which no nation possesses exclusive supervision and only such extra-territorial authority as may be recognized and made exercisable under the Law of Nations, as agreed upon by the nations responsible for the maintenance and enforcement of international law.

### Tribunal of Arbitration

Another branch of the Inter-League Union is designed to bring about the consideration and settlement of disputes between the nations of different leagues or which concern subjects of an extra-territorial character.

The jurisdiction of this tribunal would be clearly defined in the constitution of the Union, wherein it would be made clear that such a board of mediation would have nothing to do with the domestic affairs of any nation. In view of these duties encroaching upon the present jurisdiction of the Hague Tribunal, the latter organization should either be dissolved or relieved of duties conflicting with the proposed board of arbitration.



### Council of Inter-League Union

This body, consisting of 5 or 6 members, would perform the administrative functions of the Union. Among other things, it would be empowered to call the Assembly in extra session for consideration of specified subjects; to see to the enforcement of the laws enacted by the Assembly, with the power to veto such legislation by a two-thirds vote of the Council; and to perform such other duties prescribed by the constitution or which are naturally associated with the executive or administrative branches of any government.

### How the Governmental Expenses of the Inter-League Union Can be Met

The cost of administration, the salaries of judges, legislators, arbitrators and other officials connected with the Union would probably exceed several millions of dollars annually. This necessary outlay could be apportioned and assessed against the associated nations, but, as in all such cases, there might be difficulty in the way of proportioning and collecting the same from the various contributors. The cost of maintenance, however, could be raised in an easier and more equitable manner by taxing all the nations materially benefitting in the use of the high seas.

In the United States and, to a lesser degree, in other countries, millions of dollars are paid every year under hunting and fishing licenses, for the protection and propagation of game and fish; in grazing fees for the use of the open range; in the millions of dollars paid in taxes and licenses from automobile owners, railroads, bus and street car lines for the use and maintenance of public highways, whereas in the commercial use of the high seas not a dollar has been paid for any of these valuable privileges. A small tax would be proper upon fishing, sealing, whaling and the sponge and pearl industries, taking out billions in the wealth of sea products, while a tax imposed upon commercial craft based upon tonnage, income and mileage, a tax upon the right-of-way privileges

of marine cables and even companies for the commercial use of air routes, would be a form of taxation heretofore collectable within each country in meeting of governmental expenses incurred in the promotion and protection of such business activities. Such a tax or license fee would be negligible in the amount paid by individuals or corporations, if assessed in the way designated, and might easily exceed what would be required in the international control of an immense public area, heretofore entirely free of tax, because there was no medium capable of controlling and protecting the utilitarian uses of the high seas.

By such a license system, moreover, there would be a check upon the proper use of these public waters and an easy means for punishing infractions of maritime rules through the revocation or suspension of licenses, if deemed necessary. When the time comes that the high seas shall be regarded as the common property of all nations, with the proper use thereof protected by joint governmental action, the right of taxation would naturally follow if the application of such income were for the maintenance of a governmental body needed in the supervision of public water far exceeding the occupied land areas of the world.



## PART IV

### Supplementary Statement

Since the above review of the political situation a year and a half ago, there has been a gradual change in sentiment, with a marked impetus the last six months. It now seems almost a mathematical certainty that this nation will give adherence to the World Court. How has this remarkable transition come about? With the decisive defeat of the plan to join the League of Nations, and by a majority never before equalled in any political referendum, a reaction has come in favor of this country indicating in some tangible way its natural desire to help in preserving peace and outlawing war. The World Court, supported by the minority party on the principle of half a loaf, finds itself unexpectedly backed by a great moral and altruistic movement that seemingly regards the World Court as the Star of Bethlehem, leading towards sacred grounds, where peace and good will towards man may find definite expressions. The clergy and parishioners, college presidents and undergraduates, women's clubs and various civic organizations controlled by well-meaning idealists have patriotically joined in the effort to put this country on record against war, in order to escape from the humiliating charge that we have been heretofore influenced by selfish motives and a desire to escape our share of responsibility. The public statement of a leading divine summarizes this feeling:

"I want the United States to enter the World Court because I believe in law for nations as well as for men. It hurts me to see the entire world organized for peace with our own great and loved country hesitating and lagging behind."

Noble sentiments these, which in the absence of any constructive plan looking toward our co-operation in the present movement have about won the day.

This wearing-down process has reached those political leaders and the press heretofore opposed to meddling in European policies, so that hardly a handful of Senators stand at the bridge-head trying to block an enthusiastic and well-organized

army of crusaders, officered by active politicians, as it marches towards the greatest political adventure this country has ever undertaken. Yet the issue is the same as it was before, if not worse, for our half-entry into the League is wholly illogical and fraught with much greater embarrassment than would be the case were this country directly associated with the League of Nations.

How can this combination of political finesse and misdirected sentimentality be overcome?

There are four means by which an association with the judicial branch of the League may be postponed or permanently avoided:

First, by a systematic and successful filibuster preventing the Senate from reaching a vote on the protocol;

Second, by reservation amendments that would prove unacceptable to two-thirds of this body;

Third, by reservations that would be rejected by the League of Nations; and

Fourth, by the substitution of an entirely new and better plan for the present League of Nations or the World's Court, and capable of satisfying all parties by permitting this country to assume its proper position in the maintenance of international peace.

Of the first three none would be generally acceptable to the public and would only find justification in the minds of some by bringing about a delay permitting a direct referendum of the voters on this issue. Not only should this question be so settled as to avoid leaving it up in the air, but it must be settled so as to permit this country joining in a proper plan for bringing about international co-operation. Delay without the ultimate object of co-operation would fully warrant adherence to the Court, with all its uncertainties and all its entanglements, for this country can no longer postpone active participation in some method of attaining peace throughout the world.

### Has the Republican Party Traded Its Elephant for the Donkey?

The last Republican platform apparently rejects the World Court if associated with the League of Nations, or if dominated by the covenant.



The declaration in the platform of 1924, advising adherence to the Court of International Justice, concludes with this significant proviso: "This Government has definitely refused membership in the League of Nations and to assume any obligation under the covenant of the League. On this we stand."

With the general admission, the past six months, that the Court is a component and essential part of the League of Nations and governed by its covenant, it now seems impossible for the Republican party to escape from the interdiction in the platform against any association with the League of Nations, or in the incurring of any obligations under its covenant.

With the bulk of the party leaders climbing aboard the donkey cart, where traveling is usually a rocky one, why should not the Democratic leaders take over the elephant, a sagacious animal that prefers traveling on a highway leading to milk and honey?

### Has the Democratic Party Discarded a Fundamental Doctrine?

How a party that has featured State's rights as a basic political tenet can favor the creation of a super-government over the entire country, is a mystery.

The Democratic party has always performed a useful service by insisting upon the proper balancing of government between the States and the Nation. This has been a needed check upon the excessive growth of Federal powers. Certainly this party should concede that, if a State has inalienable rights, the Nation also has some such rights. Must a State be protected from Federal encroachments while foreign influences can be permitted to break down our National system of government, affecting necessarily each constituent State?

That the Southern wing of this party, properly credited with being 100% American, by reason of ancestry and tradition, should, almost to a man, favor a European alliance, may be the result of having no political opposition in their own section, thereby apparently warranting going after strange gods, regardless of destination.

With the partisan fetters broken by the bi-party endorsement of the World Court, no line of cleavage now demands party loyalty,

and therefore it would seem that non-partisanship can at last have its day in the determination of problems that should be free from sectional or party dictation. It is incredible that, on a complicated question like the World Court all Southern statesmen think alike. Partisanship, rather than patriotism, accounts for this unanimity of action, if not of thought.

### Some Examples of Political Buncombe and How It Has Worked Out.

It is generally understood that when the Republican party, in its last platform, favored adherence to the World Court, that this unexpected attitude had received no adequate consideration by the rank and file of the party, and it was simply designed to hold in line an active but relatively small element in the party, then threatening to join hands with the opposition.

This situation was exactly duplicated in the Democratic platform, where the demand for a public referendum on the League of Nations was only intended to hold certain malcontents and without any idea whatever of putting a referendum before the voters.

The main difference in this kind of political maneuvering was, that in the first case one party seemed to deem itself bound by a temporary expedient and in the other case, the fake issue was cheerfully side-stepped without any qualms of conscience. Which party was right, leaving aside any moral question?

Here an observation, of a personal nature, may be in order. When the writer learned, shortly in advance of a report of the Committee on Resolutions, at the last Republican Convention, that the party leaders had agreed upon an adherence to the World Court, a letter of protest was sent to the Chairman of the Committee, calling attention to the great opposition to such a recommendation throughout the country. This letter ended as follows:

"Facts must be faced and not evaded for temporary political advantages."

This effort to hold in line a few dissenters has now resulted in attempting to bind, hand and foot, the entire party.



### President Coolidge Says That the "Sentimental Effect," on Europe, is About All That Justifies Adherence to the Court

The President in his last message to Congress, in recommending this Country's representation on the so-called World Court, could see little aside from the great sentimental effect it would have abroad. He recited no material benefits and could anticipate possible sacrifices, concluding his views on this proposed adherence as follows:

"Beyond its practical effect, which might be somewhat small, it will have a sentimental effect which would be tremendous. It would be public notice that the enormous influences of this Country were to be cast on the side of the enlightening processes of civilization."

This statement covers the situation in a nutshell and shows that our endorsement of the Court is largely for European effect and of no advantage to this Country.

In view of recent events it would seem hardly necessary now to go into the Court simply on account of the sentimental effect. The Locarno Agreement is satisfactory evidence that the principal nations of Europe have the disposition and the ability to settle their own affairs without further American intervention, while the protracted dispute between Chile and Peru, wherein the United States is acting as an intermediary, likewise indicates that these two countries (now associated in the League), regard it a better policy to have such quarrels settled within an interested and friendly environment. Were either of these countries to resort, later on, in an appeal to the League of Nations, it would be a matter of the gravest concern to the United States.

### *The Pan American Union—The Basis of an American League of Nations.*

Within the present year the governing board of the Pan American Union has endorsed thirty-one projects drawn up by the American Institute of International Law and mainly in the advocacy of codifying international law as it affects this hemisphere. Included as additional recommendations are: the codification of Ad-

miralty law; the outlawry of war by pacific or retaliatory means; the repudiation of the right of any American Republic to acquire additional territory by force of arms or other coercive methods; the maintenance of the Monroe Doctrine, as a protection against foreign aggression; and most significant of all, the proposed creation of a Pan American Court of Justice and a Tribunal of Arbritration, the latter to be composed of the governing board of the Union, acting as a council of conciliation. Thus, with the existence of a Pan-American Congress, it can be readily seen that the American Republics have already taken a more advanced and practical position in the peaceful settlements of disputes than the present League of Nations. Consequently, this American organization only requires a little better co-ordination of its functions in order to stand forth as a full-fledged American League, eminently fitted and with sufficient authority to join with the European League in the creation of the Inter-league Union.

## Conclusion

There has now been presented in such detail, as seems practical within the confine of a necessarily limited argument, a plan for bringing together all nations in the maintenance of universal peace, and by methods apparently suitable to the rights and obligation of all countries and each hemisphere. It may be possible to point a way out of the present difficulties through other and better methods, but, in the absence of which, a purely negative opposition will be of little avail.

Although long under consideration, this is the first time any of the above suggestions have gone into print, at the eleventh hour and with considerable reluctance—because the arrogance of the present political combination and the supplications of misguided idealists seemed to have the right of way. Be that as it may, it ought to be permissible, for one controlled by a conscientious desire to help his country in a time of political stress, to give expression—however ineffectually—to views that may have some bearing on problems properly under discussion by the rank and file of the American people.