

# WHAT EVERY AMERICAN SHOULD KNOW ABOUT THE LEAGUE OF NATIONS

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Forty-one Points of Vagueness, Danger, Ambiguity, Impracticability and Weakness of the Covenant of the League

**T**HERE are four things that every American should realize about the Covenant of the League of Nations. (1) That all America and all the world, those favoring this Covenant and those opposed to it, long for world peace, permanent, safe peace with equal intensity and sincerity. They differ only as to the means, the method, the way but are united as to the goal to be reached.

(2) That it is the present plan of a League of Nations that is before the American people, not the abstract idea of some kind of a League of Nations. Confusion as to this dulls judgment and obscures the issue now before us.

(3) That the motives for good that inspired the writing of this Covenant do not in themselves guarantee that the resultant Covenant is good, safe or practical. It must be judged in itself by itself, not by what it sought to do but by the wisdom of its methods.

(4) The following study and detailed analysis of the Covenant reveals some of its evils and dangers and shows that the proposed League would not prevent war, but would stimulate it; that in the name of world peace it sets up an insidious oligarchy not representing the peoples of the world and antagonistic to lasting peace and world democracy.

## 1—The Terms of Admitting New Members are not Democratic.

**I**N the preamble of this Covenant are set forth high ideals and worthy aims and purposes for the peace and harmony of the world. One should expect it would be the first effort to make this a League of all nations, that every fully self-governed state, dominion or colony applying for admission, subscribing to its requirements and proving its good faith would be welcomed with open arms. If a nation were weak and struggling it needs the inspiration and protection of the League; if a nation that is large and dangerous to the peace of the world be willing to enter the League on the League's own terms, the world would surely be safer with that nation within the fold where it could be watched and controlled than on the outside.

But the League does not proceed in admitting new members in a broad spirit of democracy. The League is to be a select, elite society of nations; candidates may not apply for admission; they must be invited to join, as the Annex to the Covenant shows. Why should it require a two-thirds vote of the Assembly to admit a fully-governed state, giving "effective guarantee of its sincere intention [whatever these

words may mean] to observe its international obligations" and "accepting such regulations as may be prescribed by the League, in regard to its military and naval forces and armaments." *Provided* that it fulfills these prerequisites for admission, a two-thirds vote is required to pass the candidate, one-third could blackball. Is this wise? is it in the spirit of the preamble? does it make for peace? is it democratic?

## 2—The Menace of the League as a Super-Government.

**T**HE serious menace of this League of Nations is self-evident when we vividly comprehend the appalling power created behind an alluring name that has dulled public realization of what it really means. This is told with clearness, keen insight and forceful directness by Hon. David Jayne Hill in these words: "The League, even in its revised form, as a distinct corporate entity, exercising a will not identical with that of all the separate members, is organized with power to coerce other States not belonging to it, to act under its own rules and by its own judgment, and even to dictate the form of government and degree of authority to be exercised over wide areas and great populations subject to its control.

"The League of Nations, as here planned, is not a federation, in which the component States are combined into a new political organization. It is an autonomous corporation, endowed with its own organs of action. Its being and its powers, when once constituted, would persist if a great part of the constituents should perish. The League is not merely a corporate entity but in effect a super-government."

## 3—The United States Once Entering the League Could Never Withdraw.

**P**EOPLE in America believe, in general, that the United States could withdraw at any time after two years' notice. Their hurried reading has given them a confidence that is unwarranted and lulled them into a false sense of security and safety. We must face the fact that the United States could not withdraw in two years, and further that it could *never* voluntarily withdraw under the Covenant. There was never any intent to permit withdrawal of the five powers at least, and Article 1 is cunningly written to render withdrawal impossible.

ARTICLE 1 says: "Any member of the League may after

two years' notice of its intention so to do withdraw from the League, provided that all its international obligations and all its obligations under the Covenant shall have been fulfilled at the time of its withdrawal." The phrases following "Provided" can have but one of two meanings or constructions, either one of which makes withdrawal impossible.

(1) As all "The obligations under this Covenant" are international, the phrase means all international obligations not under this Covenant and those that are under the Covenant. These two classes of obligations must both "have been fulfilled at the time of withdrawal." As never for a moment has the United States since it really started as a nation fulfilled all its national obligations and as there never would be a moment when as a "going concern" it could have all fulfilled, there would never be a time when it could meet the conditions permitting it to withdraw from the League.

(2) The only other possible interpretation of the phrase is that it means "all its international and other obligations under the Covenant." If the Senate ratified the peace treaty containing the Covenant the United States would be obligated at the start in a dozen or more ways—in every place where the League was interwoven with the treaty. To fulfil these initial obligations alone would take perhaps twenty-five years; in the meantime new obligations (perhaps among them a mandatory) would be assumed, while these remained unfulfilled, still further new ones would be entered into. As there never would be a time of simultaneous maturity or fulfilment, we could *never* get out.

Who is to be the judge of when the United States shall have fulfilled its obligations—the United States or the Council? The answer is self-evident. It was intended that membership in the League should be perpetual, and the seeming possibility of withdrawal is a subterfuge and a snare.

#### 4—Would the United States Be Represented Both in the Assembly and the Council?

**R**EAD this Covenant through from beginning to end and yet you cannot answer with certainty this question. It is puzzling as to whether representation on the Council may include or excludes membership in the Assembly. Article III, paragraph one, says: "The Assembly shall consist of representatives of the members of the League"; this certainly would give members of the Council representatives on both bodies. Article IV specifies five perpetual members and four changing members represented on the Council, yet nothing is stated as to their being also represented on the Assembly.

If the nine members of the Council are also represented on the Assembly, they have dual representation. If this be true, in the few instances where the Assembly is permitted to approve an action of the Council, nine representatives in the Assembly—more than one-third of the present number—would practically be "stacked" to approve loyally what their fellow-representatives on the Council had unanimously decided. Is this fair or just? It may be said that this occurs in our own Congress. This is not true, for in our Congress is a difference in the character of the representation: the Senators representing the States and House representing the

people. No such difference exists, or is so stated, in the representatives of the membership of the League.

But while Article III taken in connection with Article would give the members of the Council representation on both bodies and we have prepared ourselves to accept this meaning, we strike a new snag in Article XXVI. This Article says: "Amendments to this Covenant shall take effect when ratified by the members of the League whose representatives compose the Council and a majority of the members whose representatives compose the Assembly." This seems to imply that the representation on the two bodies is entirely distinct and that representation on either is exclusive of representation on the other. Then Article I is wrong or Article XXVI has made a mistake, which is it?

#### 5—Do Representatives Represent Their Governments or Their Peoples?

**T**HIS Covenant says nothing as to whether representatives of the members of the Council and of the Assembly represent their respective governments or their peoples. This should not be left to individual interpretation which would make it a mixed representation, a confusion of interests where membership might represent people or governments, without any way to determine which was which. Is this a diplomatic or a popular representation?

The American people have a right to know so that they may size up the Covenant advisedly. Upon the determination of this point rests the determination of the method of choosing the representative and of the power that could recall him should he prove obnoxious or inefficient. Shall he be appointed by the Executive, the Senate or the Congress? The American people, should this Covenant be ratified by the Senate, might deem this office so important that they would demand that he be elected by the people although this might require an amendment of Article II, Section 2, Paragraph 2, of the Constitution of the United States.

#### 6—The Nine Men in Geneva, Most Dangerous Body World Has Ever Known.

**T**HE Council of the League of Nations is the most dangerous, autocratic, oligarchic body of men the world has ever known. It is a super-government of nine men constituting a holding corporation of the international relations of nearly the whole world. Their jurisdiction is unlimited; they are unrestrained and uncurbed by a lower power, for the Assembly is but a cipher; they are subject to no higher power, for there is no supreme court of the world that can limit them by interpretation of the Covenant, nor determine the rightness or wrongness of their acts. Behind closed doors, these nine men in Geneva can hold their secret sessions and with the finality of omniscience issue their edicts, in the form of international obligations, that must be obeyed. Non-fulfillment of these obligations is punishable by expulsion. They can do things that no government in the world would dare to do without causing war. They propose to bully and coerce small nations, non-members of the League, should they go on with arrogant elects

contempt for the sovereignty that inheres in every nation and which every other nation is bound to respect.

These nine men in Geneva, as a super-government, can issue their commands to thirty or more nations with the same finality that a free government controls its people on lines like these: "On and after blank date you will cut off all diplomatic relations with A." "Until so notified you shall have no further trade with B." "All food supplies to J are hereby stopped until further notice." "Q is now declared quarantined." "Add Y to your blacklist." "On blank date a new general world war is to be started in Africa because the territorial integrity of G has been attacked by H; enclosed please find list of the number of men, tonnage and character of war-vessels and amount of cannon and ammunition you are to furnish."

There is nothing exaggerated or unfair to the Council in this statement; it is merely putting in direct, plain English what the Covenant puts more guardedly. The world is now crushed and bleeding from its struggle with one autocracy in the name of militarism. Are we now anxious to start a new autocracy in the sacred name of peace?

## 7—The Covenant Nowhere States Relation of Council and Assembly to Each Other.

THE Covenant does not define the relation of the Council and the Assembly to each other. Is the Assembly to discuss, to initiate and to refer matters to the Council? Is it to decide any question or line of question for itself? Are the two bodies independent or do they work in cooperation wherein each is a check on the other? Is the "decision of the League" what the Council decides or what the Assembly decides or what they decide together? These questions the Covenant does not answer. The framers of the Covenant were prudent in not answering them. Had they done so they would have revealed—what is now concealed—that, aside from a few trivial matters, the Assembly is an anaemic, harmless organization which may hold its meetings and talk as much as it likes but no way is provided for it to convert its talk into action.

## 8—The Assembly a Harmless Body That Can Talk but Cannot Act.

IT IS only by going carefully over the entire twenty-six Articles and checking off every reference to the Assembly that we begin to realize how little the Assembly amounts to in the affairs of the League. The scope of activity of the Council and of the Assembly is expressed in identical words. Each "may deal at all its meetings with any matter within the sphere of action of the League or affecting the peace of the world" but nothing is said as to any difference in the method of dealing with the questions. The Council can act; no way is provided for the Assembly to act. Here is the complete list of what the Assembly can do under the Covenant so far as stated. The Assembly acts as a membership committee, admitting new members. It arranges the details of procedure of its own meetings. It elects four members of the Council (but it is not stated that

these four in any way represent the Assembly on the Council). It approves or disapproves of the Council's action on these three questions: (1) an increase of the members of the Council, (2) an addition to the perpetual members of the Council, (3) the appointment of a Secretary-General. The Assembly has also a part, with the Council, in somehow making amendments to the Covenant.

Aside from those referring to these minor duties there are only three other references (Articles 11, 15 and 19) to the activities of the Assembly. Under Article 15 it may, under certain conditions, attempt to arbitrate a dispute likely to lead to a rupture between members. Its report or award must be by majority vote of the Assembly, ratified by the unanimous vote of the Council, exclusive, with both bodies of any representatives of any of the members party to the dispute. When the Council handles such a case its action is final, the Assembly has no voice. When the Assembly acts, its decision requires unanimous approval of the Council.

Under Article XI, the Assembly, as well as the Council may have brought to its attention any circumstance whatever affecting international relations which threatens peace or good understanding. Whether the Assembly may act what it may do or how is not stated. Perhaps it may be permitted to report them to the Council.

Under Article XIV, it may advise the reconsideration of treaties which have become inapplicable and the consideration of international conditions endangering peace.

No one of these represents any real power. In the appalling power of the Council and its momentous decisions the Assembly has no more voice than if it did not exist. It has semblance without reality. The Assembly seems to have been organized as an empty, barren honor created to recognize the smaller nations, to let them talk and to keep them occupied harmlessly while the nine men do the real work.

## 9—Three Functions All Exercised by The Same Nine Men in Geneva.

IN THIS super-government vested in the hands of nine men in Geneva, under the Covenant, they exercise three functions of government: the executive, the legislative and the judicial. The three powers, kept specifically separate by our own government under the Constitution, are here all exercised by the same nine men in Geneva as a finality from which there is no appeal.

## 10—Futility of Expecting Nine Representatives in the Council to Vote Unanimously.

THE vote of the Council or of the Assembly, except where otherwise expressly provided in the Covenant and these are only matters of procedure or of trivial import—"shall require the agreement of all the members of the League represented at the meeting." The action is to be unanimous. Can you get a Board of Directors, composed of nine members, to vote unanimously on any big vital question even where their interests are common and perhaps identical? Can you imagine the nine men in Geneva, representing five great powers and four smaller ones, with di-

erse policies, clashing interests and different ideals, agreeing unanimously on any big vital question? Such a thing might be possible in heaven, but not on earth. Yet the whole structure of this League of Nations rests on the unanimous action of nine men;—the Assembly is but a collection of figureheads that can do nothing.

This unanimous voting of the nine men in Geneva would be a deadlock action, because only one man becomes a majority in his power to oppose and to kill action. But the Council must act and therefore it would act. The unanimity that should not be secured naturally would be secured artificially. Behind closed doors the Council would barter, juggle, compromise, trade votes, play one interest against the other, and use every means known to "practical politics" to secure a unanimity that would be well paid for.

There are those in America who regard this unanimity as making the League of Nations safe for the United States. There is no safe place for the United States within the League; the only safe place is outside. It is claimed that our representative could kill any action adverse to our interests. This is absurd from a dozen points of view; but the statement of one may suffice. If there were a dispute before the Council, between the United States and another member, both represented on the Council, neither would vote and the case would be tried by seven men, not nine. Article XV says the members cannot go to war, if all the members of the council "other than the representatives of one or more of the parties to the dispute" vote against it.

There is one thing that the Assembly is permitted to do: It is to advise the reconsideration, by members of the League of old back-number treaties. To take even this harmless action would require the unanimous vote of the Assembly, as nothing to the contrary is "expressly provided." Have you a picture in your mind's eye of the thirty-three members, (more or less, as you may interpret the Covenant) agreeing unanimously even on this in the case of a specific treaty? Just at the critical moment might not the representative from Hedjaz or from Czecho-Slovakia arise and say "I object" and the whole action would be quashed?

## 11—No Mention of a Quorum for Either Council or Assembly.

**T**HIS Covenant-Constitution strangely omits an important item in not stating what shall be a quorum in the Council and in the Assembly, and providing the method by which this quorum might be changed should an increase in the representation in either body make such change desirable. Without a quorum restriction three or four of the nine men in Geneva might decide, on some important question, the fate of the world for all time.

## 12—The Appalling Power of One Man Acting for a Hundred Million.

**O**UR representative in the Council of the League of Nations would have an appalling power, unapproached by any representative or ambassador the United States has ever had or by any officer of the government. The powers of all these are limited, held in check by

Constitutional or Congressional safeguards. This office is in a class by itself. An ambassador may negotiate treaties and agreements, but he is ever in touch with the State Department, advising him, directing him, authorizing him. No such wise restriction could hedge in and limit the power of this representative. We are not even informed whether he would represent the people or the government. Would he be responsible to the Congress or would it be to the Executive branch of our government?

In theory clear explicit limitations could be placed on what he could do and what he could not do; in practice this would be impossible. Whatever of our sovereignty we have to part with to enter this League is abrogated not to the League but to the Council made up of nine men in Geneva, and our representative as one of the nine shares in that power. If our representative had specific limitations he would not be on equality with the other members of the Council who might have no such limitations or have different limitations. If on any subject these restrictions debarred him from voting at all, the unanimous vote of the other eight or a lesser number that might be present, would bind us just as securely as though our representative had voted with the others.

If the Council were about to decide some important world question on which our representative were in doubt, he could not delay the decision and hold up the Council for a week or a month to get "advice" or "instructions" from "home." All the questions or most of them would belong to this class of big international problems which we have sent our representative to decide, and if we enter this League we would have to give our representative power to act.

A super-government demands super-men to run it and they must have super-powers. This Council of the League is a super-government, disguise it as they may. The menace of it all is seen throughout the Covenant whenever, escaping for a moment from the glamour and spell of its impractical visionary plans for a new world to be ever at peace, we get down to "brass tacks" in a practical way and interpret its smooth sounding phrases in terms of the practical.

The representative of the United States would represent a population of over a hundred millions. He would have to speak for us and to decide for us on supremely important questions never before put into the power of any one man to decide, questions involving not only our international relations as they exist normally today but as they will be artificially and dangerously interwoven with the affairs of other nations and complicated and inter-related beyond extrication.

Suppose that the American people realized with vividness and crystal clearness the colossal importance of the questions the nine men of Geneva are to decide with a finality, absolute and unimpeachable, what American would they choose for their representative? What one American, what super-man to be one of nine in a super-government, measures up to the infinite requirements of the position of final, absolute representative of a hundred million people, to be entrusted with supreme power hitherto held sacred by the American on equality with the other members of the Council who people and entrusted, under the Constitution, only to its Executive, its Legislative, and its Judicial Departments?

### 13—Futility of the League's Proposed Method of Reducing Armaments.

ALL of Article VIII, on the reduction of national armaments, is weak, shift, evasive. There is no vital gripping of a big subject in a big determined way. It is treated with the hesitance and trembling of a timid woman lifting up a loaded revolver. The Council "shall formulate plans for such reduction for the consideration and action of the several governments." The Assembly, with its twenty-four members represented by seventy-two representatives, is not consulted at all in this momentous work; the nine men in Geneva are all sufficient.

It might be inferred that the "plans" were general statements of method to be discussed, but they are not; they "fix the limits of armament." This means that they specify what number of soldiers, what tonnage of navy and details of implements of war each member of the League is to have. These nine men in Geneva, behind closed doors, all by themselves, are to make their assignments individually for each of thirty-five nations. The figures set seem final and not subject to modification by the governments, for what follows is unmistakably clear: "After these plans shall have been adopted by the several governments limits of armaments therein fixed shall not be exceeded without the concurrence of the Council." Each Government is supposed to be very good, and to do precisely what the nine men in Geneva tell them to do, and to rubber-stamp its acceptance.

It is not stated anywhere in the Article whether the governments agree to abide by "the formulated plans" of the Council. At first flush it seems that the "plans" are merely suggestive and tentative and that the action of the Council is only advisory, but this cannot be so or the whole thing would be but a poor pretentious farce. While the Council here extends the soft glove of diplomatic gentleness it shows the powerful hand of steel in Article I, paragraph 2, where it enumerates what an invited State must agree to in securing entrance into the League and says: "and shall accept such regulations as may be prescribed by the League in regard to its military and naval force and armaments." There is no mistake here, the reduction of armaments is not optional, it is a regulation, an order, a command.

Of course no nation will reduce its armaments until all agree to do so, and yet this Covenant says nothing as to the time for so doing or as to what shall determine the time. The nine men in Geneva say: "it shall be done and it is done." "Let there be light; and there was light." The nations of the world may reduce armaments; it may come from better understandings between them, the force of public sentiment in some nations may start a general movement, or from a joint action of representatives of all or many nations conferring with dignity and agreeing on a basis of reduction. But it cannot come from the "ipse dixit" of this super-government of nine men, around a table in Geneva.

Can you imagine the United States government accepting the order of these nine men in Geneva, cutting down the army, navy, and cannon, as "per schedule enclosed herewith" and agreeing as she must under the Covenant, not to add, on soldier, one vessel or one cannon unless she gets her requis-

tion signed and countersigned by the nine men in Geneva. Can you imagine the nine representatives "formulating the plan," ever agreeing unanimously, for themselves and with each other, on the "limit of armaments therein fixed" for each of them? Can you imagine the nine governments agreeing? If you can imagine this you can easily imagine that all the absurdities in this Covenant are good.

Nothing is specified as to whether the "fixed limit" is what a nation *may* have or *must* have. A small nation living in peace with her neighbors and having a small army would naturally have to increase this if she is to be ready to go to war at any time at the call of the nine men in Geneva. The proposed reduction must in reality be no reduction but an increase. Our administration at Washington is planning for a larger standing army than we have ever had on a peace footing, and a larger navy—all this in the face of the demand that the Senate ratify this Covenant.

### 14—Preserving Territorial Integrity and Political Independence of Forty Nations.

THE Article in this Covenant that has roused most violent opposition is Article X which reads as follows: "The members of the League undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled."

The hypocrisy manifest in this Article is shown at once in the fact that the Powers that framed and accepted this agreement to respect and preserve the territorial integrity and political independence of the members of the League in the Peace Treaty shamelessly turned over to Japan part of Shantung, a rich province of China. Suppose that within a year or so China, a sleeping giant of pacifism, were to awake and tossing off her obligations to the League as though they were light coverlets, were to declare war against Japan to recover the province unjustly taken from her, the United States would have to go to war against China and to aid Japan.

Suppose that Russia under her mad spell of Bolshevism were to attack some minor State, a member of the League what a mad war with its appalling cost in money and lives might the United States have to fight. When the Peace Treaty shall have been consummated, middle Europe will be divided into fifteen sovereignties. We are to be responsible from all these and be ready to face the future war that must come from the seeds of hate and injustice implanted in the Peace Treaty.

We are to bind ourselves to respect and preserve the territorial integrity and political independence of forty or fifty states for all time, not only when they are invaded but to do whatever the nine men in Geneva declare we shall do in case of even any threat or danger of aggression. We are to send our brave sons to be maimed or to lie wounded and dead in desert wastes, lone mountain passes, or tropical jungles.

les, because the boundary lines of some country, for whose area we do not, honestly, in our hearts, care a fig, has been threatened. It is impossible to conceive that this is prevented to us seriously. Do they imagine that America is a nation made up of either fools or fanatics? This is altruism gone crazy, internationalism running amuck.

Under this Article, State boundaries become petrified and unchangeable. Had this League been in operation in 1898 we could never have taken Cuba from the inhuman rule of Spain and given her a new start in life and might even have had to fight with Spain against Cuba. The United States should be free to elect which side it should fight on were war necessary, not to be compelled to battle on the side that may mean cruel wrong and injustice.

So dangerous is all that is covered in this Article that even if the whole Article were stricken out the menace would be merely lessened not altogether removed, for what would be banished as a direct specific agreement would largely remain by inference and in essence. We would be called into war by the general terms of the Covenant to do all that we attempt to repudiate doing in our cutting out of this Article.

### 15—Conflicting Statements as to Resorting to War Between the Nations.

ARTICLE XII says the parties to a dispute "agree in no case to resort to war until three months after the award by the arbitrators or the report of the Council." Articles XIII and XV pledges the disputant not to go to war with any party to the dispute complying with the award or the report. If the parties are not to go to war, why the three months' limitation? Or does it mean that if the parties do not comply with the award or the report that then they are perfectly free to go to war?

### 16—Where Nations Abrogate All Right to Settle Their Own Disputes.

ARTICLE XII says: "The members of the League agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter to arbitration or to inquiry by the Council." This means that every dispute likely to lead to a rupture must be submitted to one of two bodies: an arbitration court or the Council. The words are explicit, all-inclusive, final; there are no exceptions. No words or phrases are inserted such as "should the parties to the dispute be unable to reach a settlement between themselves" or "should diplomatic negotiations fail to bring about a settlement." The League assumes a monopoly in the settling of "any dispute likely to lead to a rupture": it prescribes a dilemma of recourse—either arbitration or the Council. There is no other alternative, and the members agree to this.

Under this Article XII should a "dispute likely to lead to a rupture" occur between the United States and Great Britain, the two nations could not get together to attempt to reach a settlement, or appeal to the kindly offices of a friendly

power. The nine men in Geneva, jealous of their prerogatives, could say to the two disputants: "You have no longer a right to attempt to settle this matter between yourselves, you have abrogated your right, under Article XII of the Covenant." This may possibly have not been the intent of the Article; this we cannot say with finality. But in ratifying the Covenant the United States binds itself to what every interpretation this Council can put on the words of the Covenant; not what we think was intended.

### 17—Menace of International Meddling Stimulated by the Covenant.

IF ANY individual meddles in the personal, business, or family affairs of another, assuming superior wisdom, offering unasked-for, unwelcome and obnoxious advice and suggestion, it is resented as unwarranted and impertinent intrusion. Such a course of interference in what is not one's concern is likely to lead to strained relations and broken friendships; it does not make for peace.

What is true as a principle with individuals is equally true as a principle with nations, for they are but individuals en masse, writ large as a collection of people united under a common government. The meddling which we all deplore in our personal lives this League by its Covenant actually stimulates, inspires and incites in the second paragraph of Article XI as follows: "It is also declared to be the friendly right of each member of the League to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb either the peace or the good understanding between nations upon which peace depends."

If the words "friendly right" mean anything in their relation to the context they mean that it is the "duty" of each member. The words "any circumstance whatever" could not be more general and all-conclusive. It is not even the representatives of the members but the members, the states, colonies and dominions themselves, that are thus urged to benevolent but impertinent interference. Suppose that Great Britain, constrained by a high sense of duty, were to call the attention of the Council to the fact that it was with a sense of deep regret that Great Britain had observed the now roused and growing opposition permeating Japan regarding the exclusion act of the United States, and that unless some thing were done to alleviate the situation that the peace of the world might be disturbed, and further might it not be, after all, that the matter was not one solely of domestic jurisdiction as America claimed?

Would this exercise by Great Britain of her "friendly right" as stated in the Covenant, materially strengthen the cordial relations between the two great Powers? Would the American press accept in a gracious, subdued spirit the suggestion from Great Britain? Would our government send a letter of thanks to its friend across the sea?

Suppose that the United States, with motives as pure and exalted as those of Great Britain, were to express her feelings in a talk with the Council or the Assembly, that the grow-

ing influence and control of China by Japan might threaten the "political independence or the territorial integrity" of the great Mongol empire and thus precipitate a world war.

Would not China, if she has any spunk inform the United States, that China considers herself amply able to manage her own affairs and diplomatically request the United States to concentrate her energies on her own activities? Might not Japan gently and regretfully rebuke America and inform her whither she might go?

### 18—Weakness of the League's First Method of Preventing War.

**A**RBITRATION, as a general method, can prevent war only when submission to it is compulsory and when fulfillment of its awards is compulsory. The arbitration, in the Covenant, fails in these two essentials. If nations would voluntarily submit disputes to arbitration, fulfill the award, and then would not go to war, there would be practically little need for this League of Nations. This could all be accomplished today without any League. They could appeal to the Hague Court, which is really a panel from which judges may be selected, or the disputants could agree to any other court, that might be formed. If nations were very good, they would of course arbitrate voluntarily, but the League has been formed because nations are not good and the League is to make them good, and yet the Covenant, on this particular point, has no power to make them good. Let us study both of the two points.

(1) Submission to arbitration is purely voluntary. Article XIII says: "The members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable to arbitration and which cannot satisfactorily be settled by diplomacy, they will submit the whole matter to arbitration." If either or both of two parties to a dispute do not want to submit to arbitration, all that is necessary to evade it is to plead an inability to "recognize that the dispute is suitable for arbitration." If either party fails to "recognize" they need not arbitrate.

(2) Suppose they do arbitrate and the loser, despite his agreement "to carry out in full good faith any award that may be rendered and that he will not resort to war against a member of the League which complies therewith" does not fulfill the award and does go to war, what can the League do to prevent it? The loser may find good excuses satisfactory to itself for dodging the agreement just as human beings sometimes do—"the decision was manifestly unfair and unjust," etc. If one or both of the nations decide to go to war, neither arbitration nor the League can prevent.

### 19—Weakness of the League's Second Method of Preventing War.

**D**ISPUTES not subject to settlement by arbitration are to be submitted to the Council, the nine men in Geneva. The inquiry by the Council amounts to less even than the resort to arbitration. Even when i

settlement is unanimous it merely advises or recommends. The parties to the dispute are not bound to accept the recommendations, but the parties bind themselves not to go to war with the one that complies. This is simply puerile. If nations were angels this would work. Of course the one favored would comply, but as the other does not accept the advice or recommendations of the Council, the dispute remains unsettled; the opposition, the bitterness, sense of injustice, etc., are burning as furiously as ever, the condition "likely to lead to a rupture" is just what it was before. Nothing is settled, yet one is ordered not to go to war. The Nation not complying has no higher appeal. Suppose were to go to war to end an unbearable condition the whole world, so far as represented by the League, would be against it. Can we believe such nonsense as this would end war?

Suppose neither party found the recommendations satisfactory and neither complies, could they then go to war? If so, on which side would the world fight? Would it fight against both or would the choice of sides be left to the individual option of the nations?

Suppose the Council decided that the question was purely within the domestic jurisdiction of one of the parties it would "make no recommendation for its settlement." After the Council has thus left the dispute unsettled, and has washed its hands of the whole affair, would the parties then be permitted to start a war, which could not be a private performance between the two but one into which the whole world must be dragged?

If the parties to the dispute really want advice or recommendations as to adjusting it they can get just as good brand from the leaders in their own countries and from advice of friendly powers as they can get from the nine men in Geneva who hold no corner on human wisdom. Surely the methods of the Council do not show it can prevent war.

### 20—Weakness of the League's Third Method of Preventing War.

**A**RTICLE XII says that any dispute likely to lead to rupture shall be "submitted to arbitration or to inquiry by the Council." If there be anything unequivocal in the Covenant it is the finality of these two as the only source of action on disputes. Yet in the drafting of Article XV some one suddenly remembered the existence of the Assembly and it was decided to let it try its hand at "inquiring" but it was not deemed necessary to incorporate the after-thought in Article XII.

Under certain conditions the Assembly may inquire into a dispute, on lines similar to those of the Council. Its findings must be approved by a majority of the members present in the Assembly and ratified by the unanimous vote of the Council, exclusive, in both bodies, of representatives of the members party to the dispute. The report of the Council does not have to be ratified by the Assembly, but that of the Assembly must be ratified by the Council unanimously.

The report of the Assembly is not mandatory but advisory, like that of the Council, and is subject to all the same inherent weakness and ineffectiveness to prevent war just cited in regard to the report of the Council.

### —Weakness of the League's Fourth Method of Preventing War.

IF IT were possible to get nations that were so infuriated and roused as to be ready to spring at each other's throats to wait a whole year, many wars would be prevented. This is not open to question, but the "if" is a very big one. Would a mere agreement to do so hold a nation that might already have borne past the melting-point of patience and control? It may be asked why would a nation have to wait a year? It would take sometime, perhaps a month, to arrange for the meeting of the court of arbitration of the Council, perhaps a month or so to present and argue the dispute, six months for an award, and then three months more before starting war,—ten months or a year altogether. Suppose one nation were suffering cruel wrong at the hands of another, could you possibly imagine the opposing armies, massed on either side of the border-line, eagerly regarding their wristwatches to determine the moment when the time-limit had expired so they might conscientiously fulfill their promise to the League? It is like telling an angry man to count 300 before speaking, so that his words may be calm and courteous. If he can be made to do it, it is good—very good. If nations can be made to do it, it is good, very good, but human nature will have to be revised first.

### —Weakness of the League's Fifth Method of Preventing War.

UNDER Article XVI the Covenant details the steps the League would take against any nation resorting to war. It is the fear of these that the League counts on as a deterrent to prevent war. Summed up in one sentence, it means that in the future every smallest war is guaranteed to be made a world war. This would be as if every city sought to stop street fighting by declaring that hereafter should any one start a fight in any alley, lane, by-way, street, avenue, highway, square or boulevard, it shall be the duty of all other inhabitants of the city to leave their peaceful occupation or business and join in said fight, in order that street fights shall be made so awful that individuals will be deterred from starting one." This might eventually stop street-fighting but oh, what a cost.

Under Article VIII, we have an impractical attempt at reduction of armies and navies, yet to fulfil the conditions under Article XVI would require that the country of every nation in the League be transformed into an armed camp, with soldiers trained, equipped and ready to go into war at the drop of a hat by the nine men in Geneva.

The League unreservedly guarantees that hereafter every war shall be a world war. Listen to the opening words of Article XVI: "Should any member of the League resort to war in disregard of its covenants under Articles XII, XIII, or XV, it shall *ipso facto* be deemed to commit an act of war against all other members of the League." The Covenant determines and declares that a condition not necessarily affecting or involving the rest of the world shall be made to affect it and involve it.

The member who resorts to war is to be fought with war

of every kind, war diplomatic, war economic, war industrial, war commercial, war financial, war of boycott, war of prohibition, of personal intercourse, war of every kind, culminating in war with armies, navies and cannon. Lest we forget, it may be noted that twenty-five, or so, nations united to use all these wars against Germany for a long part of four years before she was vanquished. Then, too, all these nations were roused to fever heat of hatred and revulsion because of her inhuman tactics, her barbarism, and her unspeakable atrocities; they were united, too, by the fear of what might come to them individually were Germany to triumph. Then, too, there were great armies and great navies, and yet Germany withstood this united opposition for years.

But in a future war, called by the nine men in Geneva, there may be no such rousing, no such thrill of a common inspiration to kill, no intense glow of a great common sentiment and a common emotion, fusing the nations into one body, with but one mind and one purpose. In the future our interest in the dispute may be but casual, impersonal, incidental and yet, at the general alarm, sounded by the nine men in Geneva, we are to jump into our uniforms and battle as valiantly for a theory of ending war as we then fought to kill an enemy common to us all and a menace that cast its dark shadow across every doorway.

### 23—Making No Distinction between Offensive and Defensive Warfare.

THERE is an eloquent silence in the Covenant as to the status of a member whose territory has been invaded by an enemy, either a member of the League or a non-member. If the member whose territory has been invaded, resists and repels the attack it is technically resorting to war. It is a defensive war, of course, but none the less war. The Covenant makes no distinction between defensive and offensive war.

Suppose the Mexican army should invade our Southern border, burn, pillage, and destroy our cities and outrage, torture, maim and kill our people, what should the United States do? Should our government, through its proper department, write a letter to the Secretary-General at Geneva and tell him all about it and ask him to try to get the Council together? Should we then wait a month or so at a hearing, wait six months for the report and then three months more before beginning war on the Mexicans. What, think you, would the Mexicans be doing in the meantime, that golden year of immunity in their one-sided war?

As the Covenant chances not to say anything of this subject, could we perhaps risk offending the Council by deciding this little matter for ourselves, just in our own way?

### 24—The Entangling of National and International Questions.

UNDER Article XV the nine men in Geneva may declare, in a dispute with two parties, that the subject is, under international law, solely within the domestic jurisdiction of one of the parties. But international law makes no clear distinct line of demarcation be-

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between domestic and international questions. International law is not codified so that you may turn to a given page as one would turn to the "Code of Civil Procedure" and find the answer. It is vague, made up from treaties and decisions, from many sources, precedents but not finalities, and absolutely without enactment or power to give them enactment. If the Council can decide that a certain question is a domestic question it might on different authorities decide it an international question, and in that case the dispute would go to arbitration, should both of the parties agree.

Japan pleads international law against our discriminatory exclusion of her emigrants from her shores. Japan makes it racial, we might consider it merely economic. We claim it is purely a domestic question. Our tariff policy we also declare as subject to no foreign interference. Dozens of other similar questions would be thrown by us into the chaos of League adjustment where we might be forced to submit or to go to war, if we entered this League. The final tribunal of international disputes is either arbitration or war. The League, with its whole incomplete, inefficient and ineffective plans interposes itself and by its very interference would foment discords which it could not allay, and in this as in other phases it would breed war instead of preventing it.

## 25—How It Is Proposed to Treat Non-Members of the League.

**B**Y WHAT right, under international law, can this League, this super-government override, coerce, and bully states, non-members of its body, that have not surrendered any of their sovereignty to it and do not recognize its self-constituted authority? Starting out brazenly with such an appalling assumption of power, what will this League become when it has fattened through the years?

A State, free and self-governed, has, under international law, these three attributes: (1) possession of sovereign power to pledge the community in its relation with similar sovereign communities; (2) independence of all external control; (3) dominion over a determinate territory. Each and all of these three essentials of sovereignty, which inhere as truly and as absolutely in the smallest as in the most powerful State, this League rides over and reduces to nothingness.

Contrast the statements given below of what this League proposes to do to these non-members with the high-sounding, virtuous claims of the preamble of the Covenant. There its attempt to achieve international peace and security is to come, among other ways, "by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as to the actual rule of conduct among governments." Let us see how these fine professions of theoretic virtue fade away when brought in contact with realities.

Under Article XVII should there be a dispute between a League member and a non-member, the non-member is invited to temporary membership to give the League opportunity to fix up matters. The non-member State may never have been invited to join this elite society of governments, or it may have been invited and then blackballed as unworthy. Even now if the temporary membership be accepted, it has a seat-card but it is not considered of the

same class as the regular members and it gets some special treatment: "the provisions of Article XII to XVI inclusive shall be applied with such modification as may be deemed necessary by the Council." Should the non-member State refuse these kindly offices of the nine men in Geneva and go to war, all the varieties of wars, catalogued in Article XVI, are to be let loose on her.

Should two non-members be "invited," refuse and then go to war, the Council "may take such measure, etc." This means only degrees of Article XVI. By what right does this League, which excludes from its membership a group of States in Europe comprising more than half the population of Europe, attempt to deprive them, or any of them, of "independence of all external control"?

Under Article XI "any war or threat of war, whether immediately affecting any of the members of the League or not is hereby declared a matter of concern of the whole League." The League has no more right to declare that these non-members *shall not* go to war, than the non-members of the League should have to unite and form a counter-association and declare that the members of the League *shall* go to war. Even granting the honest intent and exalted aim of the League does not excuse or condone its methods with those not in accord with it. The school-boy's definition of the Puritans applies well to the League, when he said: "They were men that came to this country to worship in their own way and to make other people do the same."

Under paragraph 1 of Article XVI should any member of the League resort to war, the League immediately subjects it to the severance of all commercial and financial relations and all personal intercourse, and all this applies to the nationals of a non-member just as to a State member of the League. What becomes of the Sovereign power of these neutrals in the face of the militarism of the League? It dares to do this because it has the might, but that does not make right. Members must give passage to troops through their country. How long would it be, with the rights of neutrals already outraged, before the League would force passage for its armies through the State of a neutral as Germany sought to sweep its armies through Belgium?

## 26—The Limitations of the Proposed Permanent Court of International Justice.

**A**RTICLE XIV says: "The Council shall formulate and submit to the members of the League for adoption plans for the establishment of a permanent court of international justice." The Council is to do this; the Assembly, as in all cases of real important work is not considered. The plan is to be submitted to the members of the League, that is to the Nations direct. What body in the United States is to approve or disprove the adoption? This brings again vividly the point as to whether it is our people or the government that is represented in the League. This determination would be decisive in placing the power that should properly approve or disapprove of the plans for the Court. What is to determine the adoption of the "plans"—the unanimous vote of the nations, the vote of two-thirds or the vote of the majority? The Covenant does not say.

This proposed Court is to be "permanent." Is it to be

permanent in the sense of having continuous existence as an institution or is it to be always in session? It will have two fundamental weaknesses: (1) recourse to it is not obligatory, for Article XIII gives disputants the choice of courts in the words: "The court shall be the court agreed upon by the parties to the dispute or stipulated in any convention existing between them"; (2) it cannot enforce its decisions. It would have the value only of any other international court when voluntary submission of a dispute is followed by voluntary acceptance of its decisions or voluntary rejection.

### 27—When the Council Fails to Settle a Dispute Between Members.

**B**Y the terms of Article XV should the Council fail to come to a unanimous agreement in its attempt to settle an international dispute, we have a curious situation. The nine men in Geneva, in whom the world is asked to believe as able to prevent war, having met another failure, have a bright idea. The Article states that, when the Council has found it can do nothing, "the members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice." The members of the League, remember, are the States, colonies and dominions themselves. The disputants are ruthlessly cast out of the sanctuary of the Council room and thrown into the arena where thirty-three nations may do with them as they wish.

The members take "such action as they shall consider necessary," individually, for the League is the only method provided for the members to act collectively or in concert. Suppose the disputants felt that the treatment later received at the hands of any or all of the thirty-three nations is so unjust that it is "likely to lead to a rupture" should the aggrieved parties, in loyalty to their agreement with the League, be again required to appear before the nine men in Geneva to have the new disputes settled as was the old one?

### 28—Vague, High-Sounding Generalities to Distract Attention from Failure.

**A**RTICLE XV says that if the Council fails to reach a unanimous report, "the members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice." Who is to determine then and how can it then if undertermined be maintained?

There are a number of similar clauses, vague, high-sounding generalities in this Covenant. Wherever the Council fails or is in a tight place, there is introduced some such clause to cover its failure. There is in each, a suggestion that the Council has in reserve a trump card up its sleeve, but we feel the sleeve—and it is empty of cards.

### 29—The League's Powerlessness in the Matter of International Treaties.

**A**RTICLE XVII says: "Every convention or international engagement entered into henceforward by any member of the League shall be registered with the Secretariat and shall, as soon as possible, be published by it.

No such treaty or international engagement shall be binding until so registered."

Assuming for the moment, though not conceding, that this is an unmixed good and would make for peace, why should not all *existing* treaties be included? With all Europe interwoven by secret treaties which are still in force and which will so remain, little good will be accomplished. Under Article XX the members agree to get out of all these treaties not consistent with the League. Can you imagine them doing it? Are they to be so good that they will never make another secret treaty? If they did, what could the Council do with its foolish and impotent last clause as to the "binding" quality? If France and England made such a treaty and wanted to keep it what power could the League, or the nine men in Geneva, have to compel them to break it? If two nations made a treaty and registered it and one abrogated it, what power would there be to enforce it?

Under the acid test of direct application, the whole power of the League is shown to be a pseudo-power dependent on voluntary acceptance and submission; it has no power to compel. The power of the League is like a lead nickel, it is just as good as a real nickel so long as it is accepted, but when it is challenged it is worthless.

### 30—The Hopeless Muddle in the Matter of Amending the Covenant.

**T**HE Constitution of the United States gives in explicit words the method of procedure in amending it; there is nothing similar in the Covenant-Constitution of the League. Shall the proposed amendment be initiated by the Council or by the Assembly or by either? Shall it be discussed by two bodies separately or in joint session? Shall any member of either body have the right to propose it and what is the next procedure? Shall the proposed amendment be discussed simultaneously or shall it be referred only to the other body when the initiating body shall have acted? What is the vote necessary to pass it, ready for ratification? No single one of these questions which are so vital, are answered in the Covenant. Could not the representative of any member in either body declare that "as the Covenant does not provide a way to amend it, the Covenant should be amended so as to provide a way to amend it"?

To realize not merely the doubt and confusion but the absolute chaos of Article XXVI it must be read in full and studied carefully: "Amendments to this Covenant will take effect when ratified by the members of the League whose representatives compose the Council and by a majority of the members of the League whose representatives compose the Assembly. Such amendment shall not bind any member of the League which signifies its dissent therefrom, but in that case it shall cease to be a member of the League."

When read hurriedly one gets the idea that the amendment must be ratified by a unanimous vote of the Council and by a majority vote of the Assembly, but this is incorrect. The amendment must be ratified by the members themselves, not their representatives; the members are the States or dominion or colonies making up the League, and nothing else it

said as to the manner of initiating the amendment to give it the preliminary passage that must precede submission for ratification, we are at sea in attempting to understand.

Suppose that somehow the Amendment has passed some body or bodies in Geneva (at present unknown) and were submitted to the United States for ratification. As an Amendment it would doubtless follow the same process as required for the original Covenant, the joint action of the President and the Senate. Were this ratification not forthcoming the Amendment would be killed, for as one essential to its effectiveness it must be ratified unanimously by the members represented on the Council. If these nations were unanimous in ratifying and a majority of the other States, colonies or dominions represented in the Assembly also approved, the new Amendment would be carried.

But would the minority of the members represented in the Assembly by their refusal to approve be construed to have "signified" dissent therefrom? Or would it have to be "signified" after the Amendment had been finally adopted? In either event why is the point left open for honest doubt as to the meaning? Why is the member "signifying dissent" not given the privilege of withdrawing, instead of being expelled? Why too is no time limit set for ratification?

### 31—Dangers of the System of Mandatories as Outlined in the Covenant.

THE longest Article in this Covenant is Article XXII, relating to mandatories, and is concerned with the orphaned colonies or dependencies whose nation-fathers have died politically in our present war. They are in various stages of helplessness as the Covenant shows and require different kinds of guardianship.

These communities are of three classes: (1) Parts of Turkey, with recognition of their existence as independent nations yet "requiring administrative advice and assistance by a mandatory until such time as they are able to stand alone"; (2) other peoples so undeveloped that the mandatory shall be responsible for the administration of the territory; (3) small-sized territories which are to be administered by the mandatory as integral parts of its own State.

With the communities of the first class it is stated that "the wishes of these communities must be the principal consideration in the selection of the mandatory." As nothing is said as to the wishes of the other two classes it must be assumed that their wishes for a specified mandatory or for any mandatory at all are to be treated with high-handed disregard. This League—which does not own one acre of the territories it is thus parcelling out to guardians nor of which not one acre is owned by any one of its members—assumes, through its Council the right to force a government on these people which they may not want nor which they may not approve.

The Council issues its Charters much as the English Kings granted them for the colonial exploitation of America. The Council, the nine men in Geneva, in the last analysis, handle the whole affair. They issue the mandate, they prescribe its "explicit" terms, they appoint a permanent com-

mission to receive and examine the annual reports of the mandatories and to advise the Council as to the observance of the mandates. The nine men in Geneva are the "whole show," in this as in every other Article; the Assembly is no more considered than if it had been dead several years.

The mandatories are to force an unwilling civilization and an alien code of morals and ethics on peoples to whom the whole thing may be repulsive. Their wishes are not consulted in the least; the nine men in Geneva assume dictatorship over them in every detail—a benevolent dictatorship, it may be claimed, but containing the seeds of a monopoly and tyranny that may prove dangerous. You may say this is foolish fancy, an alarmist seeing red. Then read this, just as a simple instance from Article XXII, paragraph 5, "and will also secure equal trade opportunities for the trades and commerce of *other members of the League*." The italics are ours. By what right does the Council limit the equality of opportunities to its members and thus bar out the rest of the world? And this in the interests of world peace!

The whole scheme of mandatories as here planned is wrong. Even in Paris before the League had been approved and accepted the rush for the spoils began. Such a question was too big to be settled off-hand by a few men. Jealousies have already begun, just a foretaste of what is to come. Belgium is feeling sore that German East Africa, for which she felt she had special rights, was given to Great Britain. Italy wanted a mandatory, but when she left the Conference and later returned in the person of Premier Orlando, he found the last of the mandatories Italy might take had been disposed of. The watermelon had been cut and distributed.

It may be obtruding a shameless commercialism into a meeting of idealism and altruism, but one might perhaps be permitted to ask, "does the mandatory pay all its own expenses?" The Covenant does not refer to this pecuniary problem at all. We turn to the dictionary for help and find that a mandatory is "one who undertakes, without compensation, to do service for another with regard to property placed in his hands by the other." Of course the last three words do not apply here, but that is a detail. But what is not yet clear is that while the mandatory does not charge for his services, are his actual disbursements and expenses to be paid, and if so, by whom?

The two lemons that the League desires to hand to the United States are the Constantinople and Armenian mandates. We are asked to cast ourselves headlong into this tainted mess of lying, corruption, diplomacy, of sedition, intrigue, jealousies, Turkish secret working and tricking to regain control, Russian Bolshevism, and religious warfare. We are asked to accept the guardianship of these peoples whose territory is the cess-pool of Europe, with internal and external discords that have been a stench in the nostrils of Europe for a century.

The United States is to be the Don Quixote setting forth on a glorious mission to redeem the world. This work in Turkey might cost us many millions, even billions before we are through. What would be our relation to the national debt? How many lives of our sons would we have to pay to battle with the countless opposing forces in

this troubled and benighted country? Is Russia, that wanted Turkey for herself, to accept calmly our government of it? Would any one nation in the world be satisfied with our method? No, they would all be condemnatory and critical where we failed, bitterly envious were we to succeed.

### 32—When France Expresses Her Contempt for the League.

**T**RULY the big nations of Europe do not take much stock in the League of Nations. Italy wants Fiume for her protection on the Adriatic. Why would she want it for this reason or would she put her demand on this ground if she really believed in the League? England shows no enthusiasm; her deep interest is in the Peace Treaty. France, not satisfied with her new territorial defence against the possible invasion from a prostrate, crushed and impotent Germany, guaranteed helpless as a babe for decades, wants a pact with Great Britain and the United States to come at once to her aid if attacked by her old enemy. Under the Covenant, France would have over thirty nations, and these include the two with which she asks the pact, pledged to fight for her if her territory were invaded.

Could there be a more contemptuous fling in the face of the League of Nations? France, who knows the League from the inside, has heard all the discussions and is acquainted with every detail of the Covenant from A to Z—all of which we, the people of America, know nothing—treats the League as a weak joke or an elaborate visionary scheme on paper at which she laughs quietly in her sleeve. France, devastated, impoverished, stricken and suffering, lying open to any enemy after her heroic struggle, the one nation that has most to gain from the League, sniffs at it. If France believed in this League, she could rest in perfect calm and peace at night, sure that her "territorial integrity" and her "political independence" were safe and guaranteed forever.

What France says in effect when she demands the pact with the two greatest powers in the world, is this: "Just give me one good old-fashioned, reliable treaty with the United States and Great Britain that they will stand by me against one enemy and it will count more than all the Covenant promises of over thirty nations to defend me from all enemies." The demand of France is not courteous nor complimentary, but it does show good, sound common-sense.

### 33—When One Foreigner Could Prevent The United States from Signing a Treaty.

**U**NDER the terms of the proposed treaty with France by which the United States and Great Britain pledge themselves to go to the defence of France if she should ever be attacked by Germany, the treaty must be ratified by the nine men in Geneva. Suppose that the United States were not merely willing to sign this treaty but were intensely anxious to sign it, their will might be set aside by the opposing vote of one man in the voting of the Council which under the Covenant, must be unanimous.

### 34—Covenant of the League Irreconcilably Antagonistic to Monroe Doctrine.

**O**UR Monroe Doctrine and the Covenant of the League of Nations, are in direct irreconcilable antagonism. If we sign the Covenant as now phrased, we kill the Monroe Doctrine. The pen that signs the Covenant automatically kills the Doctrine. Here is the proof:

The opponents of the first Constitution of the League of Nations demanded recognition of the Monroe Doctrine. Will this grudging, misleading, and meaningless paragraph satisfy the Senators and other leading men of the nation who are attempting to stand bravely by the Monroe Doctrine? Note the wording: "Nothing in this Covenant shall be deemed to affect the validity of international agreements, such as treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace." Those that prepared this Article XXI by misclassifying the Monroe Doctrine as among "regional understandings" either through ignorance that is unbelievable or through wilful perversion that is cunning, nullify their recognition of "validity." It becomes absolutely worthless.

The Monroe Doctrine can be roughly epitomized in the statement: "The United States will not interfere in the affairs of Europe nor will it tolerate European interference in the affairs of the two American continents." This is not a "regional understanding." The Monroe Doctrine is unilateral, a mere statement of the attitude of mind of the nation. It is not a law, a treaty, nor an agreement. It is but a declaration of the point of view of the United States, of its determination to safeguard its national peace and security. This is one-sided; an understanding is two-sided, implying the acceptance of a declaration of one, by another.

What is the specific Monroe Doctrine whose "validity" is evasively recognized in the Covenant? Is it the declaration made by President Monroe in his message to Congress in December, 1823—just this and nothing more? But the Monroe Doctrine is more than this. It means all that nearly a century of tradition and interpretation has put into it. For "Europe," it now substitutes the Eastern hemisphere, for we would apply it to Asia and Africa as well as to Europe. The Monroe Doctrine means whatever the United States, at any time, declares it to be, by its own interpretation alone, in accord with the big spirit of its purpose.

In the future the League of Nations may, in spite of its acknowledgment of mere "validity," be called upon by some foreign power to interpret the Doctrine. Were the League to do this, the Doctrine as thus interpreted would no longer represent our thinking, no longer be our Monroe Doctrine.

Suppose that Japan were to purchase part or all of lower California from Mexico we should naturally construe this under the Monroe Doctrine, as an "unfriendly act." The dispute might bring us to the point of war. Should we refer this dispute to the nine men in Geneva? If so, what of the use of the Monroe Doctrine? Should we take it into our own hands and go to war, what would be the status of the League toward two of the members of the Council at war with each other in direct antagonism to the spirit and purpose of the League? If we claim the "exclusive right"

decide certain questions for the two American continents under the Monroe Doctrine, then this exclusive right cannot be shared with others nor exercised by them.

Another and more serious phase of the question is this: What matters the approval and support of the Monroe Doctrine by the League, if we ourselves abrogate it? How can we become members of the League under its Covenant and yet preserve the Monroe Doctrine when mere membership is in direct opposition to the Doctrine? The opening lines of President Monroe's pronouncement read: "In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defence." How in the face of this declaration and in loyalty to it, can the United States sign an agreement that binds us in honor to take part in every dispute between nations not only in Europe but all over the world and to enter into war at any call of the nine men in Geneva, even where neither "our rights are invaded, nor seriously menaced"?

If we sign the League of Nations Covenant we *ipso facto* tear up the Monroe Doctrine. Our action would be as foolish and as contradictory as that of a man declaring that he would never take another drink, and sometime later signing an agreement solemnly binding himself "to take a drink whenever and wherever called upon so to do." Then suppose that merely to make himself feel he is not forsaking his principles he secures a clause in his agreement to the effect that "nothing in this agreement to drink whenever and wherever so called upon shall be deemed to affect the validity of the earlier declaration never to take another drink."

Are the American people or their representatives so blinded by optimism, idealism, altruism and belief in this particular League of Nations as the only means of safeguarding world peace, that they will be fooled into believing that there is no irreconcilable antagonism between the Covenant and the Monroe Doctrine? If the present Covenant be so perfect, so wondrous, so effective a guarantee of world peace that we must sign it, and that it, as an untried plan is superior to our tested Monroe Doctrine, let us by all means sign. But let us do it with our eyes open and let us then consign the weak, worn and outlived Monroe Doctrine to oblivion, and prepare ourselves as a nation and as a people to ignore our national conscience and to live only in accord with the leading and decision of the nine men in Geneva.

### 35—The Covenant Is Irreconcilably Antagonistic to the Constitution.

THE Covenant of the League of Nations contravenes, so far as we are concerned, the Constitution of the United States. It is unconstitutional. If we sign it, the action being unconstitutional, the signing is of no avail. The people cannot surrender any inherent power committed to them by the Constitution, except by constitutional amendment. To sign this Covenant is to make such a surrender. If for no other single reason than this, the United States Senate should repudiate this Covenant and

refuse to sign it because of its unconstitutionality. Here is the proof that the Covenant is unconstitutional.

Congress has under the Constitution the power to regulate "commerce with foreign nations." If this means anything it means that what Congress decides shall be the final judgment in our relation in trade. But if the nine men in Geneva declare that (under Article 16) we can have no trade with Russia, Japan or some other country, that we can neither receive imports from her nor send exports to her, when we accept this command to sever trade relations with a country that has done us no wrong or against whom we have no grievance, when we submit to this dictation from an extra-constitutional body, when we are thus forced into a sympathetic international strike and trade boycott against any country, then the Congress has no longer full power to regulate our "commerce with foreign nations," and any *carte blanche* agreement to submit to this is unconstitutional.

Congress has under the Constitution the power to provide and maintain a navy. This means as an essential that it is Congress that is to decide the character, number and size of that navy. If the nine men in Geneva are to decide this for us, then the agreement that compels submission is—unconstitutional.

Congress has "the power to raise and support armies but no appropriation to that shall be for a longer term than for two years." This implies as an essential that Congress, not nine men in Geneva, shall determine the size of that army. According to Article XVI of the Covenant, in the event of a world war, we pledge ourselves to support one another in financial and economic measures, etc., "practically signing a blank check for our own expenses and whatever nations we might have to help, knowing nothing of the amount, where we have no option in the spending, and under the conditions that we have bound ourselves to do this to "preserve the territorial integrity and political independence" of any or all of 40 or 50 nations. Is this in accord with the wisdom of the fathers in writing our Constitution to limit Congress to a two years' appropriation? This, too, is—unconstitutional.

Congress has the power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." Under the Constitution Congress has the final power to determine whether the United States shall or shall not go into war. It has no right to delegate this power to nine men in Geneva. Any delegation of this power is not merely voidable; it is void.

Suppose a treaty were made between the United States and England wherein occurred these words: "The United States agrees to go into war only when so directed by Great Britain." Would the Senate accept this as constitutional? It would be said, of course, that the decision to go into war or to remain out of war rests with Congress alone. If such a treaty would be unconstitutional when negotiated with a single nation, would it suddenly become constitutional if made with a number of nations combined into a single body? The Constitution of the United States in Article VI, Section 2, says: "The Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties which shall be made under the authority of the

United States shall be the supreme law of the land." Should the Senate accept any treaty of peace incorporating the Covenant of the League of Nations as given, then the signing is not in accord with the Constitution of the United States.

Either the Constitution of the United States is superior to the Covenant of the League of Nations or the Covenant is paramount over the Constitution. In the first instance, the Covenant being in antagonism to the Constitution the Covenant must be set aside and remain unsigned. If the Covenant be accepted, and signed, and sustained, then the Constitution of the United States goes into the discard.

The powers of Congress as given in Section VIII of the Constitution are entrusted to it alone; it has no power to surrender them or to abrogate them; it has merely power to execute them as need demands. If the American people desire to take these powers from the American Congress in order that we may in the future be guided in our international relations by the nine men in Geneva, then the only proper and effective step is to amend our Constitution so that we may at least retain part of a noble document that has sustained us in over 130 years of our national history.

### 36—Wherein the League of Nations Is Basically Wrong and Unsound.

SOME of the weaknesses in the Covenant of the League of Nations are due to its ambiguities, its obscurities, its omissions, its inadequacies, its contradictions, its unwarranted assumptions. But the serious part is that the League is wrong basically, fundamentally, organically. These wrongs cannot be righted by any minor corrections; they would demand radically changing the character of the League itself and writing an entirely new Covenant.

The League of Nations is not a League of Nations, for this means "a league of peoples united under governments." It is a League of Governments. It is not truly even this, for a League of Governments suggests a league of sovereign States, equal by virtue of their Sovereignty, with equal voices and equal rights. This is a League of the War Allies, a League of the Great Powers, a League of the Governments of the Supreme Military Powers of the World. Whatever it may be it is not a League of Nations.

This League of Nations is not based on democracy; it is based on autocracy, and a military autocracy at that. The word "democracy" or "democratic" never once occurs in the twenty-six Articles of the Covenant; there is no breath of it, no spirit of it, no suggestion of it from beginning to end. The word "people" or "peoples" never once is mentioned except in Article XXII referring to the peoples of territory that neither belong to the League or to any member of the League, but which the League, through its mandates is to govern. The League does not represent democracy; it is a plutocratic oligarchy.

This League of Nations does not treat even its own members fairly. It gives practically no true representation to nearly three-quarters of its members, for the Assembly has been shown as an impotent body with permission to amuse itself by talking while the nine men in Geneva "run the

show." Five great powers are perpetual members of the Council; four other powers are to be added to their number. These four are temporary, subject to change. After the League gets really started, for how long will the "members represented on the Assembly" be satisfied to do just as they are told, with no voice in the telling?

This League of Nations is a super-government, yet the frailty and insecurity of its delegated powers forces it to wobble in its statements in every instance in the Covenant where it attempts to take a bold stand. The fallacy of it all is that it has no absolute power except as this rests on the loyalty of thirty or forty nations to mere promises. Whenever the pressure or inconvenience is too great the promises will snap. The League attempts to do many things which no nation would dare to do, which it would recognize as in opposition to international law, which would lead to war if it dared to do it, yet the nation has inherent power which this new super-government has not. Much of the power this League has under its Covenant, is because the people of the world have been hypnotized by the name of the League, by their belief that it can end war, and they fail to realize the full extent of their sovereignty that they are delegating.

This League of Nations has for its one real reason for being its claim to prevent war. It is this claim that has so caught the popular imagination, that it has in countless instances assumed that the plan itself is therefore good. If you were asked to buy stock in a company just organized to put a new fire extinguisher on the market, your first question might well be: "Will it put out fires?" Should you find that it does not put out fires, but is likely to kindle them, you do not invest. The Covenant of the League of Nations does not prove that it can put out the fires of war, but it does show in many places that it is likely to kindle them.

That this League of Nations has these basic weaknesses does not prove that the world would not be the better for a real League, a League on different lines, based on bringing the nations together in a safe, sound practical way of conference and united wisdom rather than of a futile attempt at world government by nine men in Geneva. This is neither the time and place to present even an outline of the better way—that must wait till America has realized that the League of Nations is not the right way and that it has not even the foundation upon which that right way can be built.

### 37—Ratifying This Covenant Grants a Monopoly to One Plan for Ending War.

THE League of Nations is an untried experiment. It has weaknesses, obscurities, self-evident evils and cannot guarantee to end war. Should one or more of the great powers break away from it or a number of the smaller ones withdraw or be expelled, the organization would still persist. It did not originate in a meeting of representatives of all nations getting together at a time when, free from the consideration of other questions, all possible plans could be suggested and discussed calmly, leisurely and in perfect freedom. It was created in an atmosphere of jealousies, intrigue, suspicion and

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terests, by a few men, who were seeking to accomplish the solution of two appalling problems simultaneously.

Once committed to this scheme the world grants a perpetual charter to this one plan, a monopoly of the preservation of world peace to this one League. In a few months the League, with its rigid Covenant, would have so involved and obligated the nations that a new, better way could not be tried. There is a better way to prevent war and to secure permanent world peace. Is the United States willing to sign away in perpetuity its right to the better way? Article IV states that the United States shall be represented in the Council. Were we to repudiate this Covenant by failure to ratify, it is extremely doubtful if the League could proceed without amending the Covenant; this might take many months.

There is no immediate impelling need to pledge ourselves to this League, as the one only final method of preserving peace, especially as this Covenant opens up more avenues for breeding war than for killing it. Never was the world so safe for any serious war, for a year at least, as at the present time. One single year would be long enough to have the world practically guaranteed against war by the better way, without the entanglements incidental to this complicated machine with its self-evident dangers and its subtle menace.

### 38—Failure to Understand Covenant Makes Ratification a Nation's Plunge into the Dark.

**T**HIS document, perhaps the most important and most potential for good or evil that the world has ever known, has been drawn with a carelessness and slovenliness that would be unpardonable in the simplest commercial contract. The Covenant is filled with inaccuracies, ambiguities, vague phrases possible of different interpretations, contradictions, and occasional generalities that may mean much or nothing; there are vital omissions where we can but guess at what was intended, places where two equally keen minds would find antagonistic meanings.

Were the Senate to ratify this Covenant, it would in reality be ratified in the dark. Once committed to it by the ratification of the Senate, the United States would have to stand by any interpretation that might be given of any word, phrase or paragraph. There is no Court in the world having power to construe it nor to determine its meaning. It will be interpreted by the members of the League that are to exercise power under it—the nine men in Geneva, the Council. From what they say or decide there is no appeal; their rendering is final and absolute. (The Senate of the United States could not amend it in any way to untangle its entanglements and to make every point clear, without practically re-writing the whole document.)

### 39—Iniquitous Pressure Brought to Bear on Those Opposing the League.

**T**HERE is an unfair and unjustified pressure being brought to bear, by many favoring the Peace Treaty with its Covenant of the League of Nations, upon the Senate of the United States and upon public opinion. There is an attempt to stampede ratification by threats that will have should we not ratify. They flatter

boo of the long deferred peace that would follow our refusal to accept the Treaty part, and the chaos that would come to Europe were the League not approved.

The emptiness of all this threatening and terrorizing that even if the Senate were to reject the treaty altogether the signing by the Allies would give to them all they are asking. Congress can without an hour's delay declare that the "state of war thrust upon" this country, as it declared on April 2, 1917, no longer exists. We were not party to the agreement between the Allies not to make a separate peace, for we entered the war independently. The treaty of peace that the United States need to make would be simple that Germany and Austria would not hesitate a moment, after accepting the treaty with the Allies. The Senate of the United States will not consent to be dragged into taking action that it may decide is not what it deems right to take. Such tactics on the part of those who are using them, are unfair, coercive, iniquitous, and an unwise attempt to mislead and fool the American people.

### 40—First Duty of the Senate Regarding the Two Documents in One.

**T**HE Senate of the United States is asked to ratify the Treaty of Peace, incorporated in which is the Covenant of the League of Nations. It is in reality the two most important documents the world has ever known united in one. They have required months of consideration in preparation and drafting. One is to settle our present war, the other aims, so far as is humanly possible, to prevent future war. They are essentially different in purpose. To consider the two together means injustice to one or to both. Either one may be sacrificed for the other.

The first duty of the Senate, it would seem, is to cut the Gordian knot of difficulty by separating the two and giving its earliest attention to the Treaty, as the more immediate of the two documents. This would necessitate amendments to connect the loose ends incident to separating the Treaty from the inter-related Covenant. Then with whatever other amendments, reservations or other action the Senate might make, the Treaty might be ratified and our present war conditions would be ended and the world would be put in a condition to start afresh and to face the future.

With the Treaty thus settled the Senate would have time, carefully, calmly, unhurriedly, and uncoerced by pressure, to consider the Covenant in every detail.

### 41—Appalling Price America Would Pay were She to Ratify This Covenant.

**F**OR more than 130 years the United States has been independent as a nation. She has grown powerful, prosperous and influential as a union of free people. With the courage and pride of her individuality she has been working out her own destiny in her own way, neither interfering with the rights of other nations nor tolerating interference with rights exclusively her own. She has not lived a life of selfish isolation, but has offered an asylum for the poor and oppressed of all peoples, and her hand and

further that they will mutually support one another in the financial and economic measures, etc." With Europe on the verge of bankruptcy and starvation, what would this mean? It would mean that the United States would pay not only her own share but that of many other States, who either could not or would not put up their quota. It reads smoothly enough on paper, but we had one domestic experience which should prove illuminating. At the time of the American Revolution, every State was pledged to do its part and to furnish its quota of force and money, but many States failed to make good and the burden fell on the others. A similar situation occurred in our War of 1812 when the States of New England refused to put their State troops at the disposal of the Federal Government. Yet we are asked to depend absolutely on the myriad promises, stated and implied, in this Covenant.

America has, in all the multiform activities of the League, the least to gain and the most to lose in every single respect, and from every point of view that can be considered. If the United States ratified this Covenant she would fulfil her pledges. Her very earnestness and enthusiasm would inspire other nations to hold back; America would be willing to do her part and other nations would permit her to do her part—and theirs, too. "Let George do it" has its international as well as its social application. Are we so anxious to assume the role of pulling the European chest-nuts out of the fire that we will accept the singeing that is guaranteed and inevitable?

Were the United States to enter this League, it would soon become the most cordially hated nation in the world. Our very power would generate jealousies and envies; we would be severely criticised and condemned alike for what we would do or leave undone. For every failure we would be blamed, yet in every emergency we would be called on for money, men, or other resources. This tendency has already manifested itself with many of the powers; from suspicion, doubt and fear, it is but a short step to hate. If we throw ourselves headlong into this maze of intrigue, diplomacy and international problems we shall deserve all we get. As the separate points of this dissection and analysis of this Covenant are studied, and when all the strong points made by others are considered, the question no longer is: "What satisfactory reasons can be given why America should not go into this League?" but "What one real satisfying reason can be given why she should go in?"

With have ever been ready at the call of every great human d, abroad as truly as at home. She has become a world ver because she has not sought world power. Whatever has done has been her voluntary act, performed in ac- d with her national conscience which has been kept at ne, not put into pawn to any foreign power nor any

indicate of powers. But now we are asked to change all this. We are asked to trade the Aladdin's lamp of our nationalism, which has moved to be such a treasure, for a newfangled contraption a cheap, hastily-constructed, foreign-made lamp of in- nationalism. For a tried, tested and true reality we are asked to substitute a dream. For a rich and certain estate in our hands we are asked to accept the blue-prints of me imaginary city of wondrous glory. For our birth- right of freedom and independent government, they want us to take the mess of pottage of this paper scheme of slavery to nine men in Geneva. Let America's answer be brief and final: "Gentlemen, we have studied your elaborate pro- actus, but we do not like it, and we decline to invest."

We are to sit with eight other men as a super-government, meddling in the affairs of all nations, passing judgment with the finality of suddenly acquired omniscience on the dis- nutes of all, acting as arbitrator of the morals of all, const- uring ourselves trustees of the destinies of the world. Has America made such an astounding success of her own prob- lems in the past? Has she mastered the appalling problems that confront us at home at this very hour? Has she with- out infinite wisdom, guided chaotic Mexico into ways of good government that we are now sublimely equipped to join in the "benevolent" autocracy of the whole world?

Let us look the facts coldly, clearly and calmly, squarely in the face. Europe does not want the United States just for ourselves, through her deep affection for us; she wants us for our money, our men, our ships, our initiative, our in- finite resources. There are those that try to seduce us with the alluring and deceptive cry that "America must take her part in the affairs of the world." Yes, but America must be her own judge of what she will do, where she will do it, when she will do it, and how she will do it. It must be by her voluntary act; she must be moved and inspired from within, not dictated to, directed and controlled from with- out; she must play the game herself, not become a mere pawn in the hands of other players.

Article XVI says: "The members of the League agree

**THIS** Presentation of the menace of the League of Nations is a strictly non-partisan study of a great non-partisan issue. No more important question has ever been brought before the American people for their de- cision. The American people can be trusted to say the right thing and do the right thing when they fully un- derstand the facts. Every thinking American should have a copy of "What Every American Should Know." The American people need to be roused.

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