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White, William Allen, 1868-1944.

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THE DEBATE ON THE LEAGUE OF NATIONS (Democratic Convention)

SPEECH BY NEWTON D. BAKER

Mr. Chairman and Ladies and Gentlemen of the Convention:

It will be assumed that I would not venture to ask your consideration, at this late date, in this long convention, upon a minority report unless I felt that the gravity of the subject justified it.

I respect my associates on this committee. If, in what I am about to say, and in hurried speech, it should seem at any time that I am showing less respect than I should for the weight of their judgment, or the courage and earnestness of their purpose, I ask you to excuse in me what only accident could cause.

There is no subject on this earth, apart from my relations to my God and my duty to my family, which compares even remotely in importance with me with the League of Nations.

There are men and women in this assembly whom I have met in other conventions. There are people here with whom, for twenty-five years, I have marched and fought for causes which we deemed great. If, in that time, it ever seemed to you that I deserved or might sometime deserve your sympathy, support and help, give it to me now! I need it!

The man who ought to be pleading this cause is dead and lies in consecrated ground! All that is left here to state his cause, weak and inadequate—all that is here,

is what is left of me at the end of five days, with about two hours' sleep in each night of the five.

I do not like to appeal to your sympathy, but I do want to appeal to every emotion you have in your hearts, and to every thought that your intellects can generate, for we are now dealing with the greatest question, as the majority say in their report, that can possibly be considered by man.

Some of this discussion must be a bit technical, for, again asserting my respect for the majority, I venture to say that in no convention of a political character in the United States, outside of the one recently held in St. Paul, has so fantastic a proposition ever been proposed with regard to American constitutional practice as is put forward by the revolutionary report of the majority of the committee on this subject.

Examine with me just a moment now these two reports. What does the majority do? With praiseful and perfumed voice it lauds the League of Nations as a lover would describe his sweetheart. Everything that fanciful words and artistic and cunning expressions of praise can do is done to express the admiration and approval of the majority of the committee for the League of Nations. These praises, some of them chosen from the plank submitted by the Non-Partisan Association for the League of Nations, some of them out of drafts which came through me to the committee—pearls of praise gathered from everywhere—are strung together to make a priceless necklace of opinion upon the League of Nations!

Hear these encomiums. This is what the majority thinks of the League of Nations. They would have the Democratic party declare its confidence in the ideal of world peace, the League of Nations and the World Court of Justice as together constituting the supreme effort of

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the statesmanship and religious conviction of our time to organize the world for peace. And so they do.

And then the majority goes on: "Further, the Democratic party declares that it will be the purpose of the next Administration to do all in its power to secure for our country the moral leadership in the family of nations which, in the providence of God, has been so clearly marked out for us." And so, in the providence of God, it has been, and so, my fellow Democrats, we should seek to recover it. I agree with them so far.

And now, after having said that there is no substitute for the League of Nations, that the world will be a wreck unless war is prevented, that the only path to peace is the League of Nations, that no other is possible of any kind—after having said all of these things, there is not one syllable in the majority report that proposes that the United States shall go into the League of Nations until after a fanciful, irregular, unconstitutional, revolutionary referendum shall have been held, operated either by postal cards, through the Census Bureau, or in some other way, and there is neither a statute nor a constitutional basis for a statute which provides for a national referendum.

I know what my associates on this committee thought as they sat over there and drew this. They said to themselves: "The people who will be in that convention at least are people who four years ago were willing to have died for the ideal of the League of Nations. We must speak well enough of it to satisfy their devotional affection for it." And so they have spoken, and then having marched through the dictionary with all these superb epithets of approval, they give it their benediction, but promise it no aid of any kind. They create this extraordinary situation: That the Republican party four years ago having been doubtful on the subject, has now

declared definitely against the League, while the Democratic party, according to the majority plank, is neither for nor against it. It is affectionately inclined, but not disposed to marry it.

And now what do they actually propose to do? Because this is the indispensable, the indisputable, the only path to peace, the supreme achievement of the conscience and intellect of the age, the greatest moral question of all time, therefore they propose that this thing shall be lifted out of politics and deposited—nowhere.

In order that it may thus be orphaned, lifted out of party politics, they propose—I beg you to listen attentively to this, and I ask lawyers particularly, men and women in this audience, to give to this the legal side of their mind as I read it: “To that end,” they say, “it is wise and necessary and desirable”—not only wise and desirable, but “a necessary and indispensable prerequisite to take the sense of the American people at a referendum election, advisory to the government, to be held officially under an act of Congress, free from all other questions, and after ample time”—ah, there must be no hurry!—“after ample time for full consideration.”

Great Heavenly Father, when Thou vouchsafest it to somebody to write the final dictionary, I pray Thee have put in it a definition of “full consideration” in terms of duration of time by the Senate of the United States.

“After ample time for full consideration and discussion throughout the country.” This is added, you see. The country has got to discuss it after the Senate discusses it, and then after the country has discussed it, the Senate has to discuss it again. Am I right about this? Listen. This referendum election is to be held under an act of Congress, after full time for consideration and discussion throughout the country upon this question.

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Here is what Congress, after it gets done discussing it, is going to submit to the people:

“Shall the United States become a member of the League of Nations upon such reservations and amendments”—mark “amendments” in your mind for a moment, for even Senator Lodge proposed no amendments but only reservations—“upon such reservations and amendments to the covenant of the League of Nations as the President and the Senate of the United States may agree upon?”

So you see the Congress is first to provide for the referendum after full consideration; then the people are to vote after full consideration, and then, after the popular vote, the Senate and the President are to take it up again for fuller consideration, or perhaps fullest consideration, and then sometime, when my son is dead on a battlefield that I have been trying to keep him from going to, they will have reached fullest consideration. And somebody, somebody will put up a tombstone over that boy's grave and over the graves of other boys, your boys, and on them will be written: “Died in battle after fullest consideration.”

Ah, my fellow men and women, I am not talking to Democrats. I am talking to lovers of mankind. I sat in that room across the street for five days and nights and heard talk about “expediency” and “votes” until I am sick. I am talking about life and death and love and duty.

Make a memorandum of it, my brethren. We have no logic for luck. There is no calculus for expediency, but we do know how to do that which is right, and that is the only rule we need follow if we want to win and deserve to win in politics.

Well, let me proceed with this fantastic and extraordinary composition: After all these things—“fullest con-

sideration"—what is going to happen? Is anybody going to be bound to do anything? Oh, no! There is a provision here at the end, written as an afterthought with a pencil, as though the majority thought it was all done after they had had "fullest consideration."

But there is this afterthought as if it were a postscript to "fullest consideration" and it reads, P. S.—"Immediately after an affirmative vote we will carry out that mandate." Who? Nobody knows. In 1920 Senator Lodge—and I beg you to remember that when I use the name of Senator Lodge I am speaking, not of a person, but a malevolent institution— Why, my brethren, I judge from your applause that you are in sympathy with that? Then how are you going to execrate this when I prove to you that the majority are following Senator Lodge in their report twice in the vilest things of his life? They are substituting in the Democratic party the leadership of Henry Cabot Lodge for that of Woodrow Wilson.

How did Henry Cabot Lodge act about the World Court? Was he opposed to it? Oh, no! He praised it. He talked of how splendid it was, what an American idea it was, but he did not want to go into it the way the Constitution provided. He did not want to go into it the way that everybody else saw was the only way you could get there. He wanted to stay out by pretending he wanted to go in some other way. Then when he got caught with the goods, he got one of his fellow senators, Mr. Pepper, to see whether he could not devise a little less obvious way of staying out by pretending he wanted to go in. Now, my brethren, this platform committee and I have been working together for five days and we have not said a harsh thing to one another and have not thought one and I am not going to accuse them of having any such ulterior purpose as this with regard to the League of Nations. But some of them have been asso-

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ciated with Republican senators for so long that they cannot think on a foreign subject.

Every time I told my associates in the committee room that I did not believe in this plan, their inevitable argument was: "Well, how are you going to get in? You cannot get a two-thirds vote of the Senate, can you?" And I have always said: "No, I cannot get it at once." "Well, how are you going to get in? Suppose you had an election and got the Presidency, you could not get in; you could not get two-thirds of the Senate." "No, not to-day, not to-morrow, but God's will will be done, even against refractory and reluctant senators. Togas are not permanent. What we need to do is to put this great thing in the place where the Constitution puts it, and make every member of the Senate march up to it about twice a day, so that we can notice those that are slow of foot; then we will get after them and put some speedier associates in their places."

Well, I am afraid I am taking too much time on that aspect of it. What is this they propose? Well, they propose a referendum. Now, the fathers who made our Constitution put no referendum into it. I am perfectly willing to discuss with anybody putting a referendum into the Constitution of the United States. I do not know where my mind would go if I considered that problem. I helped put one into the Constitution of Ohio and I want to keep it there and I like to work it. But the fathers did not put one into the Constitution of the United States and they gave neither express nor implied power to the Democratic party in convention assembled to put one in there for them. There is no authority for a referendum under the Constitution!

Now, of course, my brother Lucking is an extraordinarily able lawyer. He knows perfectly well that there is no constitutional authority for the proposed referen-

dum and he knows that if he were to try to write in here that this should be a compulsory referendum, and attempt to bind anybody, the proposal would be unconstitutional. I believe it is unconstitutional anyhow for the reason that under the Constitution Congress cannot appropriate money to be expended in having an extra-legal referendum for the instruction of senators about matters upon which they are required to use their own judgment. When a senator takes an oath of office, he swears on the Bible that when a matter comes up for decision, he will vote according to his conscience and not according to the number of postal cards that have come in the day before.

My brethren on the other side, of course, would not have proposed a national election. At least they did not want to propose one that anybody could certainly call that, because they remember that the infamy of that malevolent institution whose name I do not like to use—that the infamy of Senator Lodge began some twenty or thirty years ago when he tried to establish federalized elections in this country and from that time to this, every Democrat has been on guard, and every time a suggestion has been made by anybody that we federalize, even an extreme outlying corner of the election machinery in this country, Democrats everywhere, and Republicans, too, for the most part, have risen to thrust that thing back where it came from. Yet here in their desperation to find some new way of proposing the first step that has ever been proposed in a Democratic convention, the first step toward federalizing the elections in the United States, they have now proposed that we have a national referendum election in this country under federal control!

They will say that that is not what they mean; that that is not what this provision says. The language used is that they are “going to take the sense of the people at a

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referendum election, to be advisory to the government, to be held officially under an act of Congress, free from all questions of candidates, after ample time for fullest consideration," and so forth.

But after all, there can be but two possible proposals made as to ways in which such a referendum might be had. One of them is that Congress might request the legislators of the forty-eight states to hold such an election and to report the result to them. To this, the first objection is that the forty-eight legislatures would have to be convened and they do not all convene every year. Some of them are two years apart. So you see there would be time for a substantial amount of "fullest consideration" before the legislators ever got together. Then some of the legislators might not consent to do it. I cannot imagine that so long as Senator Lodge lives and Massachusetts continues to live under the smile, if there be one, of his favor, the Legislature of Massachusetts would call a referendum election in order to enable the good people of that state to show their contempt for the erroneous opinions of the malevolent institution. But if it be assumed that after a while the whole forty-eight states do get their elections called, it would at least be a matter of years, and all that must be done before the Senate and the President can begin to consider their reservations and amendments.

Now the other way proposed is, under the Census Bureau, to get the addresses of all the electors in the United States and their wives and adult children and send them postal cards and ask them to detach the attached return card or cards and send them back to the Census Bureau with their vote. Everybody knows—and these lawyers will not deny it—everybody knows that the federal government has not the power to send a vote to anybody except by sending it under the frank of the Census Bu-

reau, if nobody attacks the constitutionality of that expenditure of money.

They propose to have this postal card census. Out in the mountains, down in the valleys, over the plains, off in Alaska, who is going to tell the mechanics and farmers and lawyers and doctors, who get a load of mail every day, and who read very few return postal cards—who is to tell them what the referendum really is about, and stir them up to do their duty in such a case? The Republican party is opposed to it. The Democratic party, according to the majority plank, is to keep its hands off of it for fear it will stain it with partisanism. So that the proposed election is to be held without anybody advocating affirmative action and without any organization assuming the responsibility for seeing it properly prepared and carried through. When the votes come in and they turn out, as they inevitably would turn out, to be ten or fifteen or even fifty per cent of the voting population, who is to persuade these senators who want more time for “fullest consideration” that that number of votes is an adequate satisfaction of the requirement here? For, mark you, if you were to carry the next election under this program and got the President and all the senators who ought to be elected who are Democrats, and they all wanted to go into the League, and enough Republicans wanted to go in with them to take them into the League, every Democratic senator who is bound by this plank in the platform would be under the solemn obligation to vote to stay out of the League until all these complicated and impossible things are performed.

But will the proposal get votes? My brethren tell me I do not know anything about that and I do not claim to know much about it, but I do know this, that for the last three years, I have never made a single speech of any kind, in church or schoolhouse or in public hall, or

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on the street corner or anywhere else, in which I did not stipulate in advance that whatever I might call the speech, I was going to talk about the League of Nations, and I did.

I know what the American people think about the League of Nations. It is the one subject of a philosophical and political kind, and Woodrow Wilson is the one subject of a personal kind, that bring men's hearts up with a jump whenever it and he are mentioned, and that is true not only of Democrats but it is true of Republicans. I know thousands of Republicans who are waiting to vote to get into the League of Nations, who realize the chaos, the despair that is in the world, the cruelty, the wickedness, the savagery of our staying out any longer, savagery to ourselves too, when they want us to get into the League of Nations. Now when we send them this platform what will they say? They will ask themselves: "If I vote the Democratic ticket will I get in?" The answer is "No." "Well, what will I get if the Democrats do get in?" "Well, you will get a referendum which the Constitution does not provide for, which is the beginning of a departure in our whole constitutional system which may hereafter be applied by this precedent to all kinds of legislation." "I will get that? But that is not what I want. I want to get into the League of Nations and I will vote for that but I am not ready to vote to change the constitutional precedents of the fathers and I will not vote to establish any such referendum procedure."

We will scare away tens of thousands, hundreds of thousands of liberal Republicans who would vote with us for the League, who would go anywhere with us with the League, but who will not vote to change the Constitution and set up this precedent.

The Democratic party says it is the party of states' rights. We have always been until to-day. What are

states' rights? One of the rights that was given to the states at the time this federal union was made was that in the Senate of the United States, every state should be the equal of every other state. Wyoming should be the equal of New York and Rhode Island the equal of Pennsylvania. Then it was provided that in our foreign relations two-thirds of that body in which all of the states had equality of weight and representation should be necessary to effect our foreign affairs. But under this, one state with a large population in the referendum vote will acquire the weight of ten states under the Constitution. By this provision the weight of a state depends upon the number of people who vote and not upon this constitutional guarantee of sovereign equality in this sisterhood of states.

I have had some trouble with my brethren on the committee, or at least a difference of opinion. They think I do not go far enough in maintaining the rights of the states in some matters of police power, but they will not be able to tell you about me as I am telling you about them, that I have ever come before a Democratic convention and proposed in cold blood to abolish the senatorial equality and the dignity of the states by an indirection upon the Constitution.

And now, my brethren, what will the Republicans say about this? Let me run a Republican newspaper for you for about five minutes. To-morrow morning, should you adopt the majority proposal, there will be a black-faced headline in the principal Republican papers: "The Democratic Convention Repudiates Woodrow Wilson."

I do not claim that I loved Woodrow Wilson any better than you, because I know that I look into the faces of men and women who loved him totally, but I knew him better than most of you did because of the closeness of my association with him. I can imagine him looking

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over my shoulder here and reading the majority proposal, and you can imagine the fine contempt upon his face when he is asked to give his consent to a proposition which amounts merely to this: "The Democratic party says to the people of the United States: 'We can no longer be trusted to announce and execute a policy; we are going to bless this proposal; we are going to lift it out of the contamination of political contact with us; we are going to turn it loose; we are not going to be for it except academically and theoretically, but as a militant party we are not going to fight for it.'"

Now if there is a man or woman in this audience, not only who ever knew Woodrow Wilson, but if there is a man or woman in this audience who ever saw him, they will know from the length of his face and the set of his chin that that was not the kind of leadership that Woodrow Wilson gave to a great political party.

The second day the newspaper will come out with this headline: "Weakness and Division on the League." Perhaps the second day these newspapers will give our history on this subject, and here is our history. Let me give it to you in short sentences:

Woodrow Wilson won the war.

Woodrow Wilson won the world.

Woodrow Wilson won the peace.

Woodrow Wilson died fighting for what he won for us. That is our history.

But these newspapers will say that in 1920 while the vigor of Wilson's spirit and the inspiration of his presence were still dominant over the hearts and intellects of Democrats, they declared in their platform that they were unequivocally for the League of Nations, but when, four years later, they came to write a platform they repudiated him and wrote down in hesitating and equivocating or doubtful phrases—no, they did not, they dumped

the League of Nations into the street, repudiated it with their blessing, it is true, but left it houseless, friendless, orphaned in an unfriendly world.

And does anybody suppose that if we nominated a candidate in this convention—and I suppose that we shall some time—does anybody suppose he can get away with the first interview he gives the press without being smoked out? I do not care who he is, I will call him XYZ; these are the unknown letters in Algebra. They will say: “Mr. XYZ, are you in favor of the League of Nations?” That will be the first question they will ask him. And if he says “No,” then the tradition of Woodrow Wilson has ceased to bless the Democratic party. If he says “Yes” they will say: “Well, your party was afraid. Thank God they nominated a man.”

My brethren, I have only one other observation I want to make to you. What becomes of men when they are afraid to say what they think? What becomes of parties when they abandon their ideals? Let me give you a couple of illustrations: Four years ago the Republican party abandoned its ideals. Where is it now? It lies, like Ananias and Sapphira, false to every promise, and the feet of the young men who are approaching to carry it out and bury it are heard at the door of the tent. And then, you will recall, there was a kind of notion that isolation was a popular doctrine. The great arch-apostle of that isolation was Hiram Johnson. Where is he now? I do not have definite information but I think I know. He is traveling, wearily and grieved, over the United States picking up his fragments and trying to fit them together.

(A voice—The same way with Coolidge.)

I am inclined to think that might happen, too. But, my brethren, let us be right. I have said all there is to say. My plank, the plank of the minority, proposes as

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the policy of the Democratic party that we favor going into the League.

My plank is to go into the League the way the Constitution says we are to go. Their plank is one more Mount Everest to climb. Why do men go to Asia to find mountains? They can be found here every day. When the Senate was debating this question, they did not have any difficulty finding enough mountains under the Constitution. Why do these ingenious and industrious gentlemen go to obscure and Asian regions beyond the Constitution to find obstacles and more unscalable mountains to climb? The majority plank will not get votes because it is not right.

At the outset I stated that no subject on earth was of so much importance to me as this. Why? I am a middle-aged man and I shall never be called upon again for any profitable service in any other war, even though one were to come to-morrow. I am past the military age, but I have memories. On battlefields in Europe I closed the eyes of soldiers in American uniform who were dying and who whispered to me messages to bring to their mothers. I talked with them about death in battle, and oh, they were superb and splendid; never a complaint; never a regret; willing to go if only two things might be, —one that mother might know that they had died bravely and the other that somebody would pick up their sacrifice and build on this earth a permanent temple of peace in which the triumphant intellect and spirit of man would forever dwell in harmony, taking away from the children of other generations the curse and menace of that bloody fight.

If I could have kept those boys in this country I would have done it. The accident of a strange and perverse fate called upon me, who loved the life of youth, called upon me to come to your homes and ask you to give

me your sons that I might send them into these deadly places. And I watched them and shrank with fear and anxiety for them, and I welcomed the living back, oh, with such unutterable relief and joy, and I swore an obligation to the dead that in season and out, by day and by night, in church, in political meeting, in the market place, I intended to lift up my voice always and ever until their sacrifices were really perfected.

I have one other debt—I beg your patience while I pay it. I served Woodrow Wilson for five years. He is standing at the throne of a God whose approval he won and has received. As he looks down from there I say to him: "I did my best. I am doing it now. You are still the captain of my soul." I feel his spirit here palpably about us. He is standing here, speaking through my weak voice. His presence—not that crippled, shrunken, broken figure that I last saw—but the great, majestic leader is standing here, using me to say to you, "Save mankind! Do America's duty!"