

THE TIME TO TEST OUR FAITH IN ARBITRATION

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ADDRESS AT A LUNCHEON GIVEN IN HIS HONOR BY THE INTERNATIONAL PEACE FORUM, AT THE WALDORF-ASTORIA, NEW YORK CITY, JANUARY 4, 1913

Mr. Toastmaster, Mr. President, and Gentlemen of the International Peace Forum:

I rise to respond to the introduction of your Toastmaster with mingled feelings of sorrow and pleasure. I subscribe to everything that has been said with reference to the slowness with which we must expect universal peace to win its place among the nations; but once in a while there comes an opportunity that seems to be a great step forward, and when that opportunity is lost, when the step which might have been taken is not taken, the hearts of those whose hopes were high are saddened. And this meeting brings back to me the earnest, triumphant feeling that I had in my soul after I had visited almost every State in the Union, and urged the confirmation of the treaties which we had made with England and France, and then lived to find them defeated in the highest legislative body in the world, as some of the members

of that body are in the habit of calling it. The defeat was more than a mere destruction of our hope as to the progress that might be made by those treaties, because the vote carried with it a proposition which, if established as our constitutional law, relegates the United States to the rear rank of those nations which are to help the cause of universal peace. For the proposition is that the Senate of the United States may not consent with the President of the United States to a treaty that shall bind the United States to arbitrate any general class of questions that may arise in the future, but there must always be a condition that the Senate may subsequently, when the facts arise, determine whether in its discretion the United States ought to arbitrate the issue. Now I say that limitation upon the power of the United States as a Government to bind itself to obligations, to meet questions between nations with arbitration, is an obstruction not only to the progress of the United States but to the progress of the world in the matter of peace, for the reason that the nations of the world look to the United States, and properly look to the United States, as a leader in the matter of establishing peace, because we are so fortunately placed between oceans and without troublesome neighbors that we can go on without fear of consequences to establish a condition in which we shall settle every question by reference to an arbitral tribunal. It is because the nations of the world looked to us to do that that the announcement of the doctrine by the Senate of the United States, that we have no power to make an arrangement of that sort for the future, except as we adopt each particular contract to arbi-

trate each particular question, presents to those of us who hope for universal peace so great an obstruction.

INCONSISTENCY OF THE PUBLIC WITH REGARD TO PEACE

Now the difficulty about arguing is that when you get before an audience, everybody is in favor of peace. They are all in favor of peace. But when it comes to an election, the issue as to international peace does not play any part at all. The peace part of the political platform does not seem to affect anybody but the peace societies. And when you say to members of the Senate of the United States, "You are reaching a conclusion in which the people do not stand by you," they say, "Well, what of that, such an issue never affected a single vote at the election." Now we ought to make it control some votes, so that when a Senator rises in his seat and says, "The Senate has no power to make an obligation of this sort to bind our government to future policy of arbitration," we shall say, "Your constituents differ with you in that regard, and are looking for a Senator who will have a different constitutional view and who will not regard the sacredness of the Senate of the United States against binding itself and the Nation to future arbitration as more important than the attribute of full national sovereignty. If we are a nation at all, we must have power to bind ourselves as a nation to contracts that will not only uplift nations but uplift the world; and if we are to be limited by the fact that the Senate of the United States cannot confirm and cannot make a contract of that sort, then we have hobbled ourselves

and our national sovereignty in the possibility of progress toward a higher and a more Christian civilization.

A TEST OF PRINCIPLE

England made a treaty—France did, and there was no doubt about the confirmation by those governments of those treaties. If they could safely do it, why could not the United States? In what respect has it higher responsibilities and more valuable privileges to lose than those great nations as between nations? They may be expected to be as careful in the preservation of their sovereigns, and what may come by way of damage to them by future contracts; but it remains for the gentlemen who have exalted the Senate above everything to find in the Constitution something that prevents them from doing what must be done if the cause of universal peace is to prosper. But they say, “There may arise after you have made a contract some question coming within the described class that you do not want to submit, some question in which you are likely to be beaten, in which you are likely to suffer a great national loss.” Well, you cannot make omelets without breaking eggs. You cannot always have a jug-handled arrangement in international agreements. You must expect sometimes to be beaten. A sure thing among gentlemen who bet even is not regarded as the most honorable standard for making bets; and certainly one who would refuse to abide the judgment of a court unless he knew in advance that the Judge was with him, is not the kind of a litigant that we are in the habit of welcoming into courts.

ARBITRATION AND THE PANAMA CANAL

And that leads me to a reference that has been made here with reference to the Panama Canal. My friend, Mr. Clews, differs with me and with the Administration in the construction of that treaty. That is all right. I suppose questions before have arisen as to construction of contracts in which good honest people have been on both sides. Now that presents to me a very significant and useful example with respect to arbitration. A good many people are saying, "Don't arbitrate because you are going to lose. This is our own canal, and while England is making a point of it, England would not fight about it, and, therefore, why give up when you are not likely to get an arbitration that will be satisfactory to you and your view of the construction?" Even if this were correct as to probability of result, which I need not and do not admit, that is just the time when I am in favor of an arbitration. I mean that I have not gone about the country urging arbitration for the purpose of using that as a platform subject to attract the attention and approval of the audience. I hope I was more conscientious in advocating what I did advocate through the country on that head, and when I said to them that we never would have an arbitration that would be effective until we entered into an obligation that brought us into arbitration when we did not think we would win. That is the time that tests your faith in that method of settlement. Now I am willing, and indeed I would be ashamed not to be willing, to arbitrate any question with Great Britain in the construction of a treaty when we reach the exact

issue which there is between the two nations. There need not be any public doubt on that subject so far as this administration is concerned. When there is a difference that cannot be reconciled by a negotiation and adjustment, then we are entirely willing to submit it to an impartial tribunal. I am hopeful that we may get it either to settlement or to submission before the Administration, in which I have the honor to be a dissolving view, shall cease; but it may not be, because these international negotiations move slowly. But I am glad to take this opportunity in this presence to say that if the time comes, there will be no doubt about what I will do in respect to the submission of that question, as far as my power goes, to an impartial tribunal for its settlement, if that is necessary.

A STEP TOWARD INTERNATIONAL PEACE

I said that I rose with regret, and I have explained to you why. I rise also with pleasure because it is a great pleasure to believe that associations like this continue the feeling in favor of peace, and that, after all, though the defeat of those treaties in the Senate was a great disappointment, the making of them and the agitation with respect to them was a step toward the goal which we all hope to reach. My own idea was that if we could make those treaties, they would form the basis for a treaty with every other nation and the United States, and then between other nations than the United States, and finally, by interlocking and intertwining all the treaties, we might easily then come to the settlement of all international questions by a court of arbitration, a permanent, well-

established court of arbitration, whose powers would be enforced by the agreement of all nations, and into which any nation might come as a complainant and bring in any other nation as a defendant and compel that defendant nation to answer to the complaint under the rules of law established for international purposes, and under the rules of law which would necessarily with such a court grow into an international code that would embrace all the higher moral rules of Christian civilization. Now that is the ideal that I had. It is the ideal that I still cherish, and while we received a body blow in taking away our power to enter into such an obligation for an arbitral court by the view of these constitutional lawyers who would limit the power of the Senate to contract for the future because it might diminish their own power in the future, nevertheless, we may hope that as time goes on those views will be modified. We may hope that the cause of peace may command more votes than it seems to have done in the past. It is not perhaps a question for political discussion in the sense of being a party question. It is one that is bound to grow and quietly establish itself, and perhaps that influence will work even upon that rock-ribbed body, the Senate of the United States.