War the border ruffians of Missouri had no right to meet for the purpose of planning a raid upon Kansas, and today the liquor-sellers and bootleggers of Kansas have no right to meet in order to plan a scheme of organized resistance to the Prohibition Law of that State.

Such offenses against the public peace can be readily recognized by even the most pro-German of our pacifists. But they fail to recognize what the overwhelming majority of our citizens do recognize—that treason in time of war is an attack on public security enormously greater than any of the peace-time offenses which we have above described.

The executive departments of the State... are under a very solemn obligation to do whatever is necessary to prevent action... which will interfere with the prosecution of the war.

WAR AND TREASON

In time of war any overt act which gives aid and comfort to the enemy is treason. The intent of an act is determined by its evident effect. It is entirely possible that the effect of the mere call for such an assembly as certain pacifists have recently attempted to hold was to give aid and comfort to the enemies of the United States, the effect of such a call is rightly judged, not only from the announced purpose of the assembly, but also from the private utterances of the leaders of the movement. Certainly, in any case, the people of the country have a right to assume that the decisions of the governors and mayors who prohibit such an assembly within their several jurisdictions were based on just and reasonable grounds. If these executive officers were convinced that the intent or effect of such a meeting would have been to give aid and comfort to our enemies, no one, no matter how passionate his championship of the right of free assembly, need complain of its prohibition.

Preventive law is as legitimate as preventive medicine. The law continually steps in to prevent a wrong from being perpetrated. It does not wait until it is perpetrated before it attempts to prohibit or punish. If a policeman sees a thug holding a blackjack over the head of an unarmed citizen, he does not wait until the blackjack falls before he attempts to arrest the offender.

In war time the duty of prompt preventive action is especially laid upon the executive. We do not have to wait until injury is done, until the blackjack falls, or conscription is halted or the collection of taxes made difficult, or until that public confidence necessary to the vigorous prosecution of a war is undermined, before our executives can act. The executive departments of the State and Nation are under a very solemn obligation to do whatever is necessary to prevent action by irresponsible or malicious parties which will interfere with the prosecution of the war, and so bring aid and comfort to our enemies.

FOR FURTHER READING

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Viewpoint 15A
The United States Should Join the League of Nations (1919)

James D. Phelan (1861–1930)

INTRODUCTION *A crucial decision facing America following World War I was whether to join the League of Nations. The league was largely the creation of President Woodrow Wilson. As early as January 8, 1918, Wilson was calling for "a general association of nations" to protect the territorial integrity of countries and to prevent future war. In 1919 he strove to make his vision a reality as head of the U.S. peace delegation in Versailles, France, by insisting that the Treaty of Versailles being negotiated include the creation of such an international organization. The League of Nations that was drawn up after World War I consisted of an Assembly to represent all member nations, a Council controlled by leading powers including the United States, and a Permanent Court of International Justice to arbitrate disputes between nations.*

Wilson's vision faced a serious obstacle in the U.S. Senate, where the Treaty of Versailles, like all U.S. treaties, had to be ratified by a two-thirds majority. Many opponents cited what they viewed as America's historic tradition, dating back to George Washington, of avoiding "foreign entanglements." These arguments and others are addressed in the following viewpoint, taken from a speech by one of the League's supporters, Democratic senator James D. Phelan of California. The February 20, 1919, address excerpted here was originally given before a group of internationalist Republicans led by former president William Howard Taft.

How does Phelan respond to isolationist arguments based on George Washington's 1796 Farewell Address?

What analogy does he make between the League of Nations and civil society?

Now, I should think that all men of good will would support the principle of the league of nations. We may differ as to the details of the power which might be granted to the league. But as to the essential principle, to organize to avert the horrors of war, if possible, in this world, there can be no question. . . .

There is no partisanship involved in this. As President Taft said the other day, "In matters international, Woodrow Wilson and myself stand together." [Applause.] And the gentlemen who are so fond these days of quoting George Washington must have forgotten that in the Farewell Address there is a condemnation of partisan spirit. It was one of the things against which he warned his countrymen. And now they are suffering the partisan spirit to influence their sober judgment.

Woodrow Wilson declared long ago that the object of this war . . . was to establish "a reign of law with the consent of the governed and sustained by the organized opinion of mankind." [Applause.] The organized opinion of mankind means nothing less than a league of nations, because it is only through the nations, unless you are ready to destroy all international barriers, that the opinion of mankind can be organized. And he has been busy ever since in making good his word.

But those Senators—and you see I am not in accord with their utterances, and they represent, I am glad to assure the league, a very small minority, I believe, of that body [applause]—are fond of quoting Washington, who warned us also against international entanglements. That sounds very good. But Washington also said in a letter to one of his contemporaries that we can not participate in European affairs for at least 20 years, because we have not the power to treat with them on terms of equality, and we might endanger our hard-won independence. But 120 years have passed, and the United States is the most powerful Nation in the world. [Applause.] So what Washington said at that time, modified by his own words in private correspondence, certainly does not apply to the United States today. And, as the object of this war was to give democracy to the small nations, and to the large ones as well, and to destroy autocracy and tyranny, George Washington, undoubtedly, if consulted, would say, "Those are the very purposes to which I have dedicated my word and my sword," and he would speed us on that road.

If we were acting contrary to the principles of Washington and the Fathers, it might be well to call a halt and say that we are traveling upon forbidden ground. But we have gone to Europe, and our boys have given the decisive blow to autocracy [applause], and this is merely a question in the organization of a league, of something to sustain them in their work. And I feel that there should be as much enthusiasm in this cause as there was in that other cause when we believed that our national rights at home and abroad, aye, our national existence, perhaps was involved in the issue of the conflict; because we can not sit down now and serenely regard Europe. On the contrary, the situation is full of misgivings. I will not enlarge upon the argument, which has been so elaborately set forth by our worthy President. But he has told you again and again that a large number of small countries have been set up and given democracy, and if they be abandoned to their fate we will have, within a very short time, the most horrible war in history in its ferocity, outclassing and distancing the conflict through which we have just passed. Because racial animosities would be aroused, and the old order, often sleeping but never dying, in clashes like this will reassert itself, and the little countries will make a futile resistance and be again amalgamated in the great nations over which tyrants will rule.

A PLEA FOR THE LEAGUE

So, unless this league is established, there is absolutely no hope for democratic Europe; there will be no hope for the men, women, and children; there will be no hope for the workers, because their protection is in the establishment and in the maintenance of democracy, in which their voices are so tremendously potent. They are rudely expressing themselves in some of the countries today. But looking back upon history, we must not be alarmed, because it is only through revolution that order comes. That is the world's history. That must not discourage us. But when they return to reason and know that in this world there must be responsible government, without which there will be neither labor nor wages, then and in that event they will, I am convinced, yield to the arguments which have been advanced in their interests.

It has been said that a league of nations is impossible. When the American Engineers went to Europe, and when we shipped over two millions of men, with all the accessories of war, and built railroads and built great warehouses and provided the food not only for our own men but for the men of other lands, it was an achievement of great magnitude. And somebody said, and I believe it has clung as a sentiment to the American Engineers, "It can not be done, but here it is!" A league can not be formed, but here it is. [Applause.] The President is on the ocean bearing the first draft, adopted unanimously, under pressure which I believe he exerted, as the one thing that he desired of all others to bring back to his countrymen as the reward of the war—not captives, not lands and territory, but peace for all the world. What

James D. Phelan, *Congressional Record*, 66th Cong., 1st sess. (March 3, 1919), pp. 4870–71.

greater ideal could there be? What greater achievement could he have won? . . .

We are disloyal to our ideals if we refuse to let our country enlist in this cause.

INDIVIDUALS AND NATIONS

One word more, Mr. President. I suppose the argument has often been made; but it seems to me that in its simplest form a league of nations bears a close analogy to civil society. Democracy is a league of men, banded together for mutual protection. And they yield certain of their natural rights for the purpose of establishing this democracy as ordered government. In a league of nations the nations must necessarily yield some of the exclusive rights which they now hold for the same purpose—their mutual protection. Is there anything wrong with that? Is the right of the individual more sacred than the right of the nation? But grant for the moment that it is. It is yielded willingly in the interest of organized government, organized democracies, where all have a voice and where all thrive; it is their self-determination, freely given, and all abide by the result of the expression of that voice, and the minorities are given protection. They are not destroyed, as in the old days of the Crusaders. And you may recall in this connection the story of the Crusader, who was told on his deathbed that he had to repent and forgive his enemies, and he naively responded, "Why, I have no enemies; I have killed them all." But a democracy respects the minority which does not quite agree with the majority government, and that is a little sacrifice they must make in order to preserve the peace of society.

Now, the United States, going into a compact of this kind will, let us concede to the objecting Senators, yield apart of what they regard as their exclusive rights about which they are very tender. But is not the prize worth the game? Is not the peace of the world worth the sacrifice? [Applause.] Is there anything more terrible than unleashed human beings destroying each other under circumstances of greatest cruelty? War, we are told, burdens a people with debt to go down from one generation to another, like the curse of original sin. It wipes the people from the earth as though Heaven had repented the making of man. Its evils can not be written, even in human blood. And our campaign is against war. And in that campaign every man is enlisted as a patriot, just as much as every man was enlisted in our recent campaign, where his loyalty was never questioned, to carry the Stars and Stripes, standing for equal rights and justice throughout the benighted countries of Europe and bringing hope and succor to those who for centuries have been the victims of oppression.

But we are disloyal to our ideals if we refuse to let our country enlist in this cause. We are all, by sacrifice and concession, working for a perfect State at home. The league is working for a more perfect world. And, my friends, just as the organization of society has abolished violence in the settlement of disputes and set up legislatures and courts, so this league of nations, if it carries its purpose through to the finish by creating international tribunals, will abolish war, which is only violence on a broader scale. Let us not dismiss this question by saying it belongs only to the sentimental. Sentiment is the best thing in the world, and the difficulty is in living up to it. Human nature is the meanest thing about us, and we are always trying to keep it down. That is the function of society; it is as well the function of the league.

Viewpoint 15B

The United States Should Not Join the League of Nations (1919)

Lawrence Sherman (1858–1939)

INTRODUCTION *The League of Nations was the centerpiece of President Woodrow Wilson's vision for reshaping the world order and America's place in it. Wilson succeeded in incorporating the league's creation within the Treaty of Versailles, negotiated in 1919 by the nations that had fought World War I. But the president faced significant opposition in the U.S. Senate, which had to ratify the treaty. Opponents contended that the League represented a major break from America's traditional isolationist foreign policy of self-protective neutrality and avoidance of foreign entanglements. A faction of senators, dubbed the "irreconcilables," was steadfastly and philosophically opposed to American participation in the League of Nations. One of these senators was Lawrence Sherman, a Republican from Illinois who served in the Senate from 1913 to 1921. In the following viewpoint, excerpted from remarks on the Senate floor on March 13, 1919, Sherman stakes out a position of classic American isolationism and emphasizes the danger of burdening the new nation of America with the conflicts of the old nations of Europe.*

What contrasts does Sherman draw between the United States and Europe? What attitudes about racial and ethnic groups does he reveal? What distinction does he make between the decision to enter World War I and the decision to enter the League of Nations?

Nearly four months ago the belligerent nations signed the armistice that saved Germany from a

From Lawrence Sherman, *Congressional Record*, 66th Cong., 1st sess. (March 3, 1919), pp. 4865–57.