"LOOSE" CONSTRUCTION, SAYS KNOX, VITIATES WORLD LEAGUE

Covenant Not Really Society of Equals, He Asserts

NINE WOULD DOMINATE

**Objects** Particularly to Lack of Basic International Law Code

Continued from Page One sich, as Mr. Clemenceau has assured

the members, it may be removed for de-bate, amendment, and adoption or re-

'In view of these facts, we might well forego its discussion until the con-ference in plenary session has adopted it, except that the report itself has acquired for this nation a peculiar sigacquired for this nation a peculiar sig-nificance by reason of the fact that the President presided over the body which drafted it; that he participated in the proceedings incident to the drafting; that as president of the commission, he read the report submitting it to the plenary session of the conference; that he indorsed the document and thereby committed himself as National Execu-tive to it; and that he has officially assured, in his cable to the members of the Foreign Relations Committees of the two houses of Congress, that there the two houses of Congress, that there are good reasons even for the verbiage of the document, crude as that is.

"I must for myself demand that any an proposed shall, to secure my sup-rt, meet these simple and reasonable

sts: "Do its provisions abolish war and ake it hereafter impossible (for I ould be willing we should go far and sk much to accomplish this)? "Do its provisions strike down out

constitution, or destroy our sovereignty. or threaten our national independence and life? For if the plan proposed does these things, then it must receive the condemnation of every loyal citizen.

"And I tell you here in all sobernes that these matters must be approached by all of us in a spirit of candid fair-ness, without cavil, blas, or partisanship: for our fate and the fate of the world, if this matter go certainly forward, waits upon our decision. "And one word further let me say: If

we are to go forward with this plan it must be whole-heartedly and with abso-lute good faith. Neither we, nor those epresent us in the league bodies, must trifle with our sacred plighted word. For weal or for woo we must by our covenant. We must never of that term, ap applied to our own our history the taint of the leave in our hi

Refers to "Loose" Expressions "Any definite and precise examination or criticism of the covenant is made im-measurably difficult because of the loose-ness of expression which characterise ness of expression which characterizes the document throughout; and while I shall not take your time to discover shall not take your time to discover mere matters of verbiage, there are two such matters to which I invite your at-tention because they relate to matters

more or less basic. "The first is the language of Article 1, which provides that the action of the high contracting parties \* \* \* shall bigh contracting parties \* \* \* shall bigh contracting parties \* \* \* shall the lengue. I invite the attention of the Senate to France, Italy, Japan and all the lenger. I invite the attention of the Senate to the possible abrogation of the Platt amendment treaty between ourselves and Cuba-a treaty heretofore regarded

high contracting parties • • • shall be effected through the instrumentality of meeting of a body of delegates.' "This as a matter either of language er of logic is sheer nonsense, and yet this article purports to lay down one of the fundamental precepts of the plan. "One is tempted to believe on casual that the league draft, criticizing the that the league draft, criticizing the the league it contains "no provi-

reading that this is mere infelicity of expression and that, after all, the mean-ment, removal, compensation or t ointexpression and that, after all, the mean-ing may be plain; but further study of the body of delegates who are to ex-

raises a serious doubt, because it is not erecise these powers." at all clear whether the document sets up one or two operating entities for its enforcement, as the following extracts "Article 1, prescribes that 'the action "Article 1, prescribes that the action" "Article 1, prescribes that the action "Article 1, prescribes that the action" "Article 1, prescribes the action" "Article 1, pr

"Article 1, prescribes that 'the action' selected, is obviously, he said, "The real woo international entities, namely, the high contracting parties under governing body of the league, yet such in the the sential matters as what shall be the "By Article 7 the league is to pre-scribe conditions of entry into it of the states, who shall fix the number, shall number of representatives, what shall supervision of trade in arms and am-"Article 11 declares that any war of the teague of the league of the league is to be entrusted with the general supervision of trade in arms and am-

11 declares that any war or be the manner of organization and of munition in countries where a control threat of war is a matter of concern to the league and that 'the high contract-ing parties reserve the right to take any he continued, "for the appointment, reof the traffic of such is necessary to the common interest; by Article 19 the league assisted by the mandatory comaction that may be deemed wise and moval, compensation or tenure of these missi on is to insure an observance of all ual to safeguard the peace of na- representatives. And yet this is the body which is hereafter to determine mandates. and by Article 21 the league is to be the instrument through which

ing less. Has history ever answered an attempt to do this thing, save in one trush us? Why then this plan to strangle and anything but disaster for the coalition of substitute proposals to end war, and why should this be our course. If so, can it have our support? Must into a substitute proposals to end war, sing the compelied under such plan as that provided for in the inter-viding the world into two warring camps?

Doubts Sacrifice of U. S.

Worth While

URGES A REFERENDUM Emphasizes Danger in Omis-

sion to Provide for Peace-

and further that they will not go to war 'with any party' which complies with any recommendation of the executive council which is unanimously concurred

in by all members of the council, except

May War Over Decision

"Seemingly they may go to war over

a recommendation of the council which is not unanimously concurred in by all members of the council, except the par-

"By article 20 the high contracting

parties undertake to endeavor to secure

SENATOR KNOX

tached to the covenant'; no informatio is given as to who these states are, though surely they will include such Entente powers, if any, as are not sig-

natories as well as certain other states neutral in the conflict now closing.

Central Allies Outcasts "Third, those states which are neither

"Third, those states which are neither signatories nor protocol states and which must, to be admitted to the league, be prepared to give certain ef-fective guarantees as to their intention to be bound by their international ob-ligations. These latter are outcast states and presumably include the Central Powers and their allies in the war.

"Thus a league of nations in the sense of all the nations is not created by this document, nor are the states members league treated as equals, as is apparent and will be more fully shown when it is considered that the governing body of the proposed league: namely, the executive council, is made up of rep-resentatives of only nine states.

"But the term league is a misn in another and really vital matter. For a league connotes a confederation a confederation implies a right in the several parties to withdraw at their will. But there is no right of secession within the four corners of this covenant. On the other hand, the association here provided for is a union in the full sense

## political institutions. "Once in this union we remain there,

and maintain fair and humane condi-tions of labor in member states and among non-member states and agree to establish as part of the organization of the league a permanent bureau of labor-a somewhat drastic potential in terference not merely with out Federal with our state powers as well. "And by Article 25, probably the third important in the entire document

the parties to the dispute

ties in dispute

this covenant shall abrogate all obliga-

"And in considering all this it must be mbered that once we enter this e and assume these obligations we ot secure any modification thereof.

tions inter so which are inconsistent with the terms thereof and that they will not enter into any other engagements which are thus inconsistent. "I raise this as a question of no little importance: Since the covenants of the

ized even between members of

Discussing the question of mandates, he said the provisions were drawn so oosely "burposely or otherwise" that one could not tell just how the manhigh contracting parties. "I wish now to direct your attention

"Are the mandatory states to be chosen by the high contracting parties, by the members of the league, by the body of delegates, or by the executive "A league framed on these broad to the powers which run in the name of the league as such, and to renew my invitation that you consider well the difbody of delegates, or by the executive council?" he asked. "Or is the state proferences between the two sets of covenants and powers, and to my quescovenants and powers, and to my ques-tion as to whether the plan contemplates council? he asked. Or is the state pro-tected (for stripped of the new day to) of our sovereignty; it would relieve verbiage a protectorate is really pro-us from participation in the broils of pire communities, to pick out from the Doctrine and save America from the league membership or from states not league members that particular state trigue; it would reduce to the mind intwo international entities, namely, the

protector?" defense when attacked, a public crime ne One Else Will Have the Say punishable by the combined forces "But no matter who picks the manda-

same Old Balance of Power "In what respect will the situation so formed differ from that created by the centuries-old doctrine of balance of union of the best in all of them.

land "How much longer shall their return walt on academic discussion of un-attainable dreams?"

the centuries old doctrine of balance of union of the best in all of them. power, save only that now for the first unhappy time in our history, we are to be placed in one side of the balance." To show how potential the league draft is for war, Mr. Knox then cited from the draft seven instances of legali-zation of war and three instances mak-ing it obligatory on the members to go

ing it obligatory on the members to go to wag for any other member attacked. He cited Articles 12, 15, 11, 17 and 16. majority of the United States should de-sire to establish a "true league of na-tions," not merely to build a coalition ful Withdrawal He cited Articles 12, 16, 11, 17 and 16. The cited Articles 12, 16, 17 and 16. The cited Articles 16, 16 and 16 a

"By Article 12 the parties agree not to resort to war against any high con-tracting party over any dispute what-seever, until the matter has been sub-mitted to arbitration or subjected to in-quiry before the executive council. It may be remarked in passing two things are obvious: First, that this does not prevent but merely delays war by the high contracting parties, except that seever.

revent but merely delays war by the high contracting parties, except that econd, if a member of the league, ob-alning the judgment before the arbitra-tion tribunal or the council accepts the menent of the judgment (as, of course, the winning party would all but uni-the winning party would all but uni-the winning party would all but uni-

caling the judgment before the second war shall be a potential world war, and that we shall be a potential world war, and that we shall be a potential world war, and that we shall be a potential world war, and would discriminate between aggressive and defensive war, between assault in every such war. "We are thus thrust fully into the terrible cauldron of European politics, and would discriminate between aggressive and defensive war, between assault terrible cauldron of European politics, and would outlaw one and every ontbreak in the Balkans corr enacted or wisely projected has penalized self-defense by man or by state. Existence ceases when the right ture of treasure, for some shedding of American blood, for some loss of American could not summon another that one nation could also provide that one pation could not summon another the right and power of self-defense is gone."

"It is idle to say and fatuous to hope before the international court, except or believe these outbreaks will not oc-cur, for ambitiour men do not hesitate and common concern to the contending to waste life in order to punish an nations, and that the jurisdiction of the court would not extend to mattern

like character.

sure or otherwise.

defendant Power.

or coaling stations

Canal, or on our frontiers; our right to discriminate between natives and for-

eigners in respect to rights of property and citizenship; and other matters

thorized by the league constitution

call upon the powers signatory to en-

force its decrees and awards as against unwilling states by force, economic pres-

sure or otherwise." "The court should sit in the hemi-sphere of the contending nations, and if the disputants lived in opposite hemi-sphere, then in the hemisphere of the

"The constitution should further pro-ride that if it were necessary to enforce

a decree against an American Power

refusing to follow the decree of the court, that such decree should be en-forced by the countries of this hemi-sphere; that if a decree of the court

must be enforced against a country of the Eastern Hemisphere, then it should be by such means and methods and by

lines would carry with it a minimum

the causes of war: and would make the waging thereof otherwise than in self-

"The international court should be au-

"The plan, therefore, fails to meet o first test. of governmental policy, which would be excluded from arbitration unless one of the first test. "We come now to the second question I proposed—Do the provisions of the proposed covenant strike down the pre-cepts of the constitution? A mere list.""Under such a code we would not be

"Under such a code we would not be "Under the constitution of A mere list-ing of some of the more conspicuous pro-visions of each shows that it does. "Under the constitution the Congress of the United States has the exclusive power to declare war. The proposed covenant puts the power of declaring war in the hands of the Executive Coun-cl, in which, it is true, we have a voice, but not the constitutional voice called upon to arbitrate the policy in-volved in our Monroe Doctrine; our conservation policy; our immigration pollcy; our right to expel allens;

right to repel invasion; our right to maintain military and naval establishcll, in which, it is true, we have but not the constitutional voice. ments, own borders or elsewhere, as the protection and development of this co

enemy or gain a goal.

Congress Helpless to Declare or Stop War try might demand; our right to make necessary fortification of the Panama

the high contracting parties agree that whether Congress wishes or "Thus not, whether the people wish or not, we may be forced into war, with all its sacrifices of life, in a cause in which we have no real concern and with which we may be out of sympathy, under the

penalty that if we do not go to war we shall, by breaking a covenant of the league, bring war upon ourselves by the balance of the world." Mr. Knox then analyzed the draft to

tween any two members of the league would probably be considered an incon-sistent obligation; and if this be true show that Congress would give up to the league its power to raise and sup-"if war were abolished," he said "this might be tolerable, but with war legal-

> eague and actually commanded in cer-tain contingencies, this may spell for us overwhelming disaster." He objected also to the relinquishing

of treaty ratification to the league.

datory states are to be selected.

out

the

Europe, waiting patiently, anxiously, the signing of the armistice. their eyes turned across the water, for "The administration conducted the

war to a successful and glorious conthe signing of the treaty of peace that shall allow them to return to the homeclusion." he said, "and at the moment of ctory the administration was repudiated at the polis. Senator Hardwick suggested that

Mexico might set up a claim in the league for a return of Texas and that the Another attack on the league of na-tions constitution was delivered in the Senate by Senator Hardwick, of Georgia. the United States either would have to arbitrate the dispute or refuse to admit the league's jurisdiction.

Democrat, who was making probably his last formal address before retirement March 4. He contended that the tenta-America already has been chosen, the Senator said he believed, as the man-datory for Armenia. He said he optive charter was unconstitutional, would Impair American sovereignty and would submit vital domestic questions to a foreign super-tribunal in which the United States would be outvoted. Senator Hardwick asserted that it an army with no limit' to police Rus-would require the conscription of our sia alone.

A resolution calling on the American sons to police the world." "I am sorry," said Senator Hardwick, discussing the league's constitution, "that we can not have statesmen like national referendums on declarations of

in the Senate today by Senator Go Oklahoma, Democrat. It was re to the Foreign Relations Committee WIRE BILL TO GO OVER Measure to End Federal Control

Will Remain in Committee Washington, March 1.--(By A. P.)--No effort will be made in the House before adjournment of Congress to pas the resolution ending government win control December 31.

Representative Fou, chairman of the House Rules Committee, announced to-day that the measure would not be pressed, because action in the Senate was regarded as impossible.

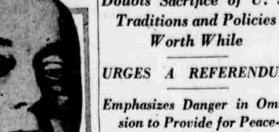




# They Meet for the First Time in the House of Death!

The pretty daughter of a widow and an English exarmy officer. \* \* \* Caught in a storm. \* \* \* Refuge in a dark farmhouse. \* \* \* A drash above. \* \* \* They investigate and find. \* \* \* A murdered man. \* \* \* Upright in a chair. \* \* \*!! On the floor \* \* \* a curious cryptogram ! !





parties, to reserve a right against the parties creating it, and yet it is quite intelligible and accurate to say that the high contracting parties who create the league reserve a right as against the ague itself.

"Again, in the last paragraph of Ar-ticle 19, the high contracting parties "agree to establish" a mandatory commission which shall, inter alls, 'assis the league in insuring the observance of the terms of all mandates.' fanalat.

of the terms of all mandates.' "Article 15, provides that, in case a dispute between states, members of the league,' has not bee submitted to arbi-tration under Article 13 (and possibly 12) then 'the high contracting parties agree that they will refer the matter to the executive council,' but 'either party to the dispute may give notice of the existence of the dispute to the secretary-centeral' of the league general' of the league.

### Sees Absurdity There

"Under Article 18, 'the high contract-ing parties agree that the league shall be intrusted with general supervision of trade in arms and ammunitions, etc.

absurd here to substitute league' for 'high contracting parties,' so that the sentence would read 'the lengue agrees that the league shall be intrusted, etc.'

"Again in Article 21, the high con-Tracting parties agree that provision shall be made through the instru-mentality of the league to secure and maintain freedom of transit and equi-table treatment for the commerce of all states members of the league. Of the league, of the league, of the league of the states members of the league of the league. The league of the league of the league of the league of the league. The league of the league. The league of t

"Assuming the language is carefully which is hereafter to determine is to be the instrument through which is nereafter to be the instrument through which is n

No Principles for League Guidance

ments with regard to the necessities of regions devastated in the present war. "Nor are these all the defects of the instrument in respect of the operations These are the sum total of the powers of the executive council. There are aband obligations which in this covenant run to the league as such. How great the undertakings of the high contracting solutely no principles, rules or regu-lations laid down in the covenant by which this world-governing body is to no principles, rules or regu-laid down in the covenant by parties, how meager the obligations of

be guided. "I am not unmindful of the fact that the league itself is evident from this by the 'covenant-preamble' international co-operation and international peace and security are to be promoted, inter alia by the firm establishment of the under standings of international law as the except with the consent of all the states actual rule of conduct among govern

"But this provision merely accentuates the difficulty, for there is no universally recognized body of international law, and no provision is made in the instru-ment for even an attempt to secure one.

"To sum up, the executive council is legislature, court and, in a large part, executive, all in one. A body clothed with powers such as this is an anachro-nism. It belongs not to the enlightened age of the twentieth gentury, but to the days of the Medes and Persians.

"A union more abhorrent to our tra-ditions, to our free institutions, to the trend of all civilized government, could not be devised." Of the naval military commission and

"And further, the scheme provided same objections to lack of provision for appointment, tenure, removal and regula-tion. Of the Labor Bureau, he objected to the pretention to equalize labor in all countries, citing the fact that France already has given notice that she can-not equalize with America. "Finally," he said, "there is the per-manent secretariat which apparently is to perform the ordinary secretarial mandatory commission, he made the same objections to lack of provision for

"But, Mr. President, these are not tory power," he continued, "clearly some one besides ourselves has the power to the problems which now press urgently us. As I have recently proposed say whether and when our boys and how to the Senate, let us have an end of all many of them shall be sent to the arid this. regions of Armenia, or to the sleeping

"Let the discussion of a league of nadeath regions of Central Africa, or to tions be postponed for later considera-tion, not alone by the victorious the wildernesses of Southwest Africa, or to the inhospitable South Pacific Isles, beiligerents, but by all the nations if and when at some future time a general conference on this subject may be both and when they get there it will be some body else besides ourselves who will determine how long they shall remain, possible and useful. by what laws they shall govern the

"Professing as we do to have all people, and what shall be their measure humanity for our concern, let us not in and rules of protection. our league outlaw a great part of the

"Somebody else beside ourselves must decide how many billions (for we speak now only in such terms) we shall wring from our own people by taxation and spend in the territory over which we have been made mandatory. enemy. "I take it to be unnecessary to point

America Would Help Arain out how destructive all these things would be of our constitution. "Meanwhile our co-belligerents need have no anxiety, for so surely as the sun rises if the Hun flood again threat-

except with the consent of all the states whose representatives compose the Exec-utive Council, and of three-fourths of the states whose representatives com-pose the body of delegates. What a magnificent field we would thus create for grandices international political ma-nipulation by ambitious men and groups. "Thus this covenant, will, if it be comes operative, strike down most vital and to ensulf the world, we shall again provisions of our constitution and here

again it fails to meet the test. "I am now to the third question I have put—Are the provisions of the proposed

Denies It Will Maintain Peace covenant destructive of our sovereignity "Cast up in your mind the colossal powers granted to the executive council "With this analysis before us, we are now in a position to consider the appli-cation of the rules by which in my judgment this proposal must be tested. "First. Do its provisions abalish war and make it hereafter impossible? There is not an important article in the docu-ment which does not specifically answer (in which be it always remembered we are but one of nine participating powers); recall the far-reaching and vital covenants into which we shall enter as one of the high contracting parties; and hold in mind that we are to give up the power to say when we shall have war, when peace, what shall our army number, how many vessels of war shall we have, how, when, where, and under what conditions shall our army and navy be used, when shall our treaties be binding, what shall our treaties be binding, what shall our treatment of commerce be, how great shall our gift of funds to other powers and thereford how great the tribute we shall pay consider all these and you cannot but say that our sovereignity has in matters of national life and death been destroyed. "I come now to the fourth and last as one of the high contracting parties; nt which does not specifically answer that question NO. "And further, the scheme provided

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The Girl-

"Do you think I had anything to do with it?" \* \* \* "Do you think that is the reason I ask you to keep my name out of it?" \* \* \*

## The Man—

"I will tell no one-I am sure you did not do it. \* \* \* But what about this mysterious paper we found on the staircase?"

## Who Shot Frank Lumsden?

What was the motive? Was he \* \* \* Slain by a bandit in search of hidden wealth? Shot down by a woman whose love he had spurned? Forfeit his life in a spy plot? Or just a plain case of mistaken identity? It was none of these.

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