

LEAGUE DEFENDER WARNS SENATORS

Amendments to Covenant Will Undo Stupendous Labors, Says Walsh, of Montana

NO PERIL TO CONSTITUTION

By the Associated Press Washington, June 11.—Asserting that opponents of the league of nations have trumped up many unsupported objections to play upon popular sensitiveness, Senator Walsh, Democrat, of Montana, defended the league covenant in the Senate today against charges that it subverts the American constitution.

Answering Senators Lodge and Knox and others who have urged constitutional objections, the Montana senator declared their arguments founded on theories long since disproved. He quoted many precedents to support his position that the covenant neither sets aside any constitutional prerogative nor assumes any new power in treaty making.

Charges that the league would be a "superstate" he declared to be a "mere declamation" since the organization in most of the provisions contemplated could only "advise" or "recommend." The celebrated Article 10, he continued, certainly would bind the United States to make war in certain instances, but added that the same obligation had been assumed by various treaties made by this government in the past.

"The people," said Mr. Walsh, "have an intense pride in and a just reverence for their national constitution. If a well-founded apprehension that any policy runs counter to the commands of the organic law can be excited, it serves often as well as complete demonstration to accomplish its rejection. It results that scarcely a measure of great national importance comes before either branch of Congress that is not assailed as being unconstitutional."

Quotes Precedent of Panama "In an address delivered in the Senate on December 18 last by the junior senator from Pennsylvania (Senator Knox) a question was raised by the following inquiry and comment: "How could the President, by negotiating a treaty, and the Senate, by consenting to its ratification, bind this country to declare war? A declaration of war is, under the constitution, a prerogative of Congress."

"The covenant does undoubtedly, should the treaty be signed, obligate this country to make war. But we have not hesitated heretofore to assume a like obligation. We entered into a treaty with the republic of Panama, the first article of which is as follows: "Article 1. The United States guarantees and will maintain the independence of the republic of Panama."

"No one can doubt the significance of that undertaking. We go to war with any country that attempts to reduce the Panama canal. The treaty was entered into in the year 1904, the late Theodore Roosevelt being President of the United States, and Philander C. Knox, now a senator from the state of Pennsylvania, his attorney general and official legal adviser.

"Among those voting to ratify it were the following, still members of the Senate: Senators Lodge, McCumber, Nelson, Penrose, Simmons, Smoot and Warren.

"What is the Monroe Doctrine, but a voluntary obligation assumed by the United States to 'respect and preserve' against external aggression (external in this case signifying transoceanic) the republics of South and Central America?"

Roosevelt and World Peace Senator Walsh quoted a speech by Theodore Roosevelt accepting the Nobel prize at Christiania in 1910, as follows: "It would be a master stroke if those great powers honestly bent on peace would form a league of peace, not only to keep peace among themselves, but to prevent, by force if necessary, its being broken by others. The supreme difficulty in connection with developing the peace work of The Hague arises from the lack of any executive power, of any police power, to enforce the decrees of the courts."

"The theory that the treaty-making power does not extend to any subject with reference to which power is vested in Congress," continued the senator, "if it ever was seriously maintained, was long ago exploded.

"By Article I of the treaty with Cuba, proclaimed December 17, 1903, it is provided that all products of that country then admitted to the United States free of duty should thereafter be so admitted without a payment of duty. Among those voting to ratify that treaty was the senator from Massachusetts.



JOHN C. SPOONER Former Senator from Wisconsin who died today in New York city

who, in the debate with President Lowell, told his auditors that the treaty embracing the league covenant, because it allows other nations to 'meddle with our tariff,' runs up against a provision of the constitution.

"The constitution invests Congress with the power to 'raise and support armies' and to 'provide and maintain a navy,' but we have entered into a treaty with Great Britain, scrupulously observed for more than a century, not to keep on the Great Lakes more than a limited number of armed vessels.

"Congress is empowered to make laws in relation to the naturalization of aliens, but in perhaps every treaty through which any addition was made to our territory stipulations are found through which the subjects or citizens of the state making the cession, residing in the newly acquired territory, were admitted to citizenship."

Danger of Amendments Referring to assertions that the league would be a "super-government," the senator quoted from the covenant at length and continued: "It is idle to assert that an organization thus equipped is a government at all. It has no army and no treasury and no means of securing either. Though it may render decisions, it cannot make laws, neither can it levy taxes."

Senator Walsh said no one contended the league covenant was perfect. But it was a "mere subterfuge," he declared, to talk of amending it. "What the Senate may do," he continued, "is to propose amendments, which in substance is a rejection of the treaty with a condition. The whole matter is thus opened up and negotiation must be resumed. Doubtless other nations will propose amendments. The stupendous labors of the past six months are all undone, peace is as far away as it was last December.

"Some amelioration of conditions should in the event the Senate fails to ratify the treaty, may be expected should Germany sign and three of the leading powers associated with us approve it, since by its terms it will then become effective as between them. But that would only aggravate the deplorable state of affairs so far as American interests are concerned.

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FORMER SENATOR J. C. SPOONER DEAD

Resigned From Congress in 1907, a Poor Man, to Acquire Competence

SELF-SACRIFICING CAREER

By the Associated Press New York, June 11.—John Coit Spooner, former United States senator from Wisconsin, died at his home here early today after an illness of several weeks. He suffered a relapse Monday. He was seventy-six years old.

Sixteen years a United States senator from Wisconsin, each one of which, in the words of President Roosevelt, was "a direct financial loss which he could ill afford," John Coit Spooner relinquished the position with which the legislators of his state had thrice honored him and retired in 1907, two years before his completed term, to re-enter the private practice of law and acquire a competence for his family and himself in his declining years.

Left Office a Poor Man

Regarded as one of the ablest constitutional lawyers, a brilliant debater and one of the greatest authorities on international law in the upper branch of Congress, Senator Spooner left public office a poor man. During the twelve years of his final law practice in New York he was counsel in much important litigation.

He was born in Lawrenceburg, Ind., January 6, 1842, graduated from the University of Wisconsin and served with distinction in the Union army in the Civil War.

First elected a United States senator in 1885 he served with marked distinction in that body until 1901, when he was succeeded by William F. Vilas.

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Democrat. In 1897 he was returned to the United States Senate. During these years of service Senator Spooner's name had become inseparably attached to many measures of historical importance, such, for instance, as the amendment creating the civil government of the Philippines, an amendment to the Sherman anti-trust act which made possible the prosecution by the federal government of the Standard Oil Company, and the law under which the Panama Canal was constructed.

As chairman of the Senate committee on claims in his first term he saved the United States, it was said, hundreds of millions of dollars sought by unjust litigants against the government and later was largely responsible, as the moving spirit of the Senate committee on foreign relations, for the ratification of the Cuban, the Dominican and the Algeiras and many other treaties.

Of the Algeiras international settlement, it has been said, it averted more than ten years ago the threatened outbreak of a general European war. Three times tendered important posts by President McKinley—those of secretary of the interior, membership on the United States and British joint

high commission and attorney general of the United States—he declined them all. In Wisconsin politics Senator Spooner was long an antagonist of La Follette. Senator Spooner's opposition to La Follette continued until he retired from the Senate and public life.



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