

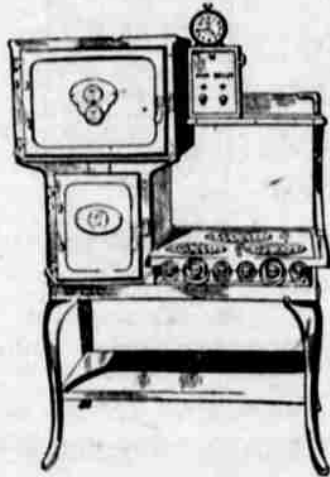


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## "FREEDOM CAN COME ONLY THROUGH LAW"

A Professor of Law at Harvard University Gives His Views on Ratification

One of the striking facts about the international history of the past several hundred years is the clocklike regularity with which at the beginning of each century cataclysmic world wars have broken out and threatened the onward march of civilization, in spite of the contrary desires of the great mass of the world's people. At the beginning of the seventeenth century it was the bloody Thirty Years' War which devastated Europe like a plague; at the beginning of the eighteenth century it was the long struggle between Louis XIV and the Allied States of Europe; at the beginning of the nineteenth it was the far-reaching Napoleonic Wars which swept Europe like a consuming fire. At the conclusion of every one of these wracking wars the statesmen of an exhausted Europe, sincerely anxious to guarantee and secure the future peace of the world, concluded epoch-making treaties, by which the map of Europe was substantially remade. In the full belief that the formula had at last been found for a permanent and enduring peace. Yet each peace proved as transitory as the one which preceded it; and at the beginning of the twentieth century we have found ourselves once again plunged, quite against the wishes of the great majority of mankind, into a cataclysmic struggle, recalling all the savagery of the Thirty Years' War three centuries before.

Cause and effect are changeless and eternal; can any one who reads history truly doubt but that if we conclude a peace today, no different in substance or structure from the Peace of Munster of 1648, the Treaty of Utrecht of 1713, or the Treaty of Vienna of 1815, it will be only a question of time till we are once again engulfed in an even more terrible world war than that through which we have just passed? If the Treaty of 1919 does no more than to rearrange boundaries and impose indemnities, if it allows the continuation of the old international lawlessness, and fails to organize international society into an ordered community of states, there can be no mistaking the fact that all the agony of the past four years will have been largely in vain; for as surely as night follows day, within a measurable period of time we shall have to face the same agony again.

International lawlessness may have suited well enough at a time when states were in fact self-sufficing and insulated units. But that time has passed. Whether we like it or no, internationalism has come in fact. Since the Industrial Revolution some great nations have transformed themselves from agricultural into great industrial communities; the very existence of these nations depends upon the uninterrupted international exchange of their manufactured goods for raw products and foodstuffs. If England were cut off from international intercourse today she would starve inside of a few months. Morally and psychologically, no less than economically, nations have ceased to be isolated units. The national Prussian theory of the State, and the Prussian belief that might is a force of more practical value than right, has borne its international fruitage in the wreckage of homes all around the world. The Bolshevism of Russia is the vital concern of America on the opposite hemisphere. Dependency and interplay of nation upon nation constitutes an actual internationalism that will not be denied; and if we will have our law accord with the existing facts which have temporarily out-distanced it, we must develop in our law as real an internationalism. Otherwise, our international law will be and can be only futile theory, with no power to control actual conduct; for no law which is out of accord with existing facts can prove a real factor in human development. If therefore there is to be such a thing in the future as international law, there must be some legal organization of international society; in some form or other there must be a League of Nations.

Paradoxical as it may seem, freedom can come only through law. The absolute individual freedom which the anarchist dreams of in a society without government is in fact a logical impossibility; because the removal of all restraint by the social organization could only mean that the liberty of each would be put at the mercy of every other individual who cared to rob, or plunder or wreck another's home. It is only by curbing the anti-social and criminal impulses of all that each member of the community can attain that security and freedom from intolerable interference which makes possible freedom of action and liberty of life.

This self-evident principle is clearly true of international, no less than of national life. If within the family of nations there is no method of restraining or keeping in check the criminal state, if every nation is free to follow its unbridled and cha-

otic ambitions, no people can be free to follow its own chosen destiny and desires. Under the system of international lawlessness which has prevailed in the past there has been in fact no real freedom or national independence. Prussia complained that she dare not disarm because she feared the French war of revenge; France was forced against her will to adopt a burdensome system of military conscription because of Prussia's army. Nations which wanted peace were compelled to build huge navies and burden their populations with heavy taxes in preparation for war. No nation was master even within its own house. The increase in the military budget of a neighbor state forced an increase in the home budget, quite apart from home debts. A Balkan quarrel in which America on the other side of the world had little interest finally resulted in forcing peace-loving America into the sacrifice of countless of her men and of her money, to gain—what? No land, no treasure, no economic privileges. To gain freedom alone,—freedom to work out a nation's own destiny unimpeded by the sinister designs and selfish ambitions of other peoples. There is only one way in which such freedom can be obtained. Only through some international organization of society to suppress and curb the unjust and oppressive aggression of large states upon small or of combinations of the criminally minded upon the law abiding,—only then can national freedom and liberty ever come.

FRANCIS BOWES SAYRE,  
Assistant Professor of Law,  
Harvard University.

## THE BUGABOO ABOUT ARTICLE X

(Boston Herald, June 17)

A dangerous misconception has existed from the start in the minds of many Americans as to what is involved in Article 10 of the Covenant of the League of Nations, to which article Senator Johnson says, "It is unthinkable that any American can subscribe."

This article says: "The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of threat of danger of such aggression, the council shall advise on the means by which this obligation shall be fulfilled."

This means simply and solely that external aggression must end. It does not mean that boundary lines existing today or existing whenever the aggression occurs must be maintained. Nothing exists in the covenant which provides for the maintenance of the status quo. The framers of the covenant had no such absurd notion that a growing, constantly changing world should be rigidly preserved as it exists when the treaty is signed. There are numerous ways in which changes can be made without aggression: by purchase, interchange, or some kind of amicable agreement, especially if preceded by removal of economic barriers. There is only one way by which changes cannot be made—that is, by external aggression. When Senator Johnson asks, "Are ye ready, Americans to pledge your sons and your sons' sons to maintain and preserve for all time the present government of the little nations we are setting up in Europe?" he is conjuring up a ridiculous proposal never in the minds of the framers of the covenant. Radicals and reactionaries alike have stumbled over this plain statement and some of them wickedly, some of them ignorantly, read into it what is not there. Enormous consequences depend upon the immediate rectifying of this gross misunderstanding as to the article which is the backbone of the whole covenant.

Let it be remembered, military opposition to external aggression is to be the last agency, not the first one, used. Each nation is now to be its brother's keeper and should help in the great work of forestalling and preventing trouble. Economic pressure is to be the first deterrent. A nation that will not send its case to court, that begins on external aggression, will in the first place know that not a ship will enter its ports, not a railroad car or telegram pass its border line. If complete boycott fails, then a small quota of soldiers may be requisitioned from each country, but only when our representative on the council votes for it. We can never be compelled to send our troops against our will. Those sent will be volunteers, not conscripts, and they will simply stop aggression. They will not conquer or continue punishment if aggression ceases.

Let Americans refuse to be fooled by specious arguments at this most critical time. The question is, shall a fraction of the ninety-six men in the American Senate prevent world organization and the beginning of the end of external aggression and frustrate the world's hope?

LUCIA AMES MEAD.

Let Your Senators Know That You Want Them to Ratify the Peace Treaty Without Reservations or Amendments.

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Notice is hereby given all property owners that tall dry grass, rubbish and refuse must be cleaned out of all lots according to the Ordinance of the city of Albany bearing upon the subject. Any property not properly cared for will be cleaned up by the city and the costs assessed to the owners. Burning of rubbish without a permit will also be punished according to law.  
By order of L. B. Hixson, Jr., Assistant Fire Chief. 25/191

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