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Some of the International
Aspects of the Cuban Question

ANNUAL ADDRESS

Before the Pennsylvania State Bar
Association

At Delaware Water Gap, Friday,
July 8, 1898

by

John V. L. Findlay

of the

Baltimore Bar

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SOME OF THE INTERNATIONAL ASPECTS OF THE CUBAN QUESTION.

BY HON. JOHN V. L. FINDLAY.

The President of this Association, in conveying to me its invitation to make the annual address on this occasion, stated that, while it was usual to take up some theme of inter-state or international interest, yet a very large liberty of choice was left to the speaker. At this time, however, it did not seem that there was any reason for departing from the usual range of topics indicated, but a fitness possibly in the selection of some theme suggested by the unfortunate condition of affairs in which we find the country involved. I do not flatter myself at all that I shall be able to make any contribution to the literature of the question, either novel in the subject-matter itself or in the mode of its presentation ; and I am well aware that there may be an objection to the selection of such a theme, vigorously expressed in the old maxim "*Inter arma silent leges*," and that anything I can say will savor more or less of a post mortem deliverance in the nature of "Crownner's quest law."

There is much more than a mere matter of sentiment involved in the declaration of adherence, in time of war, to one's country, whether right or wrong, and no man, in my opinion, has a right to say anything or do anything that will chill the enthusiasm of the people, or impair the vigor of the government in such a crisis. The accepted theory of war, outside of Rousseau and other dreamers, is that the nation considered as a whole, and the people composing it individually, are each and all involved in a common hostility ; and, although it is quite impossible as matter of fact for the whole population, or its individual units, to participate in an actual passage at arms, with the combatants on the other side, likewise engaged, yet as matter of law, there is no escape for either party to the conflict, from the liabilities and

obligations of such a predicament. A man may feel that a war is foolish, he may at heart be opposed to all wars as unphilosophical and unchristian, he may even cherish the notion that war is but systematic homicide and trespass combined and conducted on a gigantic scale under the sanction of law, but with no binding force upon his individual conscience, as the higher law which he at his peril, between his Maker and himself, is bound to obey; but, when the war is actually on, he becomes a party to it whether he wills it or not, and when his fellow men, as his representatives, engaged in the discharge of a duty common alike to him and them, are risking their lives on the land and sea, for his protection, he has no right, measured not by the highest, but by the lowest standard of duty, except to submit to the inevitable. If he can render no other service to the government, he can at least hold his tongue and suffer the stings of conscience in silence. It may be well for such a person indeed to challenge his conscience and probe his consciousness to the bottom lest there be lurking in some hidden corner of his nature some other motive so secreted or so slyly and unconsciously working that what is mistaken for a deliberate judgment on the obligations of duty may be, after all, some selfish interest or the importunate prompting of the instinct of self-preservation.

It would be, therefore, not only idle at this time to attempt the discussion of the causes which have produced the present hostilities between our country and Spain, but, so far as any discussion of them would or might involve any unfavorable criticism upon the action of our Government, the attempt might well be characterized as ill-timed and unpatriotic. Fortunately, however, I can approach the subject, not only from the standpoint of one who goes with his country, right or wrong, a sentiment in time of war which I heartily endorse, but also from a clear conviction, both upon principle and authority, such as the case permits, that the country is absolutely right.

The principal question underlying the whole controversy is the right of one sovereign power in the family of

nations to forcibly intervene in the domestic affairs of another. Sometimes the question is put as to whether such intervention is justifiable on one moral ground or the other; as, for example, whether it would have been lawful to have intervened between Turkey and Armenia, or between Greece and Turkey in the recent disturbance of the relations between those countries; but this mode of putting the question loses sight of the principle involved. Once conceding the right to intervene at all, it must be obvious to every one that upon a sovereign power there can be no legal restriction imposed limiting the exercise of its discretion in determining the time when, and the circumstances in which, such intervention is proper; that this consequence flows logically and necessarily from the attribute of sovereignty, and that while it should be carefully and sparingly asserted, a denial of the power would be equivalent to the denial of the right of every State to determine for itself what makes for its own safety and the common weal.

It is to be observed that the principle of forcible intervention, as I have stated it, recognizes the right as one of the essential attributes of sovereignty, and of course, as sovereignty inheres in all the Powers, it follows that each one has the right, and herein lies the real and only check upon its abuse, because no intervention can be undertaken without establishing a precedent, and that precedent, if not founded in justice, both logic and tradition teach, may with confidence be expected to return at some inopportune crisis to vex its authors.

The strongest argument that can be made against the right of interference seems to me to overlook the fact that, in abstract contemplation of law, sovereignty in the nature of things is an attribute of power upon which no restriction can be imposed, for the reason that the admission of the right to limit it by any external authority carries with it a denial of the attribute itself, and the argument which is based upon its liability to abuse by some particular State loses much of its force in the consideration that the State affected is not only

on its good behavior before the world, or the other members of the family, but in whatever evil course it may pursue gives a bond to fate with the certainty that the obligee will sooner or later call for redemption. Injustice compounds its interest for nations as well as individuals. Each State, while reserving the right to intervene in its own discretion, cannot be insensible to the enlightened opinion of the rest of the States, but it matters not by what limitations and restrictions this sovereign right may be restrained, or what may be the conditions on which it may properly be exerted, it would seem reasonable to contend that no State has the right to deny it to any other State, for, by the act of so doing, the State that negatives the right affirmed by the other becomes an intervening State itself, which, *ex-hypothesi*, it has no right to become. More fairly stated, perhaps, counter-intervention, while it may be maintained on the ground that the State exercising it is within its right as a member of the family of States, so long as it defends the principle of non-intervention in the internal affairs of another State, because, by so doing it is really intervening in a matter that is external rather than internal as between it and the conflicting States; yet, nevertheless, any intermeddling in a quarrel outside of the limits of territorial sovereignty not based on might, necessarily implies the right to intervene; and it is in view of this as well as of other contradictions in applied international law that led Wheaton to declare, in summing up the progress of the science from the age of Grotius to his own, that intervention was an undefined and undefinable exception to the general stability of the system."

Pomeroy, one of the clearest of our thinkers as well as one of the ablest of American writers on the subject of municipal as well as international law, has expressed the same idea as Wheaton, only in a little different form. He says that the subject of intervention has not been and perhaps cannot be regulated by positive international law. "It must be relegated to the domain of those high politics, those principles of expediency which control the conduct, both

domestic and foreign, of nations." The obvious reason, it would seem, why it is an exception undefined and undefinable in the opinion of Wheaton, and that it cannot be regulated by positive international law in the view of Pomeroy, is that there is no central authority that can assign limits to the exercise of the sovereign power of the respective States, and there is not likely either in the near or remote future to arise such a power except in the imagination of the poet, for the reason that no nation will and, in my humble opinion, can safely deny to itself the sovereign right of determining for itself under a solemn sense of responsibility to its own conscience and due regard for the rights of others what makes for its own safety and honor. The claim that such a doctrine will necessarily lead to an abuse of power by the military as contrasted with the commercial nations of the world, and to that extent would seriously interfere with the progress of the United States, we will let the Deweys, the Hobsens and the Schleys answer.

The rule of international law against intervention as applied in Europe in preserving the sovereign autonomy of the European States as they now exist and as applied in the United States in preserving the Americas free and disentangled from European policies, is founded on no positive compact, but was originated in the first instance, and is operative now simply as a rule of policy which, it was believed, would conserve the best interests of both sets of powers, but it is a rule that has been broken by Europe more than once and which the United States is breaking now. Self-interest after all is the governor that regulates both the national and the individual machine, and the infinite interdependencies of society, international as well as municipal, constitute the real salvation of the State. It is the nice balance of these interests that preserves the Balance of Power itself, and without the constant operation of motives springing from such sources, the rule of public law founded on non-intervention would have no existence outside of the lecture-room and the text books. Other motives are fickle, haphazard and unreliable in their operation, but interest is as stable and certain

in its results as the law of gravitation itself. Nor would it seem that the contradiction spoken of can be avoided by inducing a concert of States to undertake the task of interfering, because, each being sovereign in its relations to the others, a combination could not change or affect this relation, however much it might divide the responsibility in any particular case of interference. But this right is not an attribute of sovereignty to be supported on abstract grounds, merely, without any connection with the real and practical considerations that affect the welfare of States, but in its last analysis, stands for the natural right of self-protection, which in both individuals and States is fundamental and indispensable. It has been contended by writers and professors of the highest authority, and indeed by publicists generally, that the right of a sovereign State to order and administer its own domestic affairs as it pleases, without the supervision or interference of a neighboring State is a sort of axiom, the denial of which, or the subversion of which, would be fatal to the existence of the basic principle upon which international law is founded. It is claimed by the advocates of this proposition that non-interference as a legal duty and not merely a passive abstention from motives of expediency originates also in the very idea of sovereignty, and that it would not be possible upon any other principle to preserve the obligatory force of a system of rules and regulations, which, unlike the municipal code, derive their sanction from the consent of the parties. A man obeys the laws of his country as a rule of action laid down by a superior to an inferior under penalties for disobedience which those laws prescribe; but nations, in their intercourse with each other, yield obedience to the rules of international law, as parties to an implied compact, which no recognized authority has the power to enforce, the only sanction being the coercive power of public opinion, self-interest, or in some flagrant case, the exertion of the military power. It is the essential nature of this compact that no party to it shall have the right to go outside of the munic-

pal jurisdiction within which its sovereignty is complete, for the purpose of invading the jurisdiction of another power equally sovereign within its municipal sphere, on some question of purely municipal concern; for, the moment such an extra-territorial excursion is sanctioned as a matter of legal right, there must of necessity be an end to the idea of sovereignty upon which the whole system depends. The symmetry and the integrity alike of the system, these advocates hold, are capable of being preserved only by a rigid adherence to the doctrine, and that the recognition of any other principle would be destructive to the peace and ultimately to the very existence of international autonomy. It has even been urged by some writers that, after all, there is not much difference between international and municipal law in respect to the sources of their authority; that no law can be enforced, without the sustaining power of public opinion; and that consent is as much an implied factor in the jural obligations of nations as individuals.

In support of the proposition, many auxiliary arguments from the domain of morals are conscripted into service, and among others it is insisted that forcible intervention resulting in war entails upon the intervening State more misery than it can hope to alleviate, and that no possible service it can render in the cause of humanity to the subjects of another power can compensate for the lives of its own citizens, who will inevitably perish as a consequence of interference; that national duty, like charity, begins and ends at home, and many other wise saws of similar pith and moment.

In reply to this, it is to be observed, first, that the question at issue is not, what will be the consequences of forcible intervention, nor whether war is a relic of barbarism, out of date and out of touch with the advanced morality of the age, but a question pure and simple as to the naked sovereign right of one nation to impress its individuality upon another by the agency of the military power, on a claim that it is responsible to no other State for its conduct,

except so far as the third State, or a combination of States, in the exercise of the same right, on the same claim, may choose to hold it responsible. The sovereignty that is affirmed in respect to one State must, of course, be affirmed as to all; and the logic of the proposition carries with it both the right of intervention and counter-intervention with no ulterior responsibility in law except to the intervening power, and this naked right, abstracted from every other consideration, originates in the fundamental conception of sovereignty itself. In the second place, I observe, that not only is this true in principle, but it is established by the practice of all nations, in their dealings with each other. It would be superfluous to prove this by reference to recent or more ancient examples, and the only effect of such an attempt would be to protract the agony of a dry discussion without at the same time adding anything to the common stock of knowledge. It may not be out of place, however, to refer to the fact that the execution of Louis XVI, and the excesses of the French Revolution were the controlling causes that finally induced Great Britain to join the coalition of the continental powers in an effort to suppress the first Republic of France, and although Mr. Pitt expressly disclaimed any intention to interfere in her internal affairs, it is obvious that such a disclaimer must be accepted with some grains of diplomatic allowance. Again, it is well known that absolutism, taking fright in Europe at the *bonnet rouge*, at the close of the Napoleonic wars, sought refuge in the principles of the Holy Alliance, which went further, perhaps, in denying the sanctity of infra-territorial sovereignty than was ever attempted before or since. Stripped of all verbiage and the high morality which was urged as their pretext, these principles declare in effect, that any popular uprising in any State, the object of which is to overthrow the existing government, furnishes good cause for every other State, in the interest of the general security to intervene; and Spain, with whom we are now dealing, was among the first to suffer the consequences of a practical application of the doctrine, at the hands of France.

Nothing could have been more sweeping than this declaration, which at the same time was made all the more impressive after its first enunciation in Paris, in 1815, by the deliberate confirmation of successive congresses of the Powers at Vienna, Verona and Laybach. It is true that the general commotion and insecurity of Europe can be pleaded as affording some reasonable justification for a policy so radical and extreme, but it is difficult to perceive how any practical expounder of that fluctuating rule, colored by interest and called international law, can deny that the right of forcible intervention has not only been practiced, but proclaimed by the very Powers which profess to limit it to the external relations of States.

But it will be observed that these examples, and many others which could be cited, are drawn from instances of actual interference with those members of the family of States which are recognized as being within the sphere and under the protection of international law. What becomes of the principle and the rule when the observation takes a wider range, may be learned from the history of Great Britain in India, and the dealings of all European Powers with the weak peoples and tribes of Asia, Africa and Australasia. The whole difficulty of the case grows out of a failure to discriminate between what is purely legal and what is purely moral, and in the necessity for the application of restraints of some kind upon the exercise of unlimited power to forget that these naturally and spontaneously spring from the relations of the parties and the endless ramifications of self-interest.

Certain it is that whatever may be the reverence felt for the rule elsewhere, the people of the United States must forget their own history and most cherished traditions before they can deny the right of one State to interfere with another in a mere matter of domestic or municipal cognizance; and this forgetfulness will not be excused or palliated by a too minute analysis of the motives which brought to our relief the powerful aid of the French Monarchy. It is a good maxim in all circumstances not to look a gift horse in the

mouth ; nor must it be forgotten that while duty and obligation are in many cases the correlatives of power and right, it is not always the case, and it by no means follows, that because a nation has the right to intervene, that it is its duty to do so.

All that I am contending for now is that it cannot be said that the sovereign right does not exist ; for, if that can be established, I don't think there would be any one bold enough to deny that the question of duty was one that no one but itself could possibly determine. The considerations which affect this branch of the subject are ethical rather than legal, and while we often hear it said that we are not the keepers of another's conscience, it will surely be admitted that we are the natural guardians of our own, and whatever appeals to this conscience is a matter of purely domestic concern. The fact that there is oppression and starvation in other lands far removed from our shores, and existing under conditions which would render any attempt at relief on our part impossible, if not quixotic, affords no reason why we should turn away the wretched who are begging at our very doors and whom it is quite possible to relieve without consequences fatal to ourselves. The man who finds an argument for doing nothing in the impossibility of accomplishing everything is not a sound or a safe guide. The barbarities of the Turk in Armenia may have surpassed in cruelty the atrocities of the Spaniard in Cuba, but the difference to us is that the conflagration in one case is so distant that we can only catch the reflection of it on the horizon ; whereas, in the other we are singed and burned by a fire in our neighbor's house. It is possible to get to the one and put it out, and it is practically impossible to do the same thing with the other, and, like sensible people, we simply resolved to accomplish what we could, rather than what we desired, but could not.

The humanitarian aspect of the Cuban question has taken such hold of the public mind as to overshadow the great underlying fact that it is not the misery *per se* of Cuba that affords the strongest justification of the United States,

but the incidental injury which, in consequence of that misery, has been inflicted upon this country. It might be a matter for very grave question whether the mere suffering caused by the effort of one of the Powers to suppress a domestic insurrection, even although accompanied by unusual exacerbations, would of itself justify forcible intervention; but, in the present case, we are confronted with all this and in addition, have to suffer immense pecuniary losses, besides the annoyance of an irritating question that has disturbed the national tranquility for three generations. I should myself very seriously doubt the policy of interference on purely sentimental grounds, notwithstanding the strong appeal they make to the best feelings of our nature, and to the traditions in which our own nationality was cradled; for, in respect to questions of this sort, it is wisest, I think, for a people to face not merely the first cost of the attempt which may be measured with some degree of certainty, but the indefinite cost also of an experimental voyage on a shoreless sea.

It may be conceded then, that there ought to be some other justification for interference than the mere fact that a civil war or a domestic insurrection produces the usual or even an unusual amount of suffering, for in such a case the fact that in the effort to relieve it our own people would suffer as much or more would present a difficult if not an unanswerable argument against intervention. The justification for interference in the Cuban affair between Spain and her colony is to be found, as I have before suggested, not in the injury inflicted upon the persons and the property of the insurgents, but in the damage resulting to the United States, as a consequence of that injury.

From one point of view it is impossible for one power to cause a legal injury to another by anything it may do in dealing with its own subjects and citizens in a state of revolt, and it is only, therefore, when this injury extends beyond the jurisdiction of the power inflicting it, into the jurisdiction of

some neighboring State, that the right of intervention can be righteously exercised.

In stating this proposition, however, it must be remembered that the laws of municipal and of international society are established with reference to the ordinary events of human experience, and that cases arise sometimes when it is clear that by reason of the extraordinary character of the occurrence the ordinary rules of law cannot be made to apply. And right here, remembering that the abstract right of the United States as a sovereign power to interfere cannot be denied, if it chooses to take the responsibility, the question arises whether an extraordinary state of affairs has not existed in the Island of Cuba for three years, for which existing law and precedent fail entirely to furnish a satisfactory standard. Apart entirely from the incidental injury inflicted upon the United States, for which, on ordinary principles the abstract right of intervention might be justly exercised, the question is whether the character of the injury itself, as confined to the Island of Cuba, without regard to its extra territorial consequences, is not a fit subject for the same kind of intervention, justified by legal right and by every moral consideration that can enforce a duty.

No man, in my opinion, can read the evidence embodied in our consular reports and as delivered by eye-witnesses of the highest character, and hesitate a moment as to the answer to be given to such a question. It will not do to dismiss with a doubt or a sneer the just indignation excited by the atrocities described in this testimony, and so far from there being any cause to suspect the honesty of the indignation it has created, it would seem to me that a person was less than human who did not feel it. Admitting the right of the United States to intervene in virtue of its sovereignty and under its responsibility to public opinion and the great powers of the world, a right I submit that cannot be logically denied, then surely if ever right and duty did concur, the right as clear as the duty is strong, both meet to support the United States in its controversy with Spain.

There is another aspect of this question, to which no allusion has yet been made, but which seems to me, if any doubt could exist as to the rightfulness of the position assumed by the United States, ought to see that doubt forever at rest. It does not concern, however, except incidentally and indirectly, the right to intervene, but affords an illustrated argument for the necessity of exerting the right rather than for the existence of the right itself. There is no writer on international law, and no authority on that subject that I am aware of, who does not concede, or, at all events does not deny, that when the internal condition of affairs, or the municipal status of a sovereign State becomes a source of nuisance, menace or peril to another member of the family, it then becomes the right of that member to forcibly intervene for its own safety. These authorities admit that there are certain conditions which will justify the enforcement of the right while they appear to deny that the sovereign power affected must in *all* cases determine for itself what the conditions are. They appear to reason on the subject along moral rather than legal lines, and to confound an absolute sovereign right with the occasion and circumstances when it may be proper to exercise it, and seek to establish a rule by an imperfect consensus of opinion among themselves, *as to what ought to be rather than what is*. They all agree, however, as I have stated, that where a contiguous or other State, by means of imperfect organization, or disordered function, menaces the peace or welfare of a member of the family of States, still more, when as a consequence of maladministration, a direct injury has been inflicted upon a sister State, that the duty of intervention has the complete sanction of the law. On this concession, what more terrible example of the internal condition of a country as affecting the lives of our own people could be afforded than the destruction of the *Maine*? I say nothing of the pecuniary loss involved, because it can be readily computed and easily compensated, but for the lives lost in this awful calamity there is no compensation except in the

passionless justice of God. This, however, in passing. The point I am endeavoring to establish is, that a country so badly governed as to make possible such an accidental miscarriage of the police power, we will call it, as illustrated by this incident, is a fit subject for sovereign intervention and readjustment—and I was about to add, chastisement.

In stating the proposition in this way, it will be noticed that there are two assumptions: first, that Spain is not officially responsible for the act in the sense that it was directly ordered by her authority; and second, that the explosion was brought about by a cause external to the vessel itself. The first assumption is entirely favorable to Spain, conceding perhaps more than she is justly entitled to; and the second not only fits in with the surrounding circumstances of the case, but is founded on the deliberate finding of a Court of Inquiry, instituted by this country after the most patient and searching investigation that the subject permitted. It is true that Spain prosecuted an independent inquiry herself into the cause of the disaster, and that the finding of her court was, that the *Maine* was blown up by a cause proceeding from the interior of the vessel, and of course beyond her control, and outside of the sphere of her responsibility; but this finding was not only plainly perfunctory, but there is room for that sort of suspicion which is the equivalent of knowledge, that it was designedly made and published in anticipation of the verdict of the United States Court for the express purpose, not only of forestalling its effect, but of providing an excuse for not making any other examination into the matter, or of involving the case in the endless toils of diplomatic fence.

It is a fact that has escaped general notice in the discussion of this subject, that five days after the destruction of the *Maine*, to wit, on the twentieth day of February, 1898, and long before the divers employed by the Spanish authorities had made any investigation of the wreck at the bottom of the bay, that the Judge conducting the examination, styled the Court of Instruction, reported that enough had been

ascertained *then* to justify him in declaring that the *Maine* was blown up by a force generated from the inside of the vessel. This report is so suggestive that it may not be out of place to give its exact language, as translated by the State Department at Washington. It appears to be addressed to the Captain-General at Havana, and is as follows :

“ *Excellent Sir :*

“ Thinking it proper in view of the importance of the unfortunate accident occurring to the North American iron-clad *Maine*, to *anticipate*; although in reserved character, something of that which in brief *will form* part of the *opinion* of the *Fiscal* (*attorney general*) upon that which I undersign, and in case your Excellency should think it opportune and proper to inform the Government of her Majesty thereof, I have the honor to express to your Excellency that from the judicial proceedings up to-day in the matter, with the investigation of which you charged me immediately after the occurrence of the catastrophe, it is disclosed in *conclusive manner* that the explosion was not caused by any action *exterior* to the boat, and that the aid lent by our officers and marines was brought about with true interest by all and in a heroic manner by some. It alone remains to terminate this dispatch that when the Court can hear the testimony of crew of the *Maine* and make investigation of its *interior* some light may be attained to deduce, if it is possible, the true original cause of the *event produced in the interior* of the ship. God guard your Excellency many years.”

The words so marked I have italicised, and from the whole context three things are apparent :

First.—The desire and intention to anticipate the finding.

Second.—That both the Court and the Fiscal had determined what the finding should be.

Third.—That they had determined it in such a conclusive manner that there could be no doubt as to its truth, and that this finding entirely acquitted Spain of any responsibility for the catastrophe.

This conclusion was reached and reported, as I have stated, on the twentieth day of February, and presumably was communicated to the Peninsular Government, and that Government, on the tenth day of March, cabled the authorities in Havana that it was advisable that the proceedings in the investigation should be expedited as much as possible so that the report might "precede Americans," and these authorities in turn, in a message marked confidential, transmitted the contents of this dispatch to the Court of Instruction. As a matter of fact we all know that the Spanish report was given out for publication several weeks before the report of our Court was made known.

In view of this report I think we have a perfect right, in discussing the merits of the controversy, to disregard the finding of the Spanish Court altogether, not only as not supported by the evidence, but as closely resembling a subterfuge which would be in entire accord with the traditional craft and crookedness of Spanish diplomacy.

Assuming, then, that the *Maine* was destroyed by an external force generated and made effective on Spanish soil, and that the deed was committed without the sanction of the insular authority or of the Home Government, but happened in some mysterious way as yet unexplained, by an agency as yet unknown, we have the case of a vessel belonging to a State at peace with Spain, suddenly blown up at night and sunk in her waters, accompanied by a terrible sacrifice of life and limb, under circumstances of horror that daze and stagger the imagination. The case as stated, while relieving the Spanish Government of the charge of direct complicity, nevertheless involves it in a responsibility for the destruction of the *Maine*, that strongly illustrates and enforces the duty of intervention, because a Government that is too weak or careless to protect the lives and property of a friendly power within its jurisdiction, forfeits the exclusive right it has to manage its own internal affairs by demonstrating its incapacity to do so, and necessarily places itself within the

right of the injured power to assert the great law of self-preservation.

No one would deny, I suppose, that it would be the duty of the Government of the United States to intervene if it could be clearly shown that, in addition to the general disorder and disintegration of society existing in Cuba, the injurious consequences of which extend in a general way to this country, it was also a fact that such was the inefficiency of the police regulations, or such the turbulence of the population, that a Government ship under its own flag was not safe in the principal harbor of a friendly Power. The character of the intervention would be determined by the objective of the Government, which, in the case stated, would not be war *per se*, with the destruction of the *Maine*, or the general insurrectionary condition of Cuba, as the *casus belli*; but the pacification of the island and the restoration of order, as conditions necessary to our own security and tranquility. Whether the proofs are sufficient or not to establish the facts necessary to justify such an intervention is a matter entirely within the right of this Government to determine for itself, and to refuse to make the determination, or to leave it to other Powers, few or many, to be determined for it, would amount to an abdication of its sovereignty; translated into other terms, to international suicide. ✓

There is one more aspect of this question, to which I wish to make a brief reference. The Congress of the United States, in the joint resolutions, approved by the President, authorizing forcible intervention, expressly disclaims any intention to annex Cuba, or to acquire the island by right of conquest. The motives of the Government were supposed to be open to challenge, or misconstruction, and the desire was so strong to put the United States right before the world, that some such disavowal was deemed imperative, but it may be questioned whether it was either wise or necessary. What the future of Cuba will be no one knows with certainty, but it may safely be predicted that no other power will be permitted to control her destiny in disregard of the paramount

interests of the United States. The geographical position of the island is such as to make it absolutely necessary that it should not fall into hostile hands, and, in the varying vicissitudes of nations, any hands, even those which are friendly now, may become hostile.

Take up a map of this hemisphere and you find the island of Cuba stretching about 700 miles from its eastern extremity in the Atlantic to the mouth of the Gulf of Mexico, into which it protrudes, between the straits of Yucatan and Florida, only about a hundred miles from the nearest point in our own territory, and which it commands as absolutely as the United States controls the mouth of the Mississippi. As there is not an inch of territory drained by the Mississippi, the Missouri and their affluents, which is not vitally interested in free navigation to the Gulf, so it is equally true that all the commerce, both inward and outward, passing through the Gulf itself, is interested in preserving the gateway of the Atlantic as free as its own waters. Cuba, in the possession of a strong power, hostile to the United States, would be a standing menace to its security; and, for this reason our statesmen from the earliest period have refused, in shaping the policy of the nation, to recognize any other destiny for the island than its continued occupation by Spain, or ultimate control by the United States. The great doctrine which bears the name of President Monroe was an active force in shaping the policy of the country before that statesman gave it the sanction of his administration; and one of the most conspicuous instances in which it received practical application was the refusal by the United States, as early as 1825, to permit Columbia and Mexico to take the first step that might have resulted in the alienation of the island from the United States.

Great Britain, Germany and France have all, at different times, cast longing eyes in the same direction, but this country has invariably interposed a firm veto, the disregard of which was understood, and was meant to be so interpreted, as a declaration of war. In fact the distinctive foreign policy

of the United States, as far as it may be said to have had one, may be stated as embodied in the idea of preserving this hemisphere free and disencumbered of the policy of the European States, whose primary interests were declared to have nothing in common with our own ; a principle, which, while having its full application in the case of Cuba, is reinforced by strategic considerations, which make it impossible to permit the island to pass under European control.

It is true that the leaven of republican institutions since the declaration of the independence of this country has largely permeated European thought, and on the continent has resulted in the establishment of at least one republic of first-class power, and in moderating the spirit of absolutism more or less in all the continental States, and to this extent has removed the motive of the American propaganda, which, in the early days of the republic, was wont to assert itself, with a spirit and enthusiasm now scarcely felt. The old Fourth of July address, with its ardent apostrophes to the genius of liberty and the rights of universal man has been displaced by a more or less frigid discussion of social questions, affecting the happiness and well being of our own people. Even in the recent debates in Congress on this Cuban question, there is a notable absence on the whole of the proselyting spirit that distinguished the efforts of the Fathers, as, for example, the speech of Mr. Webster in behalf of Greece, delivered in the House of Representatives in 1824. The inspiration of that remarkable address is a consecration of the Western Hemisphere to republican freedom, and an expression of sympathy with any movement in the civilized world for the overthrow of despotic power. It was a calm, deliberate notice to the allied powers in Europe that the United States was just as interested and just as determined in the propagation of free popular institutions as they were, or appeared to be, in the establishment of despotism. A speech from such a standpoint would be impossible now, not because we are any the less devoted to a representative government founded on free suffrage, but because for a hundred years we

have been teaching a lesson, both by precept and example, which the world has not been unwilling to learn.

The admission, however, that the liberalizing influence of free institutions has done much to secure them from dangerous assaults by increasing the number and power of their friends abroad, does not relieve us of the responsibility for maintaining inviolate the area consecrated to freedom by the pious foresight of the Fathers at home; nor have we been derelict in the discharge of the trust. Whatever changes in the form of government that have taken place in the two Americas, since the date of our Revolution, have been changes largely inspired by its spirit, and in no case has there been a voluntary lapse from the ideal at least of a free country, inseparable, of course, from the eccentricities of race and temperament.

The attempt by Imperial France to displace the Government of Mexico and establish in its stead a monarchy passed unrebuked for awhile, but it was not because the statesmen of the country were not fully alive to the danger of the precedent and the extent that it infringed upon the declared policy of the country, but because the country itself was then unhappily divided and too weak to resent the interference. The very moment, however, our difficulties were composed, and we were in a situation to call others to account, notice was served on France that the continued occupation of Mexico in support of the unfortunate Maximilian was offensive to the United States, and was soon followed up by the complete withdrawal of her military forces and the downfall of the monarchy. This policy, so early proclaimed and so vital to the preservation of our institutions, will guarantee to Cuba the peaceful evolution of her destiny, which sooner or later will stand revealed in a land smiling with plenty, in control of the vigorous Anglo-Saxon, and in the realization of the highest ideals of representative democracy.

But if such will be the future of Cuba, what will be the position of the United States? Unquestionably, this Government will have taken a marked step forwards in the

development of a distinct foreign policy quite repugnant to the attitude of international isolation, which it has previously maintained. The United States, not only as the result of the influence of Washington and the impressions made by the farewell address, in the early stages of its career, but as a consequence of its situation as a new and experimental member of the family of States, and a weak one in undeveloped resources, was, perforce, constrained to adopt a purely domestic policy.

As a string of feeble seaboard States on the Atlantic coast, loosely held together under a constitution which needed the vitalizing genius of a Marshall to expand as well as to expound, and the stress of a civil war to test and confirm, the United States was a very different body from the nation of to-day, that has filled up the continent between the two oceans with a united people, compounded of the best bloods and beliefs of the civilized globe, rounded and compacted into one imperial and harmonious whole, and at the touch of a button, placed in instantaneous communication with all its parts and the outside world.

The policy of a nation can no more remain the same than the people themselves, or the natural face of the soil that they occupy. As there is a constant transformation going on in the earth's surface by the action of natural forces, and a still more marked change in the physical landscape produced by the labor and art of man, so this alteration finds its fit analogue in the internal changes wrought in the supraphysical and spiritual condition of the people. National character, like individual, is developed according to the law of its environment, and this environment is subject to change and modification as the result not only of causes proceeding from the society itself, but of external influences.

No man shapes his own character, and although we often hear the expression, "a self-made man," meaning a phase of individuality manifested in some particular case, as if it were the immediate creation of the individual himself, yet there is no more truth in the expression than if we were to say that the

same individual had actually created himself both body and soul. To the extent of seizing upon opportunities, and having the clear eyes which distinguish between the real and the simulated, there is a limited sense in which a man may be said to have made himself what he is, but even in this respect large allowance must be made for the operation of hereditary and other favorable influences, the absence of which determines, or helps to determine, the career of his less fortunate neighbor.

The quality that we designate in the individual as character is an indefinable something that springs into existence, not spontaneously, but as the joint and labored product of the subjective nature of man and the objective sphere of his social relations; and so it is out of this eternal play of action and reaction, of adjustment and readjustment, between the internal and external forces, that the individual is slowly evolved. Nations are no more self-made than individuals, and national policy, which may be called the working plan of the nation, is as much the creation of objective, or causes external to itself, as the career of an individual. The balance of power doctrine, which has largely shaped European policy, whence was it derived? It originated in a necessity external to each of the States interested in its preservation as a paramount rule of public law, and as the result of an environment which must be accepted as a consequence of the existence of the States themselves, and of their relations to each other; but, while this is its objective aspect, it is plain that the domestic condition of each State adjusting itself to this external status must undergo serious and radical changes.

The immense armament required by each State, or, at least, by each of the great military States, to preserve the so-called balance causes an exhaustive draft on the resources of the people, reducing the number of active producers in the proportion of the increase of mere consumers, and in an infinite number of ways affects the life of individuals and so influences the aggregate life of the whole body of the people.

International law, as well as municipal law, in any of

its forms, organic or otherwise, represents the slow growth of principles which originate in the necessities of the human being. Mr. Gladstone is reported as saying that the Constitution of the United States was the greatest monument of the brain and purpose of man ever put forth in a single effort; but it is quite certain that this great charter of liberty, regulated by law, as well as every other advance in the development of political science, not only has the ages back of it, but in it.

The principle that each State in the family of States, however small in territory or feeble in population and resources, is the equal of every other State, and upon which the balance of power doctrine rests, was not invented until the discovery was forced upon the European States by a long series of bloody and devastating wars. So the United States, in the earlier stages of its history, having no immediate interest in the practical application of the doctrine and having no interest in the family troubles of Europe, gradually absorbed the idea that the best policy for it was to pursue its own quiet way in the development of its natural resources and to let the rest of the world do as it pleased. This conception of national policy, although it may appear from our present standpoint narrow and illiberal, yet, when viewed in the clear light of historical retrospect, was not only just the conception which the situation of the United States might have been expected to produce, but also what its necessities then demanded. And it will be observed that none of our statesmen, even Mr. Monroe himself, in the most conspicuous departure ever made from the line indicated by this policy, went further than to declare that an extension of the European system to any portion of this hemisphere would be dangerous to our peace and safety, while he, at the same time, expressly disclaimed any intention to interfere with any of the existing colonies or dependencies of Europe.

Even in that limited conception, however, the genius of English diplomacy, speaking by the mouths of Canning and Brougham, saw the opportunity for a generous expansion

which ultimately would draw the United States out of its provincial shell into the world-wide circle of international sympathies and interests. These great statesmen were quick to perceive, that a declaration on the part of the United States, that her own peculiar institutions were so dear to her and that she was so convinced that they were the best for all the free countries on this side of the Atlantic as to lead her to resent any interference with these countries as an encroachment on her own rights, was not only a step in the direction indicated, but was such a deliberate facing about as to make return to her old attitude of indifference and isolation impossible.

What was so clearly perceived by these eminent men was gradually being worked out by the two forces I have mentioned, that is, by the internal life of the nation accommodating itself to external circumstances, and the reciprocal interplay of these activities. Chief among these external influences is to be reckoned the Civil War, which resulted in establishing American nationality. Such a nationality, it is true, had existed from the declaration of independence, but the sentiment was so diffused and weakened by an undefined, and in some quarters, an exaggerated notion of the paramount obligations of State allegiance, that it can be scarcely said that the simple idea of love of country, which the European calls love of the fatherland, can be said to have taken root in the American heart.

The North sprang to arms in defence of the Constitution, but the South was equally resolute in fighting for what it claimed to be its rights; and between the two, one might well ask where was the sentiment of patriotism common to the whole country? The Civil War in fact demonstrated that there were such radical differences of opinion between the two sections on questions of constitutional construction, that nothing short of a resort to arms could settle them; and it also proved that there was in one section at least a feeling of bitterness and enmity toward the other, that must completely disappear before the single love of country would be felt in

all of its parts as the common sentiment of all of the people. If the Civil War had simply demonstrated this unfortunate condition and had done nothing more, great indeed would have been its curse, but, fortunately for us, it proved itself to be in the end the most effectual remedy for the evil it exposed. The United States is not only one in theory, as Webster would have it to be, and as the school of Calhoun fought hard against its becoming, but it is in principle and practice one country in a sense that it never was before in its history, that is, in the sense that sectional hate has been obliterated and vexed questions of constitutional interpretation have been settled forever.

Another of these causes has been the growth of the people, the successive additions of States and the gradual pushing forward of the frontier of civilization to the shore of the Pacific. A population of over 70,000,000 of people occupying a continent, the shores of which are washed by the two great oceans of the world, now the convenient high-ways of commercial intercourse and travel, and located midway between the aggressive civilization of Europe and the expiring civilization of the East, cannot, even if it would, maintain an attitude of passive neutrality, in a movement which voluntarily or involuntarily carries along with it every power within the sweep of its orbit.

It might well be contended that a people as insignificant in power during the first fifty years of its existence as the people of the United States, and whose relations with Europe were on the Atlantic side and almost altogether of a commercial character, had no interest in any scheme of foreign policy outside of protecting its citizens and preserving its own peace and security; but the effect of the argument disappears with the changed condition of the country. The United States is confronted with Europe in Asia, as one of the inevitable consequences of her own growth and expansion Pacific-wards, as well as the ambitious designs of the European Powers to acquire territory and influence in quarters not under the protection of the balance of power

doctrine. With Europe content to remain in Europe, the policy of the United States was clear, to attend to her own affairs, and steer clear of entangling alliances; but with Europe manœuvring for position and eventual empire, on the side of Asia opposite to our west coast, the same prescience of statesmanlike apprehension, which consecrated the whole of America to liberty, may well take what was denounced in Monroe's day, and what is sneered at now as premature notice.

It is impossible, of course, that the United States should declare any fixed policy with reference to this movement, as it felt bound to declare with reference to the threatened interference by the Holy Alliance with the South American Republics, for there is nothing in the movement as yet to threaten the essential interests or safety of this country, but there is quite enough in the situation to justify us in maintaining a powerful searchlight over the whole field of operations.

National alliances, like human friendships, in most cases, are but the outcome of temporary interests; but, as it happens sometimes in the friendship between man and man, so between nations, there are natural bases of union which will outlive the accidental and transient circumstances which may have brought them together. It may be well for the United States to bear this in mind, and in recognizing the inevitable consequences of her changed relation in the family of States, to accept the proffered friendship from that quarter, where all the associations that spring from a common lineage and language can only be found. It may be well for her, too, in the same connection, to remember that in no other quarter of the world can she find the same high aspirations and ennobling ideals, the fruition of which has enriched the history of the race with the most enduring examples of human greatness.

If Europe is to civilize Asia and not merely to make partition of her territory in which the customs and the institutions of the native population are to be maintained and

continued, then it is the duty of the United States, as well as her interest, to align herself in sympathy and to whatever extent such a bond of union may carry her, with that Power to which she owes, not merely the essential principles of her own government, but whatever is precious and enduring in Christian culture and civilization. It may, probably will be, that in the rude shock of conflicting interests hereafter to arise, the strands in the bond of this particular union may be twisted or broken, but there is no power in time or vicissitude that can change the elemental and eternal fact of the brotherhood of the Anglo-Saxon race.

These, then, appear to be the most striking consequences of international importance flowing from the Cuban question: a departure by the United States from its established policy of non-interference with European matters, and the beginning of a new career on the stage of the world, in sympathetic association with one of the master spirits of the age, and the undisputed mistress of the seas. What will be the outcome of this new departure no one can foresee, and many will deplore the necessity, or doubt the expediency, of any departure at all from the cherished policy and traditions under which the country has lived so long and prospered, but let no one despair of the Republic. It will be the better and the stronger for this quickening of its humanity, and for the enlargement of the scope of its activity, from a national to an international horizon. It will feel a new impulse in its heart and new blood coursing through all of its veins, and it will lift itself proudly from the slough of selfishness and money-getting, into which it has fallen, and where it threatened to flounder forever, erect and radiant as an athlete who knows his strength and rejoices in the race he has to run.

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