be just and equitable to all concerned, nor can we see any reason why there should not be a similar international supervision over the accounts of the Suez Canal.

Such a victory over a misguided pride would go far to release the world from national prejudices and contribute to a broader appreciation of the general interest.

We ought never to lose sight of the fact that, in the nature of things, the Panama Canal must be a monopoly. In the words of Commissioner Roemer of Wisconsin:

That public utilities are virtual monopolies is the principle upon which the Public Utilities Law of Wisconsin is based. The theory that free competition is essential to the public welfare was abandoned and that of regulated monopoly substituted. It cannot be successfully controverted that potential competition has ever been a feeble and inefficient means of enforcing either the common law or the contractual obligations which public service corporations owe the public in respect to charges and service, and that actual competition has almost universally been short-lived and inevitably resulted in economic waste and entailed an unnecessary burden upon the public, as well as financial loss on the investors in the securities of the competing corporations. It would therefore seem that any system of public supervision that may be devised, in order to be just and effective in its operation, should recognize the economic fact that public utilities are natural monopolies, and should protect them from ill-advised and ill-designed competition.

A canal alternative to the Panama Canal is doubtless in prospect. But, even so, it would be a canal owned and managed by the United States. It would be built, not to deprive the Panama Canal of traffic, but to accommodate traffic which exceeded the capacity of the Panama Canal.

An excellent illustration of the principle involved is to be derived once more, from railways. The Public Service Commission of the Second New York District refused a certificate to the Buffalo, Rochester and Eastern Railroad Company to construct a railroad from Buffalo to Troy
on the ground that existing facilities were adequate and that duplication of lines where existing facilities were adequate meant either insolvency or excessive rates to pay returns on excess capital. The State of New York has embodied in statute law the unassailable economic principle that the unnecessary duplication of public utilities with ruinous competition as the result, is to be prevented.

If then the Isthmian Highway as a whole must be a monopoly, it is all the more advisable that its financial policy be placed upon the broadest basis of obvious equity.

The arithmetic of the enterprise must include, if only as an academic detail, a valuation of the Canal which would represent a fair purchase. In the case of Suez, Great Britain bought the actual shares owned by the Khedive of Egypt. If the United States failed over the Panama Canal, presumably she would sacrifice the good will, included in the enterprise and the franchise itself. She would be reimbursed her capital expenditure, whatever it had been, whether amortized or not, less whatever had fairly to be deducted for depreciation.

It may be said that the idea of ousting the United States from the Canal is ridiculous. But here again we need to apply analogy. The United States Supreme Court has no power to enforce a judgment against any Sovereign State in the Union. Public opinion in the United States has to attend to that. World opinion might also cause the United States to settle such claims for damages to commerce, for failure to ensure such peace and order in the Canal littoral, as international law and civilization require, and keep the Canal open for use.
VI

RIGHTS AND DUTIES

The Panama Canal was clearly an achievement that redounded to the glory of the United States, and the nation would not have been human if it had not been proud of so signal a triumph over the obstacles of nature. The fact that American enterprise had succeeded where the projects of Spain and France in turn had failed, only added to the justifiable enthusiasm of our citizens.

Viscount Bryce's tribute was as follows:

There is something in the magnitude and the methods of this enterprise which a poet might take as his theme. Never before on our planet have so much labor, so much scientific knowledge, and so much executive skill been concentrated on a work designed to bring the nations nearer to one another and serve the interests of all mankind.

In no previous age could an enterprise so vast as this have been carried through; that is to say, it would have required a time so long and an expenditure so prodigious that no rational government would have attempted it.

It is no matter for surprise, therefore, that public opinion, thus exuberant, should have regarded the Panama Canal as our own private property and should have assumed that the United States had a right to do with her "ditch" precisely what she pleased. The case of a hotel-keeper was cited as an illustration. Can he not charge what he likes for the use of his rooms and even allow such use, if he wishes, free of charge to his friends? Why should not
the same principle apply to a great possession like the Panama Canal?

I confess that there was a time when I myself accepted as axiomatic this claim by the United States to an absolute title to the Isthmian Highway—a claim by its very nature unrestricted, as I supposed, by obligations and conditions. The assumption was plausible, for, after all, if it had not been for the United States, there would have been no canal at all. The assumption was also supposed to be patriotic, and, therefore, it was popular.

But when I began to enquire into the matter and to analyze the claim, as stated here, I came to realize that a possession, supposed to be absolute, may be subject to the terms of treaties, still in force, and to the analogies of history. The ownership of the Canal did not need to be emphasized. It was and it is obvious. But for this very reason the reservations to this as to all ownership should be carefully examined.

To begin with, we are faced by the circumstance, familiar to all lawyers and easily demonstrable by numerous examples, that the conception of an absolute right in property is fast disappearing. Within a sovereign state, the social right that is the claim of collective welfare is coming to be recognized as supreme. We may mention the well-known limitations imposed on the right of property through the police power of the state,—for instance, health and fire regulations wherever there is density of population. Restrictions on the rights of public utilities are to-day almost as thoroughly established as constitutional law.

Even the case of a hotel, just quoted, is subject to qualifications. Every manager of such a hotel knows that he must submit to a code of rules which have been imposed on him in the interests of the community as a whole. If then the Panama Canal be, as in fact it is, a common carrier, it
must be subject as an enterprise to similar regulations, devised in the common interest.

That is not a complete statement of the problem, and again we may argue from analogy. Let us suppose, for the sake of illustration, that a realty company is developing an interurban property. It gives title to lots with restrictions as to use. In a limited section stores are allowed. In other sections, it allows only private dwellings of a prescribed character. Although owners are given a title in fee, they cannot do with their own lots as they please. Their titles have covenanted restrictions. These must be complied with or damages can be collected in a court of equity.

Limitations, similar in principle to these, have been incorporated in the instruments which define the rights of the United States in the Canal Zone. We have thus to consider, first, the general obligations which must be fulfilled by the Canal as a common carrier and secondly, the special undertakings which may have been included in treatises and agreements.

A railroad is obliged by domestic law to furnish an efficient and a safe service to the public. In return for this service, it is permitted to charge rates which will cover the cost of maintaining the railroad, and, in addition, a reasonable return on the capital invested in the enterprise.

It is such a rate on shipping that, as manager of the Isthmian Highway, the United States is entitled to impose. The yield of the rate should be sufficient to defray the costs of maintenance, the interest on capital invested in the enterprise, the depreciation of assets which do depreciate, and a contribution to other reasonable reserve funds.

To quote Representative Stevens:

The terms of the Hay-Pauncefote Treaty and the existing situation would seem practically and legally to make the United States a corporation sole, for the purpose of constructing, operating, and
managing the Canal, with exactly the same rights, obligations and responsibilities which would pertain to any other corporation provided for by the Treaty, doing exactly the same thing under the Treaty.

With entire clarity, ex-President Taft has stated the policy that the United States should pursue:

I believe that the cost of such a government work as the Panama Canal ought to be imposed gradually but certainly upon the trade which it creates and makes possible. So far as we can, consistent with the development of the world’s trade through the canal and the benefit which it is intended to secure to the east and west coastwise trade, we ought to labor to secure from the canal tolls a sufficient amount ultimately to meet the debt which we have assumed, and to pay the interest.

In the fixing of tolls, the President is vested with a certain discretion. A maximum and a minimum rate are determined in the Panama Canal Act. The amount imposed on the traffic must cover carrying charges, as that is understood in modern business, as soon as it can be done without exceeding the maximum rate fixed by the Panama Canal Act. The Panama Canal Act is thus in harmony with the view expressed by ex-President Taft.

In the early stages of the Canal as an enterprise, there arose the question whether it was likely to be self-supporting. At first, there were bound to be deficits. A waterway which changes the trade routes of the world must be allowed a period within which to develop its maximum traffic. Owing to the European war, only the coastwise traffic between our eastern and western seaboards was normal during the first ten years of the operation of the Panama Canal. This was appreciably heavier than was estimated, which indicates that when international trade becomes completely normal again, the estimates will be found to have been too low.

Moreover, the Panama Canal does not represent an
rights and duties

absolute monopoly in the worldwide field of transportation. For a certain volume of traffic, there are alternative routes—for instance, the Suez Canal, Cape Horn and the Cape of Good Hope. That such competitive traffic, as we may call it, can only be secured by the Panama Canal if rates are attractive, is probable enough.

But the evidence appears to be overwhelming that, whatever happens to the alternative routes, the Government can control a sufficient minimum traffic to make the Canal profitable. Huebner, in his article on the *Economic Aspects of the Panama Canal*, says:

Canal tolls constitute an important routing consideration only at those distant marginal points which are commercially so located as to bring the canal into direct competition with other routes. Much the larger share of its regular traffic is naturally so tributary to the canal that it would seek the canal route quite regardless of any tolls which might reasonably be charged. In fixing tolls in the future the government will constantly be confronted with the question whether or not it is more desirable to reduce the tolls on all traffic so as to reach out for a somewhat larger share of that small minority of additional vessels which might use the canal if the tolls were lower, than to conserve the revenues by maintaining reasonable tolls and fixing them primarily to that much larger portion of the traffic which the canal now benefits in many ways.

That the Canal, as now capitalized, is self-supporting, goes without saying. With a traffic of 30,000,000 tons annually, I cannot doubt that, if it were capitalized as I suggest it should be, it would still be a financial success. It is true that the Canal would have to meet fixed charges on the whole of the money, genuinely invested in it, including the "military" items which belong properly to its commercial aspect. But the income should be sufficient for this.

In any event, the capacity of the Canal to accommodate traffic is not yet fully utilized. It includes an unused margin of accommodation which is either available or might be made available at a relatively slight cost. The revenue
on that additional tonnage, accommodated at current rates may be expected easily to cover the items that would be charged to such revenue, including interest and sinking funds on the capital account, as defined in the last chapter.

Of course, it is not essential that the owner of such a permanent undertaking amortize the investment therein. This is desirable yet optional. An amortized investment is merely a later interest charge avoided. It simply means that larger payments will be made by the earlier traffic and a resulting smaller burden will remain to be borne by later traffic. If the United States decides to amortize its investment in the Canal, it will transmit the Canal to posterity as an unencumbered asset, that is, an asset without any offsetting liability or debt burden.

To sum up the foregoing argument, then, in one general conclusion, I submit that the collection of adequate revenue to make the Canal self-supporting should be the unbroken policy of the government and that lowering of rates should only be resorted to when revenue yields more than the reasonable return to which the owner is entitled on his investment. Therefore, in fixing tolls, the Government will be wise to disregard the marginal and speculative traffic. Tolls should be fixed solely with reference to adequate revenue as that expression is used in the finance of a public utility.

Again to quote from Huebner:

The rate of toll on merchant vessels is now practically the same at Panama and Suez and the average tolls collected are slightly lower at the former because the measurement rules upon which they are based are somewhat more liberal. While the Suez Canal Company charges a special toll of 10 francs for each passenger on board a vessel in addition to the main tolls based on its net tonnage, no special passenger tolls are collected at Panama. The two great waterways, however, are competitors for but a small portion of the traffic which they handle.
VII

THE MONROE DOCTRINE IS ANNOUNCED

We have now to envisage the Isthmian Highway as a factor in international relations.

The foreign policy of the United States in so far as it affects the Caribbean has been determined by five landmarks. First, there is the Farewell Address, delivered by George Washington in 1795, and this famous pronouncement may be dealt with, perhaps, by direct quotation. He said:

Observe good faith and justice toward all Nations. Cultivate peace and harmony with all. . . . The great rule of conduct for us, in regard to foreign Nations, is, in extending our commercial relations, and have with them as little political connexion as possible. . . . Europe has a set of primary interests which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concern. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships, or enmities. . . . Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humour, or caprice?

So was established the policy of disentanglement which, for a quarter of a century, served the purposes of our national diplomacy.

Obviously it was unilateral. The fact that the United States threw off European entanglements did not mean of necessity that Europe, on her side, severed her American entanglements.
Indeed, it rapidly became obvious that, in matters which inherently and of necessity affect the rights and vital interests of other nations, the United States could not expect to play a lone hand. Neither by history, nor by the facts of our situation, nor by our ambitions, were we destined for the rôle of a solitary Colossus, sitting astride the western hemisphere. From the first, we have had to consider the legitimate interests of the rest of the world.

Hence, we have to examine in turn, four further diplomatic instruments, each the logical sequel of the other. They are the Monroe Doctrine, declared in 1823, the Clayton-Bulwer Treaty concluded in 1850, the Hay-Pauncefote Treaty of 1901 and the settlement of the Panama Tolls by President Wilson in 1914. It is to the Monroe Doctrine that we will first devote our attention.

In the nature of things, the Declaration of Independence from England, announced in 1776, could not stand alone. It was followed by a series of similar declarations, covering almost the whole of Latin-America. In the birth of these sister Republics, Spain and Portugal were directly concerned. Indeed, the Old World in its entirety was conscious of a grave challenge to its imperial privileges.

After the defeat of Napoleon in 1815, Europe organized the Holy Alliance in which France was included. Its aim was to "put an end to the system of representative government" and its authors were statesmen of the school of Talleyrand and Metternich. Indeed, it was known as the "Metternich Alliance" and Metternich, a graduate of the school of Machiavelli, was the canniest and most unscrupulous diplomat of his time.

To this Holy Alliance, Great Britain was opposed. But, none the less, she belonged to the European system and the question arises what part she played in the momentous
drama which was so soon to determine the fate of the new world.

We shall examine this question with what we hope will prove to be a detached mind. We shall set out the record as we find it. But on the facts of the case as distinct from whatever may have been the motives of statesmen at any particular moment, we are bound in bare justice to Great Britain to suggest that she played a friendly part. It should be a matter of satisfaction to us that, in matters affecting the western hemisphere, Great Britain suggested in the first instance and has supported, definitely and effectively, the policy of the United States.

Into this outline we have no wish to introduce mere sentiment. Still it is, we think, not inappropriate to insist that American statesmanship of a responsible authority does not encourage a merely small-minded attitude towards the British people. "We lose nothing," said Mr. Hughes, in October, 1927, "in acknowledging when due, our common heritage to the culture of the Old World, especially our indebtedness to the unequalled contribution of England and the Great Bard of Avon."

Similarly, James M. Beck, a representative American of his time who has served as Congressman and ad interim Attorney General, has, in his work on the Constitution, told us that this peaceful instrument "has its roots imbedded deep down in the great and heroic past of the English-speaking race."

In the words of Bishop Stires (November 14th, 1927) we hold that "the Declaration of Independence is the child of Magna Carta" and that mere prejudice against England should be dismissed from the mind.

In the year 1822, Castlereagh committed suicide and George Canning was appointed his successor in London as Secretary of State for Foreign Affairs. Of the Holy Alli-
ance, Canning was an avowed enemy and, this being his attitude, he was confronted by an intervention of France into the affairs of Spain. Richard Rush was the United States Minister in London.

On March 31st, 1823, Canning wrote to the British Ambassador in Paris a note in which—as reported by Rush to Washington—he suggested to France that “as His Britannic Majesty disclaimed all intention of appropriating to himself the smallest portion of the late Spanish possessions in America, he was also satisfied that no attempt would be made by France to bring any of them under his dominion, either by conquest, or by cession from Spain.” This warning to France that she must keep her hands off Latin-America is, we take it, the beginning of what we now describe as the Monroe Doctrine.

In a report to the Secretary of State at Washington which was despatched on August 19th and received on October 9th, so taking seven weeks in transmission, Mr. Rush tells of an interview with Mr. Canning in which he reminded the British statesman of this intimation to France, “in terms sufficiently distinct” that she “would not be passive” if France tried to seize the Spanish colonies. Mr. Canning, so continues Mr. Rush,

asked me what I thought my government would say to going hand in hand with this, in the same sentiment; not as he added that any concert in action under it, could become necessary between the two countries, but that the simple fact of our being known to hold the same sentiment would, he had no doubt, by its moral effect, put down the intention on the part of France, admitting that she should ever entertain it. This belief was founded he said upon the large share of the maritime power of the world which Great Britain and the United States shared between them, and the consequent influence which the knowledge that they held a common opinion upon a question on which such large maritime interests, present and future, hung, could not fail to produce upon the rest of the world.
THE MONROE DOCTRINE IS ANNOUNCED

I replied that in what manner my government would look upon such a suggestion, I was unable to say, but that I would communicate it in the same informal manner in which he threw it out.

In diplomatic manner, Mr. Rush then pressed Canning to say—if we may put the point bluntly—whether Great Britain would acknowledge the independence of the new republics.

For Canning, it was a difficult question. He was himself personally in favour of recognition. But he had to deal with a hostile Court, a divided Cabinet, and an unreformed Parliament. It must be remembered that Great Britain was still living under a Hanoverian oligarchy. She had still to advance towards the constitutional liberty which in our own day has included not only a Liberal but a Labour administration. It is the political system to which Britain submitted in 1823 that has to be criticizec. Today, as we frankly admit, Great Britain has achieved what is, in many respects, the most democratic government in the world, not even excepting the United States. Responding directly to the electorate, which is practically universal, its executive can be overthrown by the representatives of the people in a day and so subjected to an immediate general election.

To Mr. Rush, asking for recognition of the Latin-American Republics, Canning replied, therefore, that while objecting to their transference to France, he “would not interfere to prevent” their reunion with Spain. He hastened to add, however, that he did not “controvert” the opinion of Mr. Rush that “all idea of Spain ever recovering her authority over the colonies had long since gone by.” In saying what he had said, he was not “predicting results” but rather “indicating the feeling which this Cabinet still had towards Spain in relation to this controversy.” If the quarrel between Spain and the revolting states should be settled, Britain would ask “to stand upon as favoured a
footing as any other country after Spain." The fact was, of course, that Canning well knew that the severance between the Republics and Spain was final. But he was not allowed by others to act on this obvious assumption.

It was under these circumstances that Canning wrote to the United States Minister in London the letter which here follows:

GEORGE CANNING TO RICHARD RUSH
Foreign Office, Aug. 20, 1823

Private and confidential

My dear Sir:—Before leaving Town I am desirous of bringing before you in a more distinct, but still in an unofficial and confidential shape, the question which we shortly discussed the last time that I had the pleasure of seeing you.

Is not the moment come when our Governments might understand each other as to the Spanish American Colonies? And if we can arrive at such an understanding, would it not be expedient for ourselves, and beneficial for all the world, that the principles of it should be clearly settled and plainly avowed?

For ourselves we have no disguise.

1. We conceive the recovery of the Colonies by Spain to be hopeless.

2. We conceive the question of the recognition of them, as Independent States, to be one of time and circumstances.

3. We are, however, by no means disposed to throw any impediment in the way of an arrangement between them and the mother country by amicable negotiations.

4. We aim not at the possession of any portion of them ourselves.

5. We could not see any portion of them transferred to any other Power, with indifference.

If these opinions and feelings are as I firmly believe them to be, common to your Government with ours, why should we hesitate mutually to confide them to each other; and to declare them in the face of the world?

If there be any European Power which cherishes other projects, which looks to a forcible enterprise for reducing the colonies to subjugation, on the behalf or in the name of Spain; or which meditates the acquisition of any part of them to itself, by cession or by
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conquest; such a declaration on the part of your government and ours would be at once the most effectual and the least offensive mode of intimating our joint disapprobation of such projects.

It would at the same time put an end to all the jealousies of Spain with respect to her remaining Colonies, and to agitation which prevails in those Colonies, an agitation which it would be but humane to allay; being determined (as we are) not to profit by encouraging it.

Do you conceive that under the power which you have recently received, you are authorized to enter into negotiation and to sign any Convention upon this subject? Do you conceive, if that be not within your competence, you could exchange with me ministerial notes upon it?

Nothing could be more gratifying to me than to join with you in such a work, and, I am persuaded, there has seldom, in the history of the world, occurred an opportunity when so small an effort of two friendly Governments might produce so unequivocal a good and prevent such extensive calamities.

I shall be absent from London but three weeks at the utmost; but never so far distant but that I can receive and reply to any communication within three or four days.

I have the honor to be

My Dear Sir, with great respect and esteem

Your obedient and faithful servant

(Signed) GEORGE CANNING.

R. Rush, Esqr.

The importance of this communication was emphasized by a further letter:

(Enclosure with Mr. Rush’s No. 326, August 28, 1823.)

GEORGE CANNING TO RICHARD RUSH

Liverpool, August 23, 1823

Private and confidential

My Dear Sir:—Since I wrote to you on the 20th, an additional motive has occurred for wishing that we might be able to come to some understanding on the part of our respective Governments on the subject of my letter; to come to it soon and to be at liberty to announce it to the world.
It is this. I have received notice, but not such a notice as imposes upon me the necessity of any immediate answer or proceeding—that so soon as the military objects in Spain are achieved (of which the French expect, how justly I know not, a very speedy achievement) a proposal will be made for a Congress, or some less formal concert and consultation, especially upon the affairs of Spanish America.

I need not point out to you all the complications to which this proposal, however dealt with by us, may lead.

Pray receive this communication in the same confidence with the former; and believe me with great truth

My Dear Sir, and esteem,
Your obedient and faithful servant,
(Signed) Geo. Canning.

R. Rush, Esqr.

It meant that Europe was actually organizing an endeavour to renew her hold over Latin-America.

We take it that these various communications by Canning are a decisive proof that he was the original author of the ideas, embodied subsequently in the Monroe Doctrine. The date of the vital letter, August 20th, 1823, was nearly four months before the doctrine was promulgated.

The negotiations which followed were greatly impeded by the difficulty of communications between London and Washington. On the one hand, Mr. Rush urged Canning to recognize the Spanish Republics. On the other hand, Canning, in a letter to Mr. Rush, dated August 31st, deplored "your want of specific powers" and "the delay which may intervene before you can procure them; during which events may get before us."

Under these circumstances, Mr. Rush, in a letter dated September 15th, and addressed to President Monroe, did not hesitate to speak his mind about Great Britain:

I shall continue to receive in a conciliatory manner his further overtures, should he meditate any; but I am bound to own, that I shall not be able to avoid, at bottom, some distrust of the motives
of all such advances to me, whether directly or indirectly, by this government, at this particular juncture of the world.

As regards the principles of traffick and especially as regards the whole range of her foreign trade, we have, it is true, witnessed of late on the part of this nation an approach to more liberalty than has governed her heretofore. It is possible that she may go farther in this policy; a policy irresistibly recommended, and, as she will not scruple herself to admit, forced upon her, by the changing circumstances of the commercial world. But, as regards the principles of political freedom, whether in relation to herself or other states, we shall not find it easy to perceive as yet any such favorable alteration in her conduct. Even if there be indications of a coming change in this latter line too, the motives of it are perhaps not all of a nature to challenge our ready confidence and cooperation. We have seen her wage a war of 20 years at a cost of treasure and blood incalculable, in support of independence of other states (as she said) when that independence was threatened by a movement proceeding from the People of France. We have seen her at the close of that contest abandoning the great interests of the people of other states, anxious apparently only about monarchs and thrones. We have seen her at the same epoch become in effect a member of the Holy Alliance; though she could not in form, and continue to abet its principles up to the attack on Naples. Even then the separation was but partial, and, true to her sympathy with the monarchical principle, we find her faith pledged and her fleets ready to interpose not on any new extremity of wrong or oppression to the people of Naples, but on any molestation to the royal family. Since the present year set in, she has proclaimed and until now cautiously maintained her neutrality under an attack by France upon the independence of Spain, as unjust, as nefarious, and as cruel, as the annals of mankind can recount, this attack having been made upon the people of a country, by a legitimate king, urged on by legitimate nobles. It is thus that Britain has been from the very beginning, positively or negatively, auxiliary to the evils with which this Alliance under the mark of Christianity has already affected the old, and is now menacing the new world. It is under this last stretch of ambition that she seems about to be roused, not, as we seem forced to infer after all we have seen, from any objections to the arbitrary principles of the Combination, for the same men are still substantially at the head of her affairs; but rather from the apprehensions which are now probably
coming upon her, touching her own influence and standing through the formidable and encroaching career of these continental potentates. She at last perceives a crisis likely to come on, bringing with it peril to her own commercial prospects on the other side of the Atlantic, and to her political sway in both hemispheres. Hence probably some of her recent and remarkable solicitudes. The former war of 20 years more than once shook her prosperity and brought hazards to her existence though for the most part she was surrounded by allies. A second war of like duration with no ally for her in Europe might not have a second field of Waterloo for its termination. Such are the prospective dangers that possibly do not escape her.

The estimate which I have formed of the genius of this government, as well as of the characters of the men who direct, or who influence, all its operations, would lead me to fear that we are not as yet likely to witness any very material changes in the part which Britain has acted in the world for the past fifty years when the cause of freedom has been at stake; the part which she acted in 1774 in America which she has since acted in Europe and is now acting in Ireland. I shall therefore find it hard to keep from my mind the suspicion that the approaches of her ministers to me at this portentous juncture for a concert of policy which they have not heretofore courted with the United States, are bottomed on their own calculations. I wish that I could sincerely see in them a true concern for the rights and liberties of mankind. Nevertheless, whatever may be the motive of these approaches, if they give promise of leading to good effects, effects which the United States from principle and from policy would delight to hail, I grant that a dispassionate and friendly ear should be turned to them, and such shall be my aim in the duties before me.

In exhibiting the foregoing summary of the opinions which have been impressed upon me during my publick residence in this quarter, I would not have it inferred that I intend they should comprehend the imputation of any sinister motives towards the United States, as peculiar to the British cabinet as it is now composed. I am so far from thinking so that I believe the present cabinet to be as well disposed towards us permanently as any party in England and at this moment more cordially so than any other party. I believe that if Earl Grey and his associates were to come into power tomorrow that we should not get better terms if as good in our approaching negotiation should it come on as from Mr. Canning and his associates.
THE MONROE DOCTRINE IS ANNOUNCED

In a further despatch, dated September 20th, Mr. Rush “gave an immediate and unequivocal refusal” to Canning’s proposal of an agreement on the basis of a “future acknowledgment” by Britain of the Republics; and this negative brought the negotiations in London to a standstill. On October 10th, Mr. Rush wrote of Britain:

This nation in its collective corporate capacity has no more sympathy with popular rights and freedom now than it had on the plains of Lexington in America; than it showed during the whole progress of the French revolution in Europe or at the close of its first great act, at Vienna, in 1815; than it exhibited lately at Naples in proclaiming a neutrality in all other events, save that of the safety of the royal family there; or, still more recently, when it stood aloof whilst France and the Holy Alliance avowed their intention of crushing the liberties of unoffending Spain, of crushing them too upon pretexts so wholly unjustifiable and enormous that English ministers, for very shame, were reduced to the dilemma of speculatively protesting against them, whilst they allowed them to go into full action. With a king in the hands of his ministers, with an aristocracy of unbounded opulence and pride, with what is called a house of commons constituted essentially by this aristocracy and always moved by its influence, England can, in reality, never look with complacency upon popular and equal rights, whether abroad or at home. She therefore moves in her natural orbit when she wars, positively or negatively, against them. For their own sakes alone, she will never war in their favor.

In describing the “abrupt” postponement of further conversations, Mr. Rush made the comment on British policy:

It is France that must not be aggrandized, not South America that must be made free.

In the words of Henry Cabot Lodge:

In many respects a brilliant man, in all respects a very able man, Canning had larger views and a wider vision than any of the commonplace persons who had been governing England, who were all
Tories of a very narrow kind, and who also had reached a point where they were extremely afraid of being jostled or jarred by new ideas. Canning had never been a friend of the United States. As Canning’s biographer, Mr. Philips, says: "He reaped in full measure the reward of those who do the right thing in the wrong way." But Canning was a man who could learn, he disliked the Holy Alliance, and he was now about to do the right thing, and if he had persisted in his original intent he would have done it in the right way.  

It is thus that we must interpret the famous declaration by Canning on Dec. 16th, 1826.

Contemplating Spain, such as our ancestors had known her, I resolved that if France had Spain, it should not be Spain with the Indies. I called the New World into existence to redress the balance of the old.

The popular idea that this splendid eloquence on the part of Canning was the birth of the Monroe Doctrine is, of course, mythical. The speech was delivered three years after the Doctrine had been promulgated at Washington. As a matter of fact, the speech suggests that Canning’s approach to the public was essentially European and not American.

Let us now turn to what was happening in Washington. Many years afterwards, Senator Calhoun, addressing the Senate, said that Canning’s communication to Mr. Rush, when it reached the United States, was received with joy, "for so great was the power of the Alliance that even we did not feel ourselves safe from its interpositions.” Said Senator Calhoun:

I remember the reception of the dispatch from Mr. Rush as distinctly as if all the circumstances had occurred yesterday. I well recollect the great satisfaction with which it was received by the Cabinet. As was usual with Mr. Monroe upon great occasions, the papers were sent around to each member of the Cabinet, so that each
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might be duly apprised of all the circumstances and be prepared to give his opinion. The Cabinet met. It deliberated. There was long and careful consultation and the result was the declaration of the President. All this has passed away. That very movement on the part of England, sustained by this declaration, gave a blow to the Celebrated Alliance from which it never recovered. From that time forward it gradually decayed, till it utterly perished.

So far as we are aware, no authority has suggested that Mr. Rush has any title to share with Canning the credit for the original communication made by Great Britain to the United States. But the reports of Mr. Rush, illuminating as they are, and even fascinating to the historian, indicate that the United States Minister deserves a high place among the diplomats of his period.

Mr. Charles Francis Adams, Sr., moved by a just pride in the achievements of his father, has published a book claiming that John Quincy Adams, then Secretary of State, and later President, was the author of the Monroe Doctrine, as it was ultimately promulgated. It is a controversy to which we should be sorry to add further fuel. But we are bound to point out that it was President Monroe who, in fact, shouldered the responsibility for the Doctrine. Had the results of the Doctrine proved disastrous to the United States, we can hardly suppose that the Adams family would have published books claiming the credit or discredit for their illustrious ancestor. It is remarkable, indeed, that, in the Hall of Fame of the New York University, all the early Presidents, including John Quincy Adams, should have been honoured, except James Monroe, "whose Doctrine"—to quote the New York World of May 8th, 1927—"has had world-wide significance for a century and never more than today." Several times Monroe's name has been submitted for election, but has never yet received the necessary votes!
President Monroe decided to take his predecessors, Jefferson and Madison, into his confidence. In the book setting out the case for John Quincy Adams, in which the diplomatic correspondence has been edited by Professor Ford, it is suggested that this action by Monroe was "unusual." Perhaps it was. But is that a criticism? Rather as it seems to us, it shows that President Monroe realized the grave importance of the situation with which he had to deal. We are all familiar with the view that President Wilson, under circumstances not less critical, would have been wise if he had consulted ex-President Taft or taken Mr. Root or Mr. Hughes with him to Paris.

The fact is, of course, that neither Monroe nor Jefferson and Madison who "sat in" with him and wrote words of approval and encouragement, nor Adams himself, were thinking of personal credit. There was glory enough for all of them.

Still, in a matter far transcending mere routine, there is no evidence that the proceedings were not directed by the President. Professor Ford admits that, when preparing memoranda for the President's annual message, Adams made no mention of Canning's proposition. When, however, he adds that it is not likely that the manuscript of the message is in existence, we can only disagree. We reproduce that original and in the actual handwriting of President Monroe.

Under the direction of the President, Secretary Adams was in charge of the negotiations. There were several other able men who took an active part in the proceedings of the cabinet, among them John C. Calhoun of South Carolina, already quoted, and the Attorney General, William Wirt, from Virginia.

The letter from President Monroe to Jefferson was as follows:
Oakhill October 17th 1823

Dear Sir,—I transmit to you two despatches, which were receiv'd from Mr. Rush, while I was lately in Washington, which involve interests of the highest importance. They contain two letters from Mr. Canning, suggesting designs of the holy alliance, against the Independence of So America, & proposing a cooperation, Between G. Britain & the U States, in support of it, against the members of that alliance. The project aims in the first instance, at a mere expression of opinion, somewhat in the abstract, but which it is expected by Mr. Canning, will have a great political effect, by defeating the combination. By Mr. Rush's answers, which are also inclosed, you will see the light in which he views the subject, & the extent to which he may have gone. Many important considerations are involved in this proposition. 1st Shall we entangle ourselves, at all, in European politicks, & wars, on the side of any power, against others, presuming that a concert by agreement, of the kind proposed, may lead to that result? 2nd If a case can exist, in which a sound maxim may, & ought to be departed from, is not the present instance, precisely that case? 3d Has not the epoch arriv'd when G. Britain must take her stand, either on the side of monarchs of Europe, or of the U States, & in consequence, either in favor of Despotism or of liberty and may it not be presum'd, that aware of that necessity, her government, has seiz'd on the present occurrence, as that, which it deems, the most suitable, to announce & mark the commencem't of that career.

My own impression is that we ought to meet the proposal of the British govt, & to make it known, that we would view an interference on the part of the European powers, and especially an attack on the Colonies, by them, as an attack on ourselves, presuming that if they succeeded with them, they would extend it to us. I am sensible however of the extent, & difficulty of the question, & shall be happy to have yours, & Mr. Madison's opinions on it. I do not wish to trouble either of you with small objects, but the present one is vital, involving the high interests, for which we have so long & so faithfully, & harmoniously, contended together. Be so kind as to enclose to him the despatches, with an intimation of the motive. With great respect &c

JAMES MONROE

Recd Oct 23
Jefferson was not slow to appreciate the far-reaching significance of the affair:

The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation; this sets our compass and points the course which we are to steer through the ocean of time opening upon us. And never could we embark upon it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second never to suffer Europe to intermeddle with the cisatlantic affairs.

Under these circumstances, it is no wonder that, whereas Canning's definitive letter had been dated August 20th, it was not until November 29th that the reply of the United States, signed by Secretary Adams, was despatched. It is a pronouncement that clearly defines the attitude of the United States on the points raised:

The first of the principles of the British Government, as set forth by Mr. Canning is

1. We conceive the recovery of the Colonies by Spain to be hopeless. In this we concur.

The second is

2. We conceive the question of the Recognition of them as Independent States, to be one of time and circumstances.

We did so conceive it, until with a due regard to all the rights of Spain, and with a due sense of our responsibility to the judgment of mankind and of posterity, we had come to the conclusion that the recovery of them by Spain was hopeless. Having arrived at that conclusion, we considered that the People of those emancipated Colonies, were of Right, Independent of all other Nations and that it was our duty so to acknowledge them. We did so acknowledge them in March 1822. From which Time, the recognition has no longer been a question to us. We are aware of considerations just and proper in themselves which might deter Great Britain from fixing upon the same Time, for this recognition, with us; but we wish to press it earnestly upon her consideration, whether, after
having settled the point that the recovery of the Colonies by Spain was hopeless—and after maintaining at the Cannon's mouth, commercial Relations with them, incompatible with their Colonial Condition while subject to Spain, the moral obligation does not necessarily result of recognizing them as Independent States.

"3. We are however by no means disposed to throw any impediment in the way of an arrangement between them and the mother Country, by amicable Negotiation."

Nor are we. Recognizing them as Independent States we acknowledge them as possessing full power, to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things, which Independent States may of right do. Among these an arrangement between them and Spain, by amicable negotiation is one, which far from being disposed to impede, we would earnestly desire, and by every proper means in our power endeavour to promote provided it should be founded on the basis of Independence. But recognizing them as Independent States, we do and shall justly and (provided their accommodation with Spain be founded on that basis) necessarily claim in our relations with them political and commercial to be placed upon a footing of equal favour with the most favoured Nation.

"4. We aim not at the possession of any portion of them ourselves."

"5. We could not see any portion of them transferred to any other Power, with indifference."

In both these positions we fully concur.

On November 30th, 1823, Secretary Adams wrote a further letter to Mr. Rush in which he emphasizes the value of an agreement with Great Britain, provided that it be based on a mutual recognition of the Republics:

We receive the proposals themselves, and all that has hitherto passed concerning them, according to the request of Mr. Canning as confidential. As a first advance of that character, which has ever been made by the British Government, in relation to the foreign affairs between the two Nations, we would meet it with cordiality, and with the true spirit of confidence, which is candour. The observations of Mr. Canning in reply to your remark, that the policy

1 This phrase is taken from Monroe's amendments.
of the United States has hitherto been entirely distinct and separate from all interference in the complications of European Politics, have great weight, and the considerations involved in them, had already been subjects of much deliberation among ourselves. As a member of the European community Great Britain has relations with all the other Powers of Europe, which the United States have not, and with which it is their unaltered determination, not to interfere. But American Affairs, whether of the Northern or of the Southern Continent can henceforth not be excluded from the interference of the United States. All questions of policy relating to them have a bearing so direct upon the Rights and Interests of the United States themselves, that they cannot be left at the disposal of European Powers animated and directed exclusively by European principles and interests. Aware of the deep importance of united ends and councils, with those of Great Britain in this emergency, we see no possible basis on which that harmonious concert of measures can be founded, other than the general principle of South-American Independence. So long as Great Britain withholds the recognition of that, we may, as we certainly do concur with her in the aversion to the transfer to any other power of any of the colonies in this Hemisphere, heretofore, or yet belonging to Spain; but the principles of that aversion, so far as they are common to both parties, resting only upon a casual coincidence of interests, in a National point of view selfish on both sides, would be liable to dissolution by every change of phase in the aspects of European Politics.

The Government of the United States was thus prepared to agree that "a firm and determined stand could now be jointly taken by Great Britain and the United States in behalf of the Independence of Nations, and never in the History of Mankind was there a period when a stand so taken and maintained, would exhibit to present and future ages a more glorious example of Power, animated by Justice and devoted to the ends of beneficence."

No reply to a letter, despatched from Washington on November 29th, could have been received until the end of January, 1824. But on December 2nd, three days after the letter had been dated, President Monroe delivered his
famous message. The actual words of the "Doctrine" are as follows:

In the wars of the European Powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected and by causes which must be obvious to all enlightened citizens and impartial observers.

We owe it therefore to candor, and to the amicable relations between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner, their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between these new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, providing no change shall occur which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security.

It is impossible that the Allied Powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible therefore, that we should behold such interposition, in any form, with indifference.

The Monroe Doctrine, implicit at first, was to be defined by the President in precise terms:
The occasion has been adjudged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American Continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers.

In the message of December 7th, 1824, President Monroe again referred to the Spanish American Republics as follows:

It is impossible for the European governments to interfere in their concerns (South America’s) without affecting us; indeed, the motive which might induce such interference in the present state of war between parties, if war it might be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated have appeared to acquiesce in them.

The negotiations with Canning had been confidential. But here was an ultimatum, hinted directly at the head of the Holy Alliance, and without any guarantee of support from Great Britain. No free state in the Americas was to be used by Europeans for colonization. None was to be treated as a “springboard” from which a European power could land on our shores.

Of Canning’s conduct, the view held by President Monroe seems to have been clear. He held that Canning was not in a position to make a joint declaration with the United States, based on a recognition of the Republics. The official advices, received from Mr. Rush, appeared to indicate that Great Britain was out of the matter.

Whatever view the historian may take of these cross-purposes, there is no doubt as to the result of them. To the United States, there is no more “favored nation” than Great Britain. But the temptation on the part of the United States to sign a formal treaty of alliance with Great
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Britain, or for that matter, any Old World nation, passed with the default at execution of his proposal, by Mr. Canning. Ambassador Houghton and Ambassador Howard, in behalf of both countries, have, in plain speeches in 1927—speeches undoubtedly approved by their respective governments and the nations as a whole—disposed of this idea.

The fact that the principle of the Monroe Doctrine originated with Great Britain is, we submit, of far-reaching importance. Great Britain is bound, morally and in good conscience, to respect her own initiative. For without cost to her government or overt act and without impairing her position in Europe, she obtained at the time of President Monroe’s message a full value for her enterprise.

In approaching the United States on behalf of Great Britain, Canning had played the part of no mere altruist. What had been his diplomatic objectives? He was endeavouring, through the aid of the United States, to protect Canada from the menace (through Alaska) of England’s prospective opponent, the Russian bear; he was protecting her West Indian colonies from Spain, backed up by the “Holy Alliance”; and he was balking France, her traditional and menacing rival, in other important spheres of policy. Also, as Judge John Bassett Moore has pointed out, English merchants, like those of the United States, had developed a large trade with the Spanish-American countries—a trade which, under the commercial system then in vogue, their restoration to a colonial condition, whether under Spain or any of the allies, would have cut off and destroyed. She was, with the aid of the United States, definitely turning the balance of world power and prestige against her foes in the “Holy Alliance”; and by Mr. Canning’s diplomacy she succeeded in doing this without entering into any specific engagement or officially challenging the “Holy Alliance.” This was what Canning meant by his famous statement in
1826—a date subsequent to the Monroe Doctrine by three years—that he had "called the New World into existence to redress the balance of the Old."

The position of Alaska should be fully appreciated. The province was a closely connected part of the Russian Empire. Through it, in 1823, Russia was advancing on Canada and so towards the United States. Great Britain and the United States were thus both threatened by the Russian Empire which might ultimately extend down the coast of North America through what is now California, and connect with Spain and the "Holy Alliance," and encircle not only the British colonies, but the United States, with the forces of the "Holy Alliance," formed to crush out democracies and maintain monarchistic governments throughout the world. This would have eventually embroiled the United States in the dynastic policies of Europe. The proclamation of President Monroe not only halted those "unholy" designs of Russia and the "Alliance," thus preventing perhaps a future world conflict between Monarchical Continental Governments and the two English-speaking countries for control of the Western World, but it eventually resulted in the United States buying Alaska outright. There stands Alaska today—United States territory, growing rapidly in strength and importance and barring the way to any Old World oppression.

Mr. Charles Francis Adams has suggested that President Monroe, in handling the situation in 1823, was "timid." We cannot agree. Imagine the actual situation of President Monroe, after he had gone through all the correspondence with London and with Jefferson and with Madison, and had actually drafted and written his now famous message. It was like representing two armies, acting jointly; Monroe was to hurl an ultimatum at an enemy stronger than the allied combination. To all intents and purposes, committed
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beyond recall, he looked around for his co-leader and the combined and supporting forces which were to defy continental and monarchical Europe; and both "General" Canning and his forces had disappeared. "General" Canning was over, so to speak, in the French Embassy negotiating to re-establish his relations with his continental friends. Under the circumstances, we submit that Monroe acted with great courage and decision.

What forced his hand appears to have been a communication from Russia. Of this he gives a graphic account in a letter to Jefferson which is among the historic documents of the period:

MONROE TO JEFFERSON

Washington, Decr, 1823

Dear Sir,—Shortly after the receipt of yours of the 24th of October, while the subject treated in it, was under consideration, the Russian minister, drew the attention of the govt to the same subject, tho' in a very different sense from that in which it had been done by Mr. Canning. Baron Tuyll, announced in an official letter, and as was understood by order of the Emperor, that having heard that the republic of Columbia had appointed a minister to Russia, he wished it to be distinctly understood that he would not receive him, nor would he receive any minister from any of the new govt's de facto, of which the new world had been recently the theatre. On another occasion, he observ'd, that the Emperor had seen with great satisfaction, the declaration of this govt, when those new govt's were recognized, that it was the intention of the U States, to remain neutral. He gave this intimation for the purpose of expressing the wish of his master, that he would persevere in the same policy. He communicated soon afterwards, an extract of a letter from the govt, in which the conduct of the allied powers, in regard to Naples, Spain, & Portugal, was reviewed, and that policy explain'd, distinctly avowing their determination, to crush all revolutionary movements, & thereby to preserve order in the civilized world. The terms "civilized world" were probably intended to be applied to Europe only, but admitted an application to this hemisphere also. These communications were received as proofs of candour, & a friendly disposition to
the U States, but were nevertheless answer'd, in a manner equally explicit, frank, & direct, to each point. In regard to neutrality, it was observ'd, when that sentim't was declar'd, that the other powers of Europe had not taken side with Spain—that they were then neutral—if they should change their policy, the state of things, on which our neutrality was declar'd, being alterd, we would not be bound by that declaration but might change our policy also.¹ Informal notes, or rather a proces verbal, of what passed in conference, to such effect, were exchanged between Mr. Adams & the Russian minister, with an understanding however that they should be held confidential.

When the character of these communications, of that from Mr. Canning, & that from the Russian minister, is considered, & the time when made, it leaves little doubt that some project against the new govts, is contemplated. In what form is uncertain. It is hoped that the sentiments expressed in the message, will give a check to it. We certainly meet, in full extent, the proposition of Mr. Canning, & in the mode to give it the greatest effect. If his gov't makes a similar decln, the project will, it may be presumd, be abandoned. By taking the step here, it is done in a manner more conciliatory with & respectful to Russia, & the other powers, than if taken in England, and as it is thought with more credit to our gov't. Had we mov'd in the first instance in England, separated as she is in part, from those powers, our union with her, being marked, might have produced irritation with them. We know that Russia, dreads a connection between the UStates & G. Britain, or harmony in policy. Moving on our own ground, the apprehension that unless she retreats, that effect may be produced, may be a motive with her for retreating. Had we mov'd in England, it is probable, that it would have been inferre'd that we acted under her influence, & at her instigation, & thus have lost credit as well with our southern neighbours, as with the allied powers.

There is some danger that the British gov't, when it sees the part we have taken, may endeavour to throw the whole burden on us, and profit, in case of such interposition of the allied powers; of her neutrality, at our expense. But I think that this would be impossible after what has pass'd on the subject; besides it does not follow, from what has been said, that we should be bound to engage in the war,

¹ To this point in thick lines; showing a change of pen, and presumably a change of time, what follows being written at a later day.
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in such event. Of this intimations may be given, should it be necessary. A messenger will depart for Engld with despatches for Mr. Rush in a few days, who will go on to St Petersbg with others to Mr. Middleton. And considering the crisis, it has occur'd, that a special mission, of the first consideration from the country, directed to Engld in the first instance, with power, to attend, any congress, that may be conven'd, on the affrs of So am: or Mexico, might have the happiest effect. You shall hear from me further on this subject.

Very sincerely your friend

(no signature)

Endorsed "recd Dec. 11."

It was under this threat by Russia that the Monroe Doctrine was finally formulated.

Not unlike an unwritten constitution, it has been developed, step by step—the one instrument over a thousand years, the other over a century of rapid progress. It is our belief that, at this moment, an evolutionary process is in evidence which will merge the Monroe Doctrine and the League of Nations into an institution which is neither, and yet embodies in it the essence of both, that is, organized co-operation between nations as between constituencies of nations, to promote collective well-being. The Monroe Doctrine rests on a recognition of the fact that a nation's self-interest is dependent on the well-being of contiguous nations. In any event, as Henry Cabot Lodge put it, "if Canning could have lived a century longer, he would have marveled indeed at the extent to which his celebrated declaration had expanded." As Daniel Webster said in the Senate on April 24th, 1926:

Sir, I look on the message of December 23 as forming a bright page in our history. I will help neither to erase it nor tear it out; nor shall it be, by any act of mine, blurred or blotted. It did honor to the sagacity of the Government, and I will not diminish that honor. It lifted the hopes and gratified the patriotism of the people.

1 From the Jefferson Papers in the Department of State, Washington, D. C.
Over those hopes I will not bring a mildew, nor will I put that gratified patriotism to shame.

There arises, finally, the question whether the Monroe Doctrine ought now to be acknowledged as an integral principle embodied in the common law of nations. By Article XXI of the Covenant of the League, it is laid down:

Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace.

It is true that the United States is not a party to the Covenant as a whole. But it is also true that Article XXI has been ratified by 53 sovereign Powers of the world, including the Latin American Republics other than Mexico. In February, 1928, there was signed in Washington a new arbitration treaty between the United States and France in which, for the first time in any such document, the Monroe Doctrine was mentioned and thus explicitly recognized. Questions within the Doctrine were excluded from the field of the arbitration contemplated in the treaty.

Of the validity of the Monroe Doctrine and its range, there has been much discussion. On May 30th, 1927, Señor Miguel Cruchaga, as Ambassador for Chile at Washington, spoke on the Monroe Doctrine as follows:

During the last twenty years it has been the chief topic of discussion among Chileans. The general sentiment, among the intellectual leaders of the country, the professors of international law, the members of the Senate and of our Chamber of Deputies and among public men generally is not against it. I am personally of the opinion that it makes the ties between Chile and the United States closer, that it assures mutual cooperation and friendship between our two countries and that it is a standing guarantee of our national independence.

It is true that Chile, unlike the United States, is a member of the League of Nations and that we need European help in the development of our country. It is also true that we speak of Spain as our
"mother". But our tie with Spain is now largely a sentimental and cultural one. The United States is our closest relative commercially.

On January 22nd, 1928, Charles Evans Hughes, as the leading delegate of the United States at the Pan-American Conference held at Havana, insisted that there is an economic basis to the solidarity of the New World. The products of Latin America, so he argued, are of a kind that the United States is under the necessity of importing. On the other hand, there has developed in Latin America and particularly in Cuba a strong purchasing power of which the United States is the beneficiary. Since 1914, the exports from the United States to Latin America have increased from 302,000,000 dollars a year to 872,000,000 dollars a year while the imports from Latin America have increased from 435,000,000 dollars a year to 1,094,000,000 dollars.

On the other hand, this appreciation of the Monroe Doctrine is not universal in Latin America and on February 28th, 1928, the dissent was voiced at Geneva by Señor Valdez, the Minister of Argentina at Berne. His precise words were:

I feel bound from the point of view of historical accuracy to enter a protest against the wording of this article. It is really a discussion of a political principle which owes its origin to the days of the Holy Alliance, and which was enunciated as a means of opposing any attempt to carry out a predatory policy in our part of the world.

There is no doubt that the doctrine conferred a great service upon the American peoples in the early days of their existence and in that sense the Monroe Doctrine reflects great honor on the United States which has played so important a part in the history of the world in defense of ideals of liberty and justice. Nevertheless, it is not correct to refer, as Article 21 does, to "regional understandings like the Monroe Doctrine", because the Monroe Doctrine is not a regional agreement in the sense we understand that term. It is a unilateral declaration which could not be assimilated into regional agreements such as we are now discussing.
In his public statement to the Security Commission of the League, Señor Cantillo, the Argentine delegate, speaking on February 29th, 1928, said that "the Monroe Doctrine is a one-sided political agreement which never has been to my knowledge explicitly approved by other American countries."

It happened that at the moment of the pronouncement by Señor Valdez, Dr. Lindolfo Collor of the Brazilian Chamber of Deputies was a guest of the State of Virginia. Reported on March 2nd, 1928, he addressed the General Assembly and said:

Monroe . . . wrote a doctrine not restricted to the United States but (he) also expressed the true universal proclamation of rights that the new world had and has to govern itself without the interference of any foreign power. There is not a country in America which has not in its fight for independence, accepted the great doctrine as an intangible dogma. It does not appear to me as an acceptable and much less as a recommendable judgment that it be established as an international standard in America the possibility of renouncing today that which yesterday was a benefit. To all the Monroe Doctrine has not yet fulfilled its mission. However great are the services that it has given the continent, it will be by its continued reaffirmation that it will show the political character of America. It behooves us who accept it and who, today as in other times, have benefitted by its continental spirit, without a doubt, to cooperate with the United States in all their efforts to make it more and more respected by the rest of the world.

We submit that, after one hundred years of assent to the Monroe Doctrine, the time has come for incorporating its principles in the international jurisprudence of the world.

In the introduction to his great work, Grotius, the father of international law, according to Wheaton (Volume I, page 3) said:

I have used in favor of this law, the testimony of philosophers, historians, poets, and even of orators; not that they are indiscrimi-
Hail to Citizens of the Senate and House of Representatives.

Many important subjects will claim your attention during the present session, of which I shall endeavour to give, in aid of your deliberations, a just idea in this communication.

It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should hold such interposition in any form with in difference.

To what then do we owe these blessings? It is known to all that we derive them from the excellence of our Constitution. Ought we not then to highly consider where we are to adopt every measure which may be necessary to perpetuate them?

Washington 2nd December
1823

James Monroe

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nately to be relied on as impartial authority, since they often bend to the prejudices of their sects, the nature of their arguments or the interest of their cause; but where many minds of different ages and countries concur in the same sentiment, it must be referred to some general cause.

International Law is thus the product of human initiative, and in this initiative, the United States has played her part.

In a work entitled “International Law and the World War,” James Milford Garner, Professor of Political Science in the University of Illinois, refers thus to the “Growth of Written Law of War”:

The starting point in this development was promulgated in 1863, in the Instructions for the Government of the Armies of the United States in the field . . . . the instructions thus prepared and issued were distributed to the armies and rigorously enforced. They received high praise from International Jurists, and undoubtedly exerted an important place in the subsequent laws of war . . . .

“Thus it was to the United States and to Lincoln,” says Baron kMartens, “that the honor belongs of having taken the initiative to define and determine with precision the laws and usages of war.”

The late W. E. Hall, one of the most eminent English writers on international law, has said that “the policy of the United States in 1793 constitutes an epoch in the development of the usages of neutrality.” We can also point to the leadership of the United States in securing at the Hague Peace Conference of 1907 the adoption of the Porter Convention which forbids states to use armed force in collecting public debts owed by other countries to its citizens.

It would be an immense gain to the cause of peace if the Monroe Doctrine—another product of this country’s initiative—could be removed from the category of national assertion and introduced into the category of international sanc-
tion. That sanction must be based upon the acceptance by the United States of the responsibilities to the world at large which are involved in the Monroe Doctrine. This logic is inescapable. As Secretary of State, Richard Olney said in effect that the Monroe Doctrine should be interpreted as any matter between individuals. John Hay, Elihu Root, and Charles E. Hughes said practically the same thing. Hay said further that we must follow the Golden Rule in our foreign affairs.

In 1905, Senator Root, when Secretary of State, defined the Monroe Doctrine thus:

It is an assertion of our right for our own interest to interfere with the action of every other nation in those parts of this hemisphere where others are sovereign . . . and to say, if you do thus and so, even by the consent of the sovereign, we shall regard it as an unfriendly act, because it will affect us injuriously. We arrogate to ourselves only the right to protect; what we will not permit the other great powers of Europe to do . . . we will not permit any American Republic to make it necessary for the great powers of Europe to do.

Mr. Charles E. Hughes, as Secretary of State of the United States, speaking at the American Academy of Political Science and the Philadelphia Forum on November 30th, 1923, to celebrate the centenary of the Monroe Doctrine, applied the principles directly to the protection of the Panama Canal in the following words:

We have certain special policies of the highest importance to the United States. We have established a waterway between the Atlantic and Pacific Oceans—the Panama Canal. Apart from obvious commercial considerations, the adequate protection of this Canal—its complete immunity from any adverse control—is essential to our peace and security. We intend in all circumstances to safeguard the Panama Canal. We could not afford to take a different position with respect to any other waterway that may be built between the Atlantic and Pacific Oceans. Disturbances in the Caribbean region
are therefore of special interest to us, not for the purpose of seeking control over others, but of being assured that our own safety is free from menace.

By the Monroe Doctrine, therefore, the United States enforces a prohibition on other nations. She says that other nations shall be debarred from using all available methods, as hitherto understood, of protecting the lives and property of other citizens. The right to protect such citizens is a right acknowledged in international law and is strongly insisted upon by the United States herself in cases where her own citizens are concerned. If, then, other nations are to be asked to waive their rights under the common law of nations, it is surely obvious that the United States assumes a responsibility to make good the damages accruing from eventualities which may arise as the sequel to her attitude.

In certain quarters, it has been suggested that the United States should promulgate what has been called a Coolidge Doctrine, restating the Monroe Doctrine, for it would amount to this, by adding a provision that the United States would only intervene in the affairs of a Latin-American Republic after consultation with the other Latin-American nations and presumably approval by them. On this proposal, we would only say that obviously the time has not yet arrived for its serious consideration. A Pan-American Union, inclusive of Canada and organized into a genuine organ of common policy in the New World, may develop in time and perhaps is already developing. It would be in line with those regional compacts which European statesmen of the school of Edouard Benes of Czecho-Slovakia advocate.

In Foreign Affairs for April, 1927, Mr. Walter Lippmann, chief editorial writer in the New York World, summed up the position thus:
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In a hundred years the Monroe Doctrine evolved from the simple prohibition of further colonization through the assumption of an international police power in the Caribbean to an insistence that governments in that region shall be, not only orderly, but friendly to the interests of the United States. This growth of American policy is however an evolution out of the principle of national security, and each new phase of it is consistent with that principle. That other motives played their part, that private interests may at times have created the situation, or made themselves the instruments and the beneficiaries, need not be denied. I shall not discuss here this aspect of what is popularly known as "Dollar Diplomacy," because when in these disputed cases the United States Government acted, it appealed always, and I believe sincerely, to the principle of national security.
VIII

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The Monroe Doctrine may be defined, then, as a second Declaration of Independence, an all-American Bill of Rights or, to quote a phrase used by Representative Begg on Jan. 4th, 1928, as “the Holy Alliance of the New World.”

Let us consider then, in practical terms, what has been the influence of the Monroe Doctrine on the destinies of the American nations.

In view of the difficulties, encountered by successive Presidents and their Secretaries of State in the conduct of Foreign Affairs, it is instructive to note how President Monroe’s message was received in Congress.

Years before the Monroe Doctrine was promulgated, Henry Clay had been an eloquent advocate of the Spanish-America Colonies—“the eighteen millions of people, struggling to burst their chains and be free.” His eloquence had encouraged their armies and no wonder. He said:

“We must pass sentence of condemnation upon the founders of our liberty, say that they were rebels, traitors, before we can condemn the cause of Spanish America. Our revolution was directed mainly against the theory of tyranny. We had suffered comparatively little. Spanish America has for centuries been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.”

Three years later, as Secretary of State, Clay saw, as he thought, his dream of a Pan-American league of free states coming true. For he had the satisfaction of despatching the
American delegates to the first Pan-American Congress. This would in itself, he wrote, "form a new epoch in human affairs." His agile imagination even touched the future possibilities of the Panama Canal. "If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean," he instructed the delegates, "the benefits of it ought not to be appropriated to any one nation, but should be extended to all parts of the globe upon payment of reasonable tolls."

Henry Clay failed at that time, however, to convince Congress and it was not until 1821 that the United States recognized the Republics.

Towards the Monroe Doctrine itself, Congress was no more sympathetic.

On the 20th of January, 1824, Henry Clay introduced, in the House of Representatives, a resolution to the effect that the people of this country would view with inquietude the forcible intervention by the Allied Powers, in behalf of Spain, to reduce the Spanish American States to their former subjection. This resolution and another of like tenor did not even receive enough approval to get it out of the Committee on Foreign Affairs. A majority of the Committee must have been against it and the Monroe Doctrine thus failed to receive legislative sanction.

Could there be a better illustration of congressional attitude toward the President and State Department in Foreign Affairs than such a record? We seem to be developing, in regard to diplomacy, a traditional American policy, quite different and distinct from the practice of any other nation. It involves the opposition, at all times, of a sufficient number of senators (usually, but not always or necessarily, of the opposite party to the President) who embarrass and obstruct the State Department on any matter involving our foreign relations, regardless of consequence. In view of the
later history of the Monroe Doctrine, a roll call of the senators and congressmen who opposed the Henry Clay Resolution might be valuable as a warning.

Surely a citizen may be pardoned, in this connection, for observing that, even in a country where statesmen strive for presidential nominations, and parties manœuvre for power, objections to presidential action inspired by partisanship, should “stop at the water’s edge.” Let us hope that it will some day come to be understood that no statesman can permanently advance himself by embarrassing the government in its foreign relations. It is a plea that we would apply with especial emphasis to the problems affecting the Isthmian Highway.

If the Federal Judiciary, appointed by the party in power, can be divorced from politics, so should the State Department be divorced from politics. As a rule, Presidents, when acting in a grave matter of diplomacy, are not moved by considerations of party. They have to face the public opinion of the world as well as the public opinion of the nation. To harass and obstruct them has been too long a pastime in which both parties have indulged. It seems as hard for a senator or a congressman—considering a small constituency—to approach a problem of foreign policy from a prudential standpoint as it is for a camel to pass through the eye of a needle. And this is the reason why it is recorded that, had the decision rested with Congress, there would have been no Monroe Doctrine at all. The argument that the Doctrine was outside the range of Congressional responsibility is, of course, too flimsy to be worth pursuing.

We have indicated that, in our view, Canning retreated from his original attitude towards the principles of the Monroe Doctrine. We hasten to add that the Doctrine received a support in the House of Commons which was a startling contrast to the coldness of Congress, just described.
At the time of its promulgation, we have Mr. Boughton, a member of the House, declaring:

The question with regard to Spanish America is now, I believe, disposed of, or nearly so, for an event has recently happened than which nothing ever dispersed greater joy, exaltation and gratitude over all the free men of Europe; that event, which is decisive on the subject, is the language held with respect to Spanish America in the message of the President of the United States.

Sir James Macintosh, whose position in the House of Commons was acknowledged, said:

This coincidence of the two great English-speaking Common-wealths (for so I delight to call them—and I heartily pray that they may be united forever in the cause of justice and liberty) cannot be contemplated without the utmost pleasure by every enlightened citizen of the earth.

The stand taken by the American Government, says Professor Moore, in his *International Law Digest*:

gave a decisive support to that of Great Britain, and effectually put an end to the designs of the absolutist powers of the Continent to interfere with the affairs of Spanish America. Those dynasties had no disposition to hazard a war with such a power, moral and material, as Great Britain and the United States would have presented, when united in the defense of independent constitutional governments.

What has been the attitude of Great Britain in more recent years? In 1904, the Duke of Devonshire said in the House of Lords:

"that Great Britain was accepting . . . frankly and without reserve, the Monroe Doctrine, to which the United States seems to attribute so much importance."

In 1902, Lord Cranborne in the House of Commons affirmed that
"no nation has endeavored more than England to support the United States in the maintenance of the Monroe Doctrine."

Speaking at Liverpool, the Prime Minister, Mr. Balfour, stated in 1903:

"that the Monroe Doctrine has no enemies in England; that England neither desired colonization nor the acquisition of territory in the Western Hemisphere; that it had not the least intention of concerning itself with the mode of government of any portion of that continent."

We are satisfied that at the present date, no responsible British statesman of 1929 would repudiate these official utterances. Nor is it conceivable that in the future the attitude of Britain will change.

It has to be remembered that the United States has not always been either as important or as powerful as she has become in our own day. It is fair to Great Britain to say that, continuously from the year 1823, when the Doctrine was promulgated, it was understood by the Old World that her Navy stood between the continent of Europe and the principles of the Monroe Doctrine. Accepting and approving the Doctrine, Great Britain has said nothing to dispel the assumption by Europe that her sympathies, if tested, and her power on the sea would be found on the side of an assertion of the Doctrine.

It is a fact doubtless that we need no longer depend on the assistance of any other Power. Yet is there any one, save a madman, who would wish to violate the implied accord of which the Doctrine was the expression? Without friendship, treaties are apt to be "scrapsof paper." And apart from treaties, a sympathetic coöperation is invaluable. The alternative is a mere nightmare. If friendly accord and understanding were to be broken down between the United States and Great Britain, a double line
of nearly six thousand miles of Alaskan, Canadian and United States fortifications would have to be built. A race of armaments would take place that would make the incidents in Europe preceding the world war look small by comparison. Any such insanity on the part of statesmanship would be curbed, let us hope, by democracy itself.

Let us next consider what exactly has been meant by the enforcement of the Monroe Doctrine.

On November 30th, 1923, Secretary Hughes, with his accustomed lucidity, pointed out that the Doctrine, properly understood, is opposed to:

1. Any non-American action encroaching upon the political independence of the American States under any disguise.
2. Acquisition in any manner of control of additional territory in this hemisphere by a non-American power.

While generally accepted as a policy of defence and not of aggression, the Monroe Doctrine, in the opinion of Mr. Hughes:

... is distinctly an American policy, and this government reserves the right to formulate its definition, interpretation and application.

By the Monroe Doctrine in its simplest interpretation, the United States assumed the duty to defend the Latin-American Republics from aggression by any country, whether in Europe or Asia. More than once, our persistence in this policy has been tested by serious emergencies.

In the year 1848, President Polk warned both Spain and Great Britain to refrain from interfering in the controversy between the Republic of Yucatan and the Indians. It was in the Senate debate on the Yucatan Bill that Mr. Calhoun said:

Whether you will resist or not and the measure of your resistance —whether it shall be by negotiations, remonstrance, or some inter-
mediate measure or by a resort to arms; all this must be determined and decided on the merits of the question itself. This is the only wise course. . . . There are cases of interposition where I would resort to the hazard of war with all its calamities. Am I asked for one? I will answer, I designate the case of Cuba.

It is enough to add that the warning was effective.

In 1861, Secretary Seward protested to Spain against the occupation of Santo Domingo and, once more, the warning was effective.

During those sixties, there arose a more serious crisis, affecting the Doctrine. The Union was rent in twain by Civil War. Even Great Britain in her official capacity sympathized with the South. Like New York City, the British were moved by reasons of business, for it was the South that supplied the great mills of Lancashire with cotton. Britain’s motive was thus not so much to damage the Monroe Doctrine as such, but rather to assist the plantations on which she depended for raw material.

The fact remains, however, that Great Britain was found again flirting with countries on the continent of Europe—Spain, France and an unofficial Austria—which, contrary to the Monroe Doctrine, were desirous of intervention in Mexico.

The Emperor of Austria was anxious to strengthen the throne of his brother, Maximilian, who had been declared Emperor of Mexico, with the active support of France. In his International Law Digest, Professor Moore tells the story of what happened:

About the middle of July, 1860, the British Government, through Lord Lyons, its Minister at Washington, invited the United States to join Great Britain and France in addressing an identical note to the Miramon and Juarez governments of Mexico, advising the calling of a national assembly to settle their domestic difficulties upon some reasonable basis. This invitation was submitted to President Buchanan, and in due time Lord Lyons was advised that the general
policy of the United States was "opposed to any interference, especially any joint interference, of other powers in the domestic affairs of an independent state."

It appears that after Lord Lyons delivered the invitation above mentioned, the French Chargé d'Affaires made a similar communication to the Department of State and, while giving an assurance that France had not the slightest idea of resorting to force in the matter, added that if the rights and interests of French citizens should be violated in Mexico, the government of France would feel at liberty to adopt such measures as might be deemed expedient. In reply Mr. Cass declared:

the permanent occupation of any part of the territory of Mexico by a foreign power, or any attempt in any manner forcibly to interfere in its internal concerns or to control its political destiny, would give great dissatisfaction to the United States. The policy of the United States on this subject was well known to all the powers in the question, and it should be "adhered to under all circumstances."

The British intervention may be dismissed, perhaps, as a diplomatic gesture. At an early stage of the business, England withdrew from it and without having committed any overt act. The venture was thus left to France, supported by the moral backing of Austria-Hungary.

We continue to quote from Professor Moore:

Toward the end of 1861 naval vessels of England, France and Spain sailed for Vera Cruz, with the avowed intention of taking possession of the custom houses of two or three Mexican ports for the purpose of satisfying the claims of their respective governments. Within a few weeks after the arrival of these ships and before the Allies had done much more than seize Vera Cruz, the English and Spanish commanders became dissatisfied with the course of the French. The English and Spanish forces withdrew in April, 1862, after an agreement had been reached with Mexico as to the claims of their governments. The triple alliance was thus dissolved. In
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spite of the fact that the three European powers had agreed to respect "the rights of the Mexican nation to choose and constitute freely the form of its government," the French, after the English and Spanish had retired from Vera Cruz, presented an ultimatum demanding payment of $27,000,000 and soon afterwards began a forced march toward the City of Mexico, which they entered in June, 1863. They then set up a provisional government, and later named an assembly of notables, which was almost exclusively composed of the enemies of the Juarez Constitutional Government. In July, 1863, the assembly met and without debate resolved, with only two dissenting votes, that an Empire should be established, that the throne be offered to the Archduke Maximilian of Austria, brother of Francis Joseph, and that if he should decline it, the Emperor of France should be asked to fill the vacancy. Maximilian expressed his willingness to accept, on certain conditions, and on April 10th, 1864 he finally accepted the crown. On the same day a convention was entered into between France and the Imperial Government, by which the latter agreed to pay the French claims and the past and future cost of intervention, under certain conditions, and France practically guaranteed Maximilian her military protection. He entered the City of Mexico in June, 1864, as Maximilian I.

The reports of Baron Wydenbruck, the Austrian Ambassador to the United States in 1866, recently unearthed in the Archives of the old Austrian Government by Professor Otto Ernst of Vienna, are interesting as giving the Austrian account of an episode in which the Austrian Government was supposed to have had no part. Said Baron Wydenbruck in a report of February 13, 1866:

Your Excellency will certainly remember that in my report of the 13th of last month I had the honor to describe the hostile attitude of the (American) Congress towards His Majesty, the Emperor Maximilian. Today I have the painful duty to report to your Excellency an analogous incident, but one of a far graver nature.

A short time ago, February 12 (that is yesterday), was fixed by the Senate as the memorial day in honor of the late President Lincoln. This solemnity was celebrated with the greatest possible splendor. The President of the United States, the Cabinet, the
high officials of the State and the elite of the population participated. The foreign ambassadors, who received special invitations from the official heads of the Senate and of the Second Chamber, as well as from the Secretary of State, occupied the seats opposite to the tribune. The orator chosen by the Senate to eulogize Mr. Lincoln was Mr. Bancroft, former American Ambassador in London and subsequently Secretary of the Navy.

Mr. Bancroft, in a speech which seemed more like a review of recent political events than a panegyric of the late President, and in which he deemed it necessary to address sarcastic and bitter reproaches at those Governments whose representatives had been involved there, touched upon the Mexican question. I could scarcely believe my own ears, when I heard the speaker . . . several times call His Majesty, the Emperor of Mexico, first "the Austrian adventurer" and then "the adventurer Maximilian." Startled by the brutality of these terms, I was on the point of rising and leaving the hall. I did not do so only in view of the solemnity of the occasion and of the presence of the President of the United States.

Although I was resolved to make immediate protest because of the insult committed against the person of an august member of our imperial family, I thought it expedient to postpone this step until the next day, hoping that the President of the Senate or the Secretary of State would take the initiative and express their regret and disapproval of this occurrence. A few hours later I partook of a dinner given by the Prussian envoy, to whom I expressed my perplexity over the incident in the Senate. Mr. Seward was also among the guests. One moment before leaving the table Baron de Gerold (the Prussian envoy) came to me and persuaded me to occupy his seat beside the Secretary of State, to whom, as he said, he had mentioned my impression caused by the words of Mr. Bancroft. I was forced to accept his invitation and to talk to Mr. Seward about this matter. We were left alone. I commenced to tell him how painfully I was affected by the offensive expressions of Mr. Bancroft against the brother of my Sovereign. Mr. Seward quickly interrupted me, declaring that I had no right to complain of whatever had been said of the Archduke Maximilian, as the Viennese Government had declared its complete disinterestedness in Mexican affairs. I answered: "Yes, politically, but this abstention of my Government does not change the position of the Emperor Maximilian as a member of the Imperial family; and the Austrian Ambassador is entitled
to protest against every insult against his person.” The conversation lasted a few more minutes, remaining within this circle of ideas; and I must add with regret that Mr. Seward did not find one alleviating word; on the contrary, he seemed to approve of the conduct of Mr. Bancroft. He concluded in a most uncivil manner, saying: “I have nothing to do with the affair and Maximilian must quit Mexico.” As I perceived the tone Mr. Seward used, I dropped the subject.

When the Austrian Emperor saw that the United States was resolved to enforce the Monroe Doctrine, he preferred to abandon Mexico “voluntarily” and informed Maximilian of this intention. Nevertheless, he tried to find a way to enable Maximilian to maintain his “empire,” perhaps because he hoped that it would be possible to resume the Mexican enterprise later on.

Before he decided to evacuate Mexico, Napoleon wrote to Maximilian as follows:

I should like to point out to your Majesty the advantage which could be derived if your Majesty would organize a real army of Austrian troops. Then I could withdraw the greater part of my troops and the American protest would lose its force. . . . I request your Majesty to consider this possibility thoroughly; as for me, I see in this combination the best chance to strengthen your throne.

Baron Wydenbruck wrote on April 25, 1866, as follows:

Before the present report arrives in Vienna, your Excellency will be undoubtedly informed by Mr. Motley (the Ambassador of the United States in Vienna) of the unexpected phase into which the relations between our country and the United States have entered, because of the Austrian enrolments for Mexico. In the European mail of yesterday Mr. Seward sent an order to Mr. Motley to demand his passports the moment the first ship leaves the port with troops for Mexico and to notify the imperial Government that I receive my passports also, when this news arrives here.

In the evening of the same day (that is, yesterday evening) Mr. Seward declared himself in the presence of several persons literally
in the same sense. One of the persons to whom I owe this communication added that the scornful frivolity of the tone with which Mr. Seward expressed himself, particularly in addressing Mr. Romero, the agent of Juarez, formed a singular contrast to the gravity of the subject, wherein nothing less is at stake than political rupture with one of the greatest Powers of Europe.

For several months I have not failed to keep your Excellency well informed about the tendency of the public sentiment to regard Austria as an enemy in the Mexican question. But I must confess that I was far from being prepared for the violence with which the Federal Government has acted in this matter: a violence which contrasts strangely with the prudence and reserve deemed necessary when negotiating the same question with France. France, however, in the eyes of this country, by reason of her proximity and her strong navy, is an enemy much more formidable than Austria—an essentially continental power.

This sudden change in the attitude of the Washington Government must be attributed to several causes. The first of these (as I had the honor to inform you in my last report) is the encouragement which they won for the recent concessions made by France to the demands of the American Government. These concessions are interpreted here in a most flattering sense, as a proof of the irresistible power of the United States. On the other hand, the conflict between the Government and the Congress, as well as the growing unpopularity of the President and the Secretary of State, induce them to make an effort to divert public attention from internal affairs and to regain popular favor by making some great political demonstration. Finally, the imminence of the Prussian war, which—this I can positively assert—has been greeted in advance with the greatest satisfaction by Mr. Seward, and which is limiting the liberty of action of Austria, seems to offer the occasion for which he has long been looking.

The arrogant behavior of Mr. Seward excludes all possibilities of negotiation over the present question, and I must wait until I receive my passports, if your Excellency does not give me in time an order to demand them myself so as to spare the envoy of Austria from the humiliation which menaces him now.

Facing this foreign and formidable defiance of the Monroe Doctrine, the country became, to some extent, united
on its foreign policy, and the House of Representatives in 1864 voted unanimously that:

The Congress of the United States are unwilling by silence to have the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republics of Mexico, and that therefore, they think fit to declare that it does not accord with the policy of the United States to recognize any Monarchial government erected on the ruins of any republican government in Mexico under the auspices of any European power.

In 1865, after the conclusion of the Civil War, 100,000 American troops were sent to the Texas frontier, and in November of that year our Minister in Paris was instructed to say to the French Government that the presence and operations of a French army in Mexico and its maintenance of an authority there, which rested upon force and not the free will of Mexico, is a cause of serious concern to the United States—they still regard the effort to establish permanently a foreign imperial government in Mexico as disallowable and impractical.

In February, 1866, Mr. Seward demanded that the French troops set a time when they would withdraw. The French troops were reluctantly and unwillingly withdrawn.

This, as we suggest, was the crisis in which the Monroe Doctrine was most severely tested. In 1861, Secretary Seward had been compelled to admit the right of France to make war on Mexico and an army of 40,000 French troops had been actually landed on Mexican soil before the United States felt herself to be in a position to resist. A condition, imposed on France by Secretary Seward, was however that any government, set up in Mexico, should not be contrary to the principles of the New World. To this condition, France agreed and it was because the United States was not satisfied with the fulfilment of the condition
that, at a later stage, she resisted the aggression. Under General Sheridan, an army of 100,000 men was organized and a navy was available in support of it. The French were informed that they must leave Mexico and they thought it well to acquiesce in what was substantially an ultimatum. In the words used by Secretary Seward in 1865:

It has been the President's purpose that France should be respectfully informed upon two points, namely: first, that the United States earnestly desires to continue and to cultivate sincere friendship with France; secondly, that this policy would be brought in imminent jeopardy unless France could deem it consistent with her honor to desist from the prosecution of armed intervention in Mexico to overthrow the domestic republican government existing there and to establish upon its ruins the foreign monarchy which has been attempted to be inaugurated in the capital of that country;

It was the last occasion when European armies effected an entrance on to Mexican soil.

We cannot but think that the handling of this affair by President Johnson, with whom was associated Secretary Seward, was a greater service to the country than the impeachment which was instigated against him by his critics.

It is possible to mention two occasions on which the Doctrine was applied to prevent what has come to be called the peaceful penetration of American territory by non-American powers. In 1848, Secretary Buchanan said:

The highest and the first duty of every independent nation is to provide for its own safety; and acting upon this principle, we should be compelled to resist the acquisition of Cuba by any powerful maritime state, with all the means which Providence has placed at our command.

In the following year, the warning was repeated by Secretary Clayton:

The news of the cession of Cuba to any foreign power would be in the United States the instant signal for war. No foreign power
would attempt to take it that did not expect a hostile collision with us as an inevitable consequence.

Against negotiations for the sale of Cuba by Spain to France, Secretary Clay protested and, in consequence of these protests, France discontinued these negotiations.

The second illustration is not less instructive. A corporation purchased a tract of land in lower California proposing to work it with Japanese labour. The Government of Japan appeared to have no association with the project which therefore did not lead to an international incident. However, the principles of the Monroe Doctrine were jealously guarded by the Lodge Resolution of 1912, disapproving of the Colony, even as a private enterprise.

It will not be suggested that we entertain suspicions of Great Britain. Our view is that, in reference to the Panama Canal, she has played no unfriendly part. We must mention, however, a suggestion, appearing in January, 1927, that Britain might move her Naval Base in the West Atlantic from Bermuda to the West Indies—that is, the Caribbean. That Great Britain, like the United States, has special and substantial interests in the Americas—indeed, that she is the only European Power of which this is the fact—cannot be denied. Her interests, including her dominions and dependence on oceanic transit are, in a sense, as great as ours. If, however, she were to add a naval base in these regions to her present coaling and supply station at Bermuda, a situation, involving the Monroe Doctrine, undoubtedly would arise. It is not our belief, however, that Great Britain meditates any such challenge.

President Roosevelt in his message to Congress on December 5th, 1905, expresses the following warning:

That our rights and interests are deeply concerned in the maintenance of the Doctrine is so clear as hardly to need argument. This
is especially true in view of the construction of the Panama Canal. As a matter of self defense we must exercise a close watch over the approaches to this canal; and this means that we must be thoroughly alive to our interests in the Caribbean.

The extent of British intervention under the Monroe Doctrine—for instance, the threat in 1861 to seize the customs houses of Mexico at Vera Cruz—has been slight and diminishing. The United States on her side has found ways through her bankers to cover claims on Latin-American Republics for debt or damage, the United States herself supervising the customs while the claims were being satisfied. We have recognized, as President Roosevelt would have said, that if we do not use "the big stick" when needed, other nations will demand the right to wield that weapon.

Here, then, we have in outline the body of precedent on which the Monroe Doctrine is based. We might have quoted at length from the masterly address delivered by Mr. Root in 1914 as President of the American Society of International Law, from the International Law Digest, of Professor John Bassett Moore, the United States Judge at the Hague, from Secretary Hughes and Chief Justice Taft's book on Peace and War. But, in general terms, we submit that the Monroe Doctrine, estimated with a "decent respect for the opinion of mankind," has now the force, if not the technical basis of international law.

The first essential to be appreciated was stated by Secretary Root in 1914; and with a classic authority:

The Doctrine is not international law, but it rests upon the right of self protection and that right is recognized by international law. The right is a necessary corollary of independent sovereignty.

The Monroe Doctrine is not, in itself, recognized as international law but is based upon that right of self-defence which is a well established principle of international law.
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As Professor Charles Cheney Hyde puts it:

The present importance of the Monroe Doctrine is derived, as Sir Frederick Pollock has pointed out, from continuous and deliberate approval of it by the Presidents of the United States. The doctrine, he declares, . . . is a living power because it has been adopted by the Government and the peoples of the United States, with little or no regard to party divisions for the best part of a century. (The Monroe Doctrine, Senate Document No. 7, 58th Congressional Sess. reprinted from the Nineteenth Century, October 1902.) It is the resolute, and what has come to be the habitual attitude expressed in behalf of the United States whenever the conduct of non-American States threatens to disregard the obligations of non-interference and of abstinence from acquisitions of territory, which it has sought to impose that sustain and invigorate its claim. The acquiescence of non-American States together with the devotion of the United States to the principles on which it rests, have united to cause the Monroe Doctrine to be regarded as a reasonable and lawful basis of restraint. Such a result could not have occurred had not the application of that doctrine wrought justice for the Western Hemisphere and done no harm to States outside of it.

It is not on force but on consent that the Doctrine has been based. As Representative Begg said on January 4th, 1928:

"It has been respected by the powers of the Old World, both great and small, since the day it was pronounced as the foreign policy of the United States.

"When President Cleveland said to Great Britain, the greatest sea power on the face of the earth, ‘The peace of the world would be more secure if that government kept out of Central American affairs,’ he had not a navy large enough to beat a good sized fleet of fishing smacks. But his commands were respected by Britain.

"The next serious threat against the sovereignty of the Monroe Doctrine was when Germany, which boasted the greatest military machine ever assembled in the history of the world, sent a fleet of war-ships to Venezuelan waters. Theodore Roosevelt gave the Kaiser a limited number of hours in which to withdraw those ships. "Roosevelt had a navy no larger than Cleveland did, his army
was less than 100,000 men, no match for the powerful war machine of the German War Lord, but his refusal to be bullied commanded the respect of the greatest military machine this world ever saw and the German fleet withdrew.”

After a century of application, the authority behind the Monroe Doctrine is unsurpassed by that of any recognized principle by which international relations are guided.

The formal denial of the constitutional legality of the Doctrine lays the United States open to the suggestion that, acting outside the law, she is asserting merely her own interest without accepting a corresponding obligation to mankind as a whole. Until such arrangements, including the international conscience itself, is brought under the majesty of the law, there can be no permanent security.

As a matter of record, there has been one occasion, at least, when the Monroe Doctrine was declared on high authority to be international law. In 1895, President Cleveland delivered a Special Message to Congress. He was himself a lawyer of eminence. His Secretary of State was that eminent lawyer, Richard Olney. President Cleveland said:

“Practically the principle for which we contend has peculiar, if not exclusive relation to the United States. It may not have been admitted in so many words to the code of international law, but since in international councils every nation is entitled to the rights belonging to it, if the enforcement of the Monroe Doctrine is something we may justly claim, it has its place in the code of international law as certainly and as securely as if it were specifically mentioned; and when the United States is a suitor before the high tribunal that administers international law the question to be determined is whether or not we present claims which the justice of the code of law can find to be right and valid.

The Monroe Doctrine finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced.”
Time has certainly not weakened the international principle laid down by President Cleveland any more than it has weakened the position in international affairs, of the United States. The proposition has been fortified, year by year, as a result of numerous diplomatic incidents; treaties, international conferences and agreements, such as the Covenant of the League of Nations; reservations by the United States, accepted internationally as a pre-requisite to entrance into the World Court of International Justice, and the recently renewed United States French Treaty. The Monroe Doctrine cannot, therefore, now be successfully challenged as a principle of Regional International Law, but must be reckoned with and respected by other nations, as actually as the provisions of the constitution itself of the United States. In fact, the principle underlying the Monroe Doctrine is now applied by Great Britain to her own far flung Empire.

At the same time, let us not be misunderstood. What experience and each succeeding diplomatic incident has demonstrated has been the obvious fact that the Monroe Doctrine, though emphasized in its authority, has been limited in the scope of its application to the section affecting the approaches to the Isthmian Highway, and the International Trusteeship of the United States in connection therewith; to the Caribbean Sea, to the West Indies and the Central American countries in the Zone of the Canal Littoral; to the responsibility, in short, of the United States, in the matter of order and sanitation in that well defined region.

Probably one reason why the Monroe Doctrine has not been generally acknowledged as international law, in spite of almost world-wide recognition of its basic principles, is that it has been differently interpreted and expanded by various Presidents and Secretaries of State.
THE ISTMHIAN HIGHWAY

The Doctrine depends on three arguments, first, the continuous insistence of the United States; secondly, the continuous acquiescence of the world at large; and thirdly, the fact that the Doctrine has not been so enforced as to create grievances.

If it is suggested that the Doctrine is an anomaly we may reply that it is an anomaly due to other anomalies. The world is not uniform nor is it administered on a uniform system of sovereignty.

There are various regional principles of international usage and law, which the world, as a whole, acknowledges and respects, and of which it takes, so to speak, judicial notice. There are, for instance, or there have been regions of the Old World in which monarchical, dynastic, and autocratic systems still exist and extend themselves—regions wherein government is from a crown downward, instead of from the people, in a democratic and directly representative manner, upward, with the consent of the governed. That is the accepted international usage and law as to that region, though the system is actually repugnant to the usages and customs of the New World. The United States has been compelled therefore to adjust its foreign affairs to a regional principle, already confronting her.

As an illustration, let us take an extreme case. Suppose that the Hohenzollerns, Hapsburgs, Wittelsbachs, Romanoffs, or Turkish Sultans were to be re-established as absolute rulers on the continent of Europe and in Asia, international law, growing out of custom and usage—and usage and custom eventually become regional law—would require that such a condition be treated as internationally and diplomatically acceptable to the nations of the New World. Such governments might not be approved but according to the terminology of international law they would have to be "recognized."
Now, it happens that the opposite governmental principle—namely, democracy—is basic in the Western Hemisphere. For one hundred years, therefore, the world has accepted that basic principle as applying to government in the regions of the New World. Both conditions—the autocratic and the democratic—are internationally lawful in a regional sense, and in that sense, both are universally accepted by responsible diplomacy.

In 1914, Senator Root declared:

The scope of the Doctrine is strictly limited. It concerns itself only with the occupation of territory in the New World to the subversion or exclusion of a preexisting American government. It has not otherwise any relation to the affairs of either American or European states. In good conduct or bad, observance of rights or violations of them, agreement or controversy, injury or reprisal, coercion or war, the United States finds no warrant in the Monroe Doctrine for interference.

Over the interpretation and enforcement of the Monroe Doctrine, the United States has claimed and asserted a sole jurisdiction. It is a jurisdiction which has been safeguarded with the utmost care.

In the first Hague Conference, the United States signed the treaty of Arbitration which is to-day in force, with the express reservation (which other powers unanimously accepted):

That nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not entering upon, interfering with or entangling itself in the political questions or internal administration of any foreign State, nor shall anything contained in the said Convention be so construed as to require the relinquishment by the United States of America of its traditional attitude toward purely American questions.

Secondly, it is pertinent to repeat that in Article 21
of the Covenant of the League of Nations, most of the States of the world have expressly recognized the Monroe Doctrine and recognized it as an instrument for "securing the maintenance of peace."

The circumstance that the Covenant was not ratified by the Senate is merely incidental to the present argument. The Treaty had been negotiated by a President of the United States and signed by him. In its allusion to the Monroe Doctrine, it expressed the tradition which this country has maintained since 1823.

On March 22, 1920, by a vote of 58 to 22, the Senate adopted the following reservation, which was substantially the same as the one that had been adopted the previous November:

The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe Doctrine; said Doctrine to be interpreted by the United States alone, and is hereby declared to be wholly outside the jurisdiction of said League of Nations, and entirely unaffected by any provision contained in the said treaty of peace with Germany.

Except for the brief mention in the Senate Resolution of January 27, 1927, consenting to adhesion to the World Court, this is the last official declaration made in regard to the Monroe Doctrine, and with marked brevity it declares the attitude of the United States. If we ever join the World Court of International Justice, or the League of Nations, it should be only with an express reservation as to that Doctrine, which should be affirmatively accepted by the other members of the Court or by the League, as a condition of our entrance.