

Henry Cabot Lodge's Objections to Article 10 of the Treaty of Versailles (1919)

The Treaty of Versailles consists of 440 Articles. Articles 1 –26 form the Covenant of the League of Nations. Article 10 became the most contentious issue during the ratification debates within the U.S. Senate. Henry Cabot Lodge (R-Massachusetts) objected to many details of the Treaty of Versailles, particularly the League of Nations. He believed that membership in the League of Nations would entangle the United States in foreign affairs and prevent the country from acting independently in such matters. The following are selected portions of a speech that he delivered in the Senate on August 12, 1919.

Peace Treaty of Versailles

Article 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

Lodge's Objections

I object in the strongest possible way to having the United States agree, directly or indirectly, to be controlled by a league which may at any time, and perfectly lawfully and in accordance with the terms of the covenant, be drawn in to deal with internal conflicts in other countries, no matter what those conflicts may be... There can be no genuine dispute whatever about the meaning of the first clause of article 10...In article 10 the United States is bound on the appeal of any member of the league not only to respect but to preserve its independence and its boundaries, and that pledge if we give it, must be fulfilled.

...The broad fact remains that if any member of the league suffering from external aggression should appeal directly to the United States for support the United States would be bound to give that support in its own capacity and without reference to the action of other powers, because the United States itself is bound, and I hope the day will never come when the United States will not carry out its promises.

...There are, of course, many others, but these points, in the interest not only of the safety of the United States, but of the maintenance of the treaty and the peace of the world, should be dealt with here before it is too late. Once in the league the chance of amendment is so slight that it is not worth considering. Any analysis of the provisions of this league covenant, however, brings out in startling relief one great fact. Whatever may be said, it is not a league of peace; it is an alliance, dominated at the present moment by five great powers, really by three, and it has all the marks of an alliance. The development of international law is neglected. The court which is to decide disputes brought before it fills but a small place. The conditions for which this league really provides with the utmost care are political conditions, not judicial questions...This league to enforce peace does a great deal for enforcement and very little for peace. It makes more essential provisions looking to war than to peace for the settlement of disputes.

...I am as anxious as any human being can be to have the United States render every possible service to the civilization and peace of mankind, but I am certain we can do it best by not putting ourselves in leading strings or subjecting our policies and our sovereignty to other nations. The independence of the United States is not only more precious to ourselves but to the world than any single possession....The United States is the world's best hope, but if you fetter her in the interests and quarrels of other nations, if you tangle her in the intrigues of Europe, you will destroy her power for good and endanger her very existence...

Document Analysis

1. What were Lodge's primary objections to U.S. membership in the League of Nations?
2. Do Lodge's arguments sound familiar? Are they relevant today, especially in discussions pertaining to the United Nations?
3. Why do you think the Senate was more receptive to these arguments in 1919 than in 1945, when the United States joined the United Nations?

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President Woodrow Wilson, September 25, 1919 (ORIGINAL)

Mr. Chairman and fellow citizens: It is with great pleasure that I find myself in Pueblo, and I feel it a compliment that I should be permitted to be the first speaker in this beautiful hall. One of the advantages of this hall, as I look about, is that you are not too far away from me, because there is nothing so reassuring to men who are trying to express the public sentiment as getting into real personal contact with their fellow citizens....

The chief pleasure of my trip has been that it has nothing to do with my personal fortunes, that it has nothing to do with my personal reputation, that it has nothing to do with anything except the great principles uttered by Americans of all sorts and of all parties which we are now trying to realize at this crisis in the affairs of the world.

But there have been unpleasant impressions as well as pleasant impressions, my fellow citizens, as I have crossed the continent. I have perceived more and more that men have been busy creating an absolutely false impression of what the treaty of peace and the Covenant of the League of Nations contain and mean....

Don't think of this treaty so much as merely a settlement with Germany. It is that. It is a very severe settlement with Germany, but there is not anything in it that she did not earn [applause]....

But the treaty is so much more than that. It is not merely a settlement with Germany; it is a readjustment of those great injustices which underlay the whole structure of European and Asiatic societies. Of course this is only the first of several treaties. They are constructed under the same plan....

But at the front of this great treaty is put the Covenant of the League of Nations. It will be at the front of the Austrian treaty and the Hungarian treaty and the Bulgarian treaty and the treaty with Turkey. Every one of them will contain the Covenant of the League of Nations, because you cannot work any of them without the Covenant of the League of Nations. Unless you get united, concerted purpose and power of the great governments of the world behind this settlement, it will fall down like a house of cards.

There is only one power behind the liberation of mankind, and that is the power of mankind. It is the power of the united moral forces of the world. And in the covenant of the League of Nations the moral forces of the world are mobilized....But all the nations that have power that can be mobilized are going to be members of the League, including the United States. And what do they unite for? They enter into solemn promise to one another that they will never use their power against one another for aggression; that they will never impair the territorial integrity of a neighbor; that they will never interfere with the political independence of a neighbor; that they will abide by the principle that great populations are entitled to determine their own destiny; and that they will not interfere with that destiny; and that no matter what differences arise amongst them, they will never resort to war without first having done one or other of two things—either submitting the matter of controversy to arbitration, in which case they agree to abide by the result without question, or having submitted it to the consideration of the

Council of the League of Nations, laying before the Council all the facts, agreeing that the Council can publish the documents and facts to the whole world.

In other words, they consent, no matter what happens, to submit every matter of difference between them to the judgment of mankind. And, just so certainly as they do that, my fellow citizens, war will be in the far background, war will be pushed out of the foreground of terror in which it has kept the world generation after generation, and men will know that there will be a calm time of deliberate counsel....

I believe that we will see the truth, eye to eye and face to face. There is one thing that the American people always rise to and extend their hand to, and that is the truth of justice and of liberty and peace. We have accepted the truth and we are going to be led by it, and it is going to lead us, and through us the world, out into pastures of quietness and peace such as the world has never dreamed of before.

Source: Woodrow Wilson, speech in Pueblo Colorado, September 25, 1919. When President Wilson returned to the United States in 1919 after the Paris Peace Conference, he toured the country to raise support for the treaty and the League.

1. How would you describe the tone of this speech? Find a quote to support your answer.
2. What is Wilson's strongest argument for why the US should join the League of Nations?
3. Why do you think Henry Cabot Lodge won this fight? Cite the documents in your answer. (2 paragraphs minimum answer on this one)

Abrams v. United States (1919)

Abrams v. United States was one of several cases heard before the U.S. Supreme Court during World War I that addressed the issue of free speech. The issue at the heart of this case was the constitutionality of the Sedition Act of 1918, which criminalized public expressions of opposition to World War I or the U.S. government. *Schenck v. United States*, which is referenced in the opinion, was a 1919 case that had addressed a similar question concerning the tensions between the Espionage Act of 1917—which imposed severe penalties on people found guilty of opposing the U.S. war effort—and the First Amendment's free speech guarantees. Although the Court ruled against the defendants, the case did focus more attention on free speech issues in U.S. legal debates.

Mr. Justice Clarke delivered the opinion of the court.

. . . Each of the first three counts charged the defendants with conspiring, when the United States was at war with the Imperial Government of Germany, to unlawfully utter, print, write and publish: . . . "disloyal, scurrilous and abusive language about the form of Government of the United States;" . . . language "intended to bring the form of Government of the United States into contempt, scorn, contumely and disrepute;" and . . . language "intended to incite, provoke and encourage resistance to the United States in said war." The charge in the fourth count was that the defendants conspired "when the United States was at war with the Imperial German Government, . . . unlawfully and wilfully . . . to urge, incite and advocate curtailment of production of . . . ordnance and ammunition, necessary and essential to the prosecution of the war." . . .

On the record thus described it is argued, somewhat faintly, that the acts charged against the defendants were not unlawful because within the protection of that freedom of speech and of the press which is guaranteed by the First Amendment to the Constitution of the United States, and that the entire Espionage Act is unconstitutional because in conflict with that Amendment.

This contention is sufficiently discussed and is definitely negated in *Schenck v. United States*. . . .

The first of the two articles attached to the indictment is conspicuously headed, "The Hypocrisy of the United States and her Allies." After denouncing President Wilson as a hypocrite and a coward because troops were sent into Russia, it proceeds to assail our Government in general. . . .

. . . Growing more inflammatory as it proceeds, the circular culminates in:

"The Russian Revolution cries: Workers of the World! Awake! Rise! Put down your enemy and mine!

Yes! friends, there is only one enemy of the workers of the world and that is CAPITALISM."

This is clearly an appeal to the "workers" of this country to arise and put down by force the Government of the United States which they characterize as their "hypocritical," "cowardly" and "capitalistic" enemy. . . .

The second of the articles was printed in the Yiddish language and in the translation is headed, "Workers-Wake up." After referring to "his Majesty, Mr. Wilson, and the rest of the gang; dogs of all colors!", it continues: . . .

". . . Workers in the ammunition factories, you are producing bullets, bayonets, cannon, to murder not only the Germans, but also your dearest, best, who are in Russia and are fighting for freedom."

It will not do to say, as is now argued, that the only intent of these defendants was to prevent injury to the Russian cause. Men must be held to have intended, and to be accountable for, the effects which their acts were likely to produce. Even if their primary purpose and intent was to aid the cause of the Russian Revolution, the plan of action which they adopted necessarily involved, before it could be realized, defeat of the war program of the United States. . . .

This is not an attempt to bring about a change of administration by candid discussion, for no matter what may have incited the outbreak on the part of the defendant anarchists, the manifest purpose of such a publication was to create an attempt to defeat the war plans of the Government of the United States, by bringing upon the country the paralysis of a general strike, thereby arresting the production of all munitions and other things essential to the conduct of the war.

. . . Thus . . . the defendants were guilty as charged . . . and . . . the judgment of the District Court must be

Affirmed.

Mr. Justice Holmes dissenting.

. . . No argument seems to me necessary to show that these pronouncements in no way attack the form of government of the United States. . . . [It] seems too plain to be denied that the suggestion to workers in the ammunition factories that they are producing bullets to murder their dearest, and the further advocacy of a general strike, both in the second leaflet, do urge curtailment of production of things necessary to the prosecution of the war within the meaning of the . . . Act of 1917. But to make the conduct criminal that statute requires that it should be "with intent by such curtailment to cripple or hinder the United States in the prosecution of the war." It seems to me that no such intent is proved. . . .

. . . A patriot might think that we were wasting money on aeroplanes . . . and might advocate curtailment with success, yet even if it turned out that the curtailment hindered and was thought by other minds to have been obviously likely to hinder the United States in the prosecution of the war, no one would hold such conduct a crime. I admit that my illustration does not answer all that might be said but it is enough to show what I think and to let me pass to a more important aspect of the case. I refer to the First Amendment to the Constitution that Congress shall make no law abridging the freedom of speech. . . .

But as against dangers peculiar to war . . . the principle of the right to free speech is always the same. It is only the present danger of immediate evil or an intent to bring it about that warrants Congress in setting a limit to the expression of opinion where private rights are not concerned. Congress certainly cannot forbid all effort to change the mind of the country. Now nobody can suppose that the surreptitious publishing of a silly leaflet by an unknown man, without more, would present any immediate danger that its opinions would hinder the success of the government arms or have any appreciable tendency to do so. . . .

Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent . . . or that you do not care whole-heartedly for the result, or that you doubt either your power or your premises. But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas--that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment. . . . While that experiment is part of our system I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country. . . . Only the emergency that makes it immediately dangerous to leave the correction of evil counsels to

time warrants making any exception to the sweeping command, "Congress shall make no law . . . abridging the freedom of speech." . . . I regret that I cannot put into more impressive words my belief that in their conviction upon this indictment the defendants were deprived of their rights under the Constitution of the United States.

Document Analysis

1. What are the basic arguments of the majority opinions? How did Justice Holmes address those arguments in his dissent?
2. Did the state of war that existed at the time of the ruling influence the decision? If so, then in what way?
3. Which do you find more convincing, the majority ruling or the dissenting opinion? Explain your answer.

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