

## CHAPTER II

### FOREIGN AGGRESSION

AN invariable consequence of strong centralized power is foreign aggression. Not only is Privilege the cause and largely the controller of such centralization, but, in the fascinations and glammers of foreign encounters, managements and annexations, it finds ways to still the voice of discontent and rivet the chains of hardship on the masses at home.

But such asseverations are as nothing unless susceptible of proof. Where is our proof of foreign aggression? First read the case of the Hawaiian Islands.

Many years ago American missionaries went to the Hawaiian Islands to carry the gospel. Whether their work was effectively done need not be mentioned. The important point to note here is that, besides being missionaries, these clergymen and their families for the most part in the course of years became large landowners there.

Who owns the land, owns the inhabitants thereof. Out of the missionaries' landed possessions arose the idea that Hawaii did not belong so much to the native Hawaiians as to the missionary families. The latter thereupon resolved to take political as well as landed possession. To resolve was one thing, to execute another, since the missionary families were but a handful of the population. But with the coöperation of the American diplomatic representative at Honolulu, the Hawaiian capital, and the aid of the United States war-ship *Boston*, a *coup d'état* was effected. The *Boston* landed marines and sailors.

This was done ostensibly to "protect" American life and property and to "prevent" incendiarism. It really lent the force of arms to the revolution. The American missionary party formed a provisional Government and endeavored to make a treaty with the United States looking to annexation. But before the treaty could be ratified by the United States Senate, Mr. Cleveland succeeded Mr. Harrison in the presidency here. The former condemned and repudiated the part played in the Hawaiian insurrection by the American minister. He refused to approve the treaty and actually withdrew it from the Senate's consideration. But on Mr. McKinley's election, the request of the Hawaiian rump Government for annexation was heeded, and the archipelago in the Pacific Ocean, 2700 miles southwest of San Francisco, became a possession of the United States.

Thus we see that a body of American citizens became a privileged class in Hawaii, and used the powers for aggression of our Republic politically to overturn and then to absorb those islands.

In the island of Santo Domingo, one of the West Indian group, we have displayed a different form of this aggressive principle. Like other of the West Indian and most of the Central and South American governments, the politics of the Dominican island have been revolutionary and excessively extravagant. To the outside world it has seemed as if one unscrupulous Administration or Government followed another, with the chief aim of personal enrichment out of the public finances. Of course this could have but one consequence — heavy public debt. It meant depreciated credit and extraordinary interest required by insecurity of loans. It is a favorite proceeding of a certain class of Princes of Privilege belonging to the banking world in stronger outside countries to buy up the bonds of such discredited Governments. Such bonds are often to be had at a mere song — say ten, and even as low as five, per cent. of the value borne on their face.

The endeavor is then to have the outside Government interfere and compel the payment of the bonds at or near their face value, or else give some substitute which the bondholder shall regard as equivalent.

Something like this was in progress in Santo Domingo. President Morales of the Dominican Government, pressed by that Republic's creditors, concluded to turn over the administration of the customhouses to representatives of the United States Government so as to guarantee payment of the bonds. An agreement, called a "protocol," but which was really a treaty, was on January 20, 1905, signed by Hon. Thomas C. Dawson, United States Resident Minister, and by Citizen Juan Francisco Sanchez, Secretary of State of Foreign Relations of Santo Domingo, for that Republic.

The first section of the first article of this so-called protocol read:—

I. The American Government agrees to undertake the adjustment of all the obligations of the Dominican Government, foreign as well as domestic; the adjustment of the payments and of the conditions of amortization; the reconsideration of conflicting and unreasonable claims; and the determination of the validity and amount of all pending claims.

To this end the American Government was to take charge of the Dominican customhouses and customs receipts, and on or about the first of February, some ten days or so after the protocol had been signed, a news dispatch was published in a New York newspaper that representatives of the United States Government had actually taken over the customhouses in the island and had begun to execute the protocol.

And for whose comfort and benefit was this execution being made? Not for that of the people of the United States at large. They were ignorant of possible advantage or disadvantage from that source and even of what was transpiring there. Nor was it for the well-being of the people of Santo Domingo at large. Nobody seems to

have mentioned them throughout this whole business. The chief consideration was for the Santo Domingo Improvement Company of New York and other American creditors, and afterward for other similar creditors in Europe. Besides, it was suggested that President Morales, recognizing the temporary nature of Dominican governments, and anxious to secure his own tenure of office, had sought the protection of the United States Government; for under article seven of the protocol, the United States Government, "at the request of the Dominican Government," was to *preserve order* there. "In other words," remarked the *New York Evening Post*, "Morales may comfortably disband his army and turn over to us the work of keeping Dominican conspirators and incendiaries in order."

When the Dominican customhouses were turned over to United States representatives, the "protocol," which in diplomatic parlance is regarded as merely a "first draft" of a treaty, became a treaty in fact. This was in direct violation of the Constitution of the United States, which requires all treaties to be made "by and with the consent of the Senate." President Roosevelt had acted in utter disregard of the Senate. He had taken to himself not only the treaty-making power, but had entered upon a policy of intervening and conducting the affairs of another Government. He seemingly had no intention of submitting the matter to the Senate, and he did submit it only when the Senate demanded information. Then the whole matter was ventilated, many of the provisions of the protocol were condemned and struck out, and the task of finally agreeing upon a proper form of treaty went over to the next Congress.

But while the Senate may resent the attempt of the President to ignore it and to act alone, its majority seems to share his views regarding such governments as the Dominican Republic. Senator Spooner of Wisconsin expressed the dominant idea during the Senate debate

on the treaty. He said in substance that the relations of the misgoverned or ungoverned and semi-bankrupt little Republics of this hemisphere to their creditors across the water will always be a source of uneasiness and of possible danger to us, unless we can, in some such way as that sought to be provided in the case of Santo Domingo, assume control over them and arrange the payment of the debts.

But where does this policy stop? With annexation, nothing less. Once enter upon the plan of interfering, and the act of swallowing must sooner or later follow. "The scope of the new policy," says the *New York Times*, "broadens rather startlingly as we contemplate the possible field of its application." To the other little indebted Republics of the western hemisphere our new policy reduces to this simple question, "Who next?"

Is not this a primary question with Venezuela, for instance? We have dismissed from our diplomatic department with public censure a man who was our resident minister at Carácas, the capital of Venezuela. The cause ascribed was that he so far yielded to "indiscretion" as to turn from the deaf ears of his official superiors at Washington and give to the public press charges of grave official misconduct on the part of his predecessor in the office of American minister at Carácas, who had since become Assistant Secretary of State at Washington. Minister Herbert W. Bowen was discredited and cast out, and Assistant Secretary of State Francis B. Loomis excused and retained.

Yet it was shown beyond denial that Mr. Loomis had had for appointment to the Venezuelan post the backing of the Asphalt Trust of the United States and Venezuela, and that he had, while minister, "exchanged checks," each to the value of \$5000, with the Asphalt Trust. It was also shown that he had while in that post become the agent of a West Virginia corporation organized to obtain mining concessions in Venezuela; that he had advanced

\$5800 to the putative American, Mercado, on the security of contested torpedo-boat scrip issued by the Venezuelan Government; that he also entered upon an agreement with Mr. Charles R. Mayers to procure, for an estimated remuneration to Mr. Loomis of more than a million dollars, the refunding of Venezuelan loans held by an American syndicate, the minister stipulating, however, that before commencing active work on this plan he should resign from his post of official representative of the United States.

If these projects were more or less failures, the intent was clear. It had a decidedly dark aspect. "How far must a man be smirched before he becomes too shady for our State Department?" asks a daily journal. Yet it should not need argument that our diplomatic service must be rid of all this taint of commercialism if to outside peoples our motives are to appear disinterested. Like Cæsar's wife, our official representatives abroad must be above suspicion. But in light of such a case as this, how can Venezuela fail to suspect us as a people, as well as our diplomatic representatives? President Schurman of Cornell in a recent speech said that "Venezuela, too, will soon look to us for some relief." Venezuelans, like the annexationists of Hawaii, who hope for personal advancement, may so look. But the mass of Venezuelans — how will they look at us? Probably in the way that a fascinated bird stares at a snake when, paralyzed by fear, it beholds the reptile gliding forward to devour it. A demonstration of how the devouring act can be performed was given in the case of Hawaii; and again in that of Panama.

In compliance with the practically unanimous desire in this country for an inter-oceanic canal, Congress passed an act on June 28, 1902, popularly called the Spooner Act, which authorized the President to negotiate for the acquisition of the property of the Panama Canal Company and for the control of the necessary territory of

the Republic of the United States of Colombia on which that property was situated. The act further directed that, failing to conclude with Colombia on reasonable terms, the President was to negotiate for the acquisition of territory in Costa Rica and Nicaragua for the building of a Nicaraguan canal.

Under this authority President Roosevelt made a treaty with the United States of Colombia. This treaty was approved by our Senate, but was rejected by the Colombian Senate, although the State of Panama, through which the canal was to run, favored it. The President should then have turned to the Nicaraguan route, as directed by the Spooner Act. But he delayed. Talk of Panama's secession was in the air. And suddenly a few men, influenced, it has been charged, by the Panama Canal Company which desired to sell its partly built canal to the United States Government, got up a real or pretended rebellion against the authority of the United States of Colombia. Our President, who had been merely marking time, as it were, now started into amazing activity. He immediately recognized the independence of the State of Panama. Not alone that: he actually forbade the United States of Colombia to transport troops to Panama, and he sent war-ships and landed marines to enforce this command.

Mr. Carl Schurz, distinguished no less for his public spirit than for his service in President Hayes's Cabinet, makes the indictment against Mr. Roosevelt in four charges. First: That the President violated the law directing him, failing an arrangement with Colombia, to negotiate for the Nicaraguan route. Second: That the President "trampled under foot the principle for the maintenance of which we sacrificed in four years of bloody civil war, nearly a million human lives and many thousands of millions of dollars — namely, that principle that under a Federal constitution like ours — and the existing constitution of Colombia is in this respect very much like ours,

perhaps even a little stronger — a State has no right to secede from the Union.” Third: That the President not only recognized the right of secession, but that he also recognized the independence of the seceded State without giving the Colombian Federal Government the slightest chance to enforce its lawful authority in the rebellious community — that in fact he sent our soldiers to prevent it from doing so, “thus committing what was practically an act of war against Colombia.” Fourth: That the President did all this in flagrant violation of the provisions of the treaty of 1846 with Colombia, by one of the provisions of which the United States of America “guaranteed the rights of sovereignty and property possessed by Colombia over the territory of Panama.”<sup>1</sup>

What if the new Republic of Panama did immediately grant our Government all that we asked in the Panama canal zone and thus cleared the way for digging the inter-oceanic canal there? Is this to count for a moment against what we have lost by our outrageous highhandedness, to give the thing no other characterization? As some one has said, We gave the Declaration of Independence for a ditch.

And how can our southern neighbor Republics regard us as a consequence of our conduct? Only as a menace to them. They actually call us “*El peligro del Norte*,” meaning, “the northern peril.” Are we not a northern peril to them? Witness what Mr. Roosevelt has said in a public letter. It is in general terms, but it has peculiar application to the southern Republics. “It is not true that the United States . . . entertain any projects as regards any other nations, save such as are for their welfare. All that we desire is to see all neighboring countries stable, orderly and prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with

<sup>1</sup> “An Open Letter to the Independent Voter,” October, 1904.



decency in industrial and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Brutal wrongdoing or an impotence which results in the general loosening of the ties of civilized society may finally require intervention by some civilized nation, and in the western hemisphere the United States cannot ignore this duty."<sup>1</sup>

Who is to say what is for the "welfare" of other nations? Who is to be judge of what constitutes "decency in industrial and political matters," "brutal wrongdoing," "impotence," and "a loosening of the ties of civilized society"? Certainly the southern Republics have not even been asked to pass upon such matters. Instead they have been curly told that they must submit to it. Does this tyranny become any the less tyranny because it is done in the name of civilization and of "benevolent assimilation"? "The worst tyrants," interjects *Life* most pertinently, "are those who know no law but the indulgence of their own benevolence."

How benevolent we can be we have revealed to the world in our military and civil administrations of the Philippine Islands. As the late Senator George F. Hoar of Massachusetts said in commencing a speech on the Philippine question in Congress, "We have to deal with a territory 10,000 miles away, 1200 miles in extent, containing 10,000,000 people." In the case of Cuba, a Spanish possession fighting for freedom, we guaranteed independence, and we have made good our guarantee. In the case of the Philippine Islands, likewise a Spanish possession fighting for freedom, we gave such guarantee only in vague and general terms, while we have actually treated them as a bought-and-paid-for province. As a matter of fact, we gave Spain some \$20,000,000 to get out of the islands and leave them to our dominance and govern-

<sup>1</sup> Letter to Mr. Elihu Root, read at the second anniversary dinner celebrating Cuban independence, held in New York, May 20, 1904.

ment. How have we exercised this jurisdiction? Never tired of quoting from our sacred charter of liberties, that governments "derive their just powers from the consent of the governed," we force upon the Filipinos at the point of the bayonet our ideas of what is good for them. Senator Hoar reminds us that in relation to the acquisition of Louisiana, Florida and Alaska, Jefferson, John Quincy Adams and Charles Sumner maintained that there was nothing in these territories at the time of cession which could be called a people, and that if there had been, the United States would not have been willing to acquire such territories without the consent of such people. Whereas, in the Philippines, we have undertaken to acquire by purchase from a protested outside power the privilege of governing an unwilling people as numerous as the combined populations of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland and Virginia. In the Philippines, it is true, there is a large class in much the state of poverty, ignorance and superstition characterizing a considerable number of the colored and even of the white inhabitants of our Southern States. But there is also a well-educated class, and among that class are highly cultured individuals. When does a nation of ten millions of people begin to have the right of self-government?

For the Philippine Islands, said Senator Hoar, we have had to repeal the Declaration of Independence.

Our soldiers there have been guilty of flagrant and repeated acts of deceit, treachery and wanton cruelty. We have promoted to a brigadier-generalcy an officer who by his own boastings and the testimony of his superiors and subordinates was guilty of rank baseness and perfidy in the capture of the Philippine commander, Aguinaldo. Those boastings should have brought him before a court-martial for trial and, if there found guilty, should have caused the removal of his shoulder straps, accompanied by condign punishment, for his violation of the usages of

a civilized nation in war<sup>1</sup> and for making us responsible for what should be revolting to the judgment and the instincts of a just, self-respecting and gallant people.

That such conduct was not punished was due probably not to one but to several important reasons. First, because, shameful as it is to have to admit, our soldiers in the Philippines have been guilty of so many acts of perfidy and deliberate torture — the “water-cure” being one of the most common forms of the latter<sup>2</sup> — that to punish one would involve and probably cause the punishment of many, which would make a terrific scandal before the eyes of the whole world. Hence practically all who were brought to trial were whitewashed. Secondly, while this whitewashing was going on at the court-martial trials in the Philippines, the War Department at Washington was declaring with brazen effrontery that the war was being conducted on our part with unexampled humanity! Third: The Philippine question becoming a party question among us, most men judged it, not upon its merits, but with the prejudice and passion of party bias, which practically makes the announcement, “For my party and my party’s policy, good, bad, or indifferent.”

But what of the Supreme Court? Can no question be brought before it that shall give it opportunity to show that these things are outside the Constitution and therefore without legal sanction? That was done — with what result? — in the Insular cases, affecting trade relations be-

<sup>1</sup> See the articles of the Hague Convention, agreed upon by the representatives of the United States with other representatives on July 29, 1899, and ratified by the United States Senate, March 14, 1902.

See also “Instructions for the Government of Armies of the United States in the Field,” prepared by Dr. Francis Lieber, and promulgated by President Abraham Lincoln. Tried by these instructions, Colonel Funston and his associates were heavy offenders and should have met with heavy retribution.

<sup>2</sup> In his recent illuminating, comprehensive and temperate book, “Our Philippine Problem,” Henry Parker Willis, Ph.D., recites the infrequency of quarter and the frequent use of torture by our soldiers (pp. 16-17). He also says that torture is used to some extent by the constabulary (p. 145).

tween the United States and the island of Porto Rico after the latter was acquired by us through the war with Spain. On May 27, 1901, the Supreme Court of the United States, by a division of five to four justices, decided in the De Lima case that at the time that tariff duties under the Dingley Act were levied against certain fruit brought to New York from Porto Rico the treaty with Spain ceding Porto Rico had been in operation; that "Porto Rico was not a foreign country within the meaning of the tariff laws, but a territory of the United States;" that the duties had therefore been illegally exacted and were recoverable by law. And then on the very same day, May 27, 1901, the same august tribunal, by a division of five to four, decided, in the Downes fruit tariff case, that while the island of Porto Rico "is a territory appurtenant and belonging to the United States," it is "not a part of the United States within the revenue clause of the Constitution;" that the Foraker Act of Congress, applying the Dingley Act expressly to Porto Rican imports to this country, was constitutional; that that act was in operation when the Downes fruit came to New York, and that therefore the duties were legally exacted and could not be recovered.

Mr. Charles Frederick Adams, one of the brilliant counsel in the De Lima action, says: "The court in one case said that Porto Rico was not a foreign country and that therefore the Dingley Act, taxing imports from foreign countries, could not apply against it; whereas, in the other case the court declared that while the island was not a foreign country, it was not strictly a part of the United States, being in some nondescript limbo, and that therefore some kind of a tariff act passed by Congress would apply against it."

Consistency is not a rigid rule with any court and Mr. Choate in the income tax case before the United States Supreme Court cited many precedents to show that the court *need not* follow precedents. This may explain how that court in one day could make the conflicting Insular

decisions. But how could it decide that a tariff emanating from an act of Congress could apply against any territory of the United States in face of the express prohibition of the Constitution? The ordinary man may fall back on Philosopher Dooley's ruminations: That whether the Constitution does or does not follow the flag, the court follows the "election returns." The policy of the majority party of the country being for tariff protection, even as against the newly acquired territory of Porto Rico, it may be that the Supreme Court, in the later one of the two test cases coming before it, found a pretext for declaring that tariff duties could apply against the island! It illustrates the inertia of mass in a popular government. So that here again are the words of De Tocqueville verified, "In great republics political passions become irresistible, not only because they aim at gigantic objects, but because they are felt and shared by millions of men at the same time."

This tells why, though our civil government in the Philippines, with its secret police and espionage,<sup>1</sup> is much like that of the system of delators in the terrible days of the Imperial despot Domitian at Rome; why, though we have muzzled the press, refused jury trial in civil cases, and destroyed some of the protecting conditions of the writ of *habeas corpus*;<sup>2</sup> why, though we are ordering things there not really for the benefit of the masses of the people of the Philippines, but really for the fattening of Privilege — we, or at least the major part of our people, make no protest. It is all supported at the call of party spirit. It is all accepted as incidental to the idea of a "trust for civilization," which is unctuously proclaimed by those who think they are wise and just enough to govern other men without such other men's consent. It is the idea that we are to play the part of the benevolent policeman among the nations.

<sup>1</sup> "Our Philippine Problem," see "Constabulary" in contents.

<sup>2</sup> "Our Philippine Problem," p. 157 ff. and pp. 107-108.

The present occupant of the presidential office is the personification of this spirit, who remarks to his compatriots that we should go on our way peaceably, of course, but that we should nevertheless carry with us "a big stick." That is to say, we are advised, indeed we are most pressingly urged, to arm more heavily. At a time when, in Jefferson's picturesque language, we might have proved "but a mouthful the more" had we become involved in the great European wars — when we had a very small population and were not rich — we had only a scant navy and the merest skeleton of an army. But now that we are a world power in population, general intelligence and wealth, we must needs arm to the teeth. We have Germanized our army on the general staff principle, have increased the number of our regulars, and incidentally incorporated our militia as practically part of them. And all the while the cry is deep and constant, "More war-ships, more war-ships."

And this arming is to what purpose? To be prepared for war, is the glib answer. And this in face of the fact that casual preparation counts for little. Seldom is a nation really prepared for actual conflict with an equal power, unless it deliberately devotes itself to arming for a particular war, practically as Prussia did against Austria and France, actually as Japan did against Russia. In the generality of cases those who would have us go heavily armed belong to either one of two classes: to the ship-building and armament rings, the food, clothing and other supply contractors, who become enriched out of a liberal public purse; or to army authorities who have soldiers at their command, or to aristocrats of the quarter-deck, who, furnished with larger and finer ships, itch for a pretext to use them against some inferior power.

When a member of the Senate during the last Congress asked why one thousand more marines were requested by the Navy Department, Senator Hale, Chairman of the Naval Committee of that body, answered ironically: "I

think that perhaps the Senator does not realize that the marine corps is the essential part of the navy that is called into use in times of peace. The principal object of a big navy in times of peace is to bully small and weak powers."

That tells part of the story; and "troops to *pacify* Samar" tells another part.

Our "big stick" policy is a strenuous, always-up-and-doing-valiantly policy.

Sing me a song divine,  
With a sword in every line,

is the style of it. "Trust for civilization" means no less than the advent of the benevolent bully — a bully having a benevolence that consults only his own tastes and inclinations.

And how can there be aggression abroad without reactionary tyranny at home? Thus centralized and armed, Government must inevitably be used by Privilege to make fresh assaults upon the rights of the masses already robbed by Privilege into poverty. Popular suffrage will be subjected to worse corruption or to limitation. And then will follow the deadliest of internecine warfare — class conflict. If the avenue of relief "be shut to the call of sufferance," said the prophetic Jefferson, "it will make itself heard through that of force, and we shall go on, as other nations are doing, in the endless circle of repression, rebellion, reformation; and repression, rebellion, and reformation again; and so on forever."<sup>1</sup>

How can such dire misfortune overtake this nation? That is the question most of us ask when we give so much as a passing thought to the matter. And the confidence of security it implies proves that we have developed a state of mind such as has lulled to disaster other peoples whom, also, the Goddess Fortuna has flattered with long-

<sup>1</sup> Letter to Samuel Kercheval, Monticello, July 12, 1816, Jefferson's Writings, Ford Edition, Vol. X, p. 44.

continued smiles. But warning signs are for others to heed. Even now as the land grows rife with malignant social and political disease; even while we are privileged at home and have become an imperial, conquering nation abroad, we recount, with calm assurance for the future, how we have solved all the problems arising in our past. We speak of having a predetermined part to play in the great events of the world — a destiny. We nurture a strong feeling of optimistic fatalism. We tell ourselves that we are marked for supreme achievements; that our march is to be forward, without wavering or turning; that we are to carry the sword of peace and the torch of civilization to factious and benighted nations; that we are to lead in the progress of mankind.

And so we exchange vigilance for vanity and overweening self-confidence such as charmed into a poppy-sleep many a people gone before until the hour and the spirit for saving action had passed forever.