

Dewey's Speech Before Irish-American Historical Society

Following is the prepared text of Governor Dewey's address last night at the forty-eighth annual banquet of the American-Irish Historical Society:

It is a privilege to take part in paying tribute to the services rendered in this war by the Archbishop of New York. They are services beyond measurement in words. At personal risk he has traveled over the earth, visiting the fronts where men were embattled and suffering. He distributed generous, practical help where it was most sorely needed, regardless of the creed, race or color of those who benefited. Above all, he brought spiritual comfort to millions of human beings.

As Americans we are proud of our fellow citizen, proud to acknowledge him one of the great living humanists, proud to join in tribute to a great New Yorker, Archbishop Francis J. Spellman.

During his pilgrimage of mercy, the Archbishop had the opportunity of seeing at first hand the horrors of war. They give shocking demonstration of a lesson which is as old as the world, but which modern warfare has rendered more awful than ever. The deliberations now proceeding at San Francisco will answer the tremendous question whether we have really learned that lesson.

Quotes Call of Pope Pius

Pope Pius the Twelfth, in his Christmas message of last December warned mankind that:

"There lies on all States and peoples the duty of doing everything to ban wars of aggression, once and for all time, as legitimate solutions of international disputes and as a means of realizing national aspirations. That duty brooks no delay, no procrastination, no hesitation, no subterfuge."

The Pontiff said further:

"If ever a generation has had to appreciate in the depths of its conscience the call 'war on war,' it is certainly the present generation. It has passed through an ocean of blood and tears wider and deeper than mankind has ever before encountered. It has lived through indescribable atrocities so intensely that the recollection of their horrors must remain stamped in its memory as the picture of a hell against which anyone who cherishes a sense of humanity desires more than anything else to close the door forever."

In such words Pope Pius voiced the aspirations of all men of good will and welcomed the proposal of an organization for the maintenance of peace, one vested by common consent with supreme authority and with power to smother any threat of isolated or collective aggression. With humility and earnestness we pray that the men and women at San Francisco may achieve real progress toward an effective instrument to preserve the peace of the world.

Says Time for Action Is Now

We are at present in one of those crucial periods in the history of mankind. I am profoundly convinced that a free, secret ballot taken all over the world would reveal the earth's population voting eagerly and overwhelmingly for a world security organization. The visible evidences of suffering and devastation are before us with awful intensity. The mood of the world today is its one hope of being saved from a repetition of this holocaust. The time to take action is now.

We have seen how easy it is for men of ill will to make capital out of the misfortunes of nations. We have seen them foment the conflict of rival nationalisms. We have seen how false ideologies, sown in hatred and fertilized by promises of revenge, lull entire peoples into mistaken beliefs. The death of national socialism as a world power is no guarantee that other forms of the Fascist creed will not spring up with new poisons, new promises to struggling people that the millennium will be theirs if only they will hate their neighbors.

The inevitable result of false ideologies is a teaching that leads nations to put material values above spiritual values; to place the power of the state above the dignity of the individual, of the family or the community—of God Himself. The result is a nation of aggressors, which as surely as night follows day means military aggression, will come and a world again be plunged into war.

State Is for the Individual

We know these things today. The problem is to make sure that we continue to bear them in mind clearly after the war. We need above all things to bear constantly in mind that the state exists for the individual, to secure his

welfare, his freedom and his opportunity.

Just now we all inhabit, as it were, a small island in time, a breathless period of confusion and historic decisions. Widely differing views are current about the status of nations, about economic and social concepts. We differ even about the extent to which the new international organization shall be subject to concepts of basic justice. Some people doubt—wrongly, I believe—the capacity of such an organization even to make revisions aimed at an ever improving world order.

We are in this confused island of time because the pace of world events just now is so great as to make constructive thinking most difficult. Yet we need right now, more than ever before, a clear picture of exactly where we are going and of the ultimate ideal we seek to achieve.

The work of the San Francisco Conference will be divided into four main steps. The first will deal with the preamble and statement of principles, the second with the Assembly and its powers, the third with the Council and the fourth with the permanent Court of International Justice.

Sees Ideal in World Court

The newspapers and radio have been filled with debates over the statements of principles. We have heard much of the problems of voting in the Assembly, of the membership and veto powers of members of the Council. We have heard endless debates about procedure, the use of sanctions and the ultimate employment of armies, navies and air forces to keep the peace. But in all this discussion we have heard practically nothing about the permanent Court of International Justice.

In my opinion, the court, of which we hear so little, is the heart and the soul of all our efforts. It represents, in truth, the ultimate ideal. The other matters are essential. They will be essential for many years. But if we do not lift our eyes and our hopes to the higher level of settlement of disputes by legal process, we have made little progress away from international rule by force alone.

Let us look tonight at this problem of peaceful settlement, under law, of international disputes.

The problem of peace between men is age-old. In primitive society when arguments arose there was no higher court than the tooth and the claw. But by the time of earliest recorded history, there was already an organized attempt to put the moral teachings of religion and the forces of law above the physical force of the individual. The opinion of the majority of the community was brought to bear and, however crudely, some kind of court administered some kind of justice.

Views Court as Determinative

As society became more highly developed, so did the legal rights of individuals, and disputes were taken as a matter of course to the established law courts of the community.

Of course, we need a policeman in our own community. And most certainly we need a policeman with all adequate force to prevent war in the world. But above the policeman there must be a court of justice.

It is for this reason that I believe that the fourth major part of the San Francisco Conference, of which we have heard so little, is the part which will finally determine whether we have succeeded in starting down the true road to the final abolition of war. For the world court is the conscience of mankind determining, under principles of justice, the disputes which otherwise would bring down on us another holocaust. It represents the rule of reason over rule by force. This will not be achieved today, not fully, perhaps, for decades, but only if we work toward the concept of judicial settlement of all disputes will we ever reach the goal.

It would be folly to overlook the fact that a few nations hold an overwhelming preponderance of power in this world. But the rights of nations must not forever depend upon their natural resources in steel or oil or magnesium or their ability to build navies or robot bombs.

All statements of high principles or mechanics of debate and

procedure will be worthless unless mankind comes some day to recognize that all peoples, great or small, have rights—Costa Rica as well as the United States, Panama as well as Russia, Belgium as well as Great Britain. The hope of the world today is to get on a staircase which leads to a higher level of international morality. The large and powerful nations must acknowledge the principle that as all individuals are equal before the law of their State, all nations are equal before the law of nations.

This International Court will in no sense be a substitute for the world organization now being drawn together at San Francisco. Rather, it will be an integral part of it just as the judicial system is a part of our national Government. What we hope for first is the fusing of mankind's aspirations into an international charter defining principles of conduct as basic to the world organization as our Constitution and the Ten Commandments are basic to American life. Then, as the years pass, a body of international law will develop around that charter. The assembly and security council of the world organization will arrive at decisions in conference which will establish patterns of procedure and juristic justice which will develop the field of operation of the court within the framework of the international charter.

Envisages Code of Morality

There will then emerge a body of international law based on fundamental principles of morality and the court will deal not only as in the past, with disputes on marginal matters, important as they may be, but with problems basic to the integrity of world order. It is conceivable that eventually the Assembly and Council will lay down laws with which the court will deal in building the ideal of international justice. Then, at last, we shall have a system of law implementing the fundamental principles, defining how nations shall conduct themselves in their relations with each other. Included in that system of international law will be a code of morality, protecting minorities, safeguarding small nations and emphatically outlawing the horrors against civilians which have recently been revealed as our armies marched through Germany.

Law cannot be established in a day. It cannot be perfected by a stroke of the pen or the enactment of a statute. Law is, of necessity, a slow growth if it is to endure. It requires constant correction of first mistakes, constant amendment and revision to meet changing conditions and the progress of civilization. Our domestic laws are, in intent and purpose, nothing but a constantly moving attempt at a code of fair dealing among nations.

Hague Court Held Mere Panel

The first permanent Court of International Justice still exists, although it has not functioned for seven years. To begin with, it was an adaptation of the basic idea of our own Federal system. It was the realization of a dream of centuries of great minds. Its origin is back in the history of

ancient Rome, when the Praetorian Court settled disputes between foreigners according to their own customs.

The last attempt to bring about American participation in the World Court was defeated in 1935 by a small but exceedingly vocal minority. The opposition seems strange in the light of history. For the Government of the United States has been on record in favor of the peaceful settlement of international disputes since the earliest days of the republic.

In more recent times, a President of the United States instructed his Secretary of State, John Hay, to draft plans for a court to decide questions of agreement among all nations "excepting such as may relate to or involve their political independence or territorial integrity." That President was William McKinley, acting in 1899.

Out of that effort grew the permanent court of arbitration at The Hague, which, as Ex-Chief Justice Hughes has pointed out, was not a court at all, but a panel. It was a register of persons from which nations wishing to arbitrate could pick arbiters of their choice.

Old Court Averted Two Wars

Because of this defect President Theodore Roosevelt, in 1907, instructed the delegates to the second Hague Conference to propose:

"A permanent court composed of judges who are judicial officers and nothing else, who are paid adequate salaries and who will devote their entire time to the trial and decision of international causes by judicial methods and under a sense of judicial responsibility."

The permanent court of international justice was established in 1922, according to plans drafted by a commission of which Elihu Root was a member. Substantially, it was the embodiment of Theodore Roosevelt's original idea. In December, 1925, Senator Irvine Lenroot of Wisconsin pointed out correctly on the floor of the Senate that "this court is American in its origin."

In 1929 Elihu Root entered the picture again. The opposition had succeeded in preventing any participation by the United States. Mr. Root submitted a plan for revising the statute of the court. With some modification it was adopted. President Hoover and Secretary Stimson signed the protocol but the Senate, as we know, never ratified.

In spite of this, the permanent court of international justice decided many important cases. It is of fundamental importance that we realize today that, despite its weakness, this court handed down decisions which were the means of averting two wars: one between Greece and Bulgaria in 1925; another between France and Turkey in 1927.

Court Defined Nation's Duties

It laid down important principles which established valuable precedents. It rendered service in defining the obligations of na-

tions under treaties. The court's decisions have been codified by legal scholars and the volumes containing the result form an already substantial body of sound international law.

All arguments for and against our participation in the international court have been strictly nonpartisan. For years the platforms of both major political parties have been unequivocally in favor of it. In 1935 a distinct majority of Senators wanted to ratify—the vote was 52 to 36. But the affirmative votes were less than the required two-thirds.

One principal argument of the opposition was that taking part in the court would sacrifice our sovereignty. Now, I don't know anyone in this country who wants to scuttle the sovereignty of the United States of America.

Sovereignty, in the light of modern history, is the right to use inherent power to achieve the greatest good for the greatest number. It should be, and we hope it eventually will be, effectively exercised so that no one nation can start a war against another over a dispute which a court of competent judges can adjudicate by the principles of ordinary justice. This would be the highest use to which sovereignty can be put.

Says Law Must Be Supreme

Certainly in our own country the settlement of any dispute by force is not regarded by Americans as any settlement at all. In the long run, there can and will be no other attitude by the peoples of the world. Force is necessary in order to back up law. But law must be supreme, and the ultimate success of our efforts to achieve peace will depend upon the degree of acceptance we achieve for the fourth part of our San Francisco agenda—the establishment of a permanent court of international justice.

Men everywhere, in overwhelming majorities in every nation, seek the peaceable settlement of all disputes. It is time we gave the expression of the conscience of mankind its proper place in the establishment of the international court. By all means we must settle, in the best possible way, all of the matters of procedure and use of power. But all these must ultimately be subordinate to peaceable settlement under international law or the aspirations of mankind will once again have been defeated.

This means that we must be prepared to subscribe to an international court which is not a panel of arbiters but a court of judges. As they build on the present substantial body of international law, there can and there must be increasing acceptance of the court's interpretation of international justice. We can, because we must, in order to preserve civilization, learn to accept the decisions of this court in all disputes between peoples and countries.

Only by pinning our ideals and our purposes to this, the highest of all aspirations, can we achieve a lasting peace, inspired by God in the reason of men.