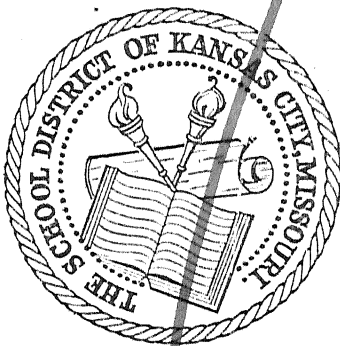




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DEBATE OUTLINES  
ON  
PUBLIC QUESTIONS

BY  
OLIVER CLINTON CARPENTER, LL.B.  
MEMBER OF THE BAR  
OF THE UNITED STATES SUPREME COURT  
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AND THE DISTRICT OF COLUMBIA



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Dedicated  
To  
O. C. C., Jr.



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## INTRODUCTION

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This book is intended for the enlightenment of those seeking information upon the public questions of the day and for the assistance of debaters in the preparation of their arguments.

It is designed as a guide to further inquiry and thorough preparation by presenting to debaters of all classes the main arguments upon each side of political questions with ready references for complete investigation of the subjects.

Nearly all public libraries subscribe to the Readers' Guide to Periodical Literature, which is invaluable for looking up references, and the monthly editions will enable readers of this book to find readily new articles on the subjects herein presented as they appear from time to time.

I shall feel well compensated for my work upon this book if it will help in a small way to increase its readers' knowledge of public questions.

O. C. C.

20 Broad Street,  
New York City,  
July 1, 1924.



DEBATE OUTLINES  
*on* PUBLIC QUESTION



# DEBATE OUTLINES ON PUBLIC QUESTIONS

## I

### JAPANESE EXCLUSION

RESOLVED, that the adoption of the provisions in the Immigration Law of 1924 for the exclusion of the Japanese was the best policy.

#### General References:

United States Immigration Commission Reports; Montaville Flowers, *The Japanese Conquest of American Opinion*; S. L. Gulick, *The American Japanese Problem*; Yamato Ichihashi, *Japanese Immigration, Its Status in California*; Inui, *Japanese Education in America*; Inui and Beadle, *The Japanese in California*; Jenks and Lauck, *The Immigration Problem*; Herbert E. Johnson, *Discrimination against the Japanese in California*; K. K. Kawakami, *Asia at the Door*; Clay MacCauley, *The American Japanese Immigration, Its Status in California*; Inui, *Japanese Problem in the United States*; *American Journal of Sociology* 19, 773-91; *Annals of the American Academy* 34, 223-71, 275-310, 313-74, 377-423; 54, 245-50, 254-9, 260-9; *Century* 88, 105; *Economic Journal* 25, 588-91; *Forum* 32, 686-94; *Independent* 61, 1425-6; 62, 26-33; 86, 273-4 (Theodore Roosevelt); *Literary Digest* 46, 67-71, July 2, '13; 48, 252, F. 7, '14; 79, 19-20, D. 1, '23; 80, 14, March 1, '24; *Nineteenth Century* 55, 146-54; *North American Review* 197, 721-33, 733-41; 741-60; 200, 566-75; *Outlook* 98, 699-700; 104, 61-5; *Sunset* 31, 122-7; *World's Work* 14, 9372-6; *Yale Review* 5, 731-40.

**AFFIRMATIVE BRIEF**

I. A nation's right of exclusion is universally recognized.

A. It is America's policy to exclude undesirable immigrants.

1. By the United States Constitution, it was provided that Congress could not forbid importation before 1808 of such persons as the States should think proper to admit.

a. This clause was to prevent the Federal government until 1808 from forbidding the States from importing negroes.

b. After 1808, the lines were drawn against slave immigrants.

2. We have excluded the Chinese since 1882.

B. Other countries have found it necessary to exclude the Japanese.

1. Canada permits a limited number of Japanese to enter but requires a large head tax which amounts to practical exclusion.

2. Australia has totally excluded the Japanese since 1901.

3. South Africa and New Zealand exclude the Japanese.

C. Japan applied the principle of exclusion to other nations.

1. Japan excluded Chinese laborers in 1907 because they worked for a lower wage than did the natives of Japan.

2. Japan has excluded other Asiatics from her provinces where deemed advisable.

D. Japan does not question our right to exclude.

1. In a statement by the Japanese government to the United States in 1913 Japan said, "There is no question whatever between Japan and the United States on the subject of Japanese labor immigration into the United States."

2. It is considered a settled policy.

a. Immigration Commissioner General of the United States in 1916 said, "It is generally conceded by any person who

gives any attention to the question that unrestricted Japanese immigration into the United States is not desirable.”

b. We have practically excluded the Japanese since 1908 under a “gentlemen’s agreement” by which the Japanese government undertook to prevent emigration of Japanese laborers to this country.

II. Exclusion is advisable because of the racial question.

A. We have never granted the right of citizenship to the yellow race, and it is contrary to our practice to admit those whom we will not permit to become citizens.

1. Large bodies of aliens cause international friction.
2. Japan would interfere to protect her citizens.

B. In those places in this country where the Japanese become any considerable part of the population, the white residents will not permit the Japanese children to attend the same schools as the white children.

C. Many of our States have passed laws forbidding the Japanese to hold or own any land.

D. Bitter race antagonism has developed in the United States wherever the Japanese have settled in any numbers.

E. Unlike other immigrants, the Japanese cannot become assimilated.

1. After two or three generations, particularly where there are intermarriages, the descendants of English, French, Russian and Italian immigrants cannot be classified according to their parentage by appearances.

2. The Mongolian racial characteristics of the Japanese mark their descendants to any number of generations, and intermarriages between the members of the white race and the yellow race are deplorable and generally forbidden.

3. Our history proves the failure of attempting to assimilate races different from the Caucasian race.

- a. The negro race has not been assimilated and the feeling against attempts at assimilation is as strong now as it was when our country was formed.

b. The Indian race has been depleted instead of assimilated, and many States forbid intermarriage between Caucasians and Indians.

4. Professor H. A. Millis, an authority on Japanese American questions, says that even with limited numbers Japanese assimilation is unlikely to occur, and with large numbers it would not take place.

F. The Japanese are so different from us that it has been found impossible for us to live successfully with them, and nowhere in history is there evidence of Caucasian and Mongolian races living together successfully in large numbers.

G. We need cohesive national unity, and there is nothing more detrimental to it than the introduction of racial problems.

III. Japanese exclusion is necessary for the protection of American labor.

A. Japanese labor is much cheaper than American labor.

1. Japanese are willing to work for a rate per day which no white man could afford to accept.

a. Japanese live on cheaper foods with lower standards of living.

b. They live on 20 cents a day and in violation of all sanitary rules.

2. The United States Immigration Commission report of 1910 stated that the Japanese received the lowest wages except the Chinese.

B. The presence of Japanese laborers is a detriment to American laborers.

1. Japanese laborers drove American laborers out of parts of California by underbidding.

2. If Japanese laborers were allowed to come unhindered to this country, they would lower the standard of living of the working man.

3. We cannot protect the welfare of the bulk of our citizens if we permit the standard of wages to be greatly lowered.



4. In Hawaii, where the Japanese are about one-half of the total population, the white workers can hardly live in face of competition.

C. In communities in the United States where Japanese are settled in considerable numbers they cannot secure desirable European immigrants because of the low wage competition.

D. Japanese work at home for less than fifty cents a day of more than twelve hours and would migrate to this country in overwhelming numbers if not excluded.

IV. Negotiations cannot change our position and are therefore inadvisable.

A. There is no justification for negotiations if our exclusion policy is settled.

B. Negotiations without yielding on any points would cause bitter feeling.

C. Negotiations leading up to a treaty superseding the law providing for some gentlemen's agreement handling Japanese immigration on a different basis from other nations would be bad policy.

1. It would cause trouble with other countries.

2. The law provides admission from all prescribed countries of students, ministers, professors and those coming to this country on business or pleasure trips.

D. Negotiations cannot help us diplomatically or financially.

1. The Japanese are not inclined to be friendly with us.

2. Commerce will follow natural channels and Japan will buy our goods which she needs and will not shut them out for fear that we will retaliate against her silk and other products.

### NEGATIVE BRIEF

I. We need Japanese labor to do the work in which there is a scarcity of labor.

A. There is a continuing lack of unskilled labor in this country.

1. Our labor graduates from unskilled to skilled labor and seeks greater advantages.

a. The son of the man who digs ditches is trained to be a mason or a painter.

b. The son of the man who paints or lays bricks is educated to be a doctor or a lawyer.

2. It is now almost impossible to secure ordinary day labor for small jobs, and we could not enter on an era of railroad building or road building because of the scarcity of day laborers.

3. Hundreds of thousands of household servants are needed.

4. The scarcity will continue because we are limiting European immigration.

B. The Japanese laborers are best fitted for our uses.

1. They are energetic, deferential and untiring.

2. They make excellent household servants.

a. Many residents of California, where they have had the most experience with the Japanese, are anxious to have Japanese servants admitted.

b. Japanese servants have received commendation from all quarters of the globe.

c. The Japanese are clever and clean and make good cooks and excellent gardeners.

3. The Japanese are particularly good as workers in truck gardens and nurseries where white men will rarely work.

a. Millis says, "The Japanese have done the work in California which the white men would not do."

b. Professor Coolidge, of Stanford University, says the Japanese take the jobs which the white man does not want.

4. Japanese are excellent ditch diggers and road builders—they are strong, healthy and self-reliant.

a. They are used to working twelve hours instead of eight and do not idle away any time.

b. The railroads find the Japanese and Chinese to be the best day laborers.

c. Woods Hutchinson, after seven years' study of the question on the Pacific Coast, pronounces the Japanese as zealous, cheerful workers.

5. The Japanese would supplement labor, not displace labor.

6. No surplusage of labor will be caused by the Japanese as shown by Japanese immigration not exceeding fifteen thousand in any year prior to practical exclusion in 1908 and the number could be limited.

II. Japanese labor is preferable to the European labor which we admit.

A. Japanese yield themselves readily to our American moral conceptions.

1. They rarely yield to drunkenness or crime.

2. They lead the foreign born in respect to law observance.

B. Japanese laborers are less illiterate than European laborers.

1. In the coal mining industry in this country, 9 $\frac{1}{10}$ % of Italians can read and write English, 18 $\frac{1}{10}$ % of the Poles and 47% of the Japanese.

2. Europeans take little interest in learning while the Japanese learn readily and are eager for American education.

C. Japanese are better workers than Europeans.

1. Woods Hutchinson says the Japanese as laborers are ahead of the Europeans.

2. Europeans are restless and often lazy, while the Japanese work contentedly and untiringly.

3. Japanese are quicker to learn their work than Europeans.

III. The Japanese can be incorporated into our national life as non-disturbing and useful elements without amalgamation.

A. Japanese can fill a useful place and do not seek amalgamation by intermarriages.

B. The Negroes and Indians are forbidden marriage with the Caucasians in most states and amalgamation is not considered.

C. We need a servant class which will properly fill and keep its place with no demand for entire assimilation.

D. By forbidding Japanese intermarriage with Caucasians and owning of land and by social restrictions, undesirable features can be eliminated.

IV. Japanese exclusion is poor government policy.

A. The quota provisions of the Immigration Act of 1924 would have taken care of the problem without affronting Japanese by exclusion.

1. The Act is a quota act based upon the census of 1890—each country until July 1, 1927, being allowed to have admitted in any one year 2% of the number of persons born in that country but resident in the United States in 1890.

2. Japan would be entitled to less than two hundred each year which number would be negligible.

3. Not including Japan with other nations but exempting it for total exclusion as the Act does is an affront to Japan.

B. Exclusion with the abrogation of the "gentlemen's agreement" without notice was undiplomatic and promoted enmity.

1. It makes useless our diplomatic attempts to keep on a friendly basis.

a. The resignation of our Ambassador to Japan at the time of the passage of the Immigration Act of 1924 is indicative.

2. We must expect Japan to make retaliations, for no nation likes to be branded inferior to other nations.

a. The Japanese will cease using our goods wherever possible, for trade is built on friendship.

b. We will not be welcome to their country even as visitors or travelers.

c. Our missionaries, if allowed to continue, will work in enmity and danger.

d. Our handling of the Japanese in Hawaii and the Philippines will become more difficult.

3. The Japanese daily newspapers express the feeling of the Japanese.

a. The Osaka Mainichi of April 26, 1924, said that the decision of Congress as to immediate exclusion was an insult to the Japanese and that such action on the part of one nation toward another disturbs peace.

b. The Tokio Nichi Nichi said that the passage of the bill made friendly relations with the United States absolutely impossible and spoke of "taking up the gauntlet thrown down" by the United States.

4. By fanning the flames of enmity, a contest for the supremacy of the Pacific may be made inevitable.

## II

### SOLDIERS' BONUS

RESOLVED, that Congress was justified in passing the soldiers' bonus bill.

#### General References:

American Political Science Review 16, 455-60; Annalist 19, 123-4; Bankers Magazine 104, 209-11; Commercial and Financial Chronicle 114, 454-5; 686-7; 1129-31; 115, 373-5; 1372-3; 1384-5; Congressional Digest 1, 5-10; Congressional Record 59, 6187-94; 9061-3; Current History Magazine N. Y. Times 13, 136-8; 16, 545-50; Current Opinion 72, 297-301; 76, 113; Independent 106, 123; 108, 190-1; 255; Literary Digest 79, 5-8, Dec. 8, 1923; 80, 10, Jan. 19, 1924; 80, 11-12, Jan. 26, 1924; 80, 50-6, Feb. 16, 1924; 80, 10-11, Feb. 23, 1924; 80, 5-7, March 29, 1924; Nation 114, 238; 386-7; 118, 284-5; 386-7; New Republic 22, 111-12; 27, 168-9; 30, 157-9; Outlook 125, 159-60; 128, 511-15; 130, 326-8; 398-400; 419-22; 132, 52-3; 181-2, 135, 526-7; 136, 276-9; Review 2, 458; Review of Reviews 60, 622-6; 62, 426-7; Saturday Evening Post 192, 6-7; Survey 44, 204-5; 45, 755-8; 46, 91-2; World's Work 40, 116-17; 43, 460-1; 47, 240-1; Collier's 73, 8; Forum 71, 354-7.

#### AFFIRMATIVE BRIEF

I. Our World War soldiers deserved the passage of the bill.

A. They entered the war without thought of financial remuneration.

1. The pay was too small to be considered.

2. Patriotism and defense of country were the great motives.

3. Selective conscription forced men in the army without regard to financial sacrifice.

a. Employees gave up their positions.

b. Many men in business gave up their businesses.

B. They risked their lives while others lived in peace and security.

1. Many stay-at-homes would have promised anything financially rather than have faced machine guns and poison gas, but now want to retain all they made during the war and thereafter.

2. The cost to a stay-at-home of sending a substitute to war would have been many times greater than any taxes for adjusted compensation to be paid by the stay-at-home.

3. Soldiers faced death and privation while their jobs went to those who remained at home.

C. Congress, not knowing what the expense of the war would be and how it would be met, placed the pay of the soldiers at a low rate with the assurance at that time that they would adjust their compensation after the war, and Congressional members desired to redeem that assurance.

D. If we had furnished money without soldiers, the cost would have been much greater.

1. It is hard to calculate the financial help without soldiers which would have brought the war to its successful conclusion.

2. The evils of war and heavy war taxes would have continued much longer.

II. The bill for adjusted compensation is an excellent measure.

A. It provides extra compensation for each day's service, vocational training, assistance to purchase farms or homes, and twenty year insurance policies.

1. Provision is made for \$1 for each day's service in this country with a maximum of \$500.

2. Provision is made for \$1.25 for each day's service overseas with a maximum of \$625.

3. Cash payment is given where amount is not more than \$50 and where more than \$50, a certificate of insurance is to be given for the amount of service credit times an age factor ranging between two and two and a half, the certificate to be due in twenty years and to draw interest at  $4\frac{1}{2}\%$ , compounded semi-annually.

B. The bill was the result of experience since the war, of demand by the people and of careful study by our legislators.

1. The results of our help to the soldiers since the war were considered.

2. The bill was asked by millions of petitioners, the soldiers' organizations, the American Federation of Labor and many of the State governors and legislatures.

3. A similar bill met with the approval during President Harding's administration of both Houses of Congress by nearly four to one and the House refused to sustain the President's veto.

C. The bill is in harmony with the theory of adjustments practiced by our Government.

1. Extra compensation was given to our civil employees amounting to \$300,000,000.

2. The railroads received adjustments amounting to \$700,000,000.

3. Contractors received adjustments amounting to \$3,000,000,000.

III. Our country, the richest nation, could not be less generous than other countries.

A. Our public debt is less per capita than any of the other victorious nations participating in the World War, but our Federal Government had done nothing to adjust compensation of its soldiers but pay \$60 extra on discharge.

1. In many instances, the place of discharge was so far



from the discharged soldier's home that the entire \$60 was needed to get home.

2. Soldiers were actually sold on the auction block in Boston and New York.

B. Our debt per capita is less than that of England, France, Italy, Belgium or Canada, and they have all provided adjusted compensation.

C. We could not be put to shame by other nations.

IV. Our country is amply able, from a financial standpoint, to carry out the adjusted compensation at this time.

A. Our country is prosperous.

1. Business is good with every indication of improvement.

2. We have greatly reduced our debt.

3. We have settled our war loan to England and yearly interest received will be sufficient to carry the annual charge of the compensation bill.

4. Prospects are favorable for securing similar settlements with other nations.

B. The bill does not require a large annual expenditure—the use of the certificates avoids raising any large sums of money for twenty years.

1. It is estimated that an average of not over \$115,000,000 will be required each year until 1944, which is not a large sum when compared to our annual expenditures of over \$3,000,000,000.

2. In 1944, the insurance certificates will become due and it is estimated that \$3,000,000,000 will then be required to complete the adjustment.

a. \$3,000,000,000 is no more than the amount paid to contractors to adjust contracts at the termination of the war.

b. Our public debt will be greatly lowered by that time and our nation will have increased wealth.

C. We can provide for the adjusted compensation and also lower taxes where needed.

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1. Secretary of the Treasury Mellon reported estimated Government surplus of \$300,000,000 under present tax laws and recommended the lowering of income and other taxes to equalize that amount.

a. His recommendations of reduction in normal taxes amounting to \$92,000,000, reduction of 25% in tax on earned income amounting to \$97,000,000, and repeal of telegraph and telephone taxes amounting to \$30,000,000 met with universal approval.

b. His recommendation of repeal of admissions tax amounting to \$70,000,000 met with qualified approval, because those who can afford to go to theatres can afford to add 10% tax.

c. His recommendation for readjustment of surtaxes of the rich would have reduced the revenue \$102,000,000.

2. The passage of the compensation bill outweighed the necessity of greatly reduced surtaxes.

a. There was urgent need by the soldiers of this compensation in most cases, and the soldiers who did not need it pledged it to increase the help of those who did need it.

b. Those who pay surtaxes did not need great reductions for they had large incomes and many of them made their fortunes during the war.

c. Great reduction of surtaxes is not needed to encourage rich men to invest in productive enterprises instead of tax-exempt securities because the issuance by States, counties and cities of tax-exempt securities can be discontinued by a constitutional amendment providing for their taxation, as pointed out by President Coolidge in his first annual message.

d. President Harding's veto of the bill, which alone prevented its passage in 1922, was based upon the failure to provide additional taxes to take care of it.

e. By 1944, the \$3,000,000,000 required then can undoubtedly be secured from payments on principal and interest due from Allies other than England, which will amount then to over

\$5,000,000,000 principal and \$5,000,000,000 interest. Liberty loans will be nearly paid off by that time.

f. The opponents of the bill must base their disapproval not upon lack of finances, but upon unwillingness to help the men who faced the dangers of modern warfare to protect their country.

### NEGATIVE BRIEF

I. The adjusted compensation or bonus bill has many faults.

A. It provides an equal rate per day for all soldiers who served overseas.

1. No distinction is made for those who are needy and those who are not.

2. No distinction is made as to the class of service or ability of service rendered.

3. No distinction is made as to whether the soldier has dependents or not.

B. It provides an equal rate per day for all soldiers who served without going overseas.

1. There is the same failure to make any distinctions.

C. Those who served fifty days or less and did not get overseas, will receive \$1 for each day.

1. It will be a gift to those who are not needy.

2. It will be of small consequence to any needy.

3. Those serving such a short time received more benefits than losses.

a. The time taken from their occupation was short.

b. Military training even for a short time, benefits the health and inculcates good habits such as exercise, punctuality, etc.

D. Those who served long periods of time must take certificates of insurance which should never be issued.

1. A soldier's certificate would be for the amount of his service credit times an age factor two to two and one half, but it is not payable for twenty years.

a. The certificates have been characterized as due bills—an admission that the Government is unable inside of twenty

years to pay the huge total of the certificates, and leaves posterity to find the means to pay.

b. A certificate not due for twenty years is not collateral upon which loans could be made to any extent and holders would be the prey of speculators.

2. If soldiers are needy, the certificates are unsatisfactory, and those who are not needy do not want a twenty-year due bill.

3. If our Government makes gifts, it should limit them to gifts of full value it can afford and not issue certificates which are an insult to the credit of the country.

4. It is estimated that 75% of our soldiers will take certificates in preference to vocational training, help to acquire farms or homes, or Government land.

a. This is proof that 75% do not need help.

b. Of the remaining 25%, those who suffered in any manner from their service could secure help from the Government under other measures.

II. The Government was helping the soldiers who needed help and the people of our country are unanimous in desiring the Government to give every possible help to those who need it.

A. Our Veteran's Bureau is spending \$700,000,000 a year for our soldiers.

B. The sick and wounded are given the best of care.

C. Those under disability are given aid until the disability is removed.

D. Allowances are made for the dependents of those who are unable to work as well as allowances for themselves.

E. Vocational training has been offered and urged ever since the war ended.

F. Rights to Government land are given to those who want them.

G. The same patriotism which stood back of the men when they went to war now stands back of the Government in giving every proper needful measure of assistance.

III. Our soldiers received without the bonus much greater financial remuneration than the soldiers of other countries participating in the World War.

A. They were paid from four to twenty times more per day while in the service than soldiers of other countries.

B. Our provisions for the soldiers since the war in giving pensions and training have been far more generous than those of other countries.

C. The bonus of \$60 at the time of discharge was sufficient bonus for the Federal Government as the States, which paid nothing to them, were free to give any bonuses they desired.

1. Under our form of government, the States do not pay the troops they furnish for the Federal Government, leaving the States, which have much less debt per capita than the Federal Government, free to give bonuses as a direct expression of their appreciation.

2. Every State in the Union except Alabama, Georgia and Mississippi provided bonuses or extra compensation in some form, thus completing compensation in line with other nations.

IV. Aid to ex-soldiers who need it is an established policy of our Government, but making a general gift without regard to need is setting a bad precedent in a time of heavy debt.

A. Our public debt since the war is greater than ever before.

1. Heavy taxes are required to pay interest alone.

2. Our war bonds will gradually become due, requiring taxes to make payments on principal.

3. Payments from England on its war debt to us are pledged to reduce our bond issue.

4. Payments from other countries are very doubtful and no fixed debt should be incurred with the expectancy of its being met from such payments.

B. The bonus had but little more argument for it than a demand for further bonuses in after years would have.

1. It would have been far better to pursue our policy of continual aid through pensions.

C. The bonus to ex-soldiers may be readily followed by demands for bonus by others in Government service during war time, who are on equal footing with soldiers who did not go overseas or who went overseas but were not engaged in warfare.

1. The civil employees of the Government were not given bonuses but their pay was raised during the war because of the high cost of living.

2. The adjustments with contractors were based upon their expenditures under contracts which the Government did not want completed, which meant paying them up to date and not giving them anything extra.

D. One of the greatest requisites of a good government is the keeping down of expenditures and thereby preventing increased taxation.

V. The bonus will be harmful to the recipients.

A. Gifts to those who are in good health stifle their enterprise and encourage them to rely on further gifts.

1. The lapse of over five years since the war has been sufficient to give all ex-soldiers time to re-establish themselves.

2. There is employment for all who are willing to work instead of seeking gifts.

B. Those whose health was injured could always receive help from the Government.

C. The soldiers received their contract price and should be opposed to additions as they would have been opposed to any reductions in their pay.

D. Their service is considered as one of patriotism with the pay given as merely incidental, but to receive a bonus places their services on mercenary grounds.

E. Governments are necessarily based upon the right to call upon the male population capable of bearing arms to fight for their country without regard to compensation.

VI. The financial burden of the bill is one which the Government should not have assumed.

A. As to the yearly cost prior to 1944, the date for the payment of the twenty-year certificates.

1. Because of the options, it is hard to estimate the annual cost but it would be a burden of seventy to one hundred million dollars annually.

2. It was not fair to the taxpayers of the nation to place this burden upon them.

a. The taxpayers paid their heavy taxes during the war and had almost no reduction in taxes in the five years since the war.

b. The burden of war taxes should be gradually reduced after the war and the opportunity had arrived for material reductions as recommended by Secretary Mellon.

c. Taxpayers are hampered in their businesses by present taxes.

3. Prosperity of the country is hindered by present taxes.

a. Money used in paying taxes is needed in business enterprises.

b. Because of the heavy surtaxes, money is kept out of business channels where it would increase general prosperity and placed in tax exempt securities, the issuance of which encourages extravagant enterprises by local governments and necessary increase of local taxation.

c. Those who pay surtaxes would make more money upon which to pay taxes if surtaxes were reduced to encourage investment in taxable securities and the country would benefit generally.

B. As to the cost in twenty years :

1. This cost is estimated at between four and five billion dollars which is over four times our debt at the time of the beginning of the war.

2. We will work for twenty years to reduce our debt

to then meet an additional debt of billions which will require more bond issues and heavier taxation.

3. No such great future debt should have been obligated without definite provisions for the building up a fund to pay it without preventing present tax reduction.

a. A sales tax is not favored.

b. No new direct taxes would meet the approval of the electorate.

4. Our financial condition in twenty years may not warrant the debt.

a. Pensions as the result of the World War, which all want to pay, will probably then require over a billion dollars annually.

b. We may become involved in other wars before that time with the consequent heavy increase of public debt.

5. We have no right to place this burden upon the next generation.

a. The soldiers will not get the benefit until twenty years have elapsed except as they borrow from speculators who will reap the harvest.

b. It would be far better to let those who will incur the taxes twenty years later decide upon the payment based upon the conditions which will then exist.



### III

#### FEDERAL ESTATE TAX

RESOLVED, that the Federal Estate Tax Law of 1924 should have the approval of the people of the nation.

#### General References:

A. W. Blakemore, Inheritance tax law; Peter V. Rose, Inheritance taxation; E. R. A. Seligman, Essays in taxation; American Economic Review 5, 240-4; American Political Science Review 7, 237-9; Annals of the American Academy 58, 87-94; Atlantic Monthly 115, 25-35; 133, 290-7; Bankers Magazine 82, 755-7; 94, 539-40; Case and Comment 23, 799-802; Collier's 71, 15-16, Jan. 13, 1923; 71, 13-14, Jan. 27, 1923; 72, 20, Oct. 13, 1923; 71, 13-14, Apr. 7, 1923; 71, 17, May 26, 1923; 71, 11-12, Feb. 17, 1923; 71, 13, Mar. 10, 1923; Economic World n. s., 13, 703; Econ. J. 29, 302-8; Harper's Weekly 55, 22; Journal of Political Economy 22, 160-80; 30, 137-54; New Republic 6, 212-14; Nineteenth Century 79, 220-4; Sat. Eve. Post 196, 14-15, Mar. 8, 1924.

#### INTRODUCTION

Federal Tax Laws originate in the House of Representatives, the members of which are elected by the people every two years and therefore report more frequently to the electorate than the members of the Senate. In reporting to the people, they seek to secure approval of their acts.

Federal Estate Tax Laws have been considered as emergency tax laws. The Estate Tax Law of 1916 was continued and the rates increased during the World War. By the passage of the

1924 law further increasing the rates in a time of decreasing Governmental expenditures, Congress has looked upon the Estate Tax in the light of a permanent tax and declared its belief in the Federal government taking a large share of the property of decedents irrespective of the amount of inheritance tax levy by the states.

The proportion of property taken ranges from 1% on estates between \$50,000 and \$100,000, the first \$50,000 being exempt, up to 40% on estates of \$10,000,000 and over.

As a part of the Tax Act of 1924, Congress levied a tax on gifts at the same progressive rates as the tax on estates so as to prevent the passage of wealth in a way to escape the estate tax.

### AFFIRMATIVE BRIEF

I. Congress was obliged to find means of increased revenue in view of the demand of people for low income tax rates despite the increased appeals for appropriation.

A. The desire for lower income tax rates was practically unanimous.

1. The World War rates were oppressive.

2. Business and therefore general prosperity was being stifled by heavy income taxes.

3. The people of moderate wealth felt the weight of the income tax, and the rich preferred investing in tax exempt securities as against putting their money into business to yield an income of which the government would take such a heavy toll.

B. The members of Congress believed that the majority of the people desired the payment of money to the World War veterans or they would not have passed the bonus bill on the eve of a general election requiring them to go before the people for approval of their acts.

C. The appeals for appropriations for various governmental expenditures were so great that even with the severest of pruning, over three billions of dollars annually are required for expenditures including interest on our national debt.

II. From the standpoint of the Federal Government, there is no good reason why the estate tax should not be considered as a permanent tax instead of an emergency tax.

A. It is considered a permanent national tax by practically all other great nations.

B. It is true that the estate tax before the World War had not been used by the Federal Government except as an emergency tax.

1. We had a Federal estate tax during the Spanish-American War but repealed it when the war was over.

2. When a Federal estate tax was passed in 1916 it was believed to be but temporary.

C. Federal taxes first used as emergencies may become necessary permanent taxes as other taxes fail.

1. We had income taxes at various times until income taxes became a permanent necessity.

2. The taxes on liquors ceased with national prohibition, and new permanent taxes are required to take their place and to supply money for the enforcement of prohibition.

D. The acquisition of wealth by the heirs or devisees of a decedent is as justly taxable as the acquisition of wealth in other manner, and the tax is far less felt by the recipients.

1. If the income tax should be a continuous tax, the estate tax is justifiable as a permanent tax.

2. If the tax on gifts is to be permanently retained, the estate tax should be permanent.

E. The needs of the Federal government are paramount and there should be no complaint from those under its protection against Federal taxes rightly within the province of the Federal government and needed to provide the revenues for proper expenditures.

III. From the standpoint of division of taxation between the Federal government and the states, the Federal estate tax is justified.

A. The provision contained in Section 9 of Article 1 of the Constitution that Congress shall lay no direct tax except in proportion to the census has served to limit Congress in laying taxes.

B. Popular feeling is against the Federal government using many fields of taxation.

C. The tariff, the income tax and the estate tax are taxes which the people expect from the Federal government.

D. The states have an unlimited field of taxation.

1. They can tax realty as well as personalty.

2. They can tax corporations and businesses.

3. They can tax income as well as the Federal government.

E. The estate tax is different from the inheritance tax which nearly all the states levy.

1. The estate tax is a flat percentage tax upon the transfer of the property of the decedent without regard to whom it goes except that it does not cover certain educational, scientific and philanthropic bequests.

2. The inheritance taxes of the estate are taxes upon the inheritances received and vary in their amount according to whether direct heirs or collateral heirs are recipients.

F. If the tax on decedents' estates is left to the Federal government, the tax would be uniform throughout the states which would prevent the change of domiciles to more favored states and would prevent the duplication of work by the state governments and the Federal government, and provisions could be made for turning over a surplus or a certain percentage by the Federal government to the states.

IV. The permanent estate tax is an excellent means of laying heavier taxes against the rich than against the poor and of preventing the accumulation of tremendous fortunes.

A. The tariff and similar taxes bear heavier upon the poor than the rich in proportion to income.

1. The rich man will pay but little more of the tariff on tea, coffee and sugar than the poor man despite the difference in income.

2. The proposed tax on sales of ordinary articles would be borne in greater proportion to total income by the poor man than the rich man.

B. The estate tax does not affect estates of fifty thousand or less while the tax increases as the amount of the estate increases.

C. The estate tax will prevent the swollen fortunes which are considered to be the greatest danger to the nation.

1. The 40% tax will cause the breaking up of large fortunes at the time of passing from one generation to another, and cause rich persons to permit others to participate in their earnings rather than to accumulate for the government.

2. History teaches that the centering of wealth in a few individuals is a forerunner to revolution and anarchy.

### NEGATIVE BRIEF

I. There was no necessity for increased taxes when the estate tax of 1924 was passed.

A. The income tax rates could have been lowered just far enough so that there would have been sufficient revenue for all needed purposes.

B. Congress could have sustained the President's veto of the bonus bill and saved annually about ten times the estimated revenue from the estate tax.

1. The Presidential primary contest proved that the people were with the President and not with Congress on the bonus bill.

2. The bonus bill was unsatisfactory to the soldiers who were seeking a cash bonus and was opposed by the soldiers who objected to any kind of a bonus.

II. The estate tax with its high rates is wrong in principle and disastrous in results.

A. President Coolidge said that the property of the people should not be taken except for urgent public necessity.

B. The President also said that the estate tax plus the inheritance tax of the states amount to practical confiscation of capital, and that executors to meet these taxes must realize cash by forced sales of securities or property.

1. The marketing of a large amount of any particular securities by an estate will depress the value of similar securities in the hands of others.

2. A large estate invested in business cannot pay the excessive rates without liquidation of the business.

3. Forced sales will lower values and lessen the sources from which revenue comes.

4. Liquidation will destroy property and throw employees out of work.

C. Estate taxes are wrong in that they tax principal and not income.

1. For the government to use principal is as harmful as it is for an individual to live beyond his income and diminish his principal.

2. The government is depleting national resources and taxing principal for expenditures.

D. The tax might be used as an emergency in times of war just as an individual may use principal for emergencies, but the tax should not be used as a permanent tax.

III. The Federal estate tax is duplicating the state inheritance tax and this field of taxation should be left to the states.

A. The beneficiaries of the estate pay the tax whether it is an estate tax or an inheritance tax.

B. Forty-four states were levying inheritance taxes when Congress levied the estate tax in 1916.

1. Estates must report to the officers of the state, have appraisals made and go through transfer tax proceedings requiring much time and expense.

2. Estates over fifty thousand dollars must also go through the same process with the Federal government.

3. Such procedure inculcates abhorrence of taxes and causes those concerned to seek means of evasion besides making the sum of the two taxes extremely excessive.

C. The states need this tax.

1. Taxes on realty are already too high and should be left to the counties, towns and cities for local purposes.

2. The taxes on personalty are generally evaded, secure but small returns and cause lying and dishonesty.

3. The income tax field is usurped by the Federal government.

a. Only a few states levy income taxes.

b. The State income taxes are very unpopular because of double taxation and duplicity.

c. An income tax is a bad tax for a state as it causes residents to move to states having no state income tax.

4. Corporations are taxed more heavily by the Federal government than the states, and their taxation is more just and uniform if levied by the Federal government because most corporations trade in more than one state.

D. The states need the inheritance taxes more than the Federal government does.

1. The Federal government is charged with only specific governmental duties under the constitution while the states are charged with all other duties.

2. States must provide for education, police and fire protection, building and maintenance of streets and roads and the preservation of health, life and property.

E. Expenses of the states are constantly increasing while the increased expenses of the Federal government caused by the World War should be greatly decreased.

F. Tax experts are almost unanimous in declaring that the inheritance tax should be left to the states because administration

of estates is a local affair under control of the state courts and the tax is best collected by state officials.

G. If there is need of breaking up large fortunes by confiscatory taxes, the states can handle it without Federal interference.

IV. There should be an understanding between the Federal government and the states for a proper division of taxes which will leave inheritance taxes to the states.

A. The taxpayers would be much better satisfied and there would be greater honesty in the payment of taxes with less evasion of them if there was no duplicity and the fields of taxation were divided.

B. The constitution seeks to provide certain definite fields and leaves to Congress the sole right to levy tariffs.

C. The income taxes on individuals and corporations should be levied by the Federal government.

D. The tax on decedents' estates should be left to the states.



## IV

### REPEAL OF THE PROHIBITION AMENDMENT

RESOLVED, that the Eighteenth Amendment to the Constitution of the United States should be repealed.

#### General References:

American City 27, 295-8; Annals American Academy 109, 225-9; American Magazine 87, 24-5; Atlantic Monthly 132, 433-8; Bellman 26, 652; Century 90, 607-15; Contemp. Review 120, 485-91; Collier's 68, 11-12; 71, 5-6; 13-14; 72, 7; 73, 5-6; Current Opinion 71, 724; 75, 652-4; Freeman 7, 412; Harper's 142, 186-92; Independent 97, 18-19; 110, 416; 111, 298-300; Living Age 304, 302-6; North American Review 211, 626-31; 219, 145-54; Misc. Review 42, 331-3; Outlook 133, 492-3; 134, 73-4; 136, 378; New Republic 29, 180-1; 32, 292-3; Nineteenth Century 94, 437-46; Spectator 127, 258, 393; 129, 260-2; 130, 91-2; Survey 48, 12-13; 381-2; 49, 366-7; Weekly Review 3, 519-20; World's Work 44, 303-6.

### AFFIRMATIVE BRIEF

#### References:

Wm. H. Hirst, National Prohibition a Violation of the Rights, Privileges and Immunities Granted by Magna Charta; Cecil Shirley, Fetters on Freedom; Charles H. Towne, Rise and Fall of Prohibition; F. Franklin, What Prohibition Has Done to America; Percy Andrae, The Prohibition Movement; Joseph DeBar, Prohibition, Its Relation to Temperance, Good Morals and Sound Government; John Koren, Alcohol and Society; C. A. Windle, National Prohibition, Its Supreme Folly; the Case Against Prohi-

bition; Atlantic Monthly 117, 75-86; 197-207; 523-4; 118, 103-5; 129, 539-46; Collier's 70, 7-8; Current History Magazine 16, 845-8; 17, 665-8; Current Opinion 69, 619-22; 72, 440-5; Forum 55, 257-64; 56, 234-9; 459-68; 67, 522-32; Freeman 8, 54-5; Independent 101, 165-6; 108, 576-7; Leslie's Weekly 121, 271; Living Age 311, 365-7; Nation 102, 303-4; New Republic 32, 305-6; 33, 149-50; North American Review 202, 702-9; 203, 256-64; 204, 407-12; 587-93; Outlook 112, 586-7; 128, 682-5; 131, 91-2; 133, 886-8; 136, 9-10; 107-9; Overland n.s. 75, 365-70; Sunset 37, 9-11; Survey 36, 295-6.

I. It was not the intent of the founders of our Government when making the Constitution to have included provisions of this character.

A. The purposes of the Constitution were three in number :

1. To provide for the division of power between the Federal and State Governments.
2. To provide for the structure of the Federal Government.
3. To safeguard the personal rights of the citizens.

B. The Eighteenth Amendment is not only without these purposes but is in violation of the safeguarding of personal rights.

1. That government is best which interferes the least with the citizen in his home and protects him the best outside.

2. Laws attempting to dictate what a citizen shall eat or drink have invariably been failures—Macauley wrote long ago that nothing is so galling to people as a government which tells them what to eat or drink.

3. To say that a citizen shall not make or drink alcoholic liquors is a blow to personal liberty which should not be tolerated in our Republic.

a. The extension of infringement upon personal liberty is dangerous.

b. Prohibition of liquor may be followed by prohibition of tobacco and liquor and tobacco users may retaliate by seeking prohibition of coffee and tea which are more or less harmful.

II. The law is not observed and our *authority* Governmental structure is weakened.

A. There is a feeling among the people that the law was passed without their consent with many voters absent from the country engaged in the World War and unable to press their views upon the legislators who ratified the amendment.

B. The law is honored in its breach by those who think that personal liberty should not be taken from voters without a direct vote being taken by them—it is almost impossible to get grand juries to indict for liquor violations.

C. The law is violated more than any other federal law—U. S. District Attorney Hayward states that many people, otherwise law-abiding, are buying bootleg liquor.

1. Violation of one law tends towards violation of other laws.

2. Violation of a constitutional provision threatens the Constitution itself and is a menace to our Government.

D. Many persons who think their personal rights are infringed make and drink more liquor than they did before the amendment was passed—N. Y. City Public Health Welfare Commissioner states that alcoholism is increasing and is more of a public menace than it has been since 1914 (Sept. 22, 1923).

1. Persons who did not drink now do so to assert their rights.

2. In many communities, drink has become general among boys and girls as well as men and women.

a. Liquor is served at functions where formerly forbidden.

b. Young people consider it smart to drink “homebrews” and carry pocket flasks.

III. Drunkenness and crime have increased.

A. The liquor which can be secured is not only more provocative of drunkenness but is dangerous to health and morals—704 arrests in non-prohibition Montreal for drunkenness in 1922

and 4,821 in Boston, about the same population (N. Y. Times, Nov. 18, 1923).

1. Much poisonous liquor is circulated.

a. Many persons have lost their eyesight and many deaths have been reported from wood alcohol.

b. Twenty deaths from poisonous liquor in Philadelphia in two weeks (N. Y. Times, Dec. 3, 1923)—statistician for Metropolitan Life Insurance Company states that deaths from alcoholism among their policy holders increased 100 per cent in 1922 (N. Y. Evening Post, May 29, 1923).

c. Head of Chemical Division of Prohibition Unit states that 50 per cent of 75,000 liquor samples tested were poisonous (N. Y. Sun, Dec. 20, 1923).

d. Many "home brews" are dangerous to health.

2. Vile compounds produce drunkenness and stupefaction easily.

a. Those who could drink good liquor in moderation become beastly drunk on liquor, the qualities of which are unknown.

b. Many stupefying liquors are circulated for use among gunmen and to produce immorality among young people.

B. More general drinking of bad liquor in some localities and absence of liquor in others increase crime.

1. Arrests for drunkenness have actually increased in many of the larger cities—Washington, D. C., had 2,987 arrests in one year while arrests before Prohibition did not exceed 2,000 (N. Y. Times, July 15, 1923).

2. Arrests for crimes caused by drinking have greatly increased in many parts of the country.

3. Where prohibition is temporarily enforced, liquor users take to drugs which are far more harmful.

4. Rum blockade running causes violent crimes and much corruption—Great Britain exported to Bahamas and West Indies 94,130 gallons in 1913 and 1,050,923 gallons in 1922.

a. The drivers of rum autos with gunmen escorts do not hesitate to maim or kill those who seek to stop them—13

agents killed and 68 injured in 15 months (N. Y. Times, Dec. 3, 1923).

b. Smuggling corrupts many because those who engage in it become contemptuous of all laws and there is much bribery of Government officials.

#### IV. Prohibition was a mistake from a business standpoint.

A. Our ships engaged in world commerce cannot secure sailors because they desire liquor rations and our ships are handicapped in competition with foreign ships.

B. Our passenger ships cannot sell liquor and many passengers prefer to take boats flying foreign flags.

C. Much revenue is lost which has to be secured from other sources.

1. Our Federal, State and City Governments derived much revenue from liquor selling and now much liquor is sold with no revenue forthcoming, but millions spent for prohibition enforcement—ten millions requested in 1924 for Prohibition Bureau and twenty millions to build fleet for coast guard.

2. Taxpayers must now pay income taxes to make up the loss in revenue.

V. Repeal of the amendment should not be made to bring back the saloons, but to provide for the selling of good liquor by the Government or under the Government's supervision.

A. The repeal of the amendment would permit States where prohibition is desired and can be more or less effectually enforced to have State prohibition laws:

B. Or, the selling of liquor can be placed under Government supervision with each State providing the manner and extent to which it can be done and even the percentage of alcohol in liquor which is sold in the State;

C. Or, the Federal Government could handle the sale of liquor under an act like the Pure Food and Drugs Act, or laws like those in Sweden where cards are issued to taxpayers provid-

ing for a limited liquor ration distributed through government dispensaries and cards are permanently revoked in cases of transference or obnoxious intoxication.

## NEGATIVE BRIEF

### References:

Wilson and Pickett, Case for Prohibition; Roy A. Haynes, Prohibition Inside Out; Guy Hayler, Prohibition Advances in All Lands; Geo. M. Hamill, The Passing of the Saloon; Jos. H. Crocker, Shall I Drink; E. J. Clode, Alcohol, Its Influence on Mind and Body; Wm. H. Anderson, Yonkers Plan for Prohibition Enforcement; W. F. Crafts, Why Dry? Briefs for Prohibition; J. H. B. Masterman, Prohibition from the Christian Standpoint; American Magazine 93, 4-5; Am. City 29, 567-8; Annals American Academy 109, 208-24; Century 90, 50-6; Collier's 70, 9-10; Commoner 16, 13-15; II. Current History Magazine, N. Y. Times 16, 564-73; 17, 48-54; 18, 724-30, 19, 847-9; Congressional Record 46, 1867-73; 50, 5897-8; 51, 615-8; Everybody's Magazine 34, 178-20; Forum 61, 563-74; 67, 533-9; 68, 747-53; Good Housekeeping 69, 55; 74, 40; 76, 48; Independent 109, 123-4; Ladies Home Journal 36, 31; 40, 35; 41, 38; Munsey's 50, 14-21; Misc. Review 42, 351-6; North American Review 216, 200-6; Outlook 133, 262-5; 536-8; School and Society 16, 73-4; Survey 33, 544-5; 37, 349-52; Sat. Eve. Post 196, 15.

I. The large majority of the people of our country favor prohibition.

A. Thirty-three States had prohibition when the amendment was first presented.

B. Both of the great political parties realize that the majority of their members desire prohibition for they put "dry" planks in their national platforms.

C. The members of the House of Representatives have to go to their constituents for re-election every two years and are therefore very susceptible to the opinion of a majority of the

electorate in their districts, and nearly three-fourths of them vote for all "dry" bills.

D. True democracy is based upon subservience to the will of the majority.

II. The welfare of the majority should be carried out by laws even to the extent of amending the Constitution.

A. John Stuart Mills' philosophy is uncontrovertible that the welfare of the majority is for the greater good.

B. It is no more an infringement upon personal liberty to stop the sale of liquor than it was to stop the sale of opium.

C. Prohibition is justified because it is best for mankind in the long run, even though it takes away some personal rights.

D. Man without government has the greatest personal liberty, but the history of advancing civilization is the history of the infringement of personal rights for the benefit of the community.

III. Enforcement is gradually becoming more effective and the law will become as well enforced as other laws because the weight of good citizenship is back of it.

A. It takes time to stamp out an entrenched evil, just as it took time to stamp out interstate lotteries, duelling and the opium evil and there are still some violations of the laws on those subjects so that we may expect violations of the prohibition law to continue indefinitely.

B. Liquor addicts may strive to secure their drug as long as they live but the coming generations will not have the means of becoming addicts and each generation will improve until the liquor curse will become almost entirely eradicated.

C. Contaminated liquors may be used by addicts but its use by beginners will cause a revulsion of feeling towards liquor instead of acquiring a taste by the use of the better grades of liquors, openly sold and kept in the homes.

D. The weight of opinion of the vast majority of our law-

abiding citizens is gradually being shown in favor of the enforcement of the Eighteenth Amendment, as they realize that the flouting of one law tends toward the flouting of all laws and that the destruction of liquor traffic is for the benefit of mankind.

E. Arrests for drunkenness have decreased in nearly every large city in the country since the prohibition amendment, and the wave of lawlessness after the World War is ascribed by the best students of such problems to the effect of the legalized murder and destruction during the war which blunted the moral sense of many of the participants—Decrease in Crime and Drunkenness in the Big Cities, by Judge Gemmill of Chicago (N. Y. Times, June 3, 1923).

F. Jail sentences for bootleggers and smugglers by Judge Winslow of New York City and other Federal judges have caused a decrease in bootlegging and smuggling.

G. Large employees of labor report that the absence of employees on the first days of the week after Sunday drunkenness has almost ceased, showing the great decrease of drinking with the resulting benefit to the employees and their families.

H. Commissioner Haynes states that if the entire amount of exports of distilled spirits from the United Kingdom to the Bahamas, West Indies and Canada in 1923 be added to the imports of Mexico, and smuggled into the United States, the total would be about  $1\frac{1}{4}$  per cent of the tax paid liquor withdrawals for consumption for 1913.

IV. Prohibition is not only a moral blessing but it is an economic blessing to our country and its inhabitants.

A. It cannot be successfully disputed that there is less drunkenness with resulting less crimes committed by drunkards, less wife-beating, less cruelty to children and less lowering of self-respect and with a corresponding betterment in the moral aspect of the nation.

B. Employees do more and better work with less accidents.



1. Reports of the great industries prove this—Judge Gary stated that prohibition has been of incalculable benefit to the U. S. Steel employees (N. Y. Times, July 3, 1923).

2. England recognizes it and prohibition efforts are being made there as England's students of economics predict that America will dominate the world's markets in another generation unless England follows our lead on prohibition.

C. Our workers secure immeasurable economic blessings.

1. Hundreds of thousands of homes have necessities of life which are purchased with money formerly used for drinking.

2. Savings accounts have increased 40 per cent since prohibition (N. Y. Times, July 17, 1923).

3. The women of the country know the economic blessings of prohibition and woman suffrage means that prohibition will never be repealed.

D. The release of the great sums of money spent in the liquor traffic has meant the providing of money for many commercial enterprises, developing and producing things of benefit to mankind with the resulting increase of employment and general higher wages.

E. Other taxes may be necessary to take the place of liquor taxes but the consumers of liquor paid those taxes and they now have that money with which to pay the other taxes, and the majority of any family would prefer paying income taxes to paying liquor taxes.

V. All schemes for letting down the prohibition laws would result unfavorably.

A. Leaving it to the States would take us back to the carrying of liquor from State to State so that the laws of the "easiest" State would contaminate the other States.

B. Wines might be light when made but deadly heavy at the time of their drinking.

C. Places selling beer and wines would surreptitiously sell stronger drinks.

D. Limited rations become unlimited by subterfuges as shown by the experiences of other countries.

E. State prohibition, local option and other plans for restriction of the liquor trade do not compare with a Federal law which provides easier enforcement, uniform interpretation and permanence.

## V

### GOVERNMENT OWNERSHIP OF ANTHRACITE COAL MINES

RESOLVED, that the anthracite coal mines of the United States should be taken over and operated by the United States Government.

#### General References:

A. A. Bruce, Anthracite Coal Industry and the Business Affected with a Public Interest; W. Jett Lauck, Operating and Financial Performance of Anthracite Railroads; Paul M. Pearson, Government Ownership of Coal Mines; Julia E. Johnson, Government Ownership of Coal Mines (Dec., 1923); Glenn E. Plumb, Industrial Problems; Arthur Shadwell, Coal Mines and Nationalization; Annals Am. Acad. 111, 12-23, 198-202; Arena 29, 1-25; Coal Age 21, 179-81; Coal Mining Review 8, 4-6; Collier's 73, 7; Congressional Record 62, 688-90; Independent 62, 55; Ind. Management 67, 65-70; Labour Gazette 19, 1187-8; Mining Congress Journal 9, 265-8; Nation 111, 730-1; 116, 261-2; 117, 596-7; New Republic 30, 121-2; 34, 33-4; New Statesman 12, 460-1; Review of Reviews 60, 632-3; 65, 639-42; Survey 50, 267-9; World's Work 42, 511-15; 43, 520-4.

#### AFFIRMATIVE BRIEF

#### References:

Scott Nearing, Anthracite: An Instance of Natural Resource Monopoly; R. H. Tawney, Nationalization of the Coal Industry; Congressional Record 55, 5357-61; 57, 4838-40; Contemporary Review 116, 144-53; 116, 257-63; Current Opinion 66, 72-5;

Economic Review 22, 302-12; Economist 88, 953-4; English Review 11, 126-34; Farmers Open Forum 5, 12-15; Labor Age 11, 4-5; Nation 109, 734; 114, 514; New Republic 21, 159-60; 24, 291-3; 25, 121-2; 25, 154-6; 31, 297-8; New Statesman 1, 454-5; 12, 437-8; 14, 572-4; Nineteenth Century 90, 490-501; North American Review 158, 294-303; Outlook 133, 576-8; Public 22, 759-60; Survey 46, 667; United Mine Workers' Journal 32, 14-16.

I. The history and condition of anthracite coal mining indicate that drastic action is required.

A. Anthracite coal deposits are a natural monopoly.

1. The deposits are in well defined sections and controlled by a few large interests.

2. Anthracite coal is required for heating by a large proportion of the citizens of this country and suffering is caused by failure to obtain supply.

B. The trouble is long-standing and no relief is promised under present conditions.

1. There has been continual trouble since the time of Lincoln's administration.

2. National distress was diverted during Roosevelt's administration.

3. In 1922 the strike caused a shortage which brought suffering to many of the consuming public and the use of miserable coal by many others.

4. Again, in 1923, the strike caused a shortage which was only partially cured by a settlement resulting in higher prices which many previous users could not afford.

5. Both sides are only resting for another conflict at the expense of the public.

C. The supply of anthracite coal is not inexhaustible and it is estimated that present methods cause waste of five hundred millions of tons a year and will cause an exhaustion of supply in one hundred years.

II. Private operation under government regulation is not successful.

A. Part authority is worse than no authority in many instances.

B. Government cannot regulate production so as to force continuous work for miners and force operators to put extra capital into accumulation of stock in off-seasons.

C. Regulation cannot force the middleman and speculators out of business.

D. Regulation cannot prevent strikes.

III. Present conditions are intolerable.

A. The union laborers are unemployed or on strike so much of the time that wages during time of employment are entirely too high for a production of coal at a price which would be justifiable under normal conditions.

B. The operators hold coal for profiteering prices in time of a strike and during such time unload upon the public a large amount of waste coal at prices far beyond any possible value.

C. There is continual ill-feeling between miners and operators with deplorable results.

1. Lives are lost in conflicts and the public is put to the expense of keeping order.

2. Good value is not given by the miners when working for those whom they dislike and the operators do not care for the welfare of the men.

3. The turmoil causes general unrest among workers, operators and the consuming public.

D. Distribution is expensive and there is much discrimination.

1. Middlemen and speculators make profits which the Government could save for the consumers.

2. Prices are not uniform and there is unequal distribution in times of shortage with oversupply for those on the inside and only bucket supply for the general public.

#### IV. Government ownership can cure present evils.

A. Government capital can mine uniform quantity of coal all the year so as to keep miners at work all the time and cost of production would be less than it would be when excessive wages are paid for part of the year.

B. Government could arrange for railroad car supply so there would be no delays in transporting coal from mines to consumers.

C. Government could sell direct to retailers at much reduced prices.

D. Government could use part of profits to plan the mining so as to avoid present excessive waste of digging out only the best coal in the thickest veins, and to give better ventilation and protection from dangers to miners.

E. Miners would cease strife and give greater production per capita when the Government would give steady work with better working conditions.

#### V. Government could finance and operate successfully.

A. Properties would be appraised and bonds issued to present owners who now figure depreciation and depletion as part of the cost of coal and the Government could retire bonds each year in proportion to depletion of supply, so that the bonds would be paid out of the receipts from the properties.

B. Government could operate under a non-partisan board with business managers in charge of mines and employees handled in business-like manner with positions dependent upon ability and results and not protected by Civil Service.

### NEGATIVE BRIEF

#### References:

Richard J. Beamish, Survey of Conditions in the Anthracite Industry; Harold Cox, Coal Industry; Dangers of Nationalization; Atlantic Monthly 128, 851-3; Black Diamond 64, 155; Coal Age

21, 561; 21, 850; 9-12; Coal Review 4, 36, 38; Contemporary Review 117, 457-64; Engineering and Mining Journal 105, 651-2; Fortnightly Review n.s. 106, 381-94; Gunton's Magazine 23, 385-90, 447-50; Independent 54, 2258-9; Iron and Coal Trades Review 98, 379, 831-6; 99, 51-2; Mining and Metallurgy 3, 1-3, 18-19, 27-8; Mining Congress Journal 6, 1-2; New Republic 30, 238-40; North American Review 197, 8-21; Outlook 133, 578-80; Spectator 122, 821-2; Scribner's Magazine 66, 99-101.

I. The nature of the industry does not make Government ownership feasible.

A. Government may operate monopolies, but the production of anthracite coal is not a monopoly—the variety of sizes and multiplicity of producers are necessary parts of the supply, but are fatal to Government operation.

B. Government may operate examples of routine and regularity like the mails which are handled by employees fitted for purely routine work.

C. Government cannot handle coal because of risk involved and enterprise needed as the Government is not competent to undertake risks, both from lack of competent men and from inflexibility of form making it unable to meet sudden or great changes in conditions.

II. Government ownership is not the remedy.

A. There would be long delay before getting into working order.

B. Prices under Government ownership could not be much reduced.

1. If efficiently worked mines only were used, increased allowance for depreciation would offset much of the saving.

2. Big factor of freight charges would not be changed.

3. Wages are more likely to go higher than lower even if general level stands still because the Government never lowers its wages and is susceptible to influence seeking the raising of wages.

4. Paying for purchase of mines would keep prices up and we would have to pay interest as well as installments on principal.

III. What is needed is temporary Government relief and permanent regulation.

A. Need for investigation is immediate.

1. Publicity is usually sufficient to eliminate the worst evils.

B. Government concession would aid.

1. Relaxing of Sherman law would allow development.

2. Aid from Interstate Commerce Commission could be given to prevent waste on railroads and to stop useless cross-shipping.

C. Permanent Government regulation is advisable.

1. It is a practical thing as shown by Federal Reserve Board.

a. There should be power to determine allocation of supply in time of shortage and to regulate prices if necessary.

2. President Coolidge recommends publicity, encouragement of continuity of production and greater unity of ownership, permitting common selling agents and a commission empowered to deal with emergencies.

IV. Conditions have prevented development but progress will result from shortage.

A. There are conditions which have prevented development.

1. In coal industries, lack of large means and slow mechanical perfections.

2. In by-products, geographical difficulties in way of using gas products.

B. Progress will be the natural result of recent stringency.

1. Shortage will encourage rapid advance in producing methods.



2. Local experience will cause development of by-products economies.

3. There is economic danger in artificial attempts to interfere with natural progress.

V. There are many inherent objections to Government ownership.

A. Nature of Government functions imply intensified responsibility.

B. A protecting wall of red tape would surround the industry.

C. There would be resulting incapacity for efficiency and enterprise.

1. Tendency to reduce everything to formula and to proceed only by it.

2. Hesitancy to try anything new and reliance on Congress.

3. Civil service methods are all right in their place, but they kill initiative.

D. Nature of coal production forbids Government methods.

1. Great need for development already shown.

2. Government methods would be pre-doomed to failure as a strong enterprising spirit is necessary which is inherently lacking in Government machinery.

3. Industries need elastic supply.

a. Recuperation from temporary conditions, when necessary, should be quick.

b. Government's slowness of action is proverbial.

VI. Government ownership would increase labor problems.

A. Effect of favored Government employees on other workers would be an increase of discontent and a demoralization of industry.

B. Mine working unions would have the coal consuming nation in its grasp, could cease work in sympathy with unions on strike in other lines and could lend aid to other unions to spread Government ownership.

## VI

### CANCELLATION OF INTER-ALLIED DEBTS

RESOLVED, that the United States should enter into an agreement with Allied Powers for the mutual cancellation of Inter-Allied War Debts.

#### General References:

Annals American Academy 95, 290-305; 96, 166-81; 102, 85-100; 108, 60-73; Asia 23, 10-11; Atlantic 130, 825-32; Bankers' Magazine 102, 997-1001; Bellman 26, 61-2; Canadian Magazine 61, 502-4; Cong. Digest 2, 74-5; 77-83; Current Opinion 67, 334-4; Contemporary 116, 621-8; Economic Journal 31, 38-45; Fortnightly 118, 496-506; Forum 65, 411-19; Freeman 7, 28; Independent 107, 342-3; 109, 224-5; Literary Digest 79, 14-15, Dec. 23, 1923; 80, 20-1, Feb. 9, 1924; Living Age 312, 193-6; 320, 251-3; Nation 110, 273-5; 112, 282; 115, 403; New Republic 25, 356-7; 26, 351-2; 28, 313-4; 29, 358-60; 34, 149-50; Nineteenth Century 92, 710-9; Outlook 127, 332-3; Pan American Magazine 35, 112-4; Quarterly Journal Economics 33, 242-55; 34, 161-205; Review of Reviews 64, 55-60; 66, 260-9; Scientific American 122, 328; System 40, 410; Sunset 42, 38-9; Saturday Evening Post 196, 6-7; Survey 49, 74-5; School and Soc. 16, 617-23; Yale Review n.s. 12, 22-40; World's Work 45, 569-70; Ill. Current History Magazine, New York Times, 19, 567-74.

#### AFFIRMATIVE BRIEF

- I. We have no right to demand payment.
  - A. The war was our common cause.

1. Three-fourths of debts were incurred in first six months after we went into war and before we were ready to fight.

- a. We were unprepared and delayed in sending troops.
- b. The Allies were fighting our battles for us.

2. Loans were all spent here for materials of war which simply took the place of our men.

a. Loans were expressly for war against enemies of the United States.

B. Loans brought great profits to us—we were already made wealthy by Allied purchases and these loans swelled profits, wages and Government receipts.

C. Collection of loans would be an injustice to Allies, as Austria pays nothing while Italy is to pay billions of dollars.

II. The Allies cannot pay without disaster.

A. British settlement was at cost of demands on her Allies.

1. The Balfour note multiplied burdens.

a. Unemployment and high taxes in England make it necessary for England to collect from the Allies if England pays us.

2. Allies must get money from Germany to pay us as well as to pay cost of damages done.

B. France, Belgium and other debtors are insolvent.

1. French internal debt is over 300,000,000,000 francs.

a. Taxes are insufficient to pay interest.

b. Current expenses add to floating debt—drop in value of franc due to lack of confidence.

2. Budgets have not been balanced for years.

a. Cut in expenses would not help.

b. Rebuilding is necessary but no cash from Germany for it.

3. Italy and Belgium are even worse off than France.

## III. Repayment would injure us.

## A. Debts can be repaid only in goods.

1. Allies have not enough gold as we have it all.
2. Colonies and concessions are not acceptable to us.
3. Cables are of small comparative value.
4. Only imports from Allies are left.

## B. Consequences would be disastrous to farmers and manufacturers.

## 1. This is already seen in agricultural depression.

a. Wheat is burned in the West, as children starve for lack of it in Europe.

2. Our depression must continue if debts are repaid as the buying power of Europe is crippled.

3. Our industries suffer doubly by competition of imports as exports are cut off.

## C. Injury is increased by political results.

1. Repayment means squeezing Germany with continued struggle over Ruhr and reparations, which are future seeds of war.

2. Weary peasants will work to enrich an Ally with danger of demoralization under the burdens and revolution is imminent.

**NEGATIVE BRIEF**

## I. Cancellation is not morally justified.

## A. We did our part in the war.

1. We entered it as a defender of peace, not of interests, and we were not a selfish partisan.

2. The burden was heavy on us and increased our debt to \$25,000,000,000, which will be a burden for generations.

3. We have made no gain from the war and kept out of the scramble for gains at Versailles.

4. Our generosity was unquestioned as shown by our Red Cross gifts and other relief given, but we must give wisely.

## B. Europe will be able to pay in time.

1. Allies made great gains from the treaty settlement, such as ships, territories, coal mines, iron mines, oil concessions and cables.

2. Allies are able to make loans as shown by France's loan to Poland and England's loan to South American nations.

3. Allies are able to spend on armies and navies, and France has increased its army and air service.

4. Allies are able to subsidize war—France gave to the Turks and Poles, and England gave to the Greeks.

## II. Cancellation is not the solution for Europe's ills.

### A. It will achieve no political results.

1. Europe feels it is her "right" with no intent to pay and would sacrifice none of her policies or aims.

2. Previous experience shows willingness to disregard our interests and flout our desires.

3. Debts to us are but a small portion of their total debts, and no impression will be made by their cancellation.

### B. The Allied debts are not cause of ills.

1. Not enough payments have been made to feel the burden.

a. England was able to settle without trouble.

2. The real need of Europe is reparations settlement.

a. Ruhr occupation, racial feeling and large armies are the cause of Europe's prostration.

3. Allied debts are no part of reparations problem.

a. French claim is unfounded as debts are part of costs of war and not reparation any more than the French internal debt.

b. Reparations are already pledged: "A" and "B" bonds merely cover cost of rebuilding and are already spent. "C" bonds are only a blind to obtain cancellation and are worthless.

4. Fiscal reforms are also necessary.

a. Extravagance still exists with no effort to balance budgets except in England, and no effort to reduce armies is made.

## III. Repayment is the wiser policy.

## A. No possible injury can come from flood of imports.

1. Cost of living is lowered by imports.

2. Foreign trade is not hurt as England with three times our annual interest payments is the greatest exporting nation.

## B. Actual repayment will not be competitive.

1. Tariff wall will protect industries.

2. Our consumption of tropical goods can grow vastly.

a. The import balance is already with us.

b. It would solve the problem of paying for our rubber, sugar, etc.

c. Repayment is easy here, because Europe exports largely to these countries and can thus pay us in tropical coin.

3. American investment abroad will absorb most of payments.

a. American gold stock is too large and capital is already being invested in Europe.

b. Europe is a profitable field due to rising prices.

c. Increased investment abroad will take care of debt repayments—simply conversion of ownership from unproductive government debt to productive enterprise and resources.

## VII

### LEAGUE OF NATIONS

RESOLVED, that the United States should enter the League of Nations.

#### General References:

L. Oppenheim, League of Nations; Wells and others, League of Nations; H. M. Brailsford, League of Nations; Theo. Marbury, League of Nations; Annals of the American Academy 96, 21-30; 159, 60; 108, 193-5; Atlantic 123, 106-15; 125, 299-311; Current Opinion 66, 143-5; 70, 8-12; Century 107, 483-9; Contemp. 115, 83-8; 124, 28-33; 125, 156-62; Collier's 72, 13-4; Economic World 103, 3-4; Freeman 7, 536-7; Fortnightly 115, 413-9; Forum 63, 337-44; Independent 105, 336-7; 111, 100-1; Living Age 299, 758-9; 303, 693-6; 305, 103-7; Munsey 66, 77-83; National Geographic Magazine 35, 43-66; Nation 108, 69-71; Outlook 123, 10-11; New Republic 20, 253-5; 24, 325-7; 36, 216-17; North American Review 210, 145-8; 211, 165-78; 19th Century 89, 700-20; Public 22, 203-4; Pan American M. 29, 206-8; Review 3, 165-7; Review of Reviews 59, 83-4; 191-5; 62, 421-2; 68, 481-6; Scientific Monthly 8, 323-30; Spectator 130, 6-8; Survey 51, 321; 52, 20-2; Unpartisan Review 13, 205-7; Unpopular Review 11, 223-74; World's Work 37, 438-40; 46, 581-4; Yale Review n.s. 13, 276-88.

#### AFFIRMATIVE BRIEF

##### References:

Annals of the American Academy 84, 201-7; 96, 1-10; 11-16; 105, 17-20; 108, 193-5; Atlantic 123, 106-15; 126, 353-63; 130,



256-68; Collier's 72, 12; Congressional Record 57, 1088-90; Current Opinion 67, 72-4; Ill. Current History Magazine, N. Y. Times 16, 995-1006; Dial 65, 459-63; English Review 27, 369-78; 448-57; Forum 61, 53-61; Independent 103, 235; 100, 97-100; 110, 242-3; Living Age 319, 491-6; Nation 108, 225-38; 109, 140-1; 116, 233; National Geographical Magazine 35, 43-66; New Republic 18, 4-5; 129-32; 19, 219; Outlook 121, 262-3; Pan American Magazine 28, 67-77; Public 22, 1087-9; Review of Reviews 69, 378-82; Survey 41, 408; World Outlook 5, 12-13; World's Work 37, 399; 41, 28-30; 46, 581-4; Weekly Review 3, 67.

I. The League is the highway to peace.

A. The ancient ideal was peace on earth.

1. Peace is index to civilization.

- a. Early Christianity spread the doctrine of peace.
- b. Medieval England established early courts.
- c. Growing desire for peace in Europe after 1815.

2. World War emphasized need of peace.

a. "War to end war"—motto of common man in darkest Europe as well as here.

b. Mandate to Peace Conference was universal.

c. The world as one voice cried for peace.

B. Isolation is impossible today.

1. What Washington really said was to beware of entanglements, not meaning isolation.

a. United States never isolated—Jefferson and Algerian pirates; opening of Japan; Portsmouth Treaty between Russia and Japan.

b. Our missionaries are everywhere; we trade with the whole world; travel and communication unite the world.

2. Responsibility for weaker nations long recognized by us.

a. Monroe Doctrine, Cuba, China, Philippines.

C. League of Nations is the only hope.

1. The covenant is a promise of success.

a. Itself an effort in the dark, it will be improved.

b. Over three-fourths of the world's population are now included.

c. Its means for arbitration or investigation insure settlement.

d. Unanimous consent protects us.

e. Articles X and XVI may be amended or omitted for us as proposed in the Bok peace plan.

2. Co-operation is the issue.

a. Sovereignty carefully protected with no super-state.

b. Independence of action a dear luxury at price of world turmoil.

3. United States owes it to its own ideals to join the only working effort to peace by concerted effort.

a. It is the result of the war into which we entered to end war.

b. It is the only present means to co-operation.

## II. League achievements justify claim on us.

### A. Futile to say failure.

1. Our boycott has not prevented the League functioning.

2. The International Court of Justice was established by it.

B. The League has succeeded in spite of us in many instances.

1. Polish-Lithuanian dispute—Vilna.

2. Aaland Islands.

3. Albanian boundary.

4. Danzig and the Plebiscites.

5. Publicity in the League caused settlement between Italy and Greece.

C. Reorganization of Austria is the League's greatest achievement.

1. Nation was starving and crippled but relief was supplied, finances put in order and the nation regenerated.

D. Many other benefits from the League are less obvious.

1. Publicity given to treaties.
2. Secret treaties have been exposed.
3. It is a recourse for weak nations.

III. The world needs our aid.

A. Europe is constantly on the verge of disaster.

1. Security is sought through great armies.
  - a. Every nation will have a larger army than in 1914 unless the League prevents it.
2. Threats to peace are continual.
  - a. France and England are torn apart by an excited press.
  - b. Italy and Greece are threatened by despotism.
  - c. In the Near East, the Turk is at large.
  - d. Russia's army is a menace.

B. Financial chaos impends.

1. The collapse of the German mark, and unpaid reparations with the Ruhr occupation following has made Germany a bankrupt.
2. French budgets unable to take care of expenditures.
3. British taxes are heavy and unemployment extensive.

C. This is no time for isolation.

1. Consequences of disorder are felt here.
  - a. In grain market and exports of all kinds.
  - b. In abhorrence of incidents of starvation and massacres.

D. Our aid must be given.

1. We should join the League and restore confidence.
  - a. Hopeless peoples look to us.
  - b. Our membership is needed to make the League of Nations effective.
  - c. We caused its creation.
2. We should bring reparations and debts to settlement so as to regenerate industry and trade.

3. We should bring disarmament on land as on sea.
  - a. With America in the League, security is a less vital factor as it is assured.
4. We should bring light of our ideals to Europe's councils.
  - a. Our open door policy should be spread.
  - b. Justice to weak would become possible under our guidance.

### NEGATIVE BRIEF

#### References:

Annals of the American Academy 84, 208-14; Advocate of Peace 80, 300-1; Candid Quarterly Review 12, 689-99; Collier's 72, 3; Congressional Record 56, 12720-5; 57, 1565-9; Forum 61, 478-85; Living Age 299, 302-5; 305, 760-2; 306, 443-4; 320, 25-8; Nation 109, 424; 111, 499-500; 117, 256; New Republic 18, 4-5; 19, 53-4; 29, 265-6; National Review 75, 334-43; North American Review 209, 305-14; 433-451; 210, 297-311; 211, 321-31; 219, 297-311; National Civic Federation Review 4, 1-16; Outlook 126, 235-6; Review of Reviews 58, 322; 64, 315-6; Sunset 43, 15-6; World Tomorrow 2, 22-3.

#### I. The League of Nations is a failure.

A. It has not abolished the balance of power as shown by:

1. French and Italian understandings; the "Little Entente"; Germany and Russia.

2. Alignment has been automatic at every crisis in the Reparations, Near East and Polish questions.

B. Europe is still honeycombed with secret diplomacy.

1. Secret treaties: Sevres, 1920; France-Angora, October, 1921; Franco-Belgian, 1921.

2. There are many other secret treaties not disclosed.

3. United States would be helpless in face of these secret understandings and alliances.

C. War and injustice are unrebuked by the League.

1. Trusts have been violated and mandates treated as spoils of war.
  - a. France traded land to the Turks.
  - b. Italy took Fiume.
  - c. England exploited Mesopotamia.
2. League members make war as usual.
  - a. France and Poland committed aggression in Russia and Poland took Lithuanian territory by force.
  - b. Budapest was looted and there was a struggle over Albania.
  - c. Greeks and Turks went to war with the Allies involved.
  - d. Italy under Mussolini proceeded in defiance of the League.

II. Treaty of Versailles makes the League a menace.

A. The Treaty is a peace that passeth all understanding and is widely characterized as "wicked."

1. It was a victorious peace.
  - a. There was a scramble at Versailles with the dismemberment of Austria and territorial aggrandizement of all Allies except the United States.
  - b. The conquered were crippled by reparations, disarmament and loss of merchant marine and colonies.

B. Pressure has been stored for another explosion.

1. Peace has been non-existent since treaty.
2. Large armies are prevalent in Europe; France has increased her army and France and England have increased their air forces.
3. There are a succession of crises and threats of conflict.
4. French militarism is founded on treaty.

C. League is only weapon to enforce the treaty.

1. League refuses to act where terms of treaty covers the case.

2. It refuses to act where parties are not signatories.

D. League is ineffective even in treaty cases.

1. Polish frontier, Aaland Islands, Albanian frontier and Vilna were really settled by Council of Ambassadors.

2. The League has been flouted by diplomats in all important matters and settlements are direct by secret diplomacy as they were before the League was organized.

III. The United States can serve better outside the League.

A. No nation has higher ideals than the United States.

1. This was shown in Cuba, Philippines and China.

2. Its influence is always for peace and justice.

B. The United States would be helpless in the League.

1. We would be forced to take sides on every question.

a. There would be log-rolling—justice could be bought in one case only by the price of silence in other cases.

b. Clashes with selfish interests would be inevitable and national jealousies and enmities would be aroused.

c. League is moving towards a new balance of power which means future wars.

d. Our hands would be tied and our aims thwarted by secret treaties and alliances.

2. The representatives of Europe would control.

C. Peace conference showed futility of ideals against nationalism and secret diplomacy.

1. President Wilson was forced to sacrifice at every point and eventually had to sign a "wicked" peace.

2. League works on the same principle—a "diplomatic," not legislative, assembly.

D. Actual achievements prove the case.

1. Humanitarian works continue.

2. Tacna-Arica dispute was before the League, remanded and postponed, war was going on until Hughes settled it at the Washington conference.

3. Shantung question :

a. This was one of the greatest crimes of the treaty and the League refused to act.

b. Harding administration was not so idle and brought about a just settlement.

E. Disarmament is the best example.

1. League was organized for action and only talks, while members raise armies and build ships.

a. It is a postcard referendum with no solution—it has never passed upon Bolivia's request for a seaport nor Hungary's appeal over dispute with Roumania.

b. France occupied the Ruhr and warned the League off.

2. The Washington conference is an example of the best methods.

a. Cards were laid on the table by Hughes' speech.

b. Open covenants were made for the first time in history and log-rolling combated.

c. Successful conclusion was a triumph of American methods and a tribute to rightness of American policy.

## VIII

### GOVERNMENT OWNERSHIP OF RAILROADS

RESOLVED, that the United States Government should own and operate the railroads.

#### General References:

American Economic Review 9, 392-8; Current Opinion 66, 72-5; 334-5; 76, 230; Century 104, 123-31; Independent 99, 239-41; 302-4; 324-6; 107, 205-6; 110, 333; Junior Political Economy 27, 129-31; Outlook 129, 134-5; Nation 109, 242-3; 116, 204-5; 117, 429-31; 458-60; 488-90; New Republic 20, 74-7; 21, 132-3; 33, 266-7; North American Review 209, 330-44; Political Science Quarterly 36, 353-75; Public 22, 460-2; Quarterly J. Economy 35, 288-340; Saturday Evening Post 195, 33; Review 2, 28-9; Review of Reviews 60, 314-5; Scientific American 120, 112; System 41, 3022; World's Work 43, 411-16; Yale Review n.s. 12, 449-68.

#### AFFIRMATIVE BRIEF

#### References:

A. Van Wagenen, Government ownership of railways; B. H. Meyer, Railroad ownership in Germany; E. D. Kenna, Railway Misrule; Annals of the American Academy 63, 182-98; 76, 157-66; 86, 77-90; Current Opinion 57, 65; Engineering News Record 81, 564; Independent 80, 442-3; 86, 399-400; 88, 525-6; Johns Hopkins University Studies 34, 298-305; Journal of Political Economy 25, 148-62; 26, 91-2; 412-3; Nation 109, 208; New Republic 9, 108-10; 11, 262-3; 322-3; 13, 298-300; 14, 71-3; North American Review 134, 134-48; 203, 871-82; 208, 867-73; Outlook 104, 613-23; 107, 33-7; 113, 824-5; 118, 48-50; 119,



551-2; 120, 19-22; Public 21, 14-17; 75-6; 1260-1; 1408-10; 22, 57-8; 106-9; Railway Age Gazette 55, 1020-1; 56, 153-4; 57, 583; 62, 181-3; Review of Reviews 33, 353-4; 47, 579-84; 60, 595-6; Scientific American 119, 288, 308; Spectator 121, 685-6; World's Work 35, 352-4.

I. The present financial condition of the railroads calls for government ownership.

A. The railroads are unable to keep abreast with the growth of the country.

1. The new railroad mileage of the last twenty years is pitifully small.

2. The terminal facilities in the great cities are becoming inadequate, and unless broad plans requiring large sums of money are carried out the railroads will be unable to serve the increased population of the future.

B. The railroad companies are unable to keep up efficient equipment and secure modern safety devices.

1. They are constantly putting out equipment bonds to the detriment of their other securities.

2. They are unable to supply sufficient cars to congested districts.

3. They are unable to replace wooden cars with metal cars.

4. They are unable to adopt safety devices for protection of lives.

5. They cannot afford to provide facilities for using electric power which would be cheaper than steam.

a. The St. Paul Railroad installed electric power on the Coast Line and "wrecked" its finances.

C. While the troubles may be partly due to government regulation, they cannot be cured by the railroads.

1. The attitude of the public is opposed to rates increased sufficiently to provide funds for proper development.

2. The public has lost confidence in railroad securities

and will not invest in enough of them to enable the railroads to obtain funds to keep pace with the growth.

D. Government ownership would relieve the unsatisfactory financial condition.

1. Money could be secured for improvements by the sale of railroad securities backed by the Government.

a. The Government could finance them like the Government irrigation projects are financed.

b. Investors would know that the Government could secure land for terminal facilities without paying excessive prices and that the Government could fix rates which would insure fair returns on total investment.

2. The Government would eliminate waste and extravagance and reduce overhead.

a. Passes could be reduced in number, litigation decreased and legislative funds abolished.

b. Lines could be consolidated, officers merged, less officials required and advertising consolidated and reduced.

II. Present management and operation of the railroads is not satisfactory but could be made so under Government management.

A. Many sections of the country are at the mercy of one corporation and are compelled to take the service given however unsatisfactory, while the Government would have to accede to the reasonable demands of its constituents.

B. Discrimination is made between shippers and localities while the Government would maintain equality of rates and fairness to all sections.

C. The interference of railways with legislatures and courts would be done away with.

D. Power now placed in the hands of a few would be placed in the hands of representatives of the people holding their places at the sufferance of the people.

E. Growth of trusts by unfair discriminations would be abolished.

F. The loss of the peoples' money invested in securities would be stopped because the Government would be back of the securities and loss in one section would be made up by gains in others which the Government could offset.

G. Rates could be adjusted to meet emergencies, take care of new industries and develop new resources.

H. Water routes, now held back by the railroads, would be used by the Government for transportation of grain and other commodities not requiring quick transportation, thereby relieving congestion of traffic on the railroads.

III. Government ownership has been successful where tried.

A. In Prussia, service was improved while traffic was more than doubled and rates were reduced.

B. In Switzerland, service was improved, rates lowered and conditions of employees greatly improved.

C. In Australia, the railways show lower cost of construction per mile than in the United States, while the revenue per train mile is higher.

## NEGATIVE BRIEF

### References:

F. A. Delano, Are our Railroads Treated Fairly; S. O. Dunn, Government Ownership of Railroads; S. O. Dunn, American Transportation Question; Y. Gunot, Where and Why Government Ownership has failed; Geo. A. Rankin, The American Transportation System; Annals of the American Academy 63, 155-72; Atlantic Monthly 115, 202-14; Congressional Record 57, 1157-60; 2743-8; Economic World n.s. 17, 42-4; Engineering and Contracting 47, 447; Engineering News Record 81, 564; English Magazine 71, 472; Harper's Weekly 58, 21; Independent 100, 229-30; Journal of Political Economy 24, 547-71; 25, 374-84;

Living Age 298, 497-8; Nation 106, 253-4; McClure's 38, 352-60; New Republic 14, 345-7; North American Review 202, 736-45; Outlook 104, 875-6; Public Service 26, 25-6; Railway Age Gazette 62, 87-91; 953-60; 1033-9; 63-75; Railway Age 64, 831-5; 66, 452-63; 503-5; Railway Review 60, 649-50; 62, 278-82; 64, 256-9; 281-9; Review of Reviews 46, 585-93; World's Work 36, 293-7; Yale Review n.s. 7, 362-81.

I. Present management of the railroads is efficient.

A. Executives have gradually overcome the conditions resulting from Government operation.

B. Trains are invariably run on time and freight shipments promptly carried from embarkation to destination.

C. Efficient service is secured from employees because their wages and even their continuance in the work is dependent upon the value given by them.

D. Different lines vie with each other in trying to give the best service and the quickest transportation.

E. Everything is a matter of comparison and our railroad service is conceded to be the best in the world.

II. Government regulation is sufficient and effective.

A. Rates are regulated.

1. Inequalities in rates are eliminated by the Interstate Commerce Commission.

2. The Commission has power to raise or lower all rates so as to render proper income return to the railroads.

B. Discrimination and unfair practices are abolished by the Commission.

C. Proper safety devices for the protection of workingmen and sufficient equipment are required.

D. Wages are regulated so as to give the employees wages which are commensurate with the cost of living at various times.

E. Bond and stock issues must be approved.

III. Government operation of the railroads during the World War was a dismal failure.

A. From a financial standpoint.

1. Wages were increased out of all proportion.
2. The debts of the railroads were heavily increased.
3. There was an enormous deficit at the termination of Government operation which had to be paid by taxes collected from the people.

B. From an industrial standpoint—

1. Railroad employees felt secure in Government positions and gave less work for more money.
2. Inefficiency was general and passenger and freight service was demoralized and even dining car meals and service were wretched.
3. It became impossible to count on prompt carrying and delivery of mails.

C. Benefits of competition were eliminated.

1. Railroad lines failed to give fast service for there was nothing to be gained by excelling each other.
2. There was no desire to please so as to secure future patronage.
3. There was no competition in special rates to obtain and increase traffic.
4. The pride of employees in working to make their road the best was lost in the morass of Government equalization or rather lowering to a common standard.

IV. Government operation would be inadvisable.

A. Politics would become a detriment to the railroads and the public.

1. Log-rolling would exist among politicians to secure new lines of railroad.
  - a. A new "pork barrel" would be established.
  - b. Railroads would be built where not needed to be operated at a loss, just as in Canada where the Government built

lines at a tremendous loss in order to secure support in particular sections for Government measures.

2. The system would soon be honey-combed with employees kept in place by politicians.

3. Politicians from different sections would seek lower rates for their localities.

B. The financial burden would be oppressive.

1. The cost of taking over the railroads would make a staggering public debt.

2. The debt would never be lessened because no provision could be made for refunding the debt out of property.

3. The debt would be continually increased by the cost of new lines and improvements to the old lines.

4. Governments invariably operate business at a loss.

a. The railroads were operated at a heavy loss during the World War.

b. The Postoffice Department is noted for its deficits the end of each year.

c. Deficits are not alarming when they can be made up from Government revenue from other sources.

5. France and Italy are considering throwing of Government-owned railroads back to private ownership (Wm. H. Williams, before Interstate Commerce Commission, May 18, 1920).

C. The ownership of the railroads by the Government would call for ownership of other businesses until socialism would become prevalent and initiative and enterprise stifled to the detriment of our Republic.

## IX

### UNIFORM DIVORCE LAWS

RESOLVED, that the United States Constitution should be amended to provide for uniform divorce laws.

#### General References:

D. Conover, Marriage and Divorce, pp. 220-30; T. D. Woolsey, Divorce and Divorce Legislation; J. P. Bishop, Marriage and Divorce; Lalor's Cyclopaedia III, 808; Bib. Soc. 69, 136-41; Catholic World, 94, 467-82; Collier's 46, 40; Everybody's 33, 341-7; Fortnightly 94, 617-18; Forum 8, 357; Harpers Weekly, 58, 13-5; Independent 86, 161; McClure's 47, 14-5; North American Review 144, 429-31; Public Opinion 8, 104-7; 349-56; Political Science Quarterly 4, 592; Popular Science Monthly 23, 224; Sunset 40, 11-3; Unpopular Review 3, 61-75; World Today 21, 1,202-5.

#### AFFIRMATIVE BRIEF

I. Present system of State laws is not in conformity with advanced civilization.

A. Divorce laws were properly left to the States at the time of the adoption of the Constitution.

1. Each State lived by itself with only "horse and wagon" communication with other States.

2. Going into another State for the purpose of securing divorce was unknown and impracticable.

3. The States were made up of settlements of Puritan and Cavalier, Huguenots and Papists, Episcopalians and Quakers, all with widely different ideas of divorce.

4. Each colony preferred its own ideas.

B. Progress has changed the situation.

1. We live in the aeroplane and radio age with the entire United States in as close communication as the people of a township were in the Revolutionary period.

2. Citizens of the United States migrate freely from State to State and it is common practice to change domicile to another State to come under a different divorce law.

3. The United States is a melting pot in which the descendants of the early settlers have migrated back and forth and intermarried until citizens of one State do not differ materially from citizens of another State.

4. Each State may prefer its own divorce law but would be willing to co-operate for a common law in order to secure uniformity and avoid the evils of having different laws.

II. The evils of the present system are many.

A. The State with the laws making divorce the easiest governs the other States because a resident of any State may change his domicile to the "easy" State in order to secure a divorce.

B. Disrespect to laws is taught when a citizen of a State can evade its laws by temporarily living in another State.

C. Some States will not recognize divorces secured by change of domicile, leaving the divorced of one State married in another State and guilty of bigamy if remarried.

1. Children are made illegitimate.

2. Property rights are involved.

D. The laxity of the present system is a menace to family life.

1. Hasty marriages are made by those who know divorce can easily be had.

2. Small quarrels more easily bring about separation when separation is made easy.

E. The church influence is harmed.



1. The church regards marriage as a divine institution, not a civil contract.

2. Churches discourage divorces and large numbers of divorces are a menace to the power of the churches.

### III. A uniform Federal law is desirable.

- A. Each State should favor it so its citizens who are divorced will have the same legal status throughout the United States.

- B. It would put a stop to the unenviable notoriety of "easy" States.

- C. Citizens would cease migrating for the purpose of evading laws.

- D. The children of remarried divorcees would be held legitimate in all States.

- E. Property rights would not become involved and much litigation would be saved.

- F. The uniform law would naturally be a medium law and the laws of the easiest State would not govern, thereby—

1. Making divorces less frequent.

2. Preventing hasty marriages and quick divorces.

### IV. A Federal law is the only means of obtaining uniformity and is practicable.

- A. It is impossible to get the States to pass a uniform law.

1. Concerted efforts have been unsuccessful.

2. States are jealous of their rights in dealing with each other but will yield to Federal law.

- B. A Federal law is practicable.

1. A Congressional Committee can adjust differences of opinion on this subject as they adjust differences of opinion as to the tariff.

2. Many subjects have been made uniform, such as woman's suffrage.

3. Congress will yield to the opinion of the people when it is clearly expressed by a majority of the voters.

### NEGATIVE BRIEF

I. Possibility of divorce is in accord with the trend of modern thought which differs in States as well as in nations.

A. Only one State, South Carolina, refuses to permit divorces.

B. It is generally recognized that there are rightful grounds for divorce, such as adultery, insanity and cruelty.

C. The descendants of the French in Louisiana differ in opinion with the descendants of the Puritans in Massachusetts, and the opinions of each should be respected in their respective communities.

D. Our States are empires in themselves and should be allowed to settle such questions to best suit their beliefs.

II. The evils of present system are much exaggerated.

A. There is very little migration for the purpose of securing divorce.

1. Notoriety is given the doings of a few rich people who go to "easy" States for divorce, but they could secure divorces in France, as some do now, if we had a uniform divorce law which would permit divorce for such causes as incompatibility of temper.

2. Actual statistics show very few cases of change of domicile to secure divorce.

B. Court decisions are becoming uniform on the question of recognition of divorces granted in other States and the tendency is not to recognize divorces secured by subterfuge of change of domicile.

C. Increase of divorces is not due to difference in laws.

1. Divorces have increased in nearly every State by the

action of citizens of those States applying to the courts of their own States.

2. Laws are but the creations of the will of the majority and the laws differ and change as the majority in each State desire.

III. Such a Federal law is contrary to the theory of our political system and will be confusing.

A. It impairs local self-government.

B. It would be a radical step towards Federal interference with State handling of domestic concerns.

C. It would cause confusion in that administration of laws of marriage and divorce would be Federal, while administration of wills and property rights by descent and distribution would be under the jurisdiction of the various States.

IV. Uniform law is not desirable.

A. High ideals should not be obliged to submit to low ones.

B. Low ideals will not accept higher ideals.

C. More uniform laws can be secured in the States.

1. Education will result in ideals more nearly uniform.

2. Concurrent legislation will bring the State laws nearer together, just as many States have passed a uniform Negotiable Instruments Law.

## X

### FEDERAL CONTROL OF CORPORATIONS

RESOLVED, that Congress should pass a measure providing for Federal licenses for corporations engaging in interstate commerce.

The principal features would be:

1. Granting of Federal license to State corporations as a condition precedent to their engaging in interstate commerce.
2. License not to be granted until corporation conforms to all requirements of the Federal Government as to corporate organization and management.
3. Requirement of such reports and returns as may be desired as a condition of retention of such license.
4. Full protection of grantees of such license who obey the laws applicable thereto.
5. Right to refuse or withdraw license in case of violation of law with appropriate right of judicial appeal to prevent the abuse of power by the administrative officer.

The following regulations would be necessary:

1. Annual reports from corporations as to their business, of such a nature as to (a) show whether it is interstate and (b) give complete and full information of every phase of their business.
2. Provision for publication of so much information as is necessary to allow the public to protect itself against fraud and the abuse of minority interests.
3. Provision making false returns penal.
4. Provision against evasion through selling agents.

5. Provision for nominal tax for support of Bureau.
6. Federal corporation stock, bonds, and indebtedness to conform to Federal rules.
7. Reports of condition of business for stockholders.
8. Increased personal responsibility of managers and directors.
9. Prohibition of discriminations by public service companies.
10. Prohibition of commercial methods which are unfair.
11. Prosecuting power in Bureau to enforce provisions.

### AFFIRMATIVE BRIEF

#### References:

Annual Report of the Commissioner of Corporations; Wm. Miller Collier, *The Trusts*, pp. 287-329; J. W. Jenks, *The Trust Problems*; H. D. Lloyd, *Wealth against Commonwealth*; C. W. Baker, *Monopolies and the Republic*; Senate Document No. 73, 57th Congress, Second Session, containing Sherman Anti-Trust Law and List of Decisions Relating Thereto, and Attorney General Knox's Address at Pittsburg on Commerce Clause (write to Superintendent Document Room, U. S. Senate, for this); *U. S. v. Trans-Missouri Freight Association*, 166 U. S. 290; *Addyston Pipe & Steel Co. v. United States*, 175 U. S. 211; *United States v. Northern Securities Co.*, 193 U. S. 197; *Montague v. Lowry*, 193 U. S. 35; *Champion v. Ames*, 188 U. S. 321; *United States v. Swift & Co.*, 196 U. S. 375; A. L. Humes, *Power of Congress Over Combinations Affecting Interstate Commerce*, *Harvard Law Review*, 19, 2; Judge Grosscup, *How to Save the Corporation*, *McClure's* 24, 443; E. B. Whitney, *How Congress Can Deal with the Trusts*, *Independent* 58, 303; *Roosevelt on Federal Control of Corporations*, *Independent* 58, 285-6; *State Monopolies of Interstate Commerce*, *North American Review*, 178, 429; J. E. Davies, *Function of Government in its Relation to Industry*, *Annals Am. Academy*, 60, 38-9; O. H. Luken, *German Cartel Policy*, *Engineering Magazine*, 48,

508-16; Quarterly Journal of Economics, 28, 664-700; Political Science Quarterly, 26, 63-97, 28, 586-92; Outlook, 104, 613-23; Collier's, 57, 17; Unpartizan R. 12, 100-15; American City, 11, 382-6; Congressional Record, Vol. 51, pp. 10376-8; 11081-99; 11591-11604.

I. People demand a remedy for the notorious corporation evils of

- A. Secrecy and dishonesty in promotion.
- B. Overcapitalization.
- C. Recrimination.
- D. Unfair and predatory competition.
- E. Misleading financial statements.
- F. Irresponsibility of corporate officers.

II. Remedy cannot be expected from the States.

- A. Diversity of State laws amounts to anarchy.
- B. Uniform State corporate law cannot be expected.
  1. States not uniform on a single branch of law.
  2. States like New Jersey will not yield their present advantages.

C. Corporations have become so great that their regulation is a national problem, not state.

III. Federal control is the logical and desired outcome,

A. Congress possesses the power of regulation by virtue of the interstate commerce clause.

B. Responding to the wishes of the people, Congress has been working towards that end.

1. Department of Commerce was formed.
2. Bureau of Corporations therein has conducted exhaustive investigations.
3. The Commissioner of the Bureau recommends Federal control through Federal licenses.

IV. The advantages of such a system are many.

A. Trust evils could be practically eliminated.

1. Overcapitalization, dishonesty in promotion and irresponsibility of officers could be weeded out as condition precedent to grant of license.

2. Discrimination and unfair competition could be forbidden upon penalty of withdrawal of license.

B. Business system that is now commercially national would become legally national.

C. There would be established a stable and uniform corporation law, which would best fit our corporations for their world's work in commerce.

D. States would not be deprived of their power to create interstate corporations and would suffer no loss of revenue.

V. Such a measure would be constitutional.

A. Congress has plenary power over interstate commerce; *Gibbons v. Ogden*, 9 Wheaton 189; *United States v. Northern Securities Co.*, 193 U. S. 197.

B. Congress can forbid the use of the channels of interstate trade; *Champion v. Ames*, 188 U. S. 321; *France v. United States*, 188 U. S. 376.

C. The power over interstate commerce is sufficient to enforce this measure.

## NEGATIVE BRIEF

### References:

John Moody, *The Truth about Trusts*; J. R. Dos Passos, *Commercial Trusts*; J. B. Clark, *The Control of Trusts*; George Gunton, *Trusts and the Public*; *United States v. E. C. Knight Co.*, 156 U. S. 1; Report of 27th Meeting of American Bar Association, pp. 694-753; *Two Objections to Federal License*, *World's Work*, 9, 5779; *A Dangerous Departure*, *Green Bag*, Mch., 1905; *Federal License of National Incorporation* (H. L. Wilgus), *Michigan Law Review* (Feb., 1905); *North American*

Review, 175, 877; 179, 420; Arena 29, 63; Annals, American Academy 24, 113; Review of Reviews 20, 305; Public Opinion 22, 296; Atlantic Monthly 116, 668-77; Independent 79, 92-4; Nation 98, 683-4; Congressional Record, Vol. 51, pp. 11687-9; 11232; 11299-301.

I. The proposed measure is unconstitutional.

A. It depends for its constitutionality upon the assumption that Congress can forbid the channels of interstate trade to a corporation which does not fulfill its requirements as to organization, etc., which is not true.

1. The power of Congress over interstate commerce is that of regulation which does not include prohibition.

2. The decision of the Supreme Court to the effect that Congress can forbid the channels of interstate commerce to a lottery ticket (*Champion v. Ames*, 188 U. S. 321) does not give Congress the same power in other cases.

a. Lottery tickets were excluded because of their evil influence as a matter of public policy, this in a measure being the exercise of general police power.

b. To say that this gives Congress the power to exclude necessities of life because made by a corporation not conforming to Federal regulation is absurd.

B. It would infringe upon the reserved rights of the States by indirectly prescribing essentials to be observed in the creation of a corporation by a State.

II. Its centralizing influence would be demoralizing.

A. The power to close the arteries of commerce is a dangerous menace to democratic government.

B. It would place the major part of our commerce under the control of the central government.

1. All corporations of any size do interstate business.

2. The proposed measure would give the Federal government practically entire control of interstate corporations.

C. It is the most destructive blow ever contemplated at



State rights or the leaving to localities the management of their internal affairs.

D. It would lead to Federal incorporation, thus destroying the last vestige of State control.

E. It would pave the way towards gradual absorption of all power by the Federal Government, the destruction of the Republic, and the creation of an empire.

III. Too great discretionary power would be placed in the hands of bureau charged with the enforcement of the law.

A. The power to withdraw a license upon charge of violation of the law, leaving a corporation powerless and its business stagnant.

IV. It would produce business demoralization.

A. Such a radical change in control would produce prolonged uncertainty in the business world.

B. Conditions would not become settled until certain legal propositions were solved, such as

1. Can a State refuse to allow one of its corporations to accept a Federal franchise?

2. Can a State prohibit or a private individual prevent a foreign corporation with a Federal franchise from manufacturing or doing a domestic business in the State?

3. Are all State corporation laws broad enough to allow their corporations to comply with the necessary conditions for corporate improvement required by the Federal license law?

4. Can the United States attach to the right to do interstate business the conditions under which a State corporation should carry on its purely domestic business?

V. There would be many difficulties in the application of such a measure, such as

A. Dependency upon returns, which may be false.

B. Determination of the corporation involved by

1. Reference to commerce itself during its transit by a system of custom houses between the States, or
  2. Depending upon the honesty of corporations.
- C. Interference with private business by a small army of detectives and collectors.

## XI

### MUNICIPAL OWNERSHIP OF PUBLIC UTILITIES

RESOLVED, that municipal ownership and operation of public utilities is desirable.

#### AFFIRMATIVE BRIEF

##### References:

Samuel Seabury, *Municipal Ownership and Operation of Public Utilities in New York City*; Frank Parsons, *The City for the People*; Gustavus Myers, *The History of Public Franchises of New York City*; E. W. Bemis, *Municipal Monopolies*; Henry George, *Social Problems*, p. 181; C. Augustus Haviland, *Facts about Municipal Ownership in Great Britain*; C. W. Baker, *Monopolies and the People*; *Arena*, 17, 88; 25, 198; 29, 118; 30, 505; 31, 458; 32, 318; 33, 361; 33, 596; 34, 316-8; *Review of Reviews* 31, 170; *Independent* 49, 582; 53, 2633; 60, 449; *Cosmopolitan*, 30, 557; 32, 456; *Century* 39, 721; *Annals American Academy* 24, 361; *North American Review* 172, 445; *Outlook* 68, 11; 70, 726; 77, 695; *Forum* 32, 201; F. C. Howe, *European Cities at Work*; *American City* 9, 161-2; 9, 526-9; 11, 378-81; 22, 229-30; 22, 124; 23, 251-3; *Collier's* 71, 20; *Nation* 110, 617-8; *Annals Am. Academy* 57, 16-19; 57, 194-208; 282-92; *Congressional Record*, Vol. 51, pp. 13258-9; App. 1087-95; *Journal of Political Economy* 32, 56-67.

I. Present conditions justify municipal ownership.

A. Corruption is rampant in most of our large cities due to the traffic in public utilities.

1. Graft is based upon getting undue advantages from

the government, and finds its inception in the granting of public utilities.

2. Money is used by corporations to influence legislation.

a. They maintain lobbyists at State capitals and city halls.

b. They ally themselves with bosses and political rings, thereby exerting a powerful influence for their own interests, and against the public welfare.

B. Public utility corporations are guilty of serious offenses against the people.

1. They openly defy the law and corrupt the legal profession.

2. Having no competition, they disregard the public, sacrificing public safety, health and convenience.

3. Their profits are so great that they pay enormous dividends on watered stock.

4. They deplete municipal treasuries for their gain.

5. They charge excessive fares and exorbitant rates.

6. They forget that they are created for the benefit of the public.

II. Municipal ownership is sound in theory.

A. A public utility is generally a natural monopoly.

B. In most instances, a public utility corporation has no competition.

C. Where there is room for competition, combinations have been made and a monopoly formed.

D. Monopolies of public utilities in private hands are susceptible to great abuse.

E. Natural monopolies should be owned and operated by the public for the common advantage of all.

F. Municipal ownership in various forms has existed since time immemorial.

III. It works well in practice.

A. Municipal ownership of street railways, gas and electric light plants has been a great success.

1. Rates and fares have been lowered.
2. Better service has been given.
3. Traffic has increased.
4. Higher wages have been paid to employees.

B. Municipal ownership of water supply in New York City has been a success. (Seabury on Municipal Ownership and Operation of Public Utilities in New York City, pp. 146-148.)

1. Better supply and better service have been given for less money.
2. The City has made a considerable profit.

C. Municipal ownership of various utilities in Syracuse, Auburn, Dunkirk and Randolph, N. Y.; Columbus, Goshen and Martinsville, Ind.; Paris, La Salle, Bloomington, Aurora and Elgin, Ill.; Bay City and Detroit, Mich.; Marshalltown and Fairfield, Iowa; San Francisco, Cal.; and many other places have been successful. (Parsons, City for the People.)

D. Municipal ownership of public utilities has become so universal in Great Britain that it is almost a settled policy of that country. (Haviland's Facts about Municipal Ownership on Great Britain.)

IV. The general adoption of this policy in the United States would produce good results.

A. It would cause a general lowering of rates.

1. Lowered rates mean increased business and extension of public service.

B. It would do away with evils of private operations, such as

1. Secret rebates and other discrimination.
2. Fraudulent accounts and perjured reports.

C. "The servants of the people with a good civil service will be more apt to do the people's will than the servants of a company whose will is opposed to the people and who are in the business to get all they can and give no more than they must." (Parsons, Municipal Monopolies.)

**NEGATIVE BRIEF****References:**

M. J. Francisco, *Municipalities vs. Private Corporation*; A. R. Foote, *Municipal Ownership of Quasi-Public Works*; R. P. Porter, *Municipal Ownership at Home and Abroad*; *Annals American Academy*, 12, 103; *Independent* 52, 1165; 59, 220; *Review of Reviews*, 31, 256; *Nation* 65, 26; *Gunton's* 16, 190; *National* 15, 157; *19th Century* 52, 713; *Outlook* 80, 266-8; *World Today* 9, 721-4; Y. Guyot, *Where and Why Public Ownership Has Failed*, *Journal of Political Economy* 22, 592-5; *San Francisco tries Socialism* 24, 310-3; *Limitations and objections to municipal ownership*, *Annals American Academy* 57, 254-73; *Literary Digest* 47, 82-3.

- I. Present conditions do not warrant municipal ownership.
  - A. Fares and rates have been greatly reduced.
  - B. Public service has been greatly improved.
  - C. Costly improvements for public convenience have been made in all lines.
  - D. Corruption is not as rampant as painted.
    1. Yellow journalism makes much of little.
    2. Municipal ownership advocates cannot consistently charge corruption in the granting of franchises because city officials, whose power they seek to extend, grant the franchises.
    3. Investigations fail to verify charges.
  - E. Conditions are better here than in Great Britain.
    1. Better railway service is accorded.
    2. Prices are lower on our street cars under private control, when distances and transfers are considered, than in Glasgow and other cities having municipal ownership.
- II. Municipal ownership is contrary to American ideals of government.
  - A. A community is best governed which is least governed.

B. Where individual effort and private enterprise can accomplish the same result as government, government has no right to interfere.

C. Individual initiative has made this country the leader of nations.

D. Municipal ownership tends towards socialism.

III. Municipal ownership would produce political corruption.

A. The average city officials to whom would be trusted the enormous task are members of liquor, gambling den and political machines.

B. Political machines would use public utilities for their private ends and self-perpetuation.

1. An enormous amount of patronage would be available for distribution.

2. Large sums of money would be at the disposal of the ring.

C. With their present power, political machines are able to defy the wishes of the people; with added power of control of public utilities, their rule would be tyrannical.

D. Positions in connection with public utilities would become "political jobs," much to the detriment of the people's interests.

IV. Municipal ownership is impractical.

A. It is less efficient than private operation.

1. Workmen are not as efficient.

a. Tenure of office would be short.

b. Private companies can secure better men.

c. Fitness and utility would not govern an election.

2. Municipal civil service is invariably a failure.

3. The incentive for invention is lacking.

4. Improvements are not made as rapidly.

B. It is less economical.

1. Waste and extravagance generally accompany municipal management.

2. Public bodies let contracts at higher prices than private companies.

3. The tendency under municipal control is to forego future profits for present gains.

a. A superintendent is gauged by present gains.

C. It would make taxation heavier.

1. The revenues now derived from taxing public service corporations would be lost.

2. The loss would have to be made up by other taxes.

3. The taxation of cities having municipal ownership is invariably increased and the city debt almost generally increased.

D. Municipal ownership in part has been a failure in Carrollton, Ga.; Lyons and Tipton, Iowa; Moline, Ill.; Madison, Ind.; Brainard, Minn.; Marceline, Mo.; Titusville, Pa.; and Greenville, S. C.

V. Municipal regulation is preferable to municipal ownership.

A. The evils complained of can be cured by strict regulation.

B. If city officials are not capable of using properly the power of regulation, they ought not to be trusted with ownership and operation.



## XII

### SHIP SUBSIDIES

RESOLVED, That the payment by the government of subsidies for the encouragement and upbuilding of the American merchant marine is expedient.

#### General References:

Henry Hall, *American Navigation*; W. L. Marvin, *American Merchant Marine*; C. S. Hill, *History of American Shipping*; Lippincott 45, 715; *Social Economist* 1, 355; *Forum* 12, 387; 29, 532; *North American Review* 156, 398; 158, 433; 160, 85; 168, 240; 172, 285; 175, 289; 177, 533; *Protectionist* 11, 151; *Review of Reviews* 21, 319-325; 23, 197; 27, 307; *Arena* 17, 242; *Cosmopolitan* 32, 371; *Independent* 53, 130; *Journal of Political Economy* 21, 851-2; *Forum* 49, 447-56; *Century* 90, 200-7; *Sunset* 35, 1049-50.

For discussion of ship subsidy bills see *Congressional Record*, Vol. 52, Part 6; Volumes 63 and 64, Nov. and Dec., 1922, and Jan. and Feb., 1923. See references in *Readers' Guide to Periodical Literature*, 1922, 1923, and Jan.-July, 1924.

### AFFIRMATIVE BRIEF

#### References:

Reports of the Commissioner of the Bureau of Navigation, Department of Commerce (write the Commissioner for the latest report); Senate Reports, 55th Congress, 3rd Sess. No. 1551; 56th Congress, 1st Sess. No. 473; 57th Cong., 1st Sess. No. 1551; 56th Congress, 1st Sess. No. 473; 57th Cong. 1st Sess. No. 201; 58th Cong. 3d Sess. No. 2949; House Reports 51st Cong. 1st Sess. No.

1210; 55th Cong. 3d Sess. No. 1866; 56th Cong. 1st Sess. No. 890; Senate Documents 55th Cong. Nos. 60 and 91; 56th Cong. 1st Sess. No. 149; 2d Sess. No. 54; 57th Cong. 1st Sess. No. 101; 59th Cong. 1st Sess. No. 529; Cong. Record, Vol. 63, Dec., 1922; Vol. 63, No. 1 (President Harding's special message); Technical World 19, 651; Atlantic 106, 740-4; Scientific American 127, 164.

I. Our merchant marine is in a deplorable condition, and that condition must be changed.

A. The condition of our merchant marine is deplorable.

1. As compared with its former condition.
2. As compared with our exports and imports.
3. As compared with the merchant marines of foreign countries.

B. Causes of the present condition of our merchant marine.

1. Inability of our ships to compete with foreign ships on account of
  - a. Higher cost of operation.
  - b. Foreign insurance discrimination.
  - c. Subsidized foreign lines.

C. Necessity of a larger American merchant marine.

1. Commercial reasons.
  - a. The future prosperity of this country will depend very largely upon the extension of our foreign commerce in order to dispose of our surplus products. This can best be done by establishing regular shipping facilities over direct routes. Trade follows the flag. American steamship lines have American agents who, in order to increase their shipping, advertise and push American goods. "Steamship lines work for their own countries just as railroad lines work for their terminal points, and every steamship is a missionary of trade."
  - b. Elimination of danger to American commerce incident to absolute dependence upon foreign ships for our transportation facilities. (Instance World War and its effects upon freight rates and shipping facilities.)

2. Political reasons:

a. Auxiliary ships in time of war. (Cite the need of purchasing foreign ships for naval purposes during the Spanish-American War and World War.)

b. Training of American sailors for marine service.

c. Prestige among foreign nations.

D. The United States, having lost her prestige on the high seas, and being handicapped by foreign nations both in economy of building and operating ships, cannot regain a footing without government aid more material than that heretofore given.

II. Ship subsidy is the remedy because it is most expedient.

A. Free ship policy is inexpedient.

1. It is unnecessary.

a. We have the material and facilities for ship building and many ships built for use during the World War.

b. The first cost, though slightly higher here than abroad, is but a small factor in the cost of ocean transportation.

2. It is undesirable in principle.

a. It is contrary to our established policy of protecting American industries.

b. If the purchase of foreign built vessels is correct in principle our coastwise shippers should be permitted to purchase their ships abroad. The effect would be the destruction of our shipping industries which would compel the Government to purchase its war vessels abroad and in the event of war, if we were caught without sufficient naval armament, we would be prevented from purchasing ships abroad on account of the law of neutrality.

3. It is impractical and inefficient on account of a higher cost of operation under the American flag.

4. Conditions in foreign countries (England excepted) are such as to make it necessary to adopt this policy in connection with the payment of subsidies in order to upbuild a merchant marine. These conditions do not exist in this country.

B. The experience of other nations in the payment of subsidies.

a. Shows that they have developed their merchant marines.

b. Shows that where they have failed it was because of the unscientific application of them.

C. Ship subsidies would be expedient if paid by the national Government along the following lines :

The Government should help to run ships of specified speed and tonnage between certain points at stated intervals and compensation, all ships to be with requirements prescribed by the Navy Department and officers and crews to consist of a certain percentage of American citizens. In consideration of said subsidy, the ships are to carry the mails free, to train apprentice boys in numbers in proportion to their tonnage and to be available for naval purposes in time of war at a price to be agreed upon or ascertained under condemnation proceedings.

II. A subsidy is practicable.

A. In its financial aspect.

1. Subsidized lines being obliged to carry the mails free, the earnings of our foreign mails (about \$6,000,000) would materially aid in carrying out such a policy.

2. Larger shipping facilities and consequent new markets would increase the foreign mails, and a maximum expense having been reached, the returns from foreign postage would soon maintain the entire subsidy.

3. Large sums are now paid annually to foreign ship-owners for our ocean transportation. If subsidies would succeed (as they undoubtedly would) in establishing sufficient lines to carry the greater part of our commerce, it would result in the retention in this country of millions for distribution to American capital and labor.

B. In its administrative aspect.

1. It would result in the immediate establishment of new lines to points where they are most needed, as lines already established and running on a paying basis would not be subsidized.

2. It would place at the command of the Government a first-class auxiliary fleet in time of war.

3. It would develop our merchant marine eventually to a self-supporting state.

a. Experience shows that every new enterprise must have financial backing to meet initial competition and to secure a footing.

b. The advantage of established lines, together with American enterprise and ingenuity will be sufficient, in time, to overcome differences in cost of operation.

c. Examples from protected industries.

IV. It is unobjectionable.

A. This policy is not an innovation; it has been adopted with success by the leading nations of the world.

B. Government aid to private enterprise is the established policy of this country, as shown by

1. Exclusion of foreign flags in coastwise trade.
2. Protection of American industries by high tariff.
3. Subsidies to Pacific Railways.
4. Sugar bounties, etc.

C. The reasons for government aid in upbuilding a merchant marine are even stronger, because a nation's maritime strength is a feature of national protection.

## NEGATIVE BRIEF

### References:

Report of the Merchant Marine Commission, Views of the Minority (See reference to this report in Aff. references); John Codman, *Free Ships; Shipping Subsidies and Bounties*; David A. Wells, *Our Merchant Marine, Recent Economic Changes*; William W. Bates, *American Marine*; *Review of Reviews*, 21, 325; 23, 15; *International Monthly* 5, 773; *North American Review* 160, 85; 164, 75; 122, 113; 176, 490; *Nation* 69, 104; 70, 4; 70, 123; 77, 395; *Arena* 23, 606; 74, 166; 76, 430; 25, 198; *Forum* 30, 464;

Annals American Academy 19, 46; Independent 53, 185; Outlook 67, 98 and 387; 59, 95; Cong. Record, See indexes for Volumes 34-64 inclusive, noting particularly the issues in Dec., 1922, and Jan., 1923; New Republic 19, 344-5; 31, 171-3; 31, 239-40; Journal of Political Economy 25, 390-2; Nation 114, 306; 115, 4-5; Current Opinion 73, 582-4.

I. Such a policy is wrong in principle.

A. It is a dangerous instance of special legislation.

1. Of the shipping under the American flag, steamships engaged in the foreign trade constitute but a small per cent.

2. Paying subsidies to this small per cent is discrimination against the remainder of the American merchant marine.

3. Subsidies will go to a few great corporations, allied to the railroads.

B. It is unbusinesslike.

1. Government support induces careless management.

a. The Collins line in the fifties.

b. The Pacific Mail Line in the seventies.

C. It is impracticable.

1. As foreign nations can build and operate ships more cheaply than the United States, they can increase their subsidies and leave the United States still at a disadvantage.

2. If a large number of ships are placed on the ocean, sharper competition will lower rates of transportation, requiring constantly new subsidies to meet new deficiencies.

D. It rests upon an unsound notion of economics.

1. While the cost of building and operating American ships in the foreign trade is determined on a basis of high prices under the system of protection, the incomes of such ships is determined by the law of supply and demand on a basis of free trade.

2. Subsidies tend to heighten the cost while lowering the amount of income.

II. The experience of other nations should lead the United States to reject such a policy.

A. An increase in the number of its steamships in the foreign trade does not necessarily increase a nation's commerce.

1. American exports of manufactures in recent years have gained enormously over those of foreign nations which pay large subsidies.

2. The exports of those foreign nations have not increased in proportion to their own increase in tonnage and in manufactures.

B. Foreign nations have not found subsidies effective.

1. The British Marine Commission refuses to approve subsidies except in special cases for actual value received by the Government.

2. The enormous expenditures for subsidies by France were out of all proportion to her trifling increase in tonnage.

C. The policy to be deduced from the experience of all foreign nations is that of free ships.

1. Norway and Japan built up their marines in this way.

2. All nations except the United States have the policy of free ships.

D. Fair navigation laws would make this practicable and desirable for the United States.

1. Americans now own and control a large percentage of foreign shipping.

2. Under fair conditions all this would be under the American flag.

III. The benefits sought by this policy can be better secured otherwise.

A. Such aid as it might afford to the navy would be gained at disproportionate expense.

B. Such benefit would be outweighed by the fact that it would complicate the national transportation problem which is very serious at present.

1. It would place in the hands of the railroads all our transportation facilities, foreign as well as domestic.

C. A better plan for aiding the shipping industries of the United States would be:

1. The admission of foreign-built ships owned by Americans to American registry to engage in the foreign trade.

2. The development of a Naval Militia, the Government to pay individual sailors in order to command their services.

3. The reduction of the tariff on steel used in the construction of all ships whether for foreign or domestic trade.



## XIII

### PROTECTIVE TARIFF

RESOLVED, That the United States should abandon the protective tariff policy.

#### General References:

H. R. 7456, Fordney Bill; Forum 56, 490-9; 19th Century 77, 698-717; Nation 107, 5-6; Political Science Quarterly 29, 600-25; New Republic 27, 181-2; North American Review 206, 446-54; Contemporary Review 117, 617-25; 124, 681-90; Annals American Academy 83, 145-54; 94, 43-6; 47-51; Forum 68, 662-70; Quarterly Journal Economics 37, 1-28; American Economic Review 5, 876-9; 13, 14-33; Current Opinion 76, 21-2; Independent 111, 302-3; Journal of Political Economy 32, 101-29.

### AFFIRMATIVE BRIEF

#### References:

R. T. Ely, Problem of Today; R. R. Bowker, Economic Fact-book and Free Trader's Guide; Henry George, Protection or Free Trade; J. B. Miller, Unconstitutionality of Protection; H. Leib, The Protective Tariff; What It Does for Us; J. Schoenhof, Destructive Influence of Tariff upon Manufacturers and Commerce and Wages and Trade in Manufacturing Industries in America and Europe; Adam Smith, the Wealth of Nations; A. T. Hadley, Economics; Frederic Bastiat, Sophisms of the Protectionist; D. A. Wells, Relation of Tariff to Wages and Practical Economics; North American Review 173, 102-111; 176, 46; Atlantic Monthly 81, 577; Harper's Magazine 76, 272; Political Science Quarterly 2, 265; Nation 72, 504; 74, 242; 75, 182; 76, 399; Congressional

Record, vol. 40, pp. 3491-5 (Representative Rucker); pp. 6365-84 (Representative Williams); pp. 9843-50 (Representative Burgess); N. Longworth, Democratic tariff bill, Outlook 104, 248-51; 131, 660-1; Long step to free trade, Living Age 277, 378-81; New hope for protectionists, Nation 98, 420-1; Independent 86, 502; New Republic 5, 236-7; Review of Reviews 66, 387-394; 166, 505-9; see Congressional Record containing the Congressional debates on the tariff bill of 1921.

I. Infant industries do not need protection but people need protection from them.

A. Nearly all of our protected industries are selling their product abroad cheaper than at home.

B. Owing to superiority of inventive skill and American labor, manufactures can be produced in America cheaper than in any other country.

C. People of this country should receive their manufactures as cheaply as other peoples.

II. This country produces sufficient for political unity.

A. Commercially, we produce everything necessary.

B. In time of war, we would be able to produce all needed munitions.

III. We are injuring ourselves with other nations.

A. We shut out their goods, causing labor depression.

B. We provoke retaliatory tariffs which reduce our great need—markets.

IV. We injure ourselves.

A. By fostering growth of industries not natural to this country.

B. By not buying necessities of life in the cheapest market.

C. Protection increases the cost of living.

V. It does not help labor.

A. It simply brings the foreign cheap labor to this country to compete with American labor.

B. It takes labor from healthy development of natural resources to a spasmodic development of fostered industries.

VI. It is contrary to American principles.

A. It taxes many people for the benefit of a few.

1. Its burden falls on the common people.

2. Its benefits are paid in bounties to capitalists.

B. As a means of raising revenue, it is not within the comprehension of the Constitution.

C. It is in violation of the principle "Equal rights to all; special privileges to none."

## NEGATIVE BRIEF

### References:

Taussig, Protection to Young Industries; Van Buren Denslow, Principles of Economic Philosophy; Horace Greeley, Essays on Political Economy; R. E. Thompson, Political Economy; H. M. Hoyt, Protection vs. Free Trade; S. N. Patten, Economic Basis of Protection; E. H. Roberts, Government Revenues; Dixwell, Sundry Arguments Against Free Trade; Byles, Sophism of Free Trade; Rice, Protective Philosophy; G. B. Stebbins, American Protectionist's Manual; Wm. McKinley, Protection vs. Free Trade; T. H. McKee, Protection Echoes from the Capital (1252 extracts from Congressional speeches); Congressional Record, Vol. 38, pp. 6239-6295 (Representative McCleary); pp. 4245-4251 (Representative Campbell); pp. 5026-5032 (Representative Hamilton); North American Review 164, 576; 168, 297; 175, 746; Annals American Academy 23, 26; Gunton's Magazine 25, 295; 26, 479; Forum 30, 430; 31, 472; Independent 53, 1491; 54, 1294; Fallacies and Failures of Protectionism, Westminster Review 179, 653-65; Current Opinion 73, 316-8; 72, 744-8; Nation 97, 48;

106, 106-7; 112, 363; 112, 582; 115, 590-1; What industries are worth having, Atlantic Monthly 111, 701-10.

I. History upholds protection.

A. It has been the policy of all strong, growing, modern nations. England laid her foundations for commercial greatness by long adherence to protection.

B. English colonies adhere to protection. Ireland and India are prosperous under protection to their industries; they were paralyzed under free trade.

C. England's industries are rapidly failing under free trade and there is a growing protection sentiment. Review of Reviews 56, 176-81.

D. Protective policy of the United States has been changed five times to approximate free trade, always with disaster.

1. Domestic needs supplied by domestic industry.

2. The nation placed in most favorable position for necessary international exchange.

II. It secures national independence.

A. Commercial.

B. Military.

1. Domestic production of necessities of life and munitions of war.

2. Prevents possibility of effective blockade paralyzing productive industries and commercial interests.

III. It protects infant industries.

A. Relieves them from temporary disadvantages.

B. Guarantees them protection from close competition and hostile combinations.

IV. It promotes diversity of industry with division of labor.

A. Great diversity of wants demand development of our infinite resources when foreign goods are shut out.

B. Varied home industries employ special talents, increase employment, localize work and save time and waste.

V. It creates home market.

A. It saves cost of transportation.

B. It exchanges native commodities for native commodities and gives two industrial capitals instead of one as in the case of foreign trade.

C. It holds Eastern market for Western farmer against the Canadian farmer.

VI. It secures the highest returns to labor.

A. Protection to American industries necessary on account of higher cost of American labor.

B. Protection prevents the direct competition with cheaper foreign labor which would reduce wages to the lower European level.

C. Results in better industrial, social, intellectual and moral life for American laborer, the conditions under which his efficiency is most likely to increase: Report of Mosely Commission from England to the United States.

VII. It is the best means of raising revenue.

A. It is the least oppressive.

B. Competition forces foreign manufacturer to pay part, sometimes almost all, of the duty in order to hold market, hence protection lightens the burdens of taxation.

C. It produces ample revenue for ordinary expenditures: Statistical Abstract of the United States.

## XIV

### TARIFF ON TRUST MADE GOODS

RESOLVED, that the tariff should be removed from all trust made goods.

#### AFFIRMATIVE BRIEF

##### References:

Protection's Home Market, a pamphlet published by the Reform Club; American Export Monthly; Exporters' and Importers' Journal; Report of the Bureau of Statistics, Dept. of Commerce and Labor; Cong. Record, Vol. 38, pp. 5513-20, 5570-3 (Senator Bacon); The Trusts, Wm. Miller Collier, p. 305; Congressional Record, Vol. 36, p. 517 (Senator Vest); pp. 147-451 (Representative Rixey); pp. 159-163 (Representative Goldfogle); Hon. Secretary Redfield would curb the Trusts, Literary Digest 47, 1260-1.

##### I. The tariff fosters trusts.

A. The protective tariff was made especially to foster infant industries.

B. It was not expected that many of the schedules would be continued after industries were developed.

C. Our manufacturing industries which have been developed by protective tariff no longer need protection, as shown by

1. Sale of goods in foreign countries for prices lower than at home, despite transportation.

2. High dividends paid on watered stocks.

D. The tariff has made for these industries a domestic monopoly which is maintained in the form of trusts.

1. The high tariff keeps out foreign goods.

2. The need of large capital shuts out small competitors.
3. The present spirit of combination presents advantages which have caused trusts in practically all lines of manufactured goods.

II. The abolition of duties on trust made goods would practically destroy the trusts.

A. It would permit competition from abroad, thereby compelling the trusts to sell their goods at only a fair profit.

B. With competition, combination could not be maintained and the result would be a fair field for all.

C. The unnatural industries would be forced to the wall and capital invested in them would be put in developing natural industries, greatly to the country's benefit.

III. The people should not be forced to pay revenue to monopolies.

A. The effect of many of the duties is that the amount of the duty is added to the price of the goods which the people are forced to pay.

B. If this additional amount goes to a combination and not to the encouragement of an infant industry, the scheme of protection has failed and absolute robbery ensues.

IV. The evils of such a measure are not sufficient to offset the benefits.

A. Only unnatural industries would collapse.

B. The Government sustained itself without such high protective duties before; and could do so again by

1. Cutting down unwarrantable expenditures.
2. By other methods of taxation.

C. It would be better to impoverish trusts than to permit them to impoverish the people.

## NEGATIVE BRIEF

## References:

Congressional Record, Vol. 37, p. 2551 (Representative Watson); Vol. 38, p. 5030 (Senator Dolliver); pp. 735-736 (Representative McCleary); p. 3964 (Representative Fuller); pp. 4249-4250 (Representative Campbell); pp. 5391-5400 (Senator Dolliver); p. 5602 (Senator Gallinger); pp. 6256-6257 (Representative McCleary); *Tariff and the Trusts* (Representative Payne), *International Monthly* 4, 742; *Review of Reviews* 30, 491-492.

I. The basic theory of the question that the tariff is the mother of trusts is wrong.

A. Trusts exist in free trade countries.

1. England is plastered with trusts.

B. We have always had a tariff but only recently have trusts come into existence.

C. Many articles on the free list are trust-controlled.

II. The selling of articles abroad by the trusts is not sufficient reason for the removal of the tariff on those articles.

A. It is justifiable: (Cong. Rec., Vol. 39, p. 5031).

1. To sell surplus stock so as to keep manufactories running, it being more profitable to sell low at times than to slack down.

2. To sell out-of-date stock.

3. To introduce goods, thereby widening markets and stimulating production at home.

B. It is done by large manufacturers in all countries, tariff or free trade; *The Tariff Problem* by W. J. Ashley.

C. The amount is infinitesimal as compared with our total product.

1. The gross value of our manufactures is about fifty times the value of our manufacturing exports.

2. But a small proportion of our exports are sold for less than at home.



III. Its effect upon the nation would be destructive.

A. It would destroy about three-fourths of our manufactories.

B. The remaining one-fourth, including the evils which we seek to destroy, would join foreign trusts in forming world trusts.

C. The small competitors, now protected, would be forced to the wall.

D. It would produce a financial panic of disastrous magnitude.

IV. It would seriously affect Government revenues.

A. It would mean the removal of the tariff on the greater portion of dutiable articles; Collier on Trusts, pp. 1-20.

B. It would immeasurably reduce our revenues.

C. The tariff is a necessary method of raising a large proportion of our revenues.

V. The measure is a free trade attack under the guise of a crusade against trusts.

A. It is a pretended remedy for trust evils.

B. Its effect is a disastrous step towards free trade.

VI. We should seek to cure, not kill.

A. Combinations of capital have produced many beneficent results.

1. Our manufactories have been vastly increased.

2. The United States has been placed foremost among commercial nations.

B. The remedy for trusts, retaining their benefits and eliminating their evils, is to be found in other methods.

1. By partial reduction, not abolition, of duties on some trust made goods, not all.

2. By industrial competition and internal collapse of trusts: Cong. Record, Vol. 39, p. 5030.

3. By Federal Control: See Brief on Federal Control.

## XV

### TARIFF ON SUGAR

RESOLVED, that the tariff on sugar should be removed. Note. The removal should be gradual and completed within five years.

#### General References:

D. A. Welles, Sugar Problem of the United States and the Tariff; D. A. Welles, How Congress and the Public Deal with a Great Revenue and Industrial Problem; Nation 69, 404; Forum 24, 689; 25, 1; Congressional Record, Vol. 38, pp. 172-173; pp. 231-240; Economic Review 11, 19; Independent 74, 894-5; 1179-83; Review of Reviews 47, 339-42; 48, 233-6; Journal of Political Economy 21, 540-1; World's Work 26, 540-9; Political Science Quarterly 28, 230-48; Outlook 104, 353; Literary Digest 46, 931-3; 48, 590; Public 21, 897.

### AFFIRMATIVE BRIEF

#### References:

Tariff Reform Series, No.'s 3 and 8; Harper's Weekly 38, 602 and 1058; Nation 59, 112; Congressional Record, Vol. 24, pp. 10632-10634; Vol. 35, pp. 1236-1242; pp. 1442-1449; Senate Document No. 437, 57th Congress, 1st Session; Congressional Record, Vol. 50, pp. 3337-41; 3533-6; 4614-6; 4949-50.

I. Sugar is a necessity and the American people should have it at the lowest cost.

A. Slightly over one hundred pounds is consumed annually per capita.

B. The cost of sugar in other countries is much less than here: Senate Document No. 437, 57th Congress, 1st Session.

C. Taxes should be raised on luxuries, not necessities.

1. Many luxuries are free while sugar is taxed.
2. Nations are most prosperous whose taxes are least felt by the common people.

II. We cannot raise our own sugar.

A. Our cane sugar lands have been fully exploited and their limit of production reached.

B. Beet sugar raising is not successful.

1. It requires a bounty to foster it which is undesirable.
  - a. Its constitutionality is doubted.
  - b. Americans are opposed to bounties.
2. The industry is not thriving.
  - a. Many factories have been closed down.
3. American genius and labor can secure better results in industries which do not require fostering.

III. We need not fear dependence upon other nations.

A. Cuba can supply us with a great portion of our sugar to our mutual advantage.

1. Her soil and climate are peculiarly adapted to the raising of sugar.

2. If the duty on sugar was removed Cuba would prosper commercially to a high degree.

3. Our trade with Cuba would greatly increase for vessels bringing sugar would return with American goods, prosperity making liberal buyers.

4. America, being responsible for Cuba, would benefit by her commercial and political well-being.

B. The Philippines can supply us with an almost unknown quantity of sugar.

## NEGATIVE BRIEF

## References:

Congressional Record, Vol. 35, p. 1691; Vol. 28, Appendix, p. 1178; Senate Document No. 316; 57th Congress, 1st Session; Can the United States Raise Its Own Sugar? (Secretary of Agriculture Wilson), Forum 25, 1; Gunton's Magazine 22, 136; Harper's Weekly 38, 218; Congressional Record, Vol. 40, pp. 1060-1 (Representative Campbell); pp. 1015-18 (Representative French); Vol. 50, pp. 1844-55; 2721-7; 2953-60; 3463-92; 3496-3516; 4477-91.

I. Protection is beneficial where the protected industry, after a reasonable time, can flourish without the duty.

A. We can carry on an industry which has been protected and has become self-sustaining as economically if not more so than any other nation.

B. The diversification of industry is a source of strength.

II. We can produce sugar cheaper than other nations.

A. This is true in the case of beet sugar: Senate Document No. 316, pp. 10-11, 57th Congress, 1st Session.

1. Beets are excellent to use in rotation of crops, and make good feed for stock after the sugar is extracted: Forum 25, 1.

2. We can refine as cheaply as foreigners as shown by the importation of raw sugar to be refined here.

B. We can produce cane sugar cheaper, for we do not have the drawbacks of tropical countries such as

1. High cost of efficient labor.

2. Difficulty in obtaining machinery, for

a. We can buy the machinery at home.

3. Lack of skilled labor.

4. Lack of cheap fuel.

5. No use of by-product; for

a. We make paper from bagasse.

III. The duty is desirable.

A. It yields a considerable portion of our total revenue; Statistical Year Book.

B. It could be replaced only by a tax on some other necessary.

C. Its final result will be independence of other nations for this necessity.

IV. The removal of the duty would not be beneficial.

A. Prices would not be reduced.

1. The sugar trust would control the price as now.

a. It owns most of the sugar estates of Cuba.

b. We would import most of our sugar from Cuba.

B. It would cause loss and hardship to the large capital invested and the labor employed.

C. We have no right, after giving this industry protection, to remove the duty until it can sustain itself.

## XVI

### INDEPENDENCE OF PHILIPPINES

RESOLVED, that the Philippine Islands should be given absolute independence.

#### General References:

Atlantic Monthly 133, 394-403; Living Age 290, 880-2; 320, 503; Independent 74, 1377-82; 77, 263-5; 85, 217-8; 344; Nation 98, 361-3; 108, 1028-30; Outlook 105, 132-6; 112, 379; 133, 219-20; 127, 593-5; Current Opinion 66, 276-8; 76, 401-2; Scribner's Magazine 67, 480-8; Contemporary R. 112, 750-9; Am. Law Review 51, 543-8; Am. Political Science Review 13, 415-28; Asia 17, 286-93; 24, 187-90; North American Review 213, 721-4; 215, 761-6; Pan Am. M. 29, 27-8; Review of Reviews 34, 221-2; World's Work 38, 126-7; 47, 366-76; Yale R. n.s. 6, 715-26.

#### AFFIRMATIVE BRIEF

#### References:

Carman F. Randolph, Law and Policy of Annexation; A. G. Robinson, The Philippines; Edward Atkinson, Facts and Figures; J. G. Schurman, Philippine Affairs; Congressional Record, Vol. 33, Pt. 5, pp. 4278-4307; Vol. 35, pp. 5788-5798, 6127-6139; pp. 5666-5680, 5732-5740, 6168-6173; pp. 1167-1177; pp. 7321-7335; pp. 7451-7455; Senate Report No. 915, Pt. 2, 57th Congress, 1st Session; House Report No. 2496, Pt. 2, 57th Congress, 1st Session, No. 2496; Senate Documents, 57th Congress, 1st Session, Nos. 259, 273 and 422; Forum 32, 594; 33, 387; Gunton's Magazine 23, 159; 24, 220; Arena 25, 465; 28, 113; 29, 48; 34, 173-4; Nation 96, 120-1; 117, 627-9; Asia 19, 428-33; N. Am. R.

185, 365-77; 189, 708-18; Literary Digest 52, 273-4; Congressional Record, Vol. 49, pp. 2328-34; App., pp. 76-7; Vol. 48, pp. 307-8; Vol. 53, pp. 1699-1704; 1908-12; Independent 85, 370; Nation 115, 260-5; Asia 19, 427-8; Century. M. 422, 33.

I. It is contrary to the principles and institutions of this country to maintain a colonial policy, especially where independence is desired.

A. All men in political rights are created equal.

B. Governments derive their just powers from the consent of the governed.

C. Taxation without representation is tyranny.

D. Every country has the right to institute a government for itself on such a basis as to it, and not to other people, shall seem most likely to effect its safety and happiness.

II. The Philippines are entitled to independence.

A. Spain's sovereignty had been confined by the insurgents to Manila at the outbreak of the Spanish-American War, giving Spain the right to transfer only Manila.

B. Independence was promised, directly or indirectly, to the Filipinos by our army and navy leaders if they would assist in fighting the Spaniards in Manila.

C. We did not go to war for territorial aggrandizement and should treat the Filipinos as we did the Cubans.

1. Cuba would have made a more desirable colony than the Philippines.

2. The Filipinos are as capable of self-government as the Cubans, according to Admiral Dewey.

3. They are as desirous of independence as the Cubans.

III. It would be advantageous to the United States both politically and economically.

A. The Philippines are not fitted to become a part of this country.

1. They are not contiguous to the United States.
  2. They would introduce new race problems.
  3. Our immigration and financial laws would not be suitable: *Annals American Academy* 23, 15.
- B. Retention would be dangerous in time of war.
1. Because of their distant position, they would be a vulnerable spot in our national defense.
  2. Natives would rebel and aid our enemy in hopes of securing independence.
- C. Climate and distance make it improbable that the Philippines would ever become a thriving American colony.
- D. Retention would bring cheap labor in competition with American labor.
- E. Cost of island government, increased office force in Departments at Washington, increased army and navy, and pensions would add heavy economic burdens to our already heavy expenditures: *Senate Document No. 273, 57th Congress, 1st Session.*

### NEGATIVE BRIEF

#### References:

Reports of the Philippine Commission; *Congressional Record*, Vol. 33, Pt. 1, pp. 704-712 (Senator Beveridge); Vol. 35, pp. 5347-5354 (Senator Stewart); pp. 5071-5077, 6124-6125 (Senator Beveridge); pp. 6102-6106, 6125-6142 (Senator Spooner); *Senate Report No. 915, 57th Congress, 1st Session*; *House Report No. 2496, 57th Congress, 1st Session*; *Senate Documents, 57th Congress, 1st Session, Nos. 259-273 and 422*; *2nd Session, No. 126*; *Munsey* 23, 139; *Annals American Academy* 20, 307; 22, 403; 23, 405; *Arena* 24, 281; 32, 496; *World's Work* 9, 5571; 31, 476-7; *Asia* 21, 944-9; *Forum* 27, 409-19; *Independent* 85, 370; *Review of Reviews* 53, 83-98; *Outlook* 112, 245; *Congressional Record*, Vol. 49, pp. 3096-3101; Vol. 51, App., pp. 1237-8; Vol. 50, p. 2004 (Bishop Brent's article); Vol. 53, pp. 726-7; 1156-69; 1318-44; 1704; 1811-13; 1982-6; 3372-3.



I. Our duty to the Filipinos demands that absolute independence should not be given or promised at this time.

A. They are not capable of self-government.

B. We owe the Filipinos a stable government.

C. The better class of the Filipinos are not seeking independence at this time.

1. The so-called leaders of the insurgents are mere adventurers.

2. The better class know it would be a political crime to give the government to men of the insurgent leader stripe.

3. They are afraid of the results, knowing that England or Japan would seize them if they were independent, and desire continuance of American control.

D. We should give to them the benefits of our wisdom and experience in affairs of government.

II. We are under obligations to other nations which we cannot fulfil if we give independence at this time, such as

A. Treaty stipulations with Spain.

B. Responsibility to other nations to protect the lives and property of their citizens in the Philippines.

III. Independence is in contravention to the best interests of the United States.

A. Having invested hundreds of millions, we must secure at least a partial return on the investment before we grant independence.

B. The islands will be of great commercial value to the United States.

1. We will secure practically all their increasing trade.

2. They are a key to the development of Oriental trade.

3. With the Philippines to furnish tropical productions, we can greatly reduce our imports, thereby enhancing the wealth of the nation.

4. They are a new and almost inestimable field for American investment and enterprise.

C. America owes it to herself to proceed with the great work which she has undertaken.

IV. The present method of government is beyond criticism.

A. It is constitutional: *Downes v. Bidwell*, 182 U. S. 244.

B. It is in accord with American principles.

1. Consent of governed means consent of those fit to be consulted as shown by the Louisiana Purchase in which case Jefferson did not consult the inhabitants.

2. "Equal rights to all" does not mean political rights as shown by negroes held as slaves at time of the assertion of this principle by our forefathers.

C. It is working well in every particular: Reports of the Philippine Commission.

## XVII

### INTEGRITY OF CHINESE EMPIRE

RESOLVED, that it is for the best interests of civilization that the integrity of the Chinese Empire should be preserved.

#### General References:

P. T. Beaulieu, *Awakening of the East*; R. Coltman, Jr., *The Chinese, Their Present and Future*; T. G. Selby, *As the Chinese See Us*; H. C. Thomson, *China and the Powers*; Lord Charles Beresford, *The Break-up of China*; A. H. Smith, *China in Convulsion*; Robert K. Douglas, *China, the Story of the Nations*; D. C. Boulger, *The Crisis in China*, pp. 215-235; J. W. Foster, *American Diplomacy in the Orient*; *Cosmopolitan* 24, 459; *National* 31, 87; *19th Century* 43, 154; *Fortnightly* 72, 37; *International Quarterly* 9, 87-102; *World's Work* 7, 4675; *Political Science Quarterly* 18, 181; *Outlook* 66, 777-8; 76, 401-8; *Review of Reviews* 23, 220; *National* 72, 368; *Independent* 53, 189-190; *Forum* 31, 515, 529; *Public Opinion* 30, 386; Our attitude towards the Chinese, *Review of Reviews* 22, 80-1; Our suicidal Chinese policy, *Independent* 54, 858-60; *Asia* 19, 878-82; *Nation* 113, 591-2; *Literary Digest* 72, 31-2; *Political Science Quarterly* 36, 642-62. See references under brief on the Acquisition of Territory in the Orient.

#### AFFIRMATIVE BRIEF

I. This policy was enunciated by John Hay for the United States and accepted by all the powers concerned except Russia.

II. A policy of integrity would make for peace.

A. The interests of the powers in China conflict at so many points that partition without a general war would be impossible.

B. Partition without bloody and persistent revolts of the Chinese people would be impossible.

C. A policy of integrity, insuring fair play and equal privileges for outside powers and winning the confidence of the Chinese is the only escape from these dangers.

III. A policy of integrity would make for solid industrial development.

A. Partition would mean the closed door to a large portion of Chinese territory—all portions controlled by Russia, Japan or France.

B. It is true that in the past the Chinese Government has repressed industry and discouraged improved methods, but this is because foreign influence has been associated with territorial despoilment.

C. Since 1900 when the powers proclaimed a policy of integrity and protection for Chinese territory, China has made great advances in

1. Administrative reform.
2. Education.
3. Railroad, telegraph and telephone building.
4. Hospitality to western business enterprise.

D. There can be no permanent prosperity which does not rest upon the approval and co-operation of the people.

IV. Integrity is demanded by international justice.

A. The right of a nation to independence is recognized by all authorities on international law.

B. Although it is urged that China has forfeited its nationality by opposition to progress, this attitude is giving way since the return of confidence in the disinterestedness of western powers.

C. The logical outcome of the rule that powerful nations have the right to sit in judgment on other nations and carry out their judgments by force is the displacement of international law by international anarchy.

## NEGATIVE BRIEF

I. Integrity would have to be restored before it could be preserved, and restoration would involve war.

A. Integrity involves the idea of territorial entirety and administrative freedom.

B. China has neither.

1. Not to mention Manchuria, England and France are entrenched in spheres of influence within the empire.

2. China is denied the right to try foreigners, her own courts being displaced for these purposes by the consular courts of foreign nations.

II. Industry would remain stagnant if integrity were preserved.

A. The business methods in use to-day are antiquated.

B. Transportation facilities are so backward that people may starve in one province while there is plenty in another.

C. The Chinese people have neither the initiative to adopt improvements themselves nor of their own accord to permit others to do so.

III. The preservation of the integrity of the Empire would retard political progress.

A. The present Chinese government is a curse to the mass of the people.

1. The government is teeming with corruption.

2. The judicial department is venal throughout.

B. Reform cannot be expected from within.

1. The ruling class stands pledged to oppose reform.

2. Chinese character lacks the quality of initiative.

3. There is no national patriotism to be appealed to.

C. To attempt to preserve Chinese integrity would be to menace universal peace.

1. The foreign powers must be driven out of China.

2. The balance of power in Asia would constantly be threatened.

IV. The true solution of the Chinese problem is the continuation of present policy of foreign intervention.

A. The policy is definite, because "spheres of influence" and portions of territory have already been acquired.

B. The policy is practicable because these "spheres" follow natural boundaries.

C. The policy is safe, because no one nation can develop China's resources for itself.

D. The policy is just, because no part of human society has a right to hinder mutual intercourse which is necessary for the welfare of the world by closing its frontiers and because the Chinese people are better off to-day since the integrity of the Empire has been invaded.

## XVIII

### ACQUISITION OF TERRITORY IN THE ORIENT

RESOLVED, that the United States should not acquire further territory in the Orient except so much as may be needed for naval stations.

#### General References:

Brooks Adams, *America's Economic Supremacy*; A. J. Beveridge, *The Russian Advance*, pp. 173-207; D. C. Boulger, *America's share in a partition of China* in "The Crisis in China," pp. 215-235; W. E. Griffin, *America in the East*; J. H. Wilson, *America's interest in China* in "The Crisis in China," pp. 239-261; J. W. Foster, *American Diplomacy in the Orient*; P. S. Reinsch, *World's Politics at the End of the 19th Century*; *North American Review* 167, 393 (*Our Policy in China*); *Forum* 24, 385-396 (*The Policy of Annexation for America*, by James Bryce); Carman F. Randolph, *Law and Policy of Annexation*; F. H. Giddings, *Democracy and Empire*; *Atlantic Monthly* 83, 145; 82, 552; *Contemporary Review* 75, 782; *Booklovers' Magazine* 3, 86-87 (*America's Opportunity in the East*); *Independent* 55, 952-953 (*The Status of the United States in the Orient*, by John Barrett); *International Monthly* 3, 117-133 (*American Interests in the Orient*); *Anglo-American Magazine* 1, 422-439 (*American Policy in the Far East*); *World's Work* 3, 1591-1597 (*The New Pacific Empire*); *Annual Report of Foreign Commerce of the United States*; *Congressional Record*, Vol. 33, Pt. 1, pp. 704-712 (*Senator Beveridge*).

#### AFFIRMATIVE BRIEF

I. It would introduce serious governmental problems: *Nation* 67, 64 (*Justice Brewer's Warning*).

A. The Philippines have been a bone of contention and the cause of deplorable departures from the American form of government.

B. Our constitution was not formed for the government of a territory not a constituent part of this country, and without ultimate statehood in view; Forum 24, 392 (James Bryce).

C. The unfitness of the people of such territory for statehood would be indisputable, owing to inferiority, mentally and morally, of the inhabitants of such territory as the United States, by force or bargain, might acquire.

D. The government of such territory could not be solved as the Philippines will likely be, either by ultimate statehood or independence, but would require a colonial form of government with all its attendant train of evils.

II. We do not need to own territory in order to secure markets: Popular Science Monthly 55, 62 (Colonial Expansion and Foreign Trade).

A. Our greatest markets are with foreign nations.

B. Our trade with the Philippines is small compared with England's trade with them.

C. Superiority of products has always proved the best obtainer of markets.

D. An "open door" will give us all the advantages of trade without the disadvantages of government.

III. Acquisition of such territory would be an economical loss.

A. Naval stations are excepted from this question.

B. Large military forces would be necessary to maintain authority.

C. Increased navy would be required to protect territory in time of war.

D. Expenses of administration would be enormous.



IV. Territory is not required for national greatness.

A. The United States is practically undeveloped and will support many hundred millions of people: *Forum* 24, 394.

B. Standard of civilization, not enormous area, is the proper criterion of greatness.

### NEGATIVE BRIEF

I. The great need of the United States is foreign markets: Josiah Strong, *Expansion under New World Conditions*, pp. 72-104.

A. We produce one-third of all the factory products of the world, and are exporting over six hundred millions worth every year.

B. Any diminution of this amount would cause industrial distress while any increase means added prosperity.

C. We have reached a limit for the time being in our agricultural exports and must look to our manufactures to increase our exports.

II. Our greatest trade is in our own territory.

A. While our export trade in manufactures is large, it is only three per cent of the total manufactures, the internal trade amounting to many billions.

B. Our exports to other powers are largely agricultural and are not subject to much increase, while our manufactures are discriminated against by tariffs, making the outlook for increased trade with the powers and their colonies poor; *Independent* 53, 52-53; *Public Opinion* 28, 707-708.

C. Our new markets are to be found in the territory which we control; *Scientific American*, supplement 50, 20582-20583; *Congressional Record*, Vol. 37, pp. 2999-3000.

III. Acquirement of territory would materially assist in securing markets; *Overland*, n. s. 32, 364-365.

A. We could secure tariff concessions from other powers in return for the same.

B. We could better enforce the "open door," because of our strengthened position.

C. By reciprocity as to land owned by other powers and the "open door" as to remaining countries, we would be on a trade par with the world.

IV. Having secured equal footing with other nations by acquirement of territory, we would soon become the greatest commercial nation of all history.

A. Our transcontinental railways place us at an advantage on the Pacific.

B. The Panama canal will give our Southern and Eastern ports an advantage in Oriental trade over European ports.

C. Our high grade machinery, operated by American labor, the best on earth, enables us, on equal footing, to undersell other nations in the greater part of manufactured articles: *World's Work* 3, 1614.

D. The great commercial benefits would not be decreased by cost of government, for the colonial governments, sustained under power of Congress to govern territories would undoubtedly be self-supporting as are the colonies of other powers.

## XIX

### EXTENSION OF CONSTITUTIONAL GUARANTEES

RESOLVED, that the guarantees of the Constitution should be extended to all persons and territory under the permanent control of the United States.

#### AFFIRMATIVE BRIEF

##### References:

Story on the Constitution, II, Secs. 1322-30; Cooley, Principles of Constitutional Law, Chaps. VIII, XIV; Pomeroy's Constitutional Law, Bennett's Ed., p. 394; Annals of Congress, 8th Congress, 1st Session, 449-471; Congressional Globe, 30th Congress, 2nd Session, app. 273; Congressional Record, March and April, 1900 (See Indexes).

I. Their extension is demanded by our national principles, history and ideals.

A. Congress, in legislating for the territories, is bound to recognize these guarantees.

1. Congress has no authority outside the Constitution.

a. It is created by the Constitution.

b. The Constitution is the "supreme law of the land."

2. These guarantees are absolute restrictions on its power.

a. The first eight amendments are absolute prohibitions to infringement of personal rights.

b. Art. 1, Sec. VIII, secures equal tariffs "throughout the United States."

c. Art. 1, Sec. IX, prohibits the suspension of habeas corpus and granting of titles of nobility.

3. The people of the territories are under the jurisdiction of the Constitution and are entitled to these guarantees.

B. This has been our practice for a century, as in the cases of

1. Louisiana, 1803; 2. Florida, 1819; 3. Texas, 1845; 4. California, 1848; 5. Alaska, 1867; and 6. Hawaii, 1898.

C. Our republican government is opposed to imperialism.

1. Inequality between similarly situated political groups is incompatible with the spirit of a republic.

2. Our theory of territory is preparation for ultimate statehood.

3. Imperialism will help destroy our influence as a republic among other nations.

4. Imperialistic practices will undermine freedom and self-government at home.

II. Their extension is the most just and expedient course of action.

A. It fulfills our national duty toward our new possessions.

1. Having destroyed their governments, we should give them the best form of government possible.

2. They have a right to expect equality from a republic.

3. General Miles promised Porto Ricans privileges equal to those of American citizens.

4. It will raise their status as citizens.

B. It secures our own interests.

1. It will facilitate the exercise of our sovereignty.

2. Equal tariff duties will foster mutual confidence and trade.

3. Investment will be made more desirable.

## NEGATIVE BRIEF

### References:

United States Constitution; *Downes v. Bidwell*, 182 U. S. 244; *De Lima v. Bidwell*, 182 U. S. 1; *Forum* 29, 257 (This

article incorporates the brief of Judge Magoon); Congressional Record (See indexes).

I. Such extension would be unwise.

A. These people do not possess the necessary capacity or development.

1. They are inferior peoples.

2. They possess an inferior civilization.

a. Little over half of the Philippine group was under nominal Spanish control.

b. Nearly half of the people are savages.

c. Few have any conception of Anglo-Saxon institutions.

B. United States policy under the Constitution does not demand extension of these guarantees.

1. We have discriminated against other races, such as

a. The Negro.

b. The Indian.

II. Such extension would be inexpedient.

A. It would cause bitter racial feeling.

B. It would endanger our industrial system.

1. It would mean the destruction of all tariff barriers.

a. If the Constitution is to extend, there can be no tariff discrimination.

2. It would mean dangerous coolie immigration.

a. The Constitution guarantees the right of free movement.

b. This guarantee applies to Chinese and Japanese in our new possessions.

c. It would apply to native Filipinos whose immigration would be disastrous to white labor.

III. The guarantees of the Constitution do not extend themselves to new possessions.

A. The words "United States" in many places mean only the States.

1. This is true in the clause providing that taxes shall be uniform "throughout the United States": *De Lima v. Bidwell*, 182 U. S. 1.

a. The historical reasons for its insertion into the Constitution prove this.

b. The phrase "throughout the United States" elsewhere used in the Constitution refers only to the States; Art. 1, Sec. 8, pgf. 4; Article II, Sec. 1, pgf. 3; See *Sturges v. Crowninshield*, 4 Wheat. 122.

c. In the early days of the government, the internal revenue tax was not applied to Vermont, then a territory.

B. Congress has power to govern territories without the complete application of the Constitution.

1. This power has never been questioned whenever territorial acquisitions have been made.

2. It is a necessary sequence to the power to make war, for naturally territory would be acquired where it would be impossible to extend the Constitution in entirety.

## XX

### PRESERVATION OF ORDER IN SOUTH AMERICA

RESOLVED, that the United States should assume responsibility for the preservation of law and order in the South American Republics.

#### General References:

J. W. Foster, *A Century of American Diplomacy*; J. H. Latane, *Diplomatic Relations of the United States and Spanish America*; Theodore Roosevelt, *American Ideals*; E. J. Phelps, *The Monroe Doctrine in America and Europe*; John Chetwood, *Manila or Monroe Doctrine*; Benjamin Kidd, *The Control of the Tropics*; *Outlook* 74, 949 (*Latin America and the United States*); *19th Century* 53, 587 (*South American Republics and the Monroe Doctrine*); *Annals American Academy* 22, 153 (*Failure to Develop Trade with South America*); *Chautauqua* 34, 469 (*Our Dog in the Manger Policy in South America*); *Out West* 17, 340 (*United States' Policy towards South America*); W. E. Curtis, *Trade and Transportation between the United States and South America*; *United States of South America*; *Arena* 32, 480-489; *World's Work* 7, 4480-4484 (*South America and our Responsibility*).

#### AFFIRMATIVE BRIEF

I. Maintenance of the Monroe Doctrine requires our maintenance of order.

A. We warn all nations to keep hands off.

B. Constant disorder prevails in many Latin-American countries.

C. If other nations are kept by us from preserving order and protecting their citizens, then we must do it.

D. Natural justice requires this.

1. Nations are expected to and should enforce protection of their citizens.

2. Nations have a right to demand that their moneyed interests shall not be destroyed.

II. Intervention need only be made in extreme cases.

A. Other nations should be permitted to treat with the republics as to protection of their citizens and investments as long as territory, including custom houses, is not seized and no injustice done.

B. Internal troubles need not be considered unless lives or property of foreigners are in danger.

III. Our intervention is justifiable.

A. American interests are rapidly becoming the dominating foreign interests in these republics and we are their natural guardian.

B. Riot and revolution are so frequent as to endanger foreign interests.

C. Continual internal troubles preclude progress and prevent higher civilization.

D. As the Republic of Republics, we are interested in the progress of republics.

IV. The work of maintaining order would not be difficult.

A. Most of the revolutions are personal in character.

B. 80% of the people take no part in the Governments.

C. Our present navy could easily do the work.

D. It is merely ancillary to the maintenance of the Monroe Doctrine.

V. It is America's duty.

A. In the eyes of the civilized world, we are responsible for these republics.



B. The growth of American investments, the building of the Panama canal and the settlement of Americans throughout South America combine in making necessary this form of protectorate over South America.

### NEGATIVE BRIEF

I. Conditions in South America do not warrant nor demand such an assumption on the part of the United States.

A. Revolutions are no more frequent than in other tropical countries.

B. When revolutions occur, lives and property of foreigners are seldom endangered.

II. The theory is radically wrong.

A. It violates sovereign rights.

B. There is no authority for it in international law.

C. On the same theory, England could have intervened in our Civil War.

D. The policy of the United States has always been to exercise moral influence and not to establish protectorates by force.

III. The task would be an onerous one.

A. It would require a large standing army.

B. We would be forced to send our soldiers into unhealthy tropical regions.

C. The navy would have to be increased.

D. The effect upon our political and industrial welfare would be deplorable.

IV. It would be disadvantageous to the South American republics.

A. It would result in extensive warfare, for the Latin-Americans would never peaceably accept our intervention.

1. They are in constant fear of us and we are their most-hated nation.

2. The Panama-Colombian affair increased their distrust.

B. We would take away from them the greatest incentive for good government—responsibility for the result of their own conduct.

C. We would deprive them of the inalienable right to work out their own destiny.

V. It is not desirable.

A. The South Americans are bitterly opposed to it.

B. American citizens almost universally believe that it is better to devote our energies to governing well our own country than to domineer a hemisphere.

## XXI

### ANNEXATION OF CUBA

RESOLVED, that Cuba should be annexed to the United States.

#### AFFIRMATIVE BRIEF

##### References:

S. E. Forman, *Life and Writings of Thomas Jefferson*, pp. 185-186; *Congressional Record*, Vol. 35, pp. 145-149; Vol. 38, pp. 155-156; pp. 271-272, 348-350 (Senator Newlands); Senate Report No. 15, 58th Congress, 1st Session; *North American* 183, 1037-40; 185, 141-6; *Century* 34, 788; *Forum* 32, 623; *Appleton's Magazine* 8, 406-11; *Review of Reviews* 34, 424-30.

I. It would be to the political advantage of the United States.

A. It would relieve us of a national problem.

1. Besides the war of 1898, we have had continual trouble about Cuba.

2. It now exists as a State only by virtue of the Monroe Doctrine and the Platt Amendment.

B. Cuba is needed from a military standpoint.

1. It endangers our southern coast line and separates us from Porto Rico.

2. It commands the Panama Canal.

3. It would give us control of the Caribbean Sea.

C. Cuba is a desirable political acquisition.

1. Cubans have shown themselves capable of conducting a State.

2. The negroes constitute but 14% of the population and the illiteracy is less than in many of the Southern States.

II. It would inure to the political advantage of Cuba.

A. It would assure them of the protection of the United States army and navy as a right instead of a favor.

B. It would give them a voice in the making of our commercial laws which so vitally affect them.

III. It would benefit Cuba commercially.

A. It would remove tariff barriers thereby greatly stimulating sugar and tobacco industries.

B. It would cause American capital to be freely invested in upbuilding the country.

IV. It would benefit the United States commercially.

A. It would add a rich domain.

B. It would afford an immense unrestricted market for our products.

C. It would aid in self-sustainment by furnishing tropical products which we now have to import.

## NEGATIVE BRIEF

### References:

Carman F. Randolph, *Law and Policy of Annexation*; Congressional Record, Vol. 38, p. 270 (Senator Hale); p. 272 (Senator Platt); p. 274 (Senator Spooner); *Forum* 30, 139; 24, 335-396; *Independent* 54, 193, 789; *Century* 34, 794; *North American* 170, 284; 172, 403; *Nation* 73, 466; *Public* 22, 815-6.

I. It would not benefit us politically.

A. The Cubans are not a desirable acquisition to our body politic.

1. The population consists principally of Latin-Americans, Negroes and Indians.

2. The percentage of illiteracy is high.

B. Their government would be a problem.

1. They are not fit for statehood.

2. After independence, they would not be content with territorial government.

C. Annexation would breed trouble.

1. They do not want annexation.

2. They do not conceal their hatred for Americans.

3. Our disastrous experience with the Philippines would be repeated.

4. Our prohibition laws would be objectionable to the Cubans.

D. We would gain nothing from a military standpoint.

1. The Platt amendment gave us naval stations.

2. It would mean more territory to defend.

3. We would need a larger army for we would have to preserve order in Cuba.

II. We would not benefit commercially.

A. Tariff duties would necessarily be abolished to our detriment.

1. We would give a large market for a small one.

2. We would lose considerable revenue.

3. Certain of our industries would be ruined.

a. Neither the cane nor beet sugar producers could withstand free Cuban sugar; Congressional Record, Vol. 38, pp. 172, 231.

b. Our tobacco growers could not compete with free Cuban tobacco.

B. We can sell as many goods under present conditions as we could under annexation.

C. Investment for American capital is safer under present conditions: I, C, supra.

## III. Cuba is entitled to independence.

A. Her long and depleting wars for liberty deserve freedom.

B. She has the inalienable right to govern herself as she sees fit, and she does not desire annexation.

## XXII

### ANNEXATION OF CANADA

RESOLVED, that it would be to the advantage of Canada to become a part of the United States.

#### General References:

Statesman's Year Book; J. H. Gray, Confederation, Vol. 1, pp. 294-304; Sir Edward Watkins, Canada and the States, Chap. 18, pp. 374-431; Canadian Magazine, 19, 182; 16, 215 (Imperialism v. Annexation); Independent 54, 721; National Magazine 19, 184; Living Age 237, 414; Alexander Munro, The United States and Canada; the future.

#### AFFIRMATIVE BRIEF

##### References:

E. J. Payne, European Colonies, p. 381; Goldwin Smith, Canada and the Canadian Question, pp. 237-301; Forum 6, 241; 7, 361, 529; Century 38, 236; Public Opinion 14, 349; North American Review 136, 326; 139, 42-50; Canadian Leaves, pp. 247-267.

I. Canada would derive more material advantages from the United States than from England.

A. She would share in the general prosperity of this country.

1. The United States is far ahead of England in material prosperity.

B. She would have the opportunity to develop her industries.

1. American capital and industrial genius would supply the demand for Canada's products.

C. Her standing debt could be reduced.

1. The influx of capital would make possible heavier taxation.

D. Many railroads would be built, thereby opening and developing new lands.

1. Idle American capital would seize the opportunity for investment, feeling sure of protective legislation by Congress.

E. Canada would be more secure in time of war.

1. The American army and navy are at least as efficient as those of England.

2. They would be available on shorter notice and at less expense.

II. Canada would have greater political advantages.

A. She would have a voice through her representatives in international affairs.

B. She would avoid the expense of a separate general government.

C. American settlers would flock to Canada: *Cosmopolitan* 34, 603.

D. Union would eradicate political difficulties such as sealing, fisheries, boundaries, etc.

E. Political liberty and freedom of the press would be extant.

F. America would truly be for Americans.

III. Canada's trade would be greatly increased.

A. United States would furnish a splendid market for her raw materials: *North American Review*, 151, 212-222.

B. She would secure our manufactured articles at first cost, and imports would increase.

C. Abolition of customs and inspection laws would facilitate commerce.



**NEGATIVE BRIEF****References:**

James Douglas, *Canadian Independence, Annexation and British Imperial Federation*, pp. 46-109; Watson Griffin, *The provinces and the states—Why Canada does not want Annexation*; *Annals American Academy* 1, 1-25; *Forum* 9, 562; 16, 325; *Public Opinion* 6, 214, 323.

**I. Annexation would not benefit Canada.****A. Her government would not be improved.**

1. The Canadian government is as representative as the government of the United States.

a. The people are represented in a Federal parliament.

b. Local parliaments for the provinces also exist.

c. The executive power is in the hands of a Governor-General and his Cabinet.

2. The executive officer of Canada is held more responsible to the people than the President of the United States.

a. The President is elected for four years, during which time he is responsible to no one.

b. The Premier holds his office as long as he has the confidence of a majority in the Federal parliament.

3. In Canada all powers not expressly reserved to the provinces belong to the Central Government; in the United States, all powers not expressly claimed by the Central Government belong to the States. The former Government is the best for Canada.

a. The people are accustomed to it and prefer it.

b. The people are too scattered in many parts for anything but a centralized government.

**B. Her religious conditions would not be improved.**

1. There is no State church in Canada, and the utmost religious liberty prevails.

2. The standard of religion in Canada is very high, and would suffer by union with the United States.

- a. We are not, as a whole, so religious.
- b. We are not as strict about Sunday laws.

C. Her financial affairs would not be improved.

1. Annexation to the United States would not release Canada from the burden of her heavy public debt for the United States does not assume the public debt of a State.

2. The people would be more heavily taxed.

a. The United States taxes would be added to the already large amount imposed.

D. Her commercial interests would not be improved.

1. With her growing commerce, Canada does not need the doubtful aid which she might get as a state of the Union.

a. With her available capital and her increasing gold production, she does not need American capital.

b. She does not need American trade for her raw materials are now shipped duty free to England, and England can supply her with manufactured articles not manufactured by her.

2. Moreover, annexation would be injurious to the infant home industries of Canada. Many manufacturing plants built in Canada by American manufacturing concerns would be closed.

a. The protective duty, with reference to the United States, would be removed.

b. Canada cannot compete with the United States on equal terms.

II. Annexation would be disadvantageous to Canada.

A. Legally: *Annals American Academy* 1, 14-17.

1. Congress rushes through poorly digested laws.

2. In Canada, careful attention is given by selected members of the Cabinet to all government bills.

B. Politically, by the cost and turmoil of our elections and the acquisition of our industrial and racial questions.

## XXIII

### INDEPENDENCE OF PANAMA

RESOLVED, that the United States was warranted in recognizing the independence of Panama.

#### AFFIRMATIVE BRIEF

##### References:

Congressional Record, Vol. 38, pp. 216-218 (Representative Crumpacker); pp. 9-11 (President Roosevelt's Annual Message, Dec. 7, 1903); pp. 428-435 (President Roosevelt's Special Message, January 4, 1904); pp. 436-442 (Senator McComas); pp. 529-544 (Senator Lodge); pp. 1113-1121 (Senator Dolliver); pp. 1348-1351 (Senator Simmons); pp. 1583-1589 (Representative Grosvenor); pp. 1606-1611 (Senator Fairbanks); pp. 1845-1850 (Senator Clay); pp. 2286-2290 (Senator Cullom); pp. 2487-2512 (Senator Spooner); Harper's Weekly 48, 8-9; Chautauqua 39, 23-49; Outlook 76, 100-102; Congressional Record, Vol. 53, pp. 4156-9; Monroe Doctrine and the Panama Canal (T. Roosevelt), Outlook 105, 745-54.

I. Speedy construction of the canal demanded it.

A. American people were impatient at delay.

B. The term of office of the executive who was empowered to act was near its close.

C. Business interests were in immediate need of the canal.

D. Passageway for war-vessels was urgently needed.

II. Necessary arrangement with Colombia could not be made.

- A. The Hay-Herran treaty had been necessarily rejected.
  - B. A second treaty was out of the question.
    - 1. Colombia's demands would never have been acceded to.
    - 2. Colombia had lost jurisdiction of the subject matter.
- III. Panama was the proper party to deal with.
- A. The government had been unanimously established.
  - B. All traces of Colombia's sovereignty had been removed.
  - C. The new government was sure of permanence.
    - 1. The revolutionists were well organized while Colombia was in a deplorable condition from a military standpoint.
    - 2. The United States was bound by Treaty of 1846 with Colombia to keep the Isthmus open and was required to prevent hostilities.
- IV. Panama was morally entitled to recognition.
- A. Colombia had not treated her fairly.
    - 1. Her elections were controlled by Colombia, who selected mercenaries.
    - 2. Taxes laid in Panama were never spent there, even in part.
  - B. Unless we had interfered, Panama would have been seriously if not fatally delayed in securing to her the greatest of all blessings—the canal.
- V. The interests of the world required recognition.
- A. It was incumbent upon the United States in the interests of civilization to build the canal.
    - 1. Enforcement of Monroe Doctrine prevented any European power from building the canal.
    - 2. South American nations were not capable.
  - B. Civilization was best advanced not by restoring Colombia to her "dog in the manger" policy, but rescuing the oppressed Panamanians and making certain the building of the canal.

## NEGATIVE BRIEF

## References:

Congressional Record, Vol. 38, pp. 121-129, 134-135 (Representative Dinsmore); pp. 134-135 (Representative Williams); pp. 261-264 (Representative Parker); pp. 291-293 (Senator Hoar); pp. 293-295 (Senator Gorman); pp. 337-342 (Representative Beall); pp. 247-353 (Senator Daniels); pp. 2213-2224 (Senator Morgan); Review of Reviews 29, 334-337; Harper's Weekly 47, 2053-2054; Professor Woolsey on the Panama Question, Outlook 76, 248-249; Current Opinion 57, 82-4; Review of Reviews, 49, 263-6; Harper's Weekly 59, 548-9; 62d Congress, 2d Session, Senate Document No. 380.

## I. Recognition was too hasty.

A. It was in violation of international law.

1. The government was not permanently established.

2. It was not capable of maintaining itself.

3. Colombia was not given an opportunity to suppress the rebellion.

B. Negotiations were pending with Colombia.

1. Hay-Herran treaty had been revoked because naturally Colombia desired to make a good bargain and the treaty had been forced upon it.

2. Colombia would have acceded to a reasonable treaty and offered to do so prior to Panama's recognition.

## II. It was not necessary for canal purposes.

A. With the United States' assistance, rebellion blocking the transit could have been suppressed in short time and satisfactory negotiations made with Colombia.

B. The Nicaragua canal was still available and, in the minds of many, preferable, in case of failure to secure satisfactory terms from Colombia.

## III. It was in violation of the treaty of 1846 with Colombia.

A. We violated the clause guaranteeing Colombia's sovereignty over the Isthmus by forbidding her troops to land.

B. We prevented Colombia from fulfilling her duty under the treaty to protect transit.

IV. Its result is disastrous to this nation.

A. It has lessened the confidence of foreign nations in us.

B. It has weakened our hold on other American States, aroused their fears, excited their enmity and invited European intrigue.

C. It has set a bad precedent in hasty executive action.

V. It is contrary to the principles of our government.

A. It disregards rights of weak nations.

B. It encourages secession.

## XXIV

### DIRECT ELECTION OF SENATORS

RESOLVED, that the present method of electing United States Senators by the direct vote of the people is preferable to the former method.

#### AFFIRMATIVE BRIEF

##### References:

Congressional Record, Vol. 35, Pt. 5, pp. 5205-5210; Pt. 7, p. 6594; pp. 6588-6595; Vol. 26, Pt. 8, pp. 7775-7777; Vol. 35, Pt. 7, pp. 6593-6594; pp. 6590-6593; Pt. 4, pp. 3976-3983; pp. 3983-3984; Vol. 31, Pt. 5, pp. 4816-4817; pp. 4817-4818; Vol. 26, 10, Appendix 2, pp. 1134-1136; Senate Reports, 52nd Congress, 1st Session, No. 794, Pt. 2; 53rd Congress, 2nd Session, No. 916; 54th Congress, 1st Session, No. 530; 57th Congress, 1st Session, No. 406; House Reports, 52nd Congress, 1st Session, No. 368; 53rd Congress, 2nd Session, No. 944; 54th Congress, 1st Session, No. 994; 55th Congress, 2nd Session, No. 125; 56th Congress, 1st Session, No. 88, Pt. 2; 57th Congress, 1st Session, No. 125; Public Opinion 28, 516; Review of Reviews 27, 400; Arena 10, 453; 21, 391; 27, 455; Independent 54, 672; Nation 77, 375; Outlook 103, 827-8; 104, 16-8; 88-9; Arena 41, 461-6; Nation 79, 295; See Griffin's (Library of Congress) List of References on the Popular Election of Senators; Senate Document No. 512, 60th Congress, 1st Session.

I. The history of the former system shows that it was adopted because of a lack of confidence in the people, which no longer exists: Elliott's Debates, Vol. 5, p. 168.

A. The founders of this Government would not trust the election of Presidents nor the selection of judges to the people.

B. The average voter to-day is of much greater intelligence than the average voter in 1789.

1. He is better educated.

2. He has a better understanding of political questions and conditions.

II. The former system was not satisfactory.

A. It caused states to go unrepresented.

1. Delaware was without a Senator for several years.

B. It developed bossism in State politics.

1. Rhode Island and Pennsylvania were examples of States ruled by Senatorial bosses elected by legislators.

C. It caused deadlocks which wasted time and money: Independent 55, 298; Public Opinion 26, 388.

D. It fostered gerrymandering which defeated the will of the people: Arena 21, 311-326.

E. It was productive of corruption.

1. It was easier to bribe one representative than it was to bribe a thousand constituents.

2. By use of money in a small body of men, corporations could elect their pets and millionaires could buy senatorial seats.

3. Instances of corruption were common.

F. It seriously interfered with the work of State legislatures.

1. Men were selected, not for their fitness as legislators, but for their choice for Senator.

2. Important measures were neglected for Senatorial election turmoils.

III. Direct election has done much to remedy these evils and in other ways better conditions.

A. It makes the Senators directly responsible to the people.



B. Senators like those indicted for various crimes would never be elected by the people.

C. A popular candidate must have personal worth.

IV. The people favor it as shown by the adoption of the Constitutional Amendment providing for direct election.

### NEGATIVE BRIEF

#### References:

James Bryce, *The American Commonwealth*, Pt. 1, Chap. 12; *The Federalist*, No. 62; *Elliott's Debates V.*, 166-170; *Story's Commentaries on the Constitution*, sections 703-705; *Congressional Record*, Vol. 26, Pt. 8, p. 7777; Vol. 28, Pt. 7, pp. 6157-6160; Vol. 31, Pt. 5, pp. 4811-4612; Vol. 35, Pt. 4, pp. 2979-2981, and Pt. 5, pp. 5205-5208; Pt. 5, pp. 5204-5209; pp. 5205-5208; pp. 5209-5210; Pt. 7, pp. 6594-6595; *Senate Reports*, 52nd Congress, 1st Session, No. 794, Pt. 1; 54th Congress, 1st Session, No. 530, Pt. 2; 57th Congress, 1st Session, No. 406 (Contains list of Principal Speeches and Reports made to Congress on this subject); *Outlook* 61, 27; *Century* 65, 499; *Arena* 24, 14; *Forum* 18, 270; *Public Opinion* 22, 485; *Independent* 12, 1292; 52, 1292-4; *Nation* 96, 380-1; *North Am. Review* 188, 700-15.

I. The former system was an essential part of the Constitutional system of checks and balances.

A. One legislative body represented the people; the other, the States.

B. Different methods of election produced more opposite bodies of men.

C. It opposed mature judgment of legislators in selection of one body to popular sway in direct election of the other.

D. If the Senators are elected by the people, numerical representation should apply as well to Senators as to Representatives.

II. The former system worked well for over a century.

A. The Senate was always an able and dignified body which cannot be said of the direct Representatives of the people in the House.

B. Being an independent body, not answerable to the people, it checked harmful legislation passed by the House at the pressure of popular clamor.

C. It secured the services of the best and brainiest men of the nation.

1. Legislatures select not the most popular, but the best fitted men for the Senate.

2. Legislatures are more prone to select good men than are the people.

D. Its merit is shown by its adoption by other nations.

1. Germany and Switzerland select their higher legislative bodies by similar methods.

2. Many South American republics have been instituted since the formation of our Government and they have invariably adopted this method: Review of Reviews, 32, 55.

III. Popular election is lowering and will continue to lower the personnel of the Senate.

A. Nominating conventions are apt to be stampeded by demagogues.

B. Party bosses dominate such conventions.

C. Senators are chosen by secret ballot of irresponsible men, not under oath, instead of being chosen by responsible legislators.

D. Bribing is much more frequent in nominating conventions than in legislatures.

E. The number of demagogues in the Senate is increasing.

IV. Popular election tends towards centralization of power in the National Government, which is to be guarded against.

A. It violates the compact rights of the States.

B. History teaches that it is a forerunner of downfall.

## XXV

### DIRECT ELECTION OF PRESIDENT

RESOLVED, that the President of the United States should be elected by the direct vote of the people.

#### General References:

Preparing to vote, Outlook 110, 889-90; President and the Primary, New Republic 3, 145-6; President Wilson and presidential primaries, Outlook 105, 792-5; Presidential primaries, Outlook 105, 783-5; Direct nomination of candidates for the Presidency, Independent 77, 254-5; Must national conventions be remanded to the scrap heap, Current Opinion 56, 2-3; Nominating primary, North American 250, 235-43; Republicans and the presidential nomination, Independent 76, 570.

#### AFFIRMATIVE BRIEF

##### References:

James Bryce, *The American Commonwealth*, Pt. 1, pp. 37-53; C. A. O'Neil, *The American Electoral System*, Chapters 8, 9 and 10; Edward Stanwood, *A History of Presidential Elections*, Chapter 1; Curtis, *Constitutional History of the United States*, pp. 101-102; *Forum* 24, 257-267 (*Dangerous Defects of our Electoral System*, by J. G. Carlisle); 651-659.

I. The present system is not founded upon State sovereignty for, if it were,

A. Every State would have been given an equal number of electoral votes.

B. The electors would have been required to vote as a unit.

C. They would not have been left at liberty to vote for different candidates if, in giving their votes, they were to represent the States as a political corporation.

II. The present system is entirely inconsistent with the system adopted by the framers of the Constitution.

A. They intended that each elector should be free to vote for whomsoever he pleased, not anticipating political conventions making the electors mere dummies forced to vote for party nominees.

B. The only way in which the present system corresponds with the original system is in the voting by States, and the electors actually meeting and going through the process of voting.

III. The present system is unjust.

A. It promotes corruption in States with large electoral votes such as New York where the purchase of 500 votes might alter the election.

1. In 1884, 600 votes taken from Cleveland and given to Blaine would have put New York in the Republican column.

2. The temptation for corruption is certainly greater where 600 votes would bring in thirty-nine electoral votes than where counted as a part of a popular vote of 13,000,000.

B. It makes the individual value of the voters in the several states unequal.

1. In 1884, the transfer of 600 voters would have over balanced the electoral vote of eight States with pluralities aggregating 110,000, viz., Colorado, Minnesota, Nebraska, New Hampshire, Oregon, Rhode Island and Vermont.

2. Under the present system, the election may narrow down to one State, or even one city.

C. Campaign orators and campaign literature are not sent into the smaller States, especially those which are not doubtful, thereby depriving the voters in those States of familiarizing themselves with the issues.

D. It discourages voting in States where the result is not in doubt as in Pennsylvania and Texas (Bryce's American Commonwealth, Pt. 1, pp. 40-41), and eliminates the minority vote, as shown by

1. The decrease in popular votes in many States at presidential elections as compared with the votes at State elections.

2. In 1888, 648,795 votes in the State of New York gave thirty-six electoral votes to Harrison, while 635,757 votes for Cleveland were practically thrown away: Forum 24, 654.

E. The best men are not always chosen for President.

1. Only men from large and doubtful States can secure the nominations: Bryce's American Commonwealth, Pt. 1, p. 77.

2. It has prevented many distinguished men from small States from being nominated.

F. The present system gives rise to the greatest of all political evils, viz., that a man was actually chosen President by a majority of the votes of his countrymen, but defeated in the Electoral College.

1. In 1824, Andrew Jackson had a larger popular vote than John Quincy Adams, carrying thirteen of the twenty States, but lacked a majority of electors.

2. In 1888, Grover Cleveland had a plurality of 98,017, but Benjamin Harrison was elected.

IV. The present system is cumbersome and renders possible certain conditions which would be exceedingly intricate; Forum 24, 263-266.

V. It causes the concentration of vast sums of money with which to carry pivotal States.

## NEGATIVE BRIEF

### References:

Story, Commentaries on the Constitution, section 1453-1460; Elliott's Debates, Vol. 2; The Federalist, No. 67; United States Constitution, Twelfth Amendment; The Works of James Wilson,

Vol. 2, p. 187; North American Review 140, 124-128; Century 7, 124; American Law Review 12, 1; Nation 103, 501-2.

I. The superior merits of the electoral system have been recognized by successive generations.

A. It was chosen from the many methods suggested by the framers of the Constitution: O'Neil's American Electoral System, p. 831.

B. No amendment has ever been offered the people of the States on the subject although many have been proposed in Congress.

II. The choice of the President by a majority vote would cause:

A. Greater inequality in the influence of the States.

1. This violates the spirit of the Constitution.

a. Two Senators were added to the number of Representatives, without regard to population, in order to cause a "partial equality" in the influence of the States.

b. The number of electors allowed a State was equal to the number of its Representatives and Senators, in order to produce a "partial equality" in the Electoral College.

2. A large State might have an undue influence in determining an election.

a. A large State going overwhelmingly one way would affect small majorities given in many large States.

3. The interests of the smaller States would be sacrificed to those of the larger.

a. A President seeking re-election would seek to popularize himself in a greater degree in the larger States by favoring them.

B. Greater corruption in State politics.

1. Instead of the small majority now necessary, the dominant party would seek to increase its majority by

a. More frequent ballot box stuffing.

- b. The use of future patronage.
- c. The free use of money.

2. A hopelessly beaten party in a State would seek to increase its votes in order to help its party to carry the election by fraudulent means.

C. The election to be held again when any candidate failed to get a majority vote, causing a loss of time and money.

III. The choice of the President by a plurality vote would allow a man representing a small proportion of the people to be elected.

A. Several parties of about equal strength representing different sections might be in the field, and the successful candidate poll only a small plurality.

B. He might be the candidate out of the several in the field who would be most distasteful to a majority of the people of the Union.

C. One section might elect a President.

1. The South might remain solidly Democratic, while the rest of the Union might scatter its votes, and permit the South to continually elect a President by a small plurality.

IV. Either of these methods of choice would make the United States a centralized government.

A. The President would be chosen not by the people of the individual States, but by the people of the United States.

B. The States would lose their identity in their choice of an executive.

V. Such centralization would violate the spirit of the Constitution.

A. "In fact, and in theory, the Union is an association of States or a confederacy. The States are the parties to the compact." Alexander Hamilton: *Sage's Republic of Republics*, p. 1.

B. "For in all its provisions the Constitution looks to an indestructible union of indestructible States." S. P. Chase: Sage's Republic of Republics, p. 1.

C. "The States never conceived the idea of consolidating themselves into a government or ceasing to be States." Daniel Webster: Sage's Republic of Republics, p. 1.

VI. It would be unjust to the smaller States to put this amendment in the Constitution.

A. It would impair a contract unless all of the States accepted the amendment, for the Constitution is a compact and "the States are the parties to the compact."

B. The smaller States would never consent to the yielding of their approximate equality.



## XXVI

### DIRECT PRIMARIES

RESOLVED, that party candidates for state, county and city elective offices, and for the State and National Legislatures should be nominated by a direct vote throughout the United States.

#### General References:

Municipal Nomination Reform, *Annals American Academy* 25, 203-217; Political Movements in the Northwest, *Review of Reviews* 31, 337-41; Primary law of North Dakota, *Outlook* 79,611; Recent amendments to primary laws, *Annals American Academy* 25, 326-7; Reform of primaries, *Current Literature* 37, 22-4; Independent 56, 1006-10; Joint primary plan in Massachusetts; *Outlook* 74, 537; More victories for direct primaries, *Outlook* 75, 237; Progress of direct primary reform, *World's Work*, 6, 3715-6; Chautauquan 38, 9; Primary reform, *Nation* 77, 5; Primary election movement, *Forum* 33, 92-102; Democracy in nomination, *Chautauquan* 35, 114; Gains and losses for direct primaries, *Outlook* 70, 745; Direct nominations, *Nation* 75, 85; Direct primaries, *Harper's Weekly* 46, 1070; Test of the Minnesota primary election system, *Annals American Academy* 20, 616-26; Theory and practice of the new primary law, *Arena* 28, 585; *Congressional Record*, Vol. 38, p. 5572 (Representative Baker); *Arena* 35, 587-92; *Chautauquan* 45, 262-5; *World* 11, 735-8; Failure of the primary, *Forum* 50, 48-58; Forestalling the direct primary in Oregon, *Political Science Quarterly* 27, 648-68; Non-partisan campaign for direct primaries, *Outlook* 104, 353-4; Direct primary (T. Roosevelt), *Outlook* 104, 555-6; Direct primary (W. H. Taft), *Popular Government* 96-121; Logic of the

direct primary, Nation 98, 133-4; Can You Trust the Primaries (Collier's) 73, 8-9.

### AFFIRMATIVE BRIEF

- I. The caucus and convention system involves many evils.
  - A. It is not truly representative.
    1. Voters do not and will not attend the most highly legalized caucuses.
    2. Delegates cannot know the wishes of all their constituents on all candidates.
  - B. It has resulted in boss domination and ring control.
    1. The candidate is responsible to the politicians who nominate them.
  - C. The best men are not chosen to run for office.
    1. A convention is not a deliberative body.
      - a. Its method is that of trading votes.
      - b. It merely adopts the platform and party policy prepared by the party boss before the convention.
    2. Poor men are prevented by expense from running.
  - D. It is disrupting party organization.
    1. It places control of the party in the hands of a boss or machine.
    2. It denies to the individual any voice in party management or policy.
- II. The system of direct nominations will remedy these evils.
  - A. It will be more fully representative.
    1. It places nominations in the hands of the people.
    2. It will increase attendance at primaries.
  - B. It will result in the choice of better candidates.
    1. The people will have two checks instead of one on bad candidates.
    2. The boss cannot control nominations by such a large number of voters.

3. Better men will run for the nomination.
  - a. Experience has shown that it is not so expensive.
- C. It will destroy machines and boss rule.
  1. It will be harder for the boss to gain control.
    - a. More men will attend the primaries.
  2. The machine cannot put up straw candidates to split the vote.
  3. A machine combination cannot be kept secret.
  4. The candidate will be responsible to the people and not to the machine.
- D. It will strengthen parties.
  1. Members will have an active part in selecting representatives.

### NEGATIVE BRIEF

- I. The system of direct nominations will not improve existing conditions.
  - A. It will not check materially the power of the political boss.
  - B. It will not result in the selection of better candidates.
    1. Undesirable men will still run for office.
    2. The voters will not choose discriminatingly.
    3. Less than a majority of voters will participate in primaries.
- II. The Direct Primary will create new evils.
  - A. It will destroy party organization.
    1. There will be no way of formulating platforms.
    2. An unrepresentative ticket will be nominated.
    3. A bitter personal campaign will be necessary in order to secure the nomination.
  - B. It will increase the opportunity for the corrupt use of money.
    1. Expense to candidates will be increased.

2. The Direct Primary will give peculiar opportunity for bribing voters.

III. The Direct Primary will be particularly objectionable when applied to the wide extent demanded.

A. It will be ineffective in the nomination of state officers.

B. It will be objectionable in large cities.

C. It should not be used in nominating candidates for offices requiring technical skill, such as School Superintendents, Railroad Commissioners, Judges, etc.

IV. The party system is satisfactory.

A. It is in accordance with the principles of representative government.

B. A few representatives selected by the people themselves can better determine the fitness of the proposed candidates than can all the people at a primary.

C. Many good men and few bad men have been selected by the convention system.

## XXVII

### INITIATIVE AND REFERENDUM

RESOLVED, that the initiative and referendum should be generally adopted.

#### AFFIRMATIVE BRIEF

##### References:

E. P. Oberholtzer, *The Referendum in America*; J. W. Sullivan, *Direct Legislation*; S. Deploige, *The Referendum*; *Atlantic Monthly* 73, 517; *Arena* 7, 696; 18, 613; 32, 377-91; *Public Opinion* 18, 440; *Contemporary Review* 67, 328; *Political Science Quarterly* 13, 1; Bryce, *The American Commonwealth*, Vol. 1, Ch. 39; *North American* 185, 69-74; *Problem of democracy and the Swiss Solution*, *Edinburgh Review* 218, 257-77; *Referendum at Work*, *Edinburgh Review* 220, 26-40; *Annals of American Academy* 43, 3-16; 65-77; 110-45; *Chautauquan* 73, 29-34; *Harper's Weekly* 55, 9; *Arena* 39, 618-9; 40, 241-2; *Living Age* 255, 451-61; *Independent* 69, 734-6; *Yale Review* 4, 289-304; *Atlantic Monthly* 109, 122-31; *Independent* 73, 371-3; *Munsey's* 45, 19-26; 46, 329-34; *Review of Reviews* 38, 21; *World's Work* 22, 14437-8; *Congressional Record*, Vol. 49, pp. 4713-50; Vol. 51, pp. 14024-8; 16291-3.

- I. The evils in our present system need to be remedied.
  - A. Voters sacrifice every issue to the paramount issue.
  - B. Voters sacrifice principle to party.
  - C. Voters sacrifice principle to men.
  - D. State officials are chosen because of their advocacy of national issues having no state politics.

E. Legislatures are given to long sessions and useless debates.

II. It would render bad legislation impossible.

A. Corrupt legislation would become ineffective.

B. The evil result of ignorant legislation would be abolished.

C. Lobbying would be useless.

III. A better expression of the will of the people would be obtained.

A. The vote would not be restricted to party lines.

B. Mere regard for leaders would not control.

C. The real desires of the people would become apparent.

D. The legislators would have a reliable index to the trend of public opinion.

IV. The people are fit for the initiative and referendum.

A. Technical questions would be determined by the legislature.

B. Only questions of real interest to the body politic would be presented.

1. The questions to be decided would be chosen by the people through petition.

C. The legislators always consult with their constituents and try to follow the drift of public opinion.

D. Conservatism would be promoted.

1. The great body of people oppose radical changes.

2. Changes would be made only as a real need became apparent.

V. It is not true that the initiative and referendum would unsettle Constitutional law.

A. The initiative and referendum is legislative, not judicial, in scope.

B. The courts would have ultimate authority.

## NEGATIVE BRIEF

## References:

H. S. Mayne, *Popular Government*; J. H. Hyslop, *Democracy*; Bryce, *The American Commonwealth*, Vol. 1, pp. 465-475; Lowell, "Governments of Continental Europe," II, chap. 12; Woodrow Wilson, "The State," pp. 311 ff, Also Index; *Use and Abuse of Direct Democracy*, Outlook 110, 677-84; *Reforming the Referendum*, Sunset 34, 861-2; W. H. Taft, *Popular Government*, pp. 42-95; James Boyle, *Initiative and Referendum, Its Folly, Fallacies and Failure*, Nation 43, 410-2; *American Political Science Review*, 6, sup. 122-35; 7 sup. 149-54; *Atlantic Monthly* 108, 454-66; 109, 429-32; *Contemporary Review* 99, 303-7; *Living Age* 268, 195-201; Nation 93, 256, 543; *North American Review* 198, 145-60; *Congressional Record*, Vol. 48, pp. 2538-40; 2643-5; Vol. 49, pp. 916-29; Senate Resolution No. 413, 3d Session, 62d Congress; Senate Document No. 983, 3d Session, 62d Congress.

I. The initiative and referendum is opposed to our institutions.

A. It is incompatible with our form of government.

1. We have a perfected representative system.

a. Our legislatures are bicameral.

b. Our legislatures carry out the permanent will of the people in the best way.

c. Our governors have a veto on legislative acts.

2. Our courts have the function of constitutional interpretation.

a. The referendum would destroy this prerogative.

3. Checks and balances are inconsistent with supreme power of the people.

B. It is alien to our habits of thought.

1. We vote on principles and policies, not on detailed legislation.

2. We have the constitutional referendum already.

a. The referendum on ordinary legislation would destroy the distinction between constitutional law and ordinary legislation.

II. It is impracticable.

A. The people lack the necessary qualifications.

1. They are prejudiced.

2. They are opposed to any expenditure.

3. They are unable to judge complicated measures.

B. The amount of legislation required is beyond the ability of the average citizen to consider.

III. It will be attended by many evils.

A. It will lower the character of the legislature.

1. It will take away the sense of responsibility.

2. Granted that our legislatures are poor, the remedy is to be found improving them.

B. It will be used as a weapon to worry the party in power.

1. The minority will try to defeat the legislature's bills at the polls.

C. It will be a source of power for demagogues.

1. The people are subject to sudden bursts of passion.

IV. There would be too many elections and the expense would be a heavy burden upon the States.



## XXVIII

### REPEAL OF FIFTEENTH AMENDMENT

RESOLVED, that the Fifteenth Amendment to the Constitution of the United States should be repealed.

#### General References:

E. H. Abbott, *The South and the Negro*; G. W. Williams, *History of the Negro Race in America*; Hilary Herbert and others, *Why the Solid South? or Reconstruction and its Results*; Story, Cooley and Tucker on the Constitution. See also *Select List of References on the Negro Question*, by A. P. C. Griffin.

### AFFIRMATIVE BRIEF

#### References:

Thomas Nelson Page, *The Negro*; *The Negro Problem*; P. A. Bruce, *The Plantation Negro as a Freeman*; Edgar G. Murphy, *Problem of the Present South*, chap. 6, *Congressional Globe*, 40th Congress, Third Session, Parts 2 and 3. (See indexes); *Arena* 29, 495; 31, 481; *Atlantic Monthly* 87, 634; 88, 121 and 437; *Review of Reviews* 25, 716; *McClure's* 22, 619; 23, 96; *Independent* 54, 2224; 55, 424; *Century* 61, 278; *Outlook* 68, 711; 69, 810; *North American Review* 175, 534; 177, 509; 179, 402; *Gunton's* 27, 453; *Annals Am. Academy* 15, 493-7; *Chautauquan* 37, 20-31; 63d Congress, 1st Session, S. J. Res. No. 4 and H. J. Res. No. 58.

I. The passage of the Fifteenth Amendment was a political mistake.

A. It was the result of the bitter sectional feeling aroused by the Civil War.

B. There have always been doubts as to the legality of the methods by which it was forced through.

C. The State should decide to whom the ballot should be given.

1. The Constitution left suffrage questions with the States.

2. This amendment is the only Federal restriction.

3. Variation of conditions make variations of suffrage desirable.

a. Where a negro vote is too small for consideration, it might be admitted.

b. Where the negro vote outnumbers the white, it should be barred.

c. The wishes of the white citizens in the respective localities should be considered.

D. It gave the ballot to those entirely unfitted for it.

E. It placed the white man of the South at the mercy of the negro and the carpet-bagger.

F. It has caused racial troubles and retarded the growth of the South.

II. A negro is not fitted to cast a ballot with a white man.

A. This is an Anglo-Saxon country and the Anglo-Saxon should decide to whom the ballot should be given.

1. Suffrage is a privilege to be granted at the will of the rulers.

2. The ballot should not be given where it will create racial troubles, or to political inferiors.

B. The negro is inferior mentally and morally.

1. His race has always been an inferior one.

2. Public questions are beyond his comprehension.

3. His convictions are generally governed by the highest bidder.

4. His standard of morality is very low.

a. The negro race commits more crimes in proportion to their number than any other race.

b. Freedom and the ballot have not benefited them morally.

III. The repeal of the Amendment would be of great benefit to this country.

A. It would greatly decrease racial troubles.

1. The fear of negro supremacy at the ballot is the main cause of strife.

2. The Southerners would have no trouble with the negro if he kept his proper place.

a. They need negro laborers.

b. They are the negro's best friends under natural conditions.

B. It would break up the Solid South.

1. Men, who feel now that they have no choice in voting because of the negro question, could vote upon the great national issues according to their convictions.

2. Sectional feeling would be largely done away with.

IV. It would benefit the negro.

A. It would take away the will-of-the-wisp of negro supremacy.

1. His capabilities could be directed towards other ambitions.

2. Office-seeking and holding would cease to be a distraction.

B. It would curb his desire for social equality, for suffrage equality instills desires for social equality.

C. All would combine to assist the negro in developing within his own race to as high a degree of perfection as possible.

**NEGATIVE BRIEF****References:**

Booker T. Washington, *The Future of the American Negro*; *Up from Slavery*; W. E. De Bois, *Souls of Black Folk*; Henry Wilson, *History of the Slave Power*; DuBois, Washington, Chestnutt and others, *The Negro Problem*; *Congressional Globe* for May 23, 1866 (Report of the Committee that formulated the 15th Amendment); *Atlantic Monthly* 87, 817; 88, 433; *Outlook* 71, 163; 73, 293; 74, 280; *Review of Reviews* 24, 649; 28, 321; *World's Work* 2, 848; 6, 3491; *McClure's* 22, 259; *Independent* 57, 3306; 55, 2021; *North American Review* 171, 221; 176, 657; *Century* 59, 472; *Nation* 76, 204; 77, 518; *Forum* 30, 693; 32, 116; 36, 289; *Harper's Weekly* 47, 1144; *Am. Journal of Sociology* 6, 248-54.

I. It is in accordance with republican institutions.

A. All men are created free and equal.

B. Equal rights to all, special privileges to none.

II. Having conferred suffrage upon the negro, irrespective to whether such action was wise at the time it was made or not, we cannot justly take it away.

A. It would be a backward step in political liberty.

B. It would lower us in the estimation of the world.

C. If we can take away their suffrage, we can take away their freedom.

D. The negro has shown himself worthy of suffrage by his great improvement.

1. From an absolutely illiterate race, they have made wonderful strides in education.

2. From an absolutely penniless race, they have become property holders in large numbers.

a. Nearly a quarter-million of negroes own homes.

b. Over 15 per cent of all the homes and farms in the South are owned by negroes.

3. Since the first outbreaks of immorality produced by sudden freedom, the race has shown steady moral improvement.

4. No other race in so short a time ever made such rapid progress along all lines.

III. It causes the South to prescribe educational and property qualifications which are beneficial.

A. It inspires desire for education.

B. It fosters ambitions to accumulate property.

C. The country is benefited by the increase of literates and householders.

IV. Its repeal would permit racial discriminations with dire results.

A. It would cause race wars.

B. It might lead to national strife.

1. It would arouse resentment in the North.

2. It would strengthen the demand for enforcement of the Fourteenth Amendment with reduction of representation.

C. It would make the negro a sullen, degraded creature.

1. It would eliminate his desire to be a good citizen.

2. It would destroy his loyalty to the government.

3. It would increase, not decrease, racial hatred on the part of the negro.

V. It is not necessary because of any danger of negro supremacy.

A. There are only two States where the negroes outnumber the whites.

B. Educational and property qualifications will prevent negro supremacy in any of the States for an indefinite period.

C. For inherent reasons, the negro race can never become superior to the white race.

## XXIX

### ENFORCEMENT OF FOURTEENTH AMENDMENT

RESOLVED, that the representation in Congress of those States restricting the elective franchise should be reduced in accordance with the 14th Amendment of the United States Constitution.

#### General References:

U. S. Constitution, 14th Amendment; Henry Brannon, *The 14th Amendment*; W. D. Guthrie, *The 14th Amendment*; Cooley, *Principles of Constitutional Law*; J. W. Burgess, *Reconstruction and the Constitution*; Thomas Nelson Page, *The Negro Problem*; James G. Blaine, *Twenty Years in Congress*, II, ch. 22; *Review of Reviews* 25, 716; *North American Review* 175, 534; 190, 193; *Forum* 32, 460; *Outlook* 67, 648; 68, 711; 78, 617; 79, 11, 15; 79, 164-171; *Harper's Weekly* 49, 80-81; 49, 116; *Atlantic Monthly* 94, 78-81; *McClure's* 22, 209; *Congressional Record*, Vol. 39, pp. 3453-3460 (Representative Crumpacker); Vol. 40, pp. 4033-42 (Representative Kiefer); Vol. 41, pp. 1060-6 (Representative Paterson); Edgar G. Murphy, *Problems of the Present South*; M. West, *Fourteenth Amendment and the Race Question*, *Am. Journal Sociology* 6, 248-54; J. B. Knox, *Reduction of Representation in the South*, *Outlook* 79, 169-71.

#### AFFIRMATIVE BRIEF

- I. The integrity of the Constitution requires its enforcement.
  - A. The Constitution is the supreme law of the land.
  - B. Unenforced, the section is highly injurious.
    1. It incites a spirit of lawlessness.

2. It brings about a similar disregard for the other sections of the Constitution.

C. Any tendency to override the Constitution should be summarily checked.

D. Its enforcement is mandatory and should not be disregarded.

E. The rights of citizens, regardless of race, creed, wealth or education, should be enforced.

1. As a matter of right;
2. As a matter of policy;
3. To comport with American principles.

II. Its non-enforcement works injustice;

A. It gives too large representation to small voting population:

B. It encourages disfranchisement.

III. Its enforcement is not a racial question alone;

A. It applies to educational disqualifications;

1. Massachusetts would lose in representation as well as South Carolina.

B. It applies to property or any other disqualifications.

IV. The argument that its enforcement would result in racial wars is not apropos;

A. Expediency should not go so far as to violate the Constitution.

B. Such arguments apply to its repeal, not to its non-enforcement.

V. The Amendment is founded on principles of justice;

A. Ballot of one man equal to that of another;

1. Superior qualifications are sufficient reward in themselves.

B. Men who do not vote should not be represented.

### NEGATIVE BRIEF

I. The second section of the 14th Amendment providing for reduction of representation is not law.

A. It was only intended to secure reduction of representation where there was racial discrimination, as shown by

1. Congressional debates at time of adoption (See Congressional Globe, 1866);

2. No attempt was made to enforce it although in some States suffrage was restricted by educational and other qualifications.

3. Decisions of Supreme Court as to the purpose of the Civil War Amendments. Slaughter House case, 83 U. S. 71; Ex parte Va., 100 U. S. 339.

4. Wording of the 15th Amendment.

a. If it had been desired to punish for restrictions other than racial, such restrictions would have been prohibited in the 15th Amendment with the racial restrictions.

b. The 15th Amendment simply prohibited that which is sought to prevent in the 14th Amendment.

B. The 15th Amendment superseded the second section of the 14th.

1. It declared racial discrimination void.

2. To reduce representation for racial discrimination would be in effect to nullify the later amendment by recognizing a void discrimination.

3. The later law prevails, and racial discriminations, if they exist, should be abolished and not recognized as a rightful imposition.

II. Even if it were law, it is not mandatory, but its enforcement depends upon discretion of Congress.

A. Congress is given by the fifth section plenary power to enforce, which was not necessary if it was mandatory.

B. Congress showed by its failure to enforce it that it was not mandatory.



III. Even if it were law, its enforcement would be inexpedient.

A. It would cause educational tests to be abolished for no State would want to cut down its representation.

B. It would reintroduce the race question into politics with the attendant evil of

1. Negro domination, or

2. Disfranchisement of negroes by violence.

C. It would be an arbitrary imposition upon the South and would revive sectionalism.

D. It would cause the States to give the ballot to persons unfit for it so as to get greater representation.

E. It would separate representation from taxation, for taxation is based on population; "Representatives and direct taxes shall be apportioned among the several States according to their respective numbers."

## XXX

### INCOME TAX

RESOLVED, that an income tax should be continued in the tax system of the United States.

#### AFFIRMATIVE BRIEF

##### References:

R. T. Ely, *Taxation in American States and Cities*; Hill on *English Income Tax in Economic Studies of the American Economic Association*, Nos. 4 and 5; *Congressional Record of 1893, 1894 and 1895 (See Indexes)*; *Dictionary Political Economy*, Vol. 2; *Quarterly Journal Economist*, 8, 414; 9, 24; *Forum* 17, 19; *Political Science Quarterly* 9, 610; *National Review* 2, 771; *North American Review* 158, 1; *Outlook* 85, 503-8; *Nineteenth Century* 61, 56-67; *Literary Digest* 80, 9-10, Jan. 26, 1924; 80, 16, March 29, 1924; *Am. Economic Review* 5, 114-7; *Congressional Record*, Vol. 50, pp. 3805-22; 3829-57; Vol. 51, App., pp. 102-6; *Independent* 112, 168; *World's Work* 47, 292-8.

- I. The former system was defective.
  - A. It placed an undue burden on
    1. Owners of agricultural lands.
    2. Occupiers of city realty.
    3. Laboring classes.
  - B. It allowed to escape from taxation.
    1. The holders of stocks and bonds.
    2. The owners of city real estate.
- II. The income tax is more just.
  - A. It increased the tax on the holders of intangible prop-

erty, thereby reaching that wealth which was not paying its proportion of the taxes.

B. It reduced the taxes of the overburdened classes.

C. It falls upon those who have the ability to pay.

D. Statistics show that under former system 91 per cent of the people having only 29 per cent of the wealth paid practically all the taxes.

III. It is a most desirable method of taxation.

A. Incomes are easily determinable.

1. Salaries are readily ascertainable.

2. Rental value and value of products of real estate are not hard to reckon.

3. The market rate of interest is generally known.

B. Its operation does not affect prices.

C. It does not benefit one class to the detriment of another.

D. It is elastic, as the rate can be varied from year to year.

E. It is not burdensome as only small proportion of wealth gained yearly is taken.

IV. It has worked well in practice.

A. Besides our own country, England, France, Germany, Austria, Switzerland and Italy have tried it successfully.

B. This country finds it works well in operation here.

1. It produces ample revenue.

2. It works equitably.

### NEGATIVE BRIEF

#### References:

J. S. Mill, Principles of Political Economy, II, Book 5; Report of Massachusetts Tax Commissioner for 1897; Congressional Record for 1893, 1894 and 1895 (See Indexes); North American Review 160, 601; Quarterly Journal Economist 8, 416; 15, 219; Nation 57, 404; 58, 24; Annals American Academy 4, 557; Political Science Quarterly 4, 37; How the Income Tax

Strikes Home, Current Opinion 54, 503; Congressional Record, Vol. 48, pp. 3555-86; Vol. 50, pp. 4067-9.

- I. The former system was excellent.
  - A. It was composed of complimentary taxes, such as
    1. The customs.
    2. Excises, and
    3. General property tax on
      - a. Personal property.
      - b. Real property.
  - B. It placed the burdens where they can most easily be borne.
    1. Customs duties are principally on luxuries.
    2. Real property is generally in the hands of the wealthy.
    3. Most of the personal property is in the hands of the wealthy.
    4. The poor man paid but little.
  - C. No change was needed.
- II. The income tax is undesirable.
  - A. It is unjust.
    1. It places undue burdens on one class.
  - B. It is impracticable.
    1. It is difficult to assess.
    2. It is easy to evade.
  - C. The tax has a bad moral effect.
    1. There is a tendency to misrepresent incomes.
  - D. It is inquisitorial.
    1. It compels a man to divulge his business secrets.
  - E. It brings about undesirable class legislation.
- III. The income tax is not adapted to the United States.
  - A. This has been proven by history.
  - B. Conditions in America differ from those in Europe.
- IV. The income tax has not been successful in the countries where tried, as a general rule.

## XXXI

### LABOR UNIONS

RESOLVED, that the organization and maintenance of labor unions should be discouraged.

#### General References:

R. T. Ely, *Labor Movement in America*; George Howell, *The Conflict of Capital and Labor*; F. A. Walker, *Political Economy*; Jevons' *Methods of Social Reform*; Henry George, *Progress and Poverty*; Sidney and Beatrice Webb, *The History of Trades Unionism*; *Industrial Democracy*, pp. 213-17; William Trant, *Trade Unions*; George Hoges, *Essay on Unionism*; N. P. Gilman, *Methods of Industrial Peace*; F. T. Stimson, *Handbook to the Labor Law of the United States*; F. A. Cooke, *Law of Trade and Labor Combinations*; John Mitchell, *Organized Labor*; *Industrial Commission Report*, Vols. 7, 17 and 19; *Reports of the American Economic Association*; *Nation* 118, 196, 289; *North American Review* 135, 118; *Atlantic* 39, 278; *19th Century* 26, 721; *Outlook* 80, 183-6; 84, 402; *Review of Reviews* 31, 740-1; *Independent* 59, 418, 422; *Junior Political Economist* 13, 173-200; See Griffin's *Select List of Books on Labor*; Frank Tracy Carlton, *History and Problems of Organized Labor*; Washington Gladden, *Labor Question*; Frederic Harrison, *National and Social Problems*; Scott Nearing, *Social Adjustment*, *Atlantic Monthly* 109, 441-6; 132, 721-31; 133, 82-93; 216-20; *Chautauquan* 62, 247-54; *Independent* 68, 1112-5; *Outlook* 97, 267-70, 543-7; *New Republic* 37, 41-2; 246-7; 38, 60-1.

**AFFIRMATIVE BRIEF****I. Labor unions are injurious to the employer.**

A. They infringe upon his individual rights by dictating whom he shall or shall not employ or discharge.

B. They infringe upon his right to purchase material by instituting boycotts against products of non-union labor.

C. They infringe upon the right of free property by violent seizure and destruction of property during labor disputes.

D. They destroy unity of interest between employer and employee by removing the personal relation.

E. They compel him to contract with an organization composed of workmen, many of whom are hostile to his business and employed by a rival concern.

F. Most unions being irresponsible, unincorporated bodies, trade agreements are violated by them with impunity, leaving no means of redress for damages suffered.

G. He is frequently subjected to arbitrary, unreasonable, unjust and vexatious demands on the part of overbearing walking delegates for higher wages and shorter hours, regardless of whether industrial conditions permit them.

**I. They are injurious to the members.**

A. They place all men on common level regardless of ability, by

1. Causing the elimination of individuality, which leads to communism.

2. Restricting output of members, thus preventing individual advancement.

3. Establishing rigid rules as to wages, hours and conditions of employment.

B. They restrict their liberty by

1. Compelling them to join or remain in the ranks of the unions.

2. Subordinating the individual to the irresponsible and despotic power of ignorant and dangerous labor agitators.

3. Denying them the right to dispose of their labor as they wish.

4. Compelling, in many cases, a majority of the members to go on a strike contrary to their wishes.

### III. They are injurious to non-union men.

A. "They deny non-union men the right to sell their labor when, where and for what price they please." Cardinal Gibbons.

B. They compel them either to surrender their personal liberty and join the union or starve.

C. They not only deny non-union men employment, but cut off their means of subsistence by preventing their admission into the unions through prohibitive fees and dues: Industrial Commission Report, vol. 7, p. 702; v. 17, p. 575; v. 19, p. 817.

D. They agree with employers for the non-employment of non-union men which is unlawful as being against public policy and a restriction of personal liberty; 46 N. E. Rep. 297-8.

### IV. They are injurious to the public by

A. Placing their interests above those of the public by interfering with the operations of public service corporations, such as street railways, lighting and water plants, and railroads, thereby obstructing interstate commerce, mails and passenger traffic.

B. Lowering the standard of citizenship by

1. Teaching disregard of law and order by inciting men to violence and crime.

2. Causing local strife and disturbance, resulting in social ostracism, family dissension, religious bigotry and persecution, and racial wars.

C. Fostering strife between capital and labor in leading members to believe that their employers are their natural enemies; Industrial Commission Report, vol. 7, pp. 758-761, 773-4.

## D. Limiting apprenticeship, thereby

1. Causing unreasonable restriction of competition;
2. Denying the youth of the country an opportunity to learn skilled trades;
3. Overcrowding unskilled occupations and those in which no restrictions exist, causing low wages and poorer conditions of employment.

## E. Ordering sympathetic strikes which cause

1. Industrial depressions and disturbances throughout the country;
2. Great economic loss in wages and output where no grievances exist.

## V. They are wrong in principle.

A. They endeavor to accomplish a legal object in an illegal manner by

1. Causing strikes resulting in
  - a. Destruction of life and property;
  - b. Immense waste to workmen and employers by loss of wages and output, and damages for violation of contract and rights of property.
2. Formation of conspiracies for the enticement of employees and coercion and intimidation of employer and employee.
3. Ordering boycotts and establishing picketing.
4. Demanding the discharge or non-employment of non-union men on penalty of a strike.

B. They violate the fundamental legal rights of freedom of contract and personal liberty.

C. The labor unions, like trusts, are monopolies and are contrary to public policy and should be condemned.

### NEGATIVE BRIEF

I. Labor unions advance the interests and protect and enforce the rights of labor by

A. Enabling labor to treat with capital on an equality; Industrial Commission Report, vol. 19, p. 800.



1. Individual workmen are at a disadvantage in dealing with employers for

a. Employers are combined.  
b. Employers, through control of capital and machinery, have control of industry.

c. Capital can wait for an opening while labor, if not used, is lost.

2. Unions, on account of unity of action of members, enable workmen through their representatives to skillfully bargain with their employers.

B. Demanding and securing an increase in wages when industrial conditions permit: Trades Unions, pp. 68-85.

C. Maintaining wages during periods of depression; Industrial Commission Report, vol. 19, p. 804.

D. Securing the enactment of legislation for the benefit of labor such as

1. Safety appliances to dangerous machinery.
2. Employers' liability for injuries to fellow workmen.
3. Sanitary conditions of employment.
4. Prevention and regulation of child and female labor.
5. Compulsory educational restrictions upon child labor.
6. Restriction of immigration.
7. Shorter hours on public works.
8. State and local boards of arbitration.
9. Appointment of factory inspectors.
10. Regulation of hours of labor in employment injurious to health.
11. Industrial liens to secure wages.
12. Licensing of trades.
13. Abolition of Sunday and holiday labor.

E. Discouraging overtime and piece work.

II. They elevate the educational, moral and social standing of workmen by

A. Social intercourse at union meetings, resulting in

1. Interchange of ideas as to labor conditions.
  2. Strong fraternal ties and sympathies; Industrial Commission Report, v. 19, pp. 804-5.
- B. Fostering a better feeling between employer and employee; facilitating arbitration, collective bargaining and compromise.
- C. Reducing the hours of labor, which
1. Gives more leisure to workmen for improvement, recreation and study.
  2. Affords employment to the unemployed.
  3. Produces greater efficiency in work: Trade Unions, pp. 86-90.

III. They are advantageous to employers.

- A. They have removed the inconvenience and vexations of seeking competent employees, as sufficient workmen can nearly always be had by application to local unions.
- B. They have simplified business relations with employees by agreements as to scale of wages, hours of labor, and conditions of employment with a unit instead of a vast number of individuals.
- C. They tend to the establishment of uniform conditions throughout an industry, and thus moderate the severity of competition between employers: Industrial Commission Report, v. 19, p. 196.

IV. They have promoted the welfare of society by

- A. Superseding disorderly labor meetings by respectful assemblages such as labor conventions;
- B. Assimilating and Americanizing foreign laborers, thus making them useful citizens;
- C. Reducing the number of strikes and labor disturbances: Trade Unions, pp. 102-4.
- D. Encouraging thrift, economy and sobriety;
- E. Insuring their own members against death, sickness, accident and unemployment;

## F. Elevating the character of workmen through

1. Rules which punish and stigmatize the idle, vicious and unfit;
2. The inculcation of the spirit of mutual assistance and support.

V. While industrial disputes are to be deplored, the methods adopted by labor unions are justified by the laws of expediency and necessity, for

A. Labor unions, like all organized bodies, restrict liberty only so far as is necessary to affect the end desired, viz., the betterment of labor conditions; while, on the other hand, they extend democracy by giving each member an equal voice in the government of union affairs.

B. Unions do not arbitrarily fix a uniform wage rate but merely fix a minimum rate, leaving the question of higher pay for better service open for individual adjustment: Industrial Commission Report, v. 19, p. 809.

C. Unions concede the right to non-union men to labor when, where, and at what wages they please, but assert an equal right to refuse to work with non-union men (National Protective Association v. Cumming, 53 App. Div. (N. Y.), pp. 227, 231-2) on the following grounds:

1. It costs labor unions time, trouble and money to bring about more favorable labor conditions, and it is unfair to permit non-union men to reap these benefits without sharing the burdens which would give non-union men the advantages of

- a. Higher wages and better conditions of labor through the influence of unions;

- b. The freedom of cutting union rates during depressions in trade, and thereby securing steadier employment; Industrial Commission Report, v. 19, pp. 815-6.

D. Strikes are a necessary weapon as an ultimate means of enforcing the rights of labor against reduction of wages, increase of working hours, political intimidation, victimization for

activity in cause of workers, blacklist, unsanitary conditions of employment, and employment of undesirable men.

E. Union regulation of apprenticeship is correct in principles and necessary, in that

1. It prevents employers from keeping boys within narrow lines of work, and insists on a broad instruction in the craft; Industrial Commission Report, v. 19, p. 812.

2. The apprenticeship of an excessive number of boys results in inferior work, and so indirectly in injury to the public by causing idleness among men and stunting physical and mental growth among boys.

3. It prevents unscrupulous employers from placing boys to do a large part of men's work at boys' wages: Industrial Commission Report, v. 19, p. 801.

F. The boycott involves simply the right of workmen to withhold or bestow their patronage from or on anyone engaged in business, and is a right guaranteed by our form of government.

G. Limitation of output is necessary.

1. To prevent the shortening of life by excessive injurious exertion;

2. To check the avarice of employers;

3. To maintain and increase wages;

4. To prevent overproduction and panics in trade.

## XXXII

### INCORPORATION OF LABOR UNIONS

RESOLVED, that labor unions should incorporate as a condition precedent to demanding recognition by employers.

#### General References :

Nineteenth Century 51, 2331; Canadian Magazine 20, 361; 21, 125; Nation 76, 348; Green Bag 15, 11, 260; J. Political Economy 13, 173-200; T. J. Stimson, Handbook to the Labor Law of the United States; Labor in its Relation to Law; Cohen & Howell on Trades Unions Laws & Cases; R. T. Ely, The Labor Movement in America; Arthur J. Eddy, The Law of Combinations, pp. 245-464; Hugh McGregor, Incorporation of the Working Class, Forum 24, 579-90; Should Unions Incorporate, Outlook 74, 307-9; Clement Edwards, Should Trades Unions be Incorporated, Nineteenth Century 51, 233-52.

### AFFIRMATIVE BRIEF

#### References :

Industrial Commission Reports, Vol. 12, pp. 114-117, 180-181, 273-274, 286; Outlook 69, 113; Review of Reviews 27, 217-219.

#### I. Incorporation is necessary.

##### A. The evil results of strikes demand a remedy.

1. This is shown by the number of deaths, injuries and arrests occasioned.
2. It is shown by the losses to employers, workmen and public.
3. The general conditions of lawlessness resulting are serious.

B. Lack of incorporation is the main cause of this state of affairs.

1. The unions are irresponsible.
2. This irresponsibility shows itself continually in broken agreements.

II. Incorporation would be advantageous.

A. It would benefit the employers.

1. They could enforce contracts.
2. It would make trade conditions more stable.
3. It would facilitate arbitration.

B. It would benefit the workmen.

1. It would improve the legal status of the union.
2. It would lessen the individual responsibility.
3. It would lessen the use of injunction.

C. It would benefit the public.

1. It would lessen the number and seriousness of industrial disturbances.

III. Incorporation is practicable.

A. The history of trades unions abroad shows this.

1. Incorporation has proved beneficial in England, Germany, Belgium and New Zealand.

B. In the United States, incorporation, whenever tried, has been successful.

C. The Unions are by nature adapted for incorporation.

1. They make bargains for their members.
2. The individual is merged in the union.
3. Little change of form would be necessary.

### NEGATIVE BRIEF

#### References:

Industrial Commission Report, Vol. 7, pp. 8, 172; Vol. 12, p. 19; Vol. 14, pp. 69, 152-155, 158-160; American Federationist for February, 1903; Outlook 69, 114; 74, 308; Review of Re-

views 27, 217-219; Mannix v. Purcell 2 L. R. A. 753; Otto v. Union, 17 Pac. Rep. 217; John Mitchell, Organized Labor.

I. The advantages of incorporation are found also in unincorporated associations.

A. They enjoy perpetual succession.

B. They can hold property.

C. They can control their members.

D. The rights of the members are protected.

E. The courts can deal successfully with unincorporated associations.

II. Incorporation would be disadvantageous to the unions.

A. It would be costly and difficult.

B. It would destroy the democratic spirit of the unions by centralizing the control in the hands of a few men.

C. The incorporated unions have declined in strength and numbers.

D. It would not benefit employers.

1. Incorporation would not increase the actual responsibility of the unions.

a. It would not increase their assets.

b. It would deprive the employers of the chance to make any claim on the assets of individual members.

III. Incorporation will not do away with present evils.

A. It will not materially increase the legal responsibility of the unions.

1. Unincorporated unions are legally responsible.

a. They are now amenable to court processes.

2. Incorporation will not make unions responsible for the unauthorized illegal acts of their individual members.

B. Incorporation would not prevent strikes or their evils.

1. It would not decrease the number of strikes.

- a. It would not deprive the men of their legal right to strike.
  - b. Only one-half of one per cent of strikes have been fought for recognition.
  - c. Incorporated unions continue to strike.
2. It would not decrease lawlessness in strikes.
    - a. Incorporation will not increase the criminal responsibility of the members.



## XXXIII

### ARBITRATION OF LABOR DISPUTES

RESOLVED, That labor and capital be compelled to settle their disputes through legally constituted boards of arbitration.

#### General References:

Griffin's List of References on Industrial Arbitration (Write to Supt. Document Room, United States Senate, for this); Report of the Industrial Commission, Vols. 12, 14, 17 and 19; (Industrial Conciliation Report of the National Civic Federation); R. T. Ely, The Labor Movement in America; Annual Reports of Commissioner of Labor; W. S. Jevons, the State and its Relation to Labor, Bulletin No. 46, Department of Labor (Write to Chief Clerk for this); Outlook 74, 392; Political Science Quarterly 18, 112; W. D. P. Bliss, Arbitration and Conciliation in Industrial Disputes; J. S. Jeans, Conciliation and Arbitration in Labor Disputes; Douglas Knoop, Industrial Conciliation and Arbitration; M. F. Tuley, Compulsory Arbitration.

### AFFIRMATIVE BRIEF

#### References:

John Mitchell, Organized Labor; Henry D. Lloyd, A Country Without Strikes; Frank Parsons, The Story of New Zealand; Nicholas P. Gilman, Methods of Industrial Peace; Review of Reviews 10, 178; North American Review 175, 597; Century 31, 946; Nation 71, 471; Independent 54, 2219; 55, 1908; 56, 357; W. G. Merritt, Strikes and Public Utilities; A Remedy, Annals Am. Academy 36, No. 2; Current Literature 29, 513-5.

### I. Existing conditions demand a remedy.

#### A. There are great evils connected with strikes.

1. There are violent and serious disturbances of the public peace as in the St. Louis car strike, the Colorado strike, etc.
2. All classes are injured.
  - a. Laborers by loss of wages.
  - b. Capitalists by stoppage of production.
  - c. The general public by interruption of service.

#### B. Present methods do not afford the desired remedy.

1. In the United States there have been 22,000 strikes in twenty years; in England, 10,000 in eleven years.
2. Trade agreements presuppose ideal relations between labor and capital.
3. The present state boards of voluntary arbitration and compulsory investigation do not settle the great strikes.

### II. Compulsory arbitration offers the desired remedy.

#### A. It is sound in theory because

1. Decision by reason is better than decision by force.
2. The public always want arbitration, and if either capital or labor desires it, there is a majority in its favor.
3. The proposed court will consist of representatives of the three interested parties, capital, labor and the public.
4. It possesses the two requisites which the present state boards lack.

a. Like the ordinary law court, either disputant may summon the other before it for a hearing.

b. It has power to enforce its decision.

#### B. The welfare of the people demands enforced arbitration.

1. In many strikes the public suffers more than either contestant.

2. Being vitally affected, the public has an undoubted right to intervene.

#### C. It is the duty of the state to establish these courts.

1. The primary end of government or public authority is to promote the public welfare.

2. The public welfare is involved in labor disputes.

D. Compulsory arbitration will lessen the dangers of socialism.

1. It guarantees the laborers a decent living wage which is all they expect from socialism.

III. Compulsory arbitration is practicable.

A. Awards can be enforced.

1. On capitalists by fine or imprisonment.

2. On employees by

- a. Necessity of working.

- b. Removing the cause of the strike—an unsettled grievance.

- c. Public opinion.

B. Unjust awards are improbable.

1. The court is made up of representatives of the three interested parties.

2. If the situation makes it impossible for the employer to pay a higher wage, it should not be difficult for him to make this evident to the other members of the court.

3. The men want no more than what is reasonable.

4. A wage is always the results of compromise. The effect on industry is the same whether this compromise is made by arbitrators or collective bargainers.

5. The only vital point is the competence of those who decide the question.

6. The many years' successful experience of New Zealand supports these conclusions. No intolerable awards have been granted there.

C. Compulsory arbitration is a success in New Zealand.

1. It benefits the capitalists.

- a. They may make contracts in advance without fear of strikes.

- b. The minimum wage puts competition on an equal basis.
  - c. Industrial peace and security attract capital to the country.
2. It benefits laborers.
    - a. They are freed from the hardships of strikes.
    - b. They have a legal right to know why their wages cannot be raised or why they must be lowered.
    - c. Industrial justice is free to those who could not conduct a successful strike.
  3. It benefits the public.
    - a. It guarantees public peace and continuous service.

### NEGATIVE BRIEF

#### References:

Carroll D. Wright, *The Industrial Evolution of the United States and Industrial Conciliation and Arbitration*; Sidney and Beatrice Webb, *The History of Trades Unionism*; J. S. Lowell, *Industrial Conciliation and Arbitration*; *Annals American Academy* 24, 285; *Forum* 25, 498; 30, 737; *World's Work* 5, 2856; *Nation* 59, 376; 73, 488; *Gunton's Magazine* 27, 246; *Independent* 56, 1440; *Arena* 7, 587-94; 23, 499-515; 40, 137-41; *Forum* 15, 323-31; 18, 425-32.

- I. It is unnecessary.
  - A. The evils of the labor problem are decreasing.
    1. The number of strikes has decreased in proportion to growth of industries. (*Industrial Com. Report* 17:634.)
    2. Lawlessness of strikes is decreasing.
      - a. Shown by comparison of important strikes.
      - b. Testimony of C. D. Wright.
  - B. Voluntary settlement, particularly conciliation and collective bargaining, is dealing successfully with labor disputes.
    1. In Great Britain, strike evils are decreasing.
      - a. Agreement system has almost eliminated strikes from the larger trades (*U. S. Labor Bulletin* 28).

b. The number and magnitude of strikes have steadily decreased (N. Y. Bulletin of Labor, Sept., '04, p. 326).

2. Voluntary settlement has often been successful in the United States.

a. In the first three months National Civic Federation settled seven strikes and prevented two others, involving 200,000 men (Int. Monthly 5; 649-52).

b. In April, 1904, bituminous coal miners voluntarily accepted a reduction of 5½ per cent in wages (Nat. Civic Fed. Review, Jan., 1905).

C. Conciliation and collective bargaining are rapidly growing in favor.

1. The past twenty years have shown a great change favorably to voluntary settlement.

a. In 1895, systematic conciliation and collective bargaining were new and untried.

b. To-day conditions show a great change of sentiment favorable to voluntary settlement.

c. To-day conferences are frequently held between labor and capital.

d. It is shown by the increased number of agreements for collective bargaining.

2. Voluntary settlement is increasing most rapidly just where it is needed.

a. Six businesses, the building, clothing, coal, metal, printing and transportation, have caused 80 per cent of the loss of time in strikes.

b. The United States Bulletin of Labor publishes regularly new agreements covering large bodies of men.

c. 90 per cent of the agreements published during the last two years have been in these six trades.

II. Compulsory arbitration is unwise.

A. It will work evil on our industrial system.

1. It will render conditions of competition unfair.

a. In case of three manufacturers, A, B and C, an award of compulsory arbitration may make conditions of competition unfair.

b. Difficulties which would be caused by our industrial system will be almost insurmountable.

2. It will discourage individual enterprise.

a. It will interfere with the employer in his private business.

b. Delays and costs of the boards, and uncertainty of decisions will unsettle business conditions.

c. This tendency is contrary to our American ideals.

d. Our wonderful development under our present system of voluntary settlement makes adoption of compulsory system a questionable policy.

### III. Compulsory arbitration is unjust.

A. To the employer, because it will deprive him of freedom of contract.

1. Compulsory boards will deprive him of the right to make his own terms with his men as to hours and wages.

2. Compulsory arbitration has destroyed freedom of contract in New Zealand and New Wales.

B. To the laboring man, because it introduces involuntary servitude.

1. Compulsory arbitration must maintain uninterrupted production, or it fails to protect the public.

2. If men refuse to abide by award, compulsory arbitration must compel them to return to their daily work, or it fails to protect the public.

3. Thomas Carley says courts cannot be given such powers.

4. Compulsory arbitration in a strike such as that at Fall River would introduce involuntary servitude.

5. Involuntary servitude is against our principles as a free people.

## IV. Compulsory arbitration is impracticable.

A. The decree cannot be enforced in case of strikes which affect the public.

1. A decree could not be enforced in a strike like the recent one in Colorado.

2. In the anthracite strike, the decree could not have been enforced against the laboring men if they thought it to be unjust.

B. The decree could not be enforced because the majority of the American people are against compulsory arbitration.

1. Labor is against it:

a. Samuel Gompers vigorously opposes compulsory arbitration.

b. The American Federation of Labor voted against compulsory arbitration in 1902.

2. Capital is against compulsory arbitration.

a. It means government control of private industries.

3. The public is against compulsory arbitration:

a. The majority of newspaper and magazine articles upon the subject do not favor compulsory arbitration.

b. Our leading public men and students do not favor compulsory arbitration.

## XXXIV

### BOYCOTT

RESOLVED, that the boycott is a legitimate means of securing concessions from employers.

#### General References:

John Mitchell, Organized Labor; R. T. Ely, Labor Movement in America; W. F. Burns, The Pullman Boycott; Frederic H. Cooke, The Law of Wage and Labor Combinations as Applicable to Boycott, etc.; N. Y. State Board of Mediation and Arbitration Report; Geo. M. Pullman, The Strike at Pullman; American Law Review 21, 41-69; 28, 629-638; Nation 59, 5; Public Opinion 17, 305; Arena 23, 194-203; American Federationist, 6, 192-5; Chautauquan 40, 409-10; Outlook 71, 734; 75, 191-3; Walter Drew, The Boycott; G. G. Huetner, Boycotting, Wisc. Free Library Comm., Comparative Legislation Bulletin No. 9; Burton J. Hendrick, Legalize the Boycott, McClure's 31, 665-80.

See references under brief on Labor Organization.

#### AFFIRMATIVE BRIEF

##### I. The boycott is right legally.

A. A man has a legal right to say what he pleases to influence the action of others, provided he does not slander or commit any other wrong known to the law of the land of which the speaker may be the medium.

B. Any individual has the right to refuse to patronize an establishment and to persuade others to do the same. The act takes on no different character when done by an organization.



C. Even strikes, when no unlawful act is committed, are legal.

D. Boycotts were not illegal by the common law.

1. The common law relative to conspiracies and combinations among workmen was, until the passage of 6 Geo. IV, C 129, considered defective.

E. In England to-day, unless the boycotters do some wrongful act, the boycott in itself is not illegal.

II. Boycotts are right morally.

A. Unless the workmen combined to secure concessions from employers they would not be economically equal to employers in concluding the labor contract.

1. Labor is a commodity like other commodities, and the laborer its seller.

a. The laborer cannot separate himself from his commodity, labor.

b. He cannot withdraw it from the market, for he will starve in the meantime.

B. The laborers have an ethical right to combine to boycott an employer.

1. They would be helpless unless they resisted the employers.

2. They are at a peculiar disadvantage under the complex conditions of the modern industrial order because under the modern division of labor system a workman becomes unfitted for any other kind of employment than that in which he has already been engaged.

III. The boycott is justified as a means of self-protection.

A. The most violent opponents of boycott are those who exercise the infamous power of blacklist, and the blacklist is a perverted form of boycott.

B. Boycotts are generally caused by blacklists.

1. Boycott found a precedent in the far more cruel blacklist which preceded it and in most cases caused it.

IV. The boycott is one of the most just and peaceable means of competition and is most effective.

A. A firm is never put on the unfair list without being heard.

B. The boycott renders unnecessary the long and expensive strikes, the picketing of factories, etc.

C. A boycott is feared by employees more than a strike.

1. It removes the power from employers and gives it to employees.

2. In a strike the employees have the commodity, employers the money.

3. In a boycott the positions are reversed.

### NEGATIVE BRIEF

I. Most boycotts are illegal.

A. Their purpose is usually to force those against whom they are instituted to give in to the demands of the boycotter.

1. Preventing the sale of his goods.

2. Preventing him from buying material to make his goods.

B. Most of the decisions by the courts have been in the negative.

II. Boycotting is not a proper means for securing concessions.

A. It places too much power in the hands of labor, enabling the laborers to make the boycott so close and rigid that the employers must give in or be ruined, for the laborers or boycotters can keep up the boycott as long as they wish, and they do not suffer at all by the boycott, as they would in a strike.

B. The public is often hurt by the action of the boycott, for the production of a commodity may be stopped by it.

III. Boycotting is illegal.

A. It is not sanctioned by the law of the States.

1. New York, Minnesota, Mississippi, North Dakota, New Hampshire, Rhode Island, South Dakota, Oklahoma, Georgia and Alabama have general laws against boycotting.

2. Maine, Kansas, Wisconsin and Colorado have special laws against boycotting.

B. Boycotting is not sanctioned by the law of the United States.

1. The Sherman anti-trust law prohibits boycotting. The object of the bill is "to protect trade and commerce against unlawful restraint and monopoly."

2. Stimson says, "A combination principally to injure a definite person, or class of persons, is an unlawful conspiracy, though none of the acts committed in carrying it out are unlawful in themselves."

## XXXV

### RECALL OF JUDGES

RESOLVED, that the State Governments should provide a method by which its judicial officers can be recalled by the voters or their representatives.

#### General References:

General Bibliography, 62d Congress, 2d Session, Senate Document No. 892; Jonathan Bourne, Jr., Initiative, Referendum and Recall, *Atlantic* 109, 122-31; H. S. Gilbertson, Popular Control under the Recall, *Annals American Academy* 38, 833-8; B. J. Hendrick, Recall in Seattle, *McClure's* 37, 647-53; S. G. Lowrie, Recall in California, *American Political Science Review* 5, 248-9; A. Fink, Recall of Judges, *North American* 193, 672-90; S. W. McCall, Representative as Against Direct Government, *Atlantic* 108, 461-5; Recall of Judges, *Outlook* 100, 522-5; Recall in Oregon, *Atlantic* 109, 143-4; Checks and Balances, *Independent* 70, 1075-6; Cry of Judicial Despotism, *Current Literature* 51, 240-5; Recall in Seattle, *Outlook* 97, 375-6; Judicial Recall, *Outlook* 98, 852-3; 99, 95; Recall of Judges, *Independent* 70, 1135; Recall of the Seattle Mayor, *Survey* 25, 879; Statehood and the Judicial Recall, *Chautauqua* 64, 158-9; Review of Reviews 56, 88; *American City* 16, 14-17.

#### AFFIRMATIVE BRIEF

##### References:

Theodore Roosevelt, Charter of Democracy, *Outlook* 100, 397-402; Arizona and the Recall of the Judiciary, *Outlook* 98, 378-9; G. Overton, Democracy and Recall, *Forum* 47, 157-8;

Annals Am. Academy 43, 286-310; 47, 309-19; Outlook 99, 95; 100, 40-8; Congressional Record, Vol. 47, pp. 3671-81; 4137-40; App., 63-72; Vol. 51, pp. 8307-11; 62d Congress, 2d Session, Senate Document No. 249.

I. All Government officers are servants of the people and when not elected for short terms should be subject to recall.

A. Officers are elected to represent the people in doing the duties of the offices to which they are elected.

B. If their conduct is not satisfactory to the people and their term is short, they can be recalled by the people by not re-electing them.

C. If an officer has a long term and does not perform his duties in the interests of the people, there is no good reason why a method of recall should not be adopted, giving the people a way to discharge an unfaithful employee.

1. Leaders of business are quickly recalled when not satisfactory.

2. In military and naval life, officers are recalled when not successful.

3. The military and business rule should apply to all Government officers.

II. The reasons for recall of Government officers are all applicable to the judicial officers.

A. A judge, who is found inefficient or who becomes unfit, should be recalled.

B. A judge whose reason is warped by prejudice or whose logic is affected by previous associations, is not fit to serve the people impartially and should be recalled.

C. Inefficiency, unfitness, unfaithfulness and insubordination should not be protected in the judiciary any more than in the executive or legislative. Therefore, if their terms are longer than the executive or legislative offices, they should be subject to recall.

## III. Recall of judges would be beneficial.

A. Recall of executive officers has worked well where tried.

1. Inefficient and corrupt mayors have been recalled in Western cities.

2. Authorities agree that the recall has worked well in Seattle, Los Angeles and other cities.

B. Recall of judges in San Francisco would have prevented farcical trials of executive officers by judges who had been placed in power by the executive officers being tried.

C. Long terms with no removals except by impeachment for flagrant misdeeds tend to make judges arbitrary, domineering, slothful and regardless of their duties to those whom they represent.

D. Possibility of recall would keep judges diligent in the discharge of their duties and unaffected by interests prejudicial to impartial justice.

IV. The same arguments advanced against recall of judges were advanced against election of judges for a term of years instead of appointing them for life and the fears have proved unfounded.

A. In New York and other States, judges are now elected for a term of years instead of being appointed, and the change has resulted in a better bench.

B. Our best judges do not truckle to popular fancy in their decisions during the last years of their terms.

C. Experience shows that judges who do their duty fearlessly are the ones who are re-elected.

D. Going back to the people for approval has not lowered the standard, but advanced it, for judges who are honest servants of the people are glad to submit their record for approval.

V. The method of recall should be safeguarded so as to make it a defensive and not a destructive weapon.

A. Time for mature consideration and two-thirds vote might be required in order to recall.

B. The people might delegate the power to their representatives in the legislature as in Massachusetts.

C. It would not be required where judges are elected for short terms.

D. It might be made slow in use where there is no corruption in the State Judiciary, but the right of recall should be with the people. It should not be said that the highest law, the Constitution, can be amended, but that an officer of the Government cannot be recalled.

### NEGATIVE BRIEF

#### References:

Menace of the Recall, *American City* 4, 275; Recall of Judges a Rash Experiment, *Century* 82, 624-5; *Annals Am. Academy* 43, 239-77; *Current Literature* 52, 255-8; *Forum* 48, 294-308; *Independent* 72, 704-7; 1126-7; *Literary Digest* 42, 989 (Woodrow Wilson); *Nation* 85, 296-7; 94, 227; *North American* 193, 9-25; 196, 20-51; *Outlook* 98, 982-4; 100, 604; *Congressional Record*, Vol. 48, pp. 2474-5; 2538-40; 3964-6; 4530-7; Vol. 52, App., pp. 19-24; *Senate Document No. 617*, 2d Session, 63d Congress; *Senate Document No. 649*, 2d Session, 62d Congress.

I. Judges, while in a sense servants of the people, must be impartial, protecting the interests of the minority as well as the majority.

A. They are not popular representatives, but in order to fulfill their duties they must have the independence essential to the protection of life, liberty and property.

B. They must decide according to law and justice, and not according to popular fancy.

1. If the question is between individuals, they will follow the statute, or the unwritten law.

2. If a statute affecting a cause before them is contrary to the Constitution, they must ignore the statute.

C. Our form of government, making the judiciary the last resort with powers hitherto unknown, requires that judges should be more independent than in any other form of government.

D. In order to maintain the rights of the minority and our constitutional balance, we must have judges with courage to decide against the majority when justice requires it.

II. If a majority could recall judges, it would have a deplorable effect.

A. Many judges might hesitate to render a fair but unpopular decision, and become susceptible to the impulses of the moment.

B. Judges who would be fearless in their decisions would suffer at the hands of the people.

C. If a judge rightfully held a measure unconstitutional and was recalled because of his decision, his successor would likely hold the other way, practically making amendments to the Constitution possible by a bare majority vote and effective in a short time, contrary to our forefathers' idea that the Constitution should be hard of amendment in order that "cooling" time might elapse against a mad, popular uprising.

D. The bench would become the home of politicians, truckling to popular clamor and dragging the judicial ermine in the mire of frequent elections occasioned by each party seeking to retire judges who were selected by the opposition.

III. Judicial recall in Oregon has proved its undesirability.

A. Oregon electors were asked to vote upon the recall of Judge Coke upon the charge that while presiding over a murder case he gave unfair and erroneous instructions as to the law, which biased the jury and caused an acquittal.

B. Instruction to the jury as to the law governing a case



cannot be properly passed upon by the people untrained in the law.

1. The vote upon such a question would not be based upon the merits of the instructions, but upon the popular feeling as to the innocence or guilt of the accused.

2. The vote of the people upon such a question would be like the vote of a mob as to the guilt of a man they proposed to lynch.

3. The people's verdict might end the official life of an honest, learned judge.

#### IV. There is no necessity for judicial recall.

A. An unfair or influenced decision can invariably be appealed.

B. In most of the States, judges are elected instead of appointed and the people can refuse to nominate or elect a judge they desire to recall.

C. In all States there are ample provisions for the removal of judges by impeachment where their conduct requires it.

## XXXVI

### PREPAREDNESS

RESOLVED, that the United States should adopt a policy of preparedness which will result in a navy equal to the navy of any other nation and an available army of 500,000 men secured, if necessary, by conscription.

#### General References:

Living Age 288, 118-20, 180-3, 256-8, 304; New Republic 5, 209; 6, 59; Outlook 112, 52-3; 114, 259-63; Scientific American 114, 79; Scientific Monthly 2, 34-47; Century 91, 321-32; Survey 35, 296-9, 440; Bookman 42, 729-34; Review of Reviews 52, 644-7; 53, 131-40, 233-4; Independent 85, 49-50; Illustrated World 24, 732-8; Collier's 56, 14-5; Literary Digest 52, 12; North American 203, 63-74; Sunset 34, 234-6; Current Opinion 58, 1-4; McClure's 45, 32-4; Annals American Academy 61, 263-9.

### AFFIRMATIVE BRIEF

#### References:

Harper's Weekly 62, 29-31; Nation 102, 123; Literary Digest 50, 1314-16; 52, 269-70; Independent 77, 57-9; 84, 455-6; Survey 35, 281-2; Everybody's 32, 120-8 (Roosevelt), 179-83; Sunset 34, 245-52; Review of Reviews 52, 344-5; Outlook 110, 164-6, 843-5; North American 202, 354-63; Illustrated World 24, 154-8; Century 89, 675-82; 90, 17-23; McClure's 38, 677-83; North American Review 201, 59-67, 254-56, 363-5; Scientific American 105, 512; 110, 343-5, 360-1; 112, 118-20, 158-9, 178-9, 198-9; Congressional Record, Vol. 52, pp. 1602-10; App. 125-31, 164-7, 197-200; Vol. 53, 1469-71, 2123-6, 2948-56, 3901-4.

I. Human nature has not changed and nations are predatory.

A. Stronger nations have throughout history reflected human nature in seeking to enforce selfish desires.

B. Modern nations are predatory.

1. Germany took Alsace and Lorraine from France, and Schleswig-Holstein from Denmark.

2. Russia took Finland from Sweden.

3. Austria-Hungary took Adriatic provinces from Italy.

4. England took territory from the Boers.

5. Our own country took the Philippines from Spain.

6. All victorious nations involved in the World War except the United States acquired further territory.

II. We cannot expect to always avert war.

A. During the last century we were engaged in the War of 1812, the Mexican War, the Civil War and the Spanish War.

B. During this century we have had complications which might have resulted in war with Japan and have engaged in the World War.

C. In the defense of our citizens and our national honor we are obliged to take positions which will result in war.

1. President Cleveland's message about Venezuela to England in 1895 was peremptory, and would have caused war if England had not met our views.

2. President Wilson sought to avoid war with Germany but was finally forced into it.

III. In our present state, we are subject to conquest by any of the well-prepared great nations.

A. Our navy is inferior to the navies of several nations, and is not manned or equipped with sufficient auxiliaries so that in actual fighting power it would be ranked lower than many nations.

1. We are inferior in dreadnoughts.

2. We have few fast cruisers, and but few scout ships.
3. We are outclassed in destroyers.
4. We are woefully short in up-to-date auxiliaries, such as submarines, aeroplanes, etc.
5. We have not sufficient men in our naval forces.
6. While our navy ranks high in paper strength we are ranked much lower in fighting strength.

B. Our coast defenses are inadequate.

1. Where we have fortified our large cities the guns are of insufficient power to prevent bombardment of the cities by guns of larger calibers on warships, as foreign dreadnoughts have fifteen-mile-range guns and our forts have guns with much less range.

2. Our coast fortifications in many instances are susceptible to successful land attack from the rear if the enemy lands at nearby harbors.

3. Col. Glenn, Chief of Staff on Governor's Island, testified before the Senate Committee on Military Affairs that there were 116 unprotected landing places between Portland, Maine, and the Virginia Capes.

C. Our army is wholly insufficient.

1. It does not greatly exceed 100,000 men, with about 35,000 of them needed in the Philippines, Hawaii, Alaska and other outposts.

2. The regulars with the aid of the National Guard and boys from military schools would not be able to cope with a small force landed by an enemy.

D. Our munition plants are in one section of the country and could be easily taken, leaving us at the mercy of the enemy.

1. They are nearly all near the Atlantic seacoast, subject to capture by a strong navy.

2. It would take years to develop sufficient munition plants if the present ones were taken, as evidenced by the Allied Powers seeking munitions here although in possession of all their munition plants.

E. If our navy was destroyed or seriously damaged, an European or Asiatic nation could land and support sufficient troops to capture enough of our country to make us sue for peace.

1. Military experts figure that Japan could land 95,000 men upon our shores within 22 days; Germany could land 400,000 men within 14 days; and England 665,000 men within 15 days.

2. England demonstrated her ability in this line by landing 126,000 men in one transport shipment to the Gallipoli peninsula, which is farther from England than the United States from Western Europe.

3. In the war of 1812, Gen. Ross with but 4,000 veteran soldiers landed on the shores of Chesapeake Bay and, after decisively defeating our undisciplined militia at Bladensburg, marched into Washington and burned the Capitol.

4. Military experts tell us that a force of 200,000 men could take New York, and that 1,000,000 men could hold the New England and North Atlantic States for an indefinite period of time, because of our lack of armed men, difficulty to obtain munitions and the time which would necessarily be given for the enemy to fortify and entrench.

IV. We could within a few years build the largest navy without great financial burden and provide for 500,000 men.

A. The naval program could be extended over five years and funds provided by increasing the income tax and levying a larger Federal inheritance tax.

B. We could raise our standing army to 500,000 men or adopt a system which would provide trained men subject to call by asking 500,000 men to volunteer to take two or three months of the year for military training under state or national supervision.

C. If necessary we could require two years training by all the young men of the country who are physically fit.

1. The census shows that nearly one million young men attain their majority every year.

2. Conscription might be used for the good it would accomplish.

a. It would produce as many soldiers as might be required.

b. It would make our young men healthy, manly and more amenable to discipline.

c. It would ensure peace and preserve prosperity.

## NEGATIVE BRIEF

### References:

Independent 80, 392-3; 84, 466-7; Literary Digest 51, 1162; 52, 219-20; New Republic 3, 188-90; 4, 323-4; Scientific American 111, 502; Nation 99, 647; Atlantic Monthly 107, 751-61; 114, 820-37; Forum 52, 797-803; 54, 1-4; 147-54; Outlook 103, 145; Sunset 34, 359; Survey 33, 605-7; 614-5, 616-20; 34, 355-9; 35, 506; Congressional Record, Vol. 51, pp. 222, 389, 402; 2,070, 2,734, 2,741; App. 110, 163, 195, 417-41; Vol. 53, pp. 1,232-8; 1,474-6; 2,862-3; 3,413-7; 3,227-32; 3,472-5; 3,694-3,702.

I. We are not in danger of war with any great nation.

A. We have endeavored to follow Washington's advice in not becoming involved in Europe's troubles or allied to other nation.

1. We have not sought to settle the boundaries of nations or to establish colonies or spheres of control in the Eastern Hemisphere.

2. We have not signed treaties which might make us parties to the quarrels of other nations.

B. We have arbitration treaties with all the great nations, and need not fear attack from any of the nations who have signed the treaties.

1. These treaties provide for no hostile action within a year.

2. They provide for arbitration of all disputes.

3. The modern history of England, France, Russia and

Italy does not support the theory that any one of them would violate treaties with our country, and plunge into hostilities.

4. France in the Revolutionary War, and Russia in the Civil War showed their great friendliness for our country.

5. England's rulers would never permit war with the other great English-speaking nation if it was possible to honorably avert it; England is dependent upon us for indispensable articles, like cotton; and modern commerce has almost inseparably bound the two nations.

C. We need not fear Austria or Germany since their defeat in the World War.

D. None of the nations involved in the World War will be in a position to make war upon us for a long time to come.

1. They will be unable to finance a war against us, while our finances are almost unlimited.

2. Their losses will be so great that it will be absolutely necessary for them to recuperate.

E. Our nation is composed of people of many nationalities, and there would be great opposition by the inhabitants of any European nation to any hostilities with their people in our country.

F. Despite the barbarities of the World War, it is not to be expected that England, France, Russia or Germany would seek to commit national robbery by attacking us for plunder or booty.

II. We are sufficiently prepared according to the present outlook.

A. No European nation could detach its entire navy against us, and our navy would have the advantage of being on the defensive, fighting under the sheltering guns of forts and being near its base of supplies.

B. We need not fear aggression from Japan.

1. Admiral Blue testified before the House Committee of Military and Naval Affairs that our navy was prepared to meet any enemy it could possibly meet in the Pacific.

2. Even if Japan sought war with us, of which there is no

indication, and took the Philippines or Hawaii, we could take time and prepare for their retaking.

C. Admiral Badger is authority for the statement that foreign submarines could not operate against us because of the great distance between Europe and America, and Asia and America and our submarines could render effective aid to our men of war.

D. We could prevent the landing of foreign armies upon our shores even if our navy was demolished.

1. Submarines would be aided by aeroplanes in the destruction of transports.

2. Our coast fortifications are pronounced by General Miles and General Weaver to be as proficient as any of the European fortifications, and the experience in the Dardanelles showed that guns aboard ships were no match for fortifications and submarines.

3. Our regular army with the men who have had military training could join in preventing the landing of foreign soldiers.

4. General Miles said that an enemy could not land 400,000 men on the shores of the United States, and that we could quickly drive from this country any invading force that might be landed.

E. In 1775 and 1812, our navy was not equal to the enemy's navy and troops were landed, but our country suffered only temporary defeat.

1. We could stand the loss of some of our munition plants, as General Miles is authority for the statement that in February, 1916, the United States was daily manufacturing more war materials than any two nations abroad were using at the same time.

2. As a rule, overseas expeditions in history have proven disastrous.

F. We are spending yearly for our army and navy over \$300,000,000 which is sufficient expenditure under all conditions for war insurance.

G. We have always been able to enforce the Monroe Doctrine without large armies and navies, and can continue to do so.



1. We would have the assistance of all Central and South American states, and very likely of other nations who would seek to prevent rival nations from obtaining footholds in America.

2. If a combination of nations were made against us, and our navy was defeated, we could build greater navies than the world has ever seen, as our resources are greater than the combined resources of any nations which might be expected to combine against us, and the largest pocketbook generally wins every war.

3. If any of the great nations had intended to attack the Monroe Doctrine, they would have done so long ago and will not attempt it after the losses of the World War.

III. Such a policy would mean an intolerable financial burden.

A. It would cost one and a half billions of dollars to make our navy equal to England's navy of 1914.

1. It would take many years to build a navy equal to the present navy of England, and England might greatly increase her navy during that period so we would have entered into a competition which would be a great financial burden upon the resources of the nation.

2. It would require an expenditure each year for five years equal to the present yearly expenditures of the nation for every purpose except the navy.

3. It would require \$760,000,000 a year, when built, for upkeep.

B. Maintaining a large standing army with all its attendant expenses would be an excessive burden.

1. It would cost at least \$500,000,000 a year.

2. Added to the extra naval expense, it would make a budget which would require oppressive taxes.

C. Revenues would have to be raised by direct taxation, heavy income taxes and inheritance taxes.

1. It would be absolutely impossible to raise the required funds by our import duties and internal revenue taxes.

2. We would have to follow England's example in levying taxes upon occupations and luxuries, such as automobiles, carriages, etc.

3. We would have to make our income tax apply to even the smallest of incomes and take a much larger percentage than is now taken.

4. We would have to levy a heavier federal inheritance tax so that the Government could take a larger proportion of all the moneys left by decedents.

IV. The policy of maintaining large military and naval forces is contrary to the nation's ideals and would have destructive effects.

A. Large bodies of idle men would have to be supported by the working men of the nation, instead of all men having an equal opportunity to labor for themselves.

B. A military caste would be created and the spirit of militarism would become rampant.

C. A large standing army is a dangerous step towards centralization and would put a tremendous power in the hands of an autocratic president.

1. If we are afraid of a small foreign army, how much more should our republic fear an army and navy in control of our nation which might become subject to the influence and power of an empire-loving President.

2. Nearly all republics have been overthrown by a military ruler controlling the army.

D. With large military and naval forces seeking activity, we would gradually interfere in the affairs of the world until we become like all other great warring nations and lost our democracy and crumbled our republican form of government.

















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