

## ORDERED LIBERTY AND WORLD PEACE.

THIS occasion is dedicated to freedom. The people of Baltimore, and of Maryland, are gathered here in that spirit. Because Americans cherish that sentiment they cherish the name of Lafayette. On the anniversary of his birth, we are gathered about his statue in this proud city which we know he loved, almost in the shadow of the stately monument reared to his great friend Washington, to rededicate ourselves to the inspiring memory of a true son of world freedom.

This is not only his birthday, but the anniversary of the farewell reception extended to him at the White House by President Adams during his last visit to our country. This day not only recalls his youth and his dashing figure in our Revolution, but it reminds us of the venerable man, half a century later, held in love and admiration by two countries for the sacrifices he had made in the service of liberty.

His picture to me seems always to have the enthusiasm and freshness of youth, moved with the high-minded and patriotic purpose of maturity. He displayed the same ambition for faithful service, whether he was leading his soldiers in the last charge for American liberty at Yorktown or rebuking the mob at Paris for its proposal to make him king. His part in the French Revolution is well known. He served the cause of ordered liberty in America; he was unwilling to serve any other cause in France. His admirers might say of him on the first anniversary of Bastille Day, "He is galloping through the ages." But he refused to be

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a man on horseback. He knew that the welfare of his country lay in moderation. The people trusted him, but the extremists, whether Jacobin or Royalist, feared him. He urged the National Assembly to establish by constitutional guarantees what the Revolution had gained.

As Commander of the National Guard, again he might have made himself dictator. Instead he was pleading with the Assembly to adopt the preamble of the American Constitution as the foundation of its declaration of rights. When alien armies were brought to France to crush her liberties he was put at the head of the Army of the North, but treachery and suspicion overcame him. He was retired from his command and was seeking to leave the country when he was captured and held for five years in imprisonment. Tradition has it that he was released through the joint efforts of Washington and Napoleon.

He had a deep appreciation of this action, but always refused to support the Napoleonic regime. After Waterloo he insisted that Napoleon must abdicate and that the nation must guarantee his life and liberty. When the Bourbons were restored he denounced usurpations in the name of royalty, as he had formerly denounced usurpations in the name of liberty. As a consequence he was charged with treason. He defied the Assembly to try him on such a charge. "During the whole of a life devoted entirely to liberty I have constantly been attacked by the enemies of that cause," he declared. "I demand a public inquiry within the walls of this chamber and in the face of this nation." As his enemies dared not meet the challenge, he was acquitted.

After a few years of private retirement he emerged to pay a visit to this country, one hundred years ago. Congress bestowed upon him citizenship and treasure and he was received everywhere with reverence and acclaim. When the Revolution of July occurred in 1830 he once more

became Commander of the National Guard, where his influence saved his people from horrible excesses. Again there was an effort to establish a republic and make him President. But he thought a constitutional monarchy best adapted to the needs of his nation. So he refused this most appealing of all honors and returned to his country home. His long career was ended.

He represents a noble and courageous dedication to the service of freedom. He never sought for personal aggrandizement, but under heavy temptation remained loyal to the great Cause. He possessed a character that will abide with us through the generations. He loved his fellowmen, and believed in the ultimate triumph of self-government. But he did not consider France had reached a point where representative democracy would be a success. He was practical. Like Washington, he refused a crown. But while he believed Washington performed a great service in accepting the Presidency of America, he believed he had performed an equally great service in rejecting the Presidency of France. He approved the establishment of our republican institutions, and hoped they would one day be a model for the government of his own country. He recognized the value of native institutions. So, while he was loyal to freedom, he was likewise loyal to the Crown. In moderation, in the gradual evolution of government and society, he perceived the strongest defense against both reaction and revolution, and the greatest hope for permanent progress.

We have come here today to honor the memory of Lafayette, because long ago he came to this country as a private citizen at his own expense and joined us in fighting for the maintenance and extension of our institutions. It was not so much to acquire new rights, as to maintain old rights, that the men of that day put their fortunes to the hazard of war. They were resisting usurpations; they were

combating unlawful tyrannies. No doubt they wanted to be Americans, but they wanted most of all to be free. They believed in individual liberty, safeguarded by constitutional guarantees. This principle to them was dearer than life itself. What they fought to preserve and extend, we ought to be ready to fight to maintain.

Very little danger exists of an open and avowed assault upon the principle of individual freedom. It is more likely to be in peril indirectly perhaps from the avowed intention of protecting it or enlarging it. Out of a long experience with many tyrannies abroad and a weak and inefficient government at home, the Constitution of the United States was adopted and ratified. The people who largely contributed to the early settlement of America came to escape the impositions of despotic kings. Many of the early inhabitants were separatists from the established church. They fled under the threat of the English King, that he would make them conform or harry them out of the land. Their descendants fought the Revolutionary war in order that they might escape the impositions of a despotic parliament.

This lesson was firmly in the minds of those who made the American Constitution. They proposed to adopt institutions under which the people should be supreme, and the government should derive its just powers from the consent of the governed. They were determined to be a sovereign people under a government having such powers as they from time to time should confer upon it by a written constitution. They did not propose to be under the tyranny of either the executive or the legislature.

They knew, however, that self-government is still government, and that the authority of the Constitution and the law is still authority. They knew that a government without power is a contradiction in terms. In order that their President and their Congress might not surpass the bounds of the authority granted to them, by the Constitu-

tion which the people had made, and so infringe upon the liberties of the people, they established a third independent department of the government, with the power to interpret and declare the Constitution and the law, the inferior courts and the Supreme Court of the United States. No President, however powerful, and no majority of Congress however large, can take from an individual, no matter how humble, that freedom and those rights which are guaranteed to him by the Constitution. The Supreme Court has final authority to determine all questions arising under the Constitution and laws of the United States.

That power and that authority has to reside somewhere in every government. Originally it lay with the king. After limitations began to be placed upon him, it was conferred upon the parliamentary body. One of the great contributions which America made to the science of government was the establishment of an independent judiciary department under which this authority resides in the Supreme Court. That tribunal has been made as independent and impartial as human nature could devise. This action was taken with the sole purpose of protecting the freedom of the individual, of guarding his earnings, his home, his life.

It is frequently charged that this tribunal is tyrannical. If the Constitution of the United States be tyranny; if the rule that no one shall be convicted of a crime save by a jury of his peers; that no orders of nobility shall be granted; that slavery shall not be permitted to exist in any state or territory; that no one shall be deprived of life, liberty or property without due process of law; if these and many other provisions made by the people be tyranny, then the Supreme Court when it makes decisions in accordance with these principles of our fundamental law is tyrannical. Otherwise it is exercising the power of government for the preservation of liberty. The fact is that the Con-

stitution is the source of our freedom. Maintaining it, interpreting it, and declaring it, are the only methods by which the Constitution can be preserved and our liberties guaranteed.

Somewhere must be lodged the power to declare the Constitution. If it be taken away from the Court, it must go either to the executive or the legislative branch of the Government. No one, so far as I know, has thought that it should go to the Executive. All those who advocate changes propose, I believe, that it should be transferred in whole or in part to the Congress. I have a very high regard for legislative assemblies. We have put a very great emphasis upon representative government. It is the only method by which due deliberation can be secured. That is a great safeguard of liberty. But the legislature is not judicial. Along with what are admitted to be the merits of the question, also what is supposed to be the popular demand and the greatest partisan advantage weigh very heavily in making legislative decisions. It is well known that when the House of Representatives sits as a judicial body, to determine contested elections, it has a tendency to decide in a partisan way. It is to be remembered also that under recent political practice there is a strong tendency for legislatures to be very much influenced by the Executive. Whether we like this practice or not, there is no use denying that it exists. With a dominant Executive and a subservient legislature, the opportunity would be very inviting to aggrandizement and very dangerous to liberty. That way leads toward imperialism.

Some people do not seem to understand fully the purpose of our constitutional restraints. They are not for protecting the majority, either in or out of the Congress. They can protect themselves with their votes. We have adopted a written constitution in order that the minority, even down to the most insignificant individual, might have

their rights protected. So long as our Constitution remains in force, no majority, no matter how large, can deprive the individual of the right of life, liberty or property, or prohibit the free exercise of religion or the freedom of speech or of the press. If the authority now vested in the Supreme Court were transferred to the Congress, any majority no matter what their motive could vote away any of these most precious rights. Majorities are notoriously irresponsible. After irreparable damage had been done the only remedy that the people would have would be the privilege of trying to defeat such a majority at the next election. Every minority body that may be weak in resources or unpopular in the public estimation, also nearly every race and religious belief, would find themselves practically without protection, if the authority of the Supreme Court should be broken down and its powers lodged with the Congress.

The same reasoning that applies to the individual person applies to the individual state. A very broad twilight zone exists in which it is difficult to distinguish where state right ends and federal right begins. Deprived of the privilege of its day in court, each state would be compelled to submit to the exactions of the Congress or resort to resistance by force. On the other hand, the legislatures of states, and sometimes the people, through the initiative and referendum, may pass laws which are very injurious to the minority residents of that state, by attempting to take away the privilege which they hold under the Federal Constitution. Except for the courts, such a minority would have no remedy for wrong done them. Their ultimate refuge is the Supreme Court of the United States.

At a time when all the world is seeking for the adjudication of differences between nations, not by war, but by reason, the suggestion that we should limit the jurisdiction of our domestic courts is reactionary in the highest degree. It would cast aside the progress of generations to begin

again the contest for supremacy between executive and legislature. Whichever side has won in that struggle, the people have always lost.

Our Constitution has raised certain barriers against too hasty change. I believe such provision is wise. I doubt if there has been any change that has ever really been desired by the people which they have not been able to secure. Stability of government is a very important asset. If amendment be made easy, both revolution and reaction, as well as orderly progress, also become easy. The nation has lost little, but has gained much, through the necessity of due deliberation. The pressing need of the present day is not to change our constitutional rights, but to observe our constitutional rights.

A deliberate and determined effort is being made to break down the guarantees of our fundamental law. It has for its purpose the confiscation of property and the destruction of liberty. At the present time the chief obstacle to this effort is the Supreme Court of the United States. In this contest there is but one place for a real American to stand. That is on the side of ordered liberty under constitutional government. This is not the struggle of the rich and powerful. They will be able to survive. It is the struggle of the common run of people. Unless we can maintain our institutions of liberty unimpaired they will see their savings swept away, their homes devastated, and their children perish from want and hunger.

The time to stop those who would loosen and weaken the fabric of our government is before they begin. The time for Americans to range themselves firmly, squarely and uncompromisingly behind American ideals is now. The great body of our people have an abiding faith in their own country. The time has come when they should supplement that faith with action. The question is whether America will allow itself to be degraded into a communistic

and socialistic state, or whether it will remain American. Those who want to continue to enjoy the high estate of American citizenship will resist all attempts to encroach upon their liberties by encroachment upon the power of the courts.

The Constitution of the United States has for its almost sole purpose the protection of the freedom of the people. We must combat every attempt to break down or to make it easy, under the pretended guise of legal procedure, to throw open the way to reaction or revolution. To adopt any other course is to put in jeopardy the sacred right to life, liberty, property, and the pursuit of happiness.

Lafayette was always an interested student of our affairs. Though he distrusted the effort to make France a republic, he believed greatly in our Republic and our Constitution. He had fought to establish American independence, in order that these might come into being. That independence to which he contributed has come to be with us a national axiom. We have always guarded it with the utmost jealousy. We have sought to strengthen it with the Monroe Doctrine. We have refrained from treaties of offensive and defensive alliance. We have kept clear from political entanglements with other countries. Under this wise and sound policy America has been a country on the whole dedicated to peace, through honorable and disinterested relations with the other peoples of the earth. We have always been desirous not to participate in controversies, but to compose them. What a success this has brought to us at home, and what a place of respect and moral power it has gained for us abroad, is known of all men.

To continue to be independent we must continue to be whole-hearted American. We must direct our policies and lay our course with the sole consideration of serving our own people. We cannot become the partisans of one nation, or the opponents of another. Our domestic affairs

should be entirely free from foreign interference, whether such attempt be made by those who are without or within our own territory. America is a large country. It is a tolerant country. It has room within its borders for many races and many creeds. But it has no room for those who would place the interests of some other nation above the interests of our own nation.

To be independent to my mind does not mean to be isolated, to be the priest or the Levite, but rather to be the good Samaritan. There is no real independence save only as we secure it through the law of service.

The course of our country in recent years has been an example of these principles. We have avoided entanglements by reserving to our own decision when and how we should help. We have not failed to help. We have contributed hundreds of millions of dollars to foreign charities. We have given freely of our counsel to the settlement of difficulties in Latin America and the adjustment of war problems in Europe. We are still pursuing that course. It has been a practical course, and it has secured practical results. One of these most important results is found in the disarmament treaties, which have saved our own country to date about \$300,000,000, and likewise relieved other nations. Another important result has been the adoption of the Dawes plan for the settlement of reparations. The effect these will have in averting war and promoting peace cannot possibly be overestimated. They stand out as great monuments, truly directing the course of men along the way to more civilization, more enlightenment, and more righteousness. They appear to me properly to mark the end of the old order, and the beginning of a new era. We hope they are the end of aggressive war and the beginning of permanent peace.

Great changes have come over the world since Lafayette first came here desirous of aiding the cause of freedom.

His efforts in behalf of an American republic have been altogether successful. In no other country in the world was economic opportunity for the people ever so great as it is here. In no other country was it ever possible in a like degree to secure equality and justice for all. Just as he was passing off the stage, the British adopted their reform measures giving them practically representative government. His own France has long since been welcomed into the family of republics. Many others have taken a like course. The cause of freedom has been triumphant. We believe it to be, likewise, the cause of peace.

But peace must have other guarantees than constitutions and covenants. Laws and treaties may help, but peace and war are attitudes of mind. American citizens, with the full sympathy of our Government, have been attempting with apparent success to restore stricken Europe. We have acted in the name of world peace and of humanity. Always the obstacles to be encountered have been distrust, suspicion and hatred. The great effort has been to allay and remove these sentiments. I believe that America can assist the world in this direction by her example. We have never forgotten the service done us by Lafayette, but we have long ago ceased to bear an enmity toward Great Britain by reason of two wars that were fought out between us. We want Europe to compose its difficulties and liquidate its hatreds. Would it not be well if we set the example and liquidated some of our own? The war is over. The militarism of Central Europe which menaced the security of the world has been overthrown. In its place have sprung up peaceful republics. Already we have assisted in refinancing Austria. We are about to assist refinancing Germany. We believe that such action will be helpful to France, but we can give further and perhaps even more valuable assistance both to ourselves and to Europe by bringing to an end our own hatreds. The best way for us

who wish all our inhabitants to be single-minded in their Americanism is for us to bestow upon each group of our inhabitants that confidence and fellowship which is due to all Americans. If we want to get the hyphen out of our country, we can best begin by taking it out of our own minds. If we want France paid, we can best work towards that end by assisting in the restoration of the German people, now shorn of militarism, to their full place in the family of peaceful mankind.

I want to see America set the example to the world both in our domestic and foreign relations of magnanimity.

We cannot make over the people of Europe. We must help them as they are, if we are to help them at all. I believe that we should help, not at the sacrifice of our independence, not for the support of imperialism, but to restore to those great peoples a peaceful civilization. In that course lies the best guarantee of freedom. In that course lies the greatest honor which we can bestow upon the memory of Lafayette.