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A NEW LOOK AT ROBERT A. TAFT

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Robert A. Taft was widely viewed as a conservative during his political career. Toward the end of his life he indicated an absence of interest in the emerging New Conservatism evidenced in Russell Kirk's Conservative Mind. Certainly, there was little similarity between Taft's political philosophy and the New Conservatism. Taft was defined as a conservative by the media in reference to his acceptance or rejection of the New Deal. Large numbers of people were defined as conservatives due to their opposition to the New Deal. Yet in many cases before the New Deal they were not viewed as conservatives. The Old Right opposition to the New Deal which came into being by the late 1930's was composed largely of non-conservatives. The conservatives had shot their volley during the early New Deal and retired to their castles. These conservatives were the leaders of big business and banking interests which since the late nineteenth century had benefited from government privileges and subsidies in the form of tariffs, railroad grants, utility monopolies, money and banking legislation, etc.

The Old Right which emerged in the late 1930's, if it could be said to be defined by any other position other than opposition to the New Deal, was defined by not having given political support to business and banking subsidies and monopolies before the New Deal. In addition to lack of support for pre-New Deal conservatism, the Old Right was defined by its non-interventionism and violent criticism of the New Deal foreign policy before and during and after the second world war. Since the early New Deal election victories eliminated most of the business-monopoly conservative Republicans, the Republican Party in Congress in the later 1930's was composed of moderate Republicans and of Republican progressives who criticised the New Deal from the left.



That Republicanism was congenial to those non-Eastern congressmen whose constituencies were Progressive, Farmer-Labor, Non-Partisan League and perhaps even prairie socialist. In the Middle West and West, these became from the late 1930's the constituencies of the Old Right and of the Republican Party in the context of the two party system. It was that Middle West and Western Progressive, Farmer-Labor, Non-Partisan League, and perhaps even prairie socialist constituency, which Eastern advertising, newspapers and radio in support of the New Deal labeled conservative. Robert Taft's entrance into national politics in 1938 occurred as the Old Right came into being and he became its natural leader.

However, true or apocryphal the statement attributed to Taft - "I am charged with moving in on foreign policy; the truth is that foreign policy has moved in on me" - the fact remains that while his *senate forte* was domestic policy, from the moment he entered the Senate he was involved in debate over foreign policy. His participation in debate over foreign policy lasted to the final weeks of his life in mid-1953. Indeed, for Taft, it can be said that there was no real distinction between domestic and foreign policy because each influenced the other. They both derived from the basic principles which characterized his political philosophy.

To understand more fully Taft's critique of the Cold War, I undertook a more thorough examination of his foreign policy positions during the second world war. There were no great foreign policy issues during the war comparable to pre-war neutrality legislation, lend-lease or war-entering diplomacy, or to post-war Truman Doctrine, Nato, Korean war or Great Debate of 1951. During the war Taft concentrated upon broad foreign policy concepts, especially regarding international organization. Taft's frequent lengthy speeches regarding the formation of a new League of Nations or United Nations made me uncomfortable. Until I gained a fuller understanding of Taft's concepts they seemed much separated from his ordinary focus. I did not expect Taft's straight non-interventionism diluted by the branch water of any kind of internationalism. He used favorably terms such as collective security and I was struck especially that he was speaking favorably on Woodrow Wilson and of his fight for the League of Nations. I then realized how far removed on foreign policy Taft had been from the Senate's 'Battalion of Death' of 1919 or the Isolationist 'Sons of the Wild Jackass.'

Before U. S. intervention in the first world war Taft hoped for victory for England and its allies, while he supported the campaign for American military preparedness. In 1917 he agreed with Wilson's breaking of diplomatic relations with German, and as James Patterson discovered he joined in calling on Wilson to take action regarding Germany's interference with American supplies for England and to undertake a "permanent and democratic system of defense, based upon Universal Military Training and service under direct and exclusive federal control." Rejected for military service, Taft requested a position with Wilson's Food Czar, Herbert Hoover. Taft entered the Wilson administration as assistant counsel in the Food Administration. William Leuchtenburg has noted regarding World War I programs:

Very little in the Populist and Progressive periods offered a precedent for massive federal intervention in the economy. Many of the reforms of the prewar generation were modest ventures in regulation or attempts to liberate business enterprise rather than ambitious national programs of economic action. Moreover, in these years, reformers thought the state and the city more important arenas than the national capital. World War I marked a bold new departure. It occasioned the abandonment of laissez-faire precepts and raised the federal government to director, even dictator, of the economy. ... the Food Administration fixed the price of coal and imposed "coal holidays" on eastern industry; and the Food Administration controlled the production and consumption of food. The Lever Food and Fuel Control Act of 1917 gave the President sweeping powers: to take over factories and operate them, to fix a maximum price for wheat, and to license business in necessities.¹

Taft became Hoover's valued aide in the operations of the Food Administration. These operations have been analyzed by Murray N. Rothbard:

The most thoroughgoing system of price controls during the war was enforced not by the WIB but by the separate Food Administration, over which Herbert Clark Hoover presided as "Food Czar." The official historian of wartime price control justly wrote that the food control program "was the most important measure for controlling prices which the United States ... had ever taken." ... The key to the Food administration's system of control was a vast network of licensing. Instead of direct control over food, the FA was given the absolute power to issue licenses for any and all divisions of the food industry, and to set the conditions for keeping the license.²

In November, 1918 Taft went to Paris with Hoover as legal advisor of the American Relief Administration. Close to Hoover, Taft not only set up and administered the Relief Administration's Paris office, he represented Hoover on the Permanent Committee of the Supreme Council of Supply and Relief. Concentrating on Eastern Europe, and especially Poland, Taft accompanied Hoover to Warsaw in August, 1919. Taft like Hoover felt that Bolshevism was the natural result of the dislocation of war,

and they shared the fear that intrigues of the European Allies would sustain that dislocation and permit a wider appeal for Bolshevism. Taft found the Paris peace treaties and the League of Nations Covenant reflecting both the too wide ideals of Wilson's speeches and Wilson's accomodation to the power politics of the European Allies. Regarding the League, Taft wrote William Howard Taft in late 1918:

I am not convnincd that an international police force or executive would work but a League without an agreement to use force, military or economic, against anyone who makes an aggressive war, would be worse than useless.

.....
There is the greatest haziness about the League of Nations, because Wilson has never made clear what he has in mind... it seems to me that any League of Nations concerned with economic control would soon fall to pieces ...it ought to be confined strictly to preventing war and defining what constitutes an aggressive war.³

As James Patterson has emphasized, the more than two years Taft served with Hoover in Washington and Paris left a strong mark. Hoover's thinking and policies paralleled those of Taft, and Hoover was a model and mentor as a policy-maker.

During 1919-1920 Taft undertook leadership of a campaign to nominate Hoover for president. Taft had inisted:

It is necessary to nominate a moderate progressive who will defend the existing system but work out such constructive changes as will keep the Republican party a party of progress.⁴

After making speeches and raising campaign funds, Taft went to New York in March, 1920 to press Hoover to announce his availability for the Republican nomination. Five days later Hoover made his announcement. Taft increased his activity and carried the Hoover campaign through to the convention. What was the moderate progressive program of Hoover which would keep the Republican Party "a party of progress" rather than the reaction Taft feared from the nominating convention? Rothbard has summarized the Hoover program which Taft was campaigning for:

When Herbert Hoover returned to the United States in late 1919, fresh from his post as Relief Administrator in Europe, he came armed with a suggested "Reconstruction Program" for America. The program sketched the outlines of a corporate state; there was to be national planning through "voluntary" cooperation among businesses and groups under "central direction." The Federal Reserve System was to allocate capital to essential industries and thereby eliminate the industrial "waste" of free markets. Hoover's plan also included the creation of public dams, the improvement of waterways, a federal home-lan banking system, the promotion of unions and collective bargaining, and governmental regulation of the stock market to eliminate "vicious speculation." ...

Hoover was appointed Secretary of Commerce by President Harding under pressure by the Progressive wing of the party, and accepted under the condition that he would be consulted on all the economic activities of the federal government. He thereupon set out deliberately to "reconstruct America."

... Hoover organized the various federal, state, and municipal governments to increase public works....

Hoover called for these interventionist measures with an analogy from the institutions of wartime planning and collaboration, urging that Americans develop "the same spirit of spontaneous cooperation in every community for reconstruction that we had in war."⁵

Many Progressives supported the Harding candidacy in 1920 as the best method to gain United States adherence to the League concept. Hoover campaigned for Harding on the basis of support for the League; in Indianapolis on October 9, 1920, Hoover declared:

The Republican party has pledged itself by its platform, by the actions of its majority in the Senate, by the repeated statements of Senator Harding, that they undertake the fundamental mission to put into living being the principle of an organized association of nations for the preservation of peace.⁶

Although neither the Republicans nor the New Deal achieved adherence to the League, it was Herbert Hoover during his administration which created the closest cooperation between the United States and the League and numerous League agencies. Hoover's strong support for disarmament, first, his demand for an absolute prohibition on offensive weaponry, and then, his call for a thirty percent reduction in arms, were among the policies recalled by Taft in contrast to the New Deal's lack of record in international cooperation or disarmament.

Moderate Progressives of whom Hoover was the leader preferred to use the power of the federal government to pressure either industrial units or local governments into commitments and into organizations to carry out federally determined purposes. Thus, they believed that the state and local governments were the suitable units to implement the economic goals set by the federal government. In the face of Democratic opposition to increased government and high taxation by the Republicans, Hoover encouraged increased state and municipal spending as well as private investment in public works infrastructure: construction of roads, urban railroad terminals, municipal airports, etc. Taft continued to espouse this philosophy of Hoover during the 1930's; he held: "There should be a long term public works program which could be carried out more intensively in hard times and less actively in times of prosperity."⁷

Journalist Mark Sullivan's response (December 8, 1922, Sullivan MSS, Hoover Institution) to Josephus Daniel's complaint about excessive Republican bond issues for road building indicates the new level of Progressivism in the post-war period. The pre-war objectives of Progressives were achieved in the post-war period; Hoover, who had been a supporter of Theodore Roosevelt in 1912, was in the forefront. Sullivan said:

Now, it happens that this is just the point [bond issues] as to which I felt troubled in my mind about some of our progressive friends. Some of the leaders of this new progressive movement in the Republican Party think of progressivism largely in terms of taking more money out of the taxpayers and spending it more widely. I am decidedly disturbed by a conception of progressivism which includes high taxation and prodigal expenditures with the public money. ... It is because this new progressive movement within the Republican Party is so touched by this conception of the public revenues, that I hesitate to go along with them as wholeheartedly as I did with the old insurgent and progressive movement in 1912.⁸

Taft undertook an important role in this "new progressive movement in the Republican Party" of which Herbert Hoover was the principal national figure. Since state and municipal governments were the focal points for undertaking the infrastructure construction and provision of government facilities for economic growth it was necessary to reform local governments so they would have the increased taxing powers to achieve these goals. To insure the efficient uses of these revenues it was necessary to change the structures and introduce controls on local governments. Taft's role in this regard has been clearly drawn by James Patterson.

On his return to Cincinnati Taft helped form in 1920 a municipal reform group composed mostly of Republican professional people. Taft became vice-president and wrote the constitution of the Cincinnati Association. Taft was also engaged in the presidential campaign of Hoover against the local and state Republican leaders. Finally, Taft ran for the Ohio assembly because, as he explained it, the mayor indicated need for legislation to permit increased city taxation. After the close of the first session in 1921 Taft complained: "The spirit of the legislature particularly those from the rural districts toward the state government is one which can be criticized for niggardliness rather than extravagance. Taft supported the new Republican governor's reorganization of the state government to achieve efficiency. In later sessions Taft sought election

of judges on nonpartisan ballots, opposed prohibition enforcement, movie censorship and the Ku Klux Klan (supporting the bill that secret organizations file their membership lists with the state), and supporting minimum wages for women and children, workman's compensation, and the federal constitutional amendment against child labor.⁹

But, Taft's principal concern was to increase taxation. Reformers had sought the amendment of the Smith Act which limited property tax rates to 10 mills of assessed valuation. Anti-reformers insisted that state and local governments cut expenditures instead of seeking tax increases. Taft managed legislation through the legislation which suspended the Smith law so that cities might levy an additional 5 mill tax. In 1922 an economy Democrat, "Honest Vic" Donahey, was elected to the first of his three terms as governor, and Taft as chairman of the taxation committee and then as majority leader of the Ohio assembly was to be at odds with "Veto Vic." Taft sought an increase of the tax limit to 17 mills and exemption from the limit of taxes to cover sinking funds and interest; he pressed for legislation to enforce prosecution of false returns. Donahey vetoed Taft's bill as an encouragement to extravagance and high taxes. When the legislature passed Taft's bill over Donahey's veto a referendum was undertaken in which Taft and Donahey campaigned across the state, Taft's taxing bill losing two to one in the referendum. In December, 1926 Taft as chairman of a committee on economics and taxation supported increased taxation for state expenditures, reorganization and efficiency of local government and increase of their debt limits.

Taft returned to the question of increase state taxation when he was elected to the Ohio state senate in 1930. He headed a joint legislative committee on taxation. There Taft favored an income tax with its effects centered on income from investments rather than salaries, and gained enactment of a tax on income from stocks and bonds. He supported an act to outlaw yellow-dog contracts, state bond issues to support state agencies and a state fund to which counties could transfer their bonds. Taft approved authority for limited dividend housing companies to get funds for slum clearance from Hoover's administration.¹⁰

Taft's re-entry into the state legislature may again have reflected the wider purposes of the Hoover Progressives in the Republican Party. Taft visited and advised Hoover in the White House after leading in the Hoover nomination and election campaign of 1928. As soon as the 1929 Depression occurred Taft insisted that government units, federal and state, take actions rather than waiting for the market to correct itself. In late 1929 Taft was in Washington to influence the Federal Reserve Board

to take a very active policy of buying securities. Taft worked closely on this with another Hoover associate, George Harrison, governor of the Federal Reserve Bank of New York. Taft also actively supported the Federal Home Loan Bank and the Reconstruction Finance Corporation Act of 1932; he shared the feeling of Hoover that Congress had been too limited in its granting of powers. However, Hoover later could claim with pride to having caused local governments to increase public works by 1.5 billion dollars. As Hoover's New Deal made the transition into Roosevelt's New Deal, Taft continued his support of Progressive Republican measures continued by Roosevelt. James Patterson has indicated Taft's views

The root of the trouble, he said, was "a slowing down in the circulation of purchasing power, or the economic cycle... More money must go into directly consumable goods, and the only way to do that is to increase the share of the wage and salary earner." He also acquiesced in some early New Deal measures. Thus he conceded the need to control the price of oil and coal, favored the expenditure of \$3 billion in federal funds for public works, and admitted that debts had to get some kind of relief. ...

And sometimes he grudgingly approved of it, urging Congressman Hollister and Senator Fess not to oppose relief and public works, accepting the establishment of minimum wages under the National Recovery Administration, ... and cautiously endorsing federal unemployment insurance and old age pensions. ... he applauded the SEC's effort to control the buying of stocks on margin and to regulate new issues. In public speeches he was careful always to support some New Deal measures, and he even commented, "I do not agree with the statement frequently made that we should postpone reform until we have secured recovery."

... but when Roosevelt began to criticize the wealthy in 1935, Taft reacted sharply. 11

... Taft did not perceive himself as a spokesman for privilege. On the contrary, he reflected a pervasive midwestern suspicion of idle speculators and eastern financial interests, and he was almost as critical of monopoly as were Borah and some of the older American progressives. ...

Taft did not believe in laissez-faire, he recognized that the national government must play an important role, and like his father he called for a strong presidency. ... Yet leaders must rule according to established principles of law. ...

"When I started out in politics," he said revealingly in 1939, "I was strong for centralization on the theory that it would produce greater efficiency. The longer I have been in politics the more I have come to doubt the premise of that conclusion." 12

Thus, in the late 1930's Taft seemed to have moved to the Wilsonian "New Freedom" individualist and competitive social view from the Bull Moose "New Nationalist" Progressivism which Hoover had evidenced when in office. The Second New Deal of 1935 with its sense of class consciousness and conflict in place of the First New Deal's emphasis on national interest and unity, so cherished by Progressives, caused many Progressives to diminish or end their support of the New Deal. Although the nature

of Progressivism during the period from 1917 to 1933 has tended to remain undefined, Otis Graham's An Encore for Reform, The Old Progressives and the New Deal confirmed my conclusion that Robert Taft fitted himself directly in the post-war "new progressive movement in the Republican Party."¹³

The New Deal's "nationalism" or power politics based on alliances conflicted with Republican Progressivism's emphasis upon international law, arbitration, arms limitation and disarmament. The League to Enforce Peace was founded in 1915 mainly by Republicans with William Howard Taft as president. It aimed at a world organization in which all disputes among nations would be submitted to a world court. The following year Wilson lent it his prestige by speaking at its first National Assembly. Wm. H. Taft and other leaders of the League to Enforce Peace, Charles Evans Hughes, George W. Wickersham and Herbert Hoover, supported Harding as more likely to achieve American entry into the League of Nations. With the end of the League to Enforce Peace, George Wickersham, who had been Taft's attorney general, became chairman in 1923 of the League of Nations Non-Partisan Association which included many leading Republicans and maintained a commitment to international justice to settle disputes.¹⁴

The appearance in July, 1943 of Walter Lippmann's U. S. Foreign Policy: Shield of the Republic was a broad assault on the cherished faith of the Progressives: their belief in the expansion of the ideal of legal procedures and the rule of law and justice, of arbitration and conciliation, from the area of domestic conflicts to foreign conflicts. Robert Divine notes: "John Chamberlain called it "brilliant," hailing Lippmann for having "tossed overboard the last vestige of well-meaning but essentially futile Wilsonianism." ... Only the internationalists dissented, objecting to Lippmann's refusal to champion a new world organization."¹⁵ Wilson had gained American support for the intervention in the first world war through his emphasis on legality and principles of peace although the entry was based on state interests and the war was carried out as national security management. Lippmann felt that foreign policy should be justified to the public on its real objectives and not on vague idealisms, and that the reaction of post-war America had been due to a failure to be frank with the American people.

Lippmann's criticism of the Progressive concepts of international legality and of arbitration struck at Robert Taft's deeply held principle. From the time the book appeared Taft centered his criticism upon Lippmann's analysis and the conclusion that instead of seeking an international system based on law and justice advocated by Taft the post-war world

should be ruled by a Great Power Alliance of the United States and Britain, and probably Russia. Lippmann felt that American and European states formed an "Atlantic Community" which would become the secondary security system. Taft noted that Lippmann's position clashed with Wilsonian ideals. He considered it a continuation of the concept of manifest destiny which would appeal to supporters of New Deal foreign policy such as Henry Wallace and Henry Luce, of whom Taft said: "The idea may appeal also to the nationalistic sentiment of those Americans who picture America dominating the alliance and the world." For Taft, Lippmann's analysis "proceeds on the assumption that wars cannot be prevented by the education of the human race to a rule of law and order or by any international arrangement, but only by the armed forces of America, England and Russia. Fundamentally this is imperialism."¹⁶

Taft especially attacked Lippmann's historical conception that in the twentieth century US foreign policy was bankrupt due to the smallness of the army and navy. Taft felt America's foreign and naval policies under Theodore Roosevelt, Taft, Wilson, Harding, Coolidge and Hoover were basically correct. Taft supported Coolidge and Hoover in their attempts to gain American adherence to the world court. Hoover had sought to achieve his objective which he stated in his nomination acceptance speech in 1928: "to cooperate with the League in its endeavors to further scientific, economic and social welfare and to secure the limitation of armaments," and he did send a full delegation to the conference on arms limitation in Geneva in 1932, as well as extending the Washington treaty of 1922 at the London conference of 1930. It was during the New Deal Taft felt that American foreign policy became bankrupt which reaffirmed his strong disagreement with Lippmann over U S intervention in the second world war. But, for the post-first world war period, Taft said:

The disarmament treaties so divided naval strength that again we had adequate protection against any combination of countries which did not include England. Again the Philippines were regarded as indefensible and were to be made independent shortly. It was only after the expiration of the naval treaties that our foreign policy became bankrupt. ... Nor was there anything isolationist about our foreign policy in the twenties after the first refusal to join the League of Nations. The disarmament treaties, the Eight-Power Pact in the Pacific, the Kellogg treaties were all efforts to work with other nations. We were willing to go further than the British in the imposition of sanctions against Japan and Italy. In the Dawes and Young Plans we attempted to help in solving the economic trouble brought on Europe by the Versailles treaty. One of President Hoover's last acts was to secure the postponement of reparations and the freezing of the German short-term credits. Our foreign policy was never bankrupt. In his eagerness to support a pre-conceived thesis, Mr. Lippmann seems to me to have distorted historical fact.¹⁷

Taft continued his attack on Lippmann and his followers in an address in New York on September 24, 1943:

It is amusing to me to see so many advocates of an international state, as well as those who believed in an association of free nations in a free world, suddenly abandoning all those ideals to adopt a policy which proposes a peace maintained by the armed forces of America, England, and Russia. It is utterly inconsistent both with the ideals of Woodrow Wilson and with Secretary Hull's "system of international relations, based on rules of morality, law, and justice."

Taft emphasized the destructiveness and expense of modern war. The question of arms limitation was particularly important from Taft's point of view:

Involved in this policy there is one modification of sovereignty which I should be willing to make. Such an association as I have outlined must prevent an armament race by nations and by alliances, or in time it will fail. It must undoubtedly seek a reduction of armaments and a limitation of armaments, imposed upon the Axis nations and voluntarily agreed to by the other nations. ... I believe we should be willing as part of a general plan to agree to limit our own armament; and should be willing to permit an international body to inspect our armed forces just as they inspect the armed forces of Germany or Japan, to see that there is no violation of treaty obligations. We should be willing to have the construction and maintenance of excess armaments as itself an act of aggression. The limitation of armaments would, of course, have to be the subject of a voluntary treaty in the first instance.¹⁸

In the debate on the Connally Resolution, Taft on November 4, 1943 reaffirmed his consistent support of the League of Nations: "I was in favor of joining the League of Nations in 1920, and I have been in favor of doing so ever since." Taft continued:

Back in 1910 and before that, we submitted our rights to arbitration treaties, and agreed that we would abide by the decision of an arbitrator. After all, that is the first step, and the fundamental step, in any international organization. In 1920 President Woodrow Wilson, as well as my father and many other leaders of the Republican Party, were in favor of going beyond that traditional policy of the United States.¹⁹

Like most Progressives Taft had a strong sentiment favorable to international cooperation and the settlement of disputes between nations on the basis of international law rather than conflict. Arbitration, mediation and conciliation were crucial parts of the Progressives' faith in peaceful settlements of disputes whether international or domestic.

William Howard Taft's arbitration treaties of 1910 and 1911 with France and England were viewed by Progressives as models for international conciliation. The treaties provided that disputes not settled by diplomacy be submitted to arbitration, but before submission to arbitration the parties would establish a joint high commission of inquiry to investigate the dispute and establish the facts but not report a decision. Secretary of State William Jennings Bryan's 1914 Conciliation treaties were modeled on the Taft Arbitration treaties which were withdrawn from Senate consideration when strong reservations were introduced. Taft harkened back to the internationalism of the Republican 1920's where Washington was the formal diplomatic center for such events as the Washington Arms Limitation Conference of 1921-22 with its prohibition on the use of poison gas, and depositing of the Kellogg-Briand Pact. On the Washington Conference, Taft said:

Certainly, no nation which engaged in the disarmament conference of 1922 and the subsequent treaty could possibly be called an isolationist nation. I think the people who are criticizing that disarmament conference and treaty or who are saying they had anything to do with bringing on the present war are making a great mistake. One of the best sections of the Moscow agreement is the section which makes it perfectly clear that we now recognize the necessity for a disarmament agreement very similar to the disarmament agreement of 1922, because regardless of what kind of an international organization we may have, certainly there will have to be a limitation on armaments, or we are not going to secure peace. The seventh clause of the Moscow agreement provides-

That they will confer and cooperate with one another and with other members of the United Nations to bring about a practicable general agreement with respect to the regulation of armaments in the post-war world.²⁰

Taft emphasized his concern that the destructiveness of war had become unacceptable. War could destroy the material and cultural civilization of a thousand years. War destroys the institutions which guaranteed freedom; and the cost of war undermined the future standard of living. As the context for disarmament, Taft saw a League of Nations as still the most viable means and opposed what he viewed as the Roosevelt administration's emphasis on the Big Three or Big Four alliance. Taft denounced a post-war alliance of the major powers as imperialism and militarism.

This theory can only lead to vast national armaments in all parts of the world; every nation must be able to control the sea, which means control the world. It has long been recognized that militarism, the very existence of huge armaments potentially aggressive, is a cause of war. They are a tinder box which any spark may ignite. Those who control them unconsciously desire to see them in action. They create a profession of militarists. The policy which is advocated in this alliance theory would have promoted war in the past and it would promote war in the future. I have pointed out that it would promote militarism, one of the causes of war. But it has other dangerous results. A military alliance presupposes an enemy threatening war. A military alliance is always an alliance against someone else. It arouses the antagonism of the world and leads to the formation promptly of a counteralliance.

...Once the whole World is lined up in two opposing camps another world war will be only a question of time. To avoid that condition is the very purpose of all the ideals and plans for any kind of world federation for peace.

Of course, this would be militarism. Our fingers would be in every pie. Our military force would work with our commercial force to obtain as much of the world trade as we could lay our hands on. We would occupy all the strong, strategic points in the world and try to maintain a force so preponderant that no one would dare to attack us.

... If we did succeed in becoming imperialists abroad it would be likely to change our whole attitude at home.21

Taft proposed:

Mr. President, I believe that the only practical line on which we can succeed is one based substantially on the same principles as were represented by the League of Nations of 1920. First of all, what we are seeking to establish - and I am sorry the resolution does not contain some of the language that was contained in the Mackinac resolution adopted by the Republican Party - is a rule of law and order in international roles:

It seems to me that we have allowed ourselves to be led astray a little bit by the question of how we are to enforce that law and order, but the basic principle is that we shall have an international law, that that law shall be worked out in detail to determine the relations between nations, and that there be a body, a court, if you please, to decide what the law is if some dispute arises with regard to its meaning. ...

Unless we do have such a law as I have suggested, unless we clearly define what the duties and obligations of nations are, there is no use talking about a force to carry it out. ...the first step is the writing of a law so clear as to the obligations of nations that public opinion can be marshaled behind that law, and can be marshaled against any nation which breaks the law.

...I envision a league in which the nations will all agree that they will submit all disputes to arbitration or conciliation, or whatever other means of settling disputes may be made available. The League of Nations sent disputes to the Council of the League. I question whether that is the right place to which to refer them. It seems to me the body to which disputes could be submitted should be a wholly impartial one, and I see no abandonment of sovereignty in agreeing to abide by its decision, provided we write an exact law so that we may know what our obligations are.22

For Taft, the League of Nations concept offered a precise and defined alternative to the imperialism and militarism of an alliance and balance of power system. It was important for Taft that the new League of Nations fulfill the tight precepts he presented for otherwise it ^{would} become like the original League of Nations a mechanism in which the alliance of the great powers operated. Already in 1943 Taft criticized any attempt to make the new League's council the determinant of aggression or settlement of disputes. Lacking the concepts he described, Taft feared that an alliance-based League of Nations might be "more likely to produce again a world war of the character of the present war." Taft saw the application of armed force by or through a League of Nations as potentially a major cause of another world war. He ruled out entirely an international police force, as well as immediate United States military action against any aggressor. Powers from outside these areas would intervene only at the request of a large majority of the states of the area after their military was failing. Europe, South America, or North America for example would each form such councils. Taft added:

It seems to me we should go into another continent only if we are invited to by a considerable majority of the people of that continent, so that we come at their request and only after they have exhausted their efforts. ...

The South Americans themselves should attempt to handle the situation first, and we should go in only if we are invited by practically all the other nations of South America to punish the aggressor. That is the kind of league of nations I hope may be worked out.²³

To limit any immediate American intervention outside North America Taft insisted on the Congress' constitutional powers of making war and peace. He protested any infringement on Congress' peace-making power represented by the Big Three's undertaking not to make a separate peace for "only Congress can say that we will not under any circumstances make peace except with the consent of other nations." Taft emphasized that any agreement to use American armed forces against an aggressor state could never be implemented in particular cases without a declaration of war by the Congress according to its constitutional powers.

During early 1944 Taft took the forefront in Republican foreign policy statements and speeches, and repeated his stand:

The refusal to enter the League of Nations was based on the theory that our association with the quarrels of Europe would be more likely to produce war than to prevent it. I never agreed that such an argument justified a refusal to join in an attempt to outlaw war.

In my opinion the conditions which we face after the war are substantially different, and do require a departure from our traditional policy. I, myself, believe that those conditions had changed twenty-five years ago. ...

It may be pointed out that this was not the question with which we were faced in 1940 and 1941.²⁴

With a view to the San Francisco Conference, Taft in May, 1945 drew together his observations on the Dumbarton Oaks Proposals for a United Nations. Taft centered on the fact that although a league of nations in form, the United Nations would be dominated by the great powers. He quoted the Federal Council of Churches: "The organization proposed has many of the characteristics of a military alliance of a few great powers. Certain provisions seem to envisage a division of the world into regional spheres of influence, dominated by one or another of the great powers."²⁵ Rather than based on the role of law, Taft found the United Nations based merely on force. Justice and law were hardly mentioned, "and the Court is given a wholly interior position, unable to act unless the Security Council chooses to refer some question to it for decision. The nations enter into no obligation to abide by international law ... no affirmative method of settling disputes, except through the action of the security Council, which is a political and not a judicial body."²⁶ Just as he had opposed the powers given to the Council of the League which he believed should have been vested in the world court, Taft emphasized his opposition to the role given to the Security Council. During the post-war foreign policy debates Taft would repeatedly raise his objections to the power-politics approach of the Security Council and oppose a foreign policy based on it.

It should be made clear that the primary obligation is to settle all disputes by the application of international law and to abide by such law. I believe that instead of referring the matter to the Security Council in the first instance, the aim should be to refer it to the International Court and permit that Court to proceed with a decision, if the Court finds that the matter is justiciable.²⁷

For Taft the central issue of international law and arbitration had been replaced by emphasis on the use of force. But to Taft's thinking law was absolutely important and force was not important; without law, force was criminal, without force, law could be enforced by other means.

After all, force is not an absolute essential. There was a time in the Common Law when juries determined who was right but the enforcement was left to the relatives of the man who had been wrong. If we can establish an international law and a Court to apply it, the moral force of those decisions may well dominate in time public opinion of the world, so that no nation dare defy it.²⁸

Taft repeated this argument during the debate on the United Nations Charter on July 28, 1945. He presented a strong argument for arbitration:

If we cannot reach an agreement, we should ourselves be willing to accept arbitration or adjudication, even on the most vital issues, provided it can be set up in such a manner that the decision is to be based on justice and not on any principle of expediency. It seems to me impossible to hope for peace in the world unless all the nations ultimately come to be willing to submit all their disputes to arbitration or adjudication by an impartial tribunal. America must set the example. ... I assert again that we cannot hope for peace in this world unless we come to universal arbitration and adjudication, and yet there are many who shout loudly for international peace and armed forces to enforce it, who will not be willing that we arbitrate every matter relating to our international relations. The record of the Senate is none too good in the frequent rejection of treaties of general arbitration.

... We, ourselves, can always voluntarily submit our disputes to adjudication or arbitration. That can be an example to the world. We can further attempt to build up a world public opinion that disputes between nations must be settled, not by war, but according to the principles of law and justice. I do not believe we can hope for peace in the world until all the more powerful nations are willing to take that course. The principle objection to it today comes from Russia. We must admit that Russia has some reason to be suspicious that tribunals made up of foreign nations cannot be impartial as between Russia and its neighbors. We can only hope that the continuous conference provided by the Charter and a good example set by ourselves and others may convince Russia that the people of this world propose to be guided by principles of justice.²⁹

Taft noted the role of the Security Council and the dominance in the UN that it was granted. Taft believed that there should be Congressional controls over the voting by the American representative on the Security Council since the United States might be asked to furnish troops to carry out a resolution of the Security Council. The need for a Congressional declaration establishing the general principles under which the American representative must act in the Security Council was emphasized. In the hearings of the Foreign Relations Committee in early July, Senator Eugene Millikin of Colorado had been told by State Department witnesses that troops provided by member states for the Security Council's decisions would require individual treaties between the member nations and the Security Council. Millikin underlined the desire that Congress have the right to approve each time American troops were called upon by the Security Council. State Department representatives and administration spokesmen on the Committee noted that the UN Charter provided that agreements between the Security Council and member nations had to be approved by the "constitutional processes" of those nations, and insisted "it was the view of the entire United States delegation, that the agreement which will provide for the United States military contingent will have to be negotiated and then submitted to the Senate for ratification in the same way as a treaty" (John Foster Dulles).³⁰

In the debate regarding the powers of the US representative on the Security Council Taft strongly advocated a Congressional control over the use of American forces by the Security Council, at least through the establishment of clearly defined guidelines. Taft said on December 4, 1945:

My difficulty with the bill is the unlimited power in section 3 to the delegate to vote as he chooses, or rather as the President chooses, on any question which may impose upon us the obligation to use troops. I believe that Congress should at least lay down the rules as to when such a vote shall be taken. I am not at all sure that Congress should not reserve to itself the right to say when that vote shall be taken, because the vote is not a vote determined by law. ... It is simply a vote based upon national policy, which may lead to war; and it seems to me that national policy leading to war is a concern of the Congress of the United States, and not solely of the President of the United States.³¹

Taft proposed an amendment to the bill to place emphasis on an American commitment to disarmament. Although it received only sixteen votes, the supporters of Taft's disarmament amendment not only included Langer, Wheeler and Wherry, but strong internationalists such as Ball and Fulbright, and southern conservatives, Byrd and Russell. Taft proposed:

The representative of the United States on the Security Council shall urge upon the Security Council immediate action under article 26 looking to a limitation of armaments and of the prohibition of weapons such as the atomic bomb, rockets, and poison gas, and effective amendments to the Charter to secure the enforcement of the undertakings of nations with respect thereto.³²

Taft commented:

No suggestion has been made that we adhere to the International Court of Justice. The entire emphasis of the bill is on unlimited power to use force, a force, which, under the veto power which is imposed, would be completely and wholly ineffective.³³

While Senator Vandenberg opposed Taft's proposal regarding disarmament of atomic weapons, Senator Fulbright agreed with Taft's statement that

My belief is that the only way we can effectively prevent the use of atomic bombs is to eliminate the veto power and to provide authority to limit the development of weapons which may destroy the world.

The amendment would provide only an instruction to our delegate to start the machinery in behalf of securing some kind of an effective limitation of armaments, instead of relying on the use of force, which, as the Charter is written, I say is wholly ineffective against the great nations of the world, who could be the only dangerous aggressors in the world.³⁴

During the early post-war years Taft was critical of many administration measures on the grounds that they were violations of the UN Charter. For example, he opposed a bill in 1946 giving the president authority to send military advisors to foreign nations; he felt it to be opposed to American commitments to the UN. Taft criticized the Truman Doctrine because it was an action outside of and contrary to the UN. Taft felt that the administration's actions by-passing the UN created an atmosphere in which the Soviet Union would feel less and less comfortable, and that if the US government concentrated its foreign policy upon the UN the Soviet Union might feel less threatened. In a speech on September 25, 1947, Taft declared:

I believe our foreign policy should be built around the United Nations, changing the whole emphasis of the organization to the establishment of law and equal justice under law. ... Of course, we face a situation in the present Russian attitude which makes progress along this line difficult. ... But I am hopeful that in time there may be enough agreement with Russia to permit effective operation of the present United Nations in many fields.³⁵

Taft's decades-long commitment to international peace through international law and justice may not have found perfect expression in the United Nations, as he admitted, but it was a much more hopeful development than anything before. However, of great importance for Taft was the fact that by Senate ratification, the United Nations Charter was the central commitment in foreign affairs of the United States. For both personal and legal reasons Taft took seriously the centrality of the United Nations in the constitutional framework of the United States. Just as the United States Constitution must not be violated or abused so the United Nations Charter must not be violated or abused. Taft became especially outraged by the administration's attempts to introduce Cold War programs as based on the UN, or as improvements in the UN, or as supportive of the UN. When the Senate emphasized improvement in the UN, the administration responded with the North Atlantic Treaty Organization. In its early discussion Taft had understood Nato to be a regional organization for the settlement of disputes rather than a military alliance aimed against the Soviet Union. Taft noted that this concept of a regional organization to settle disputes had been suggested by Hamilton Fish Armstrong in Foreign Affairs, October, 1948; during the debate on Nato Taft expressed sympathy for a resolution along those lines by Senator John Sparkman and ten other senators. Taft therefore criticized Nato as a contradiction

of the UN, and his judgments of Nato centered on comparisons with the UN. In a March 30, 1949 radio address Taft declared:

... it is hard to claim that it is in pursuance of the general theory of the United Nations. A pact is permitted to exist and to operate in case the United Nations machinery fails to work. I had hoped that the pact might be a small United Nations within the larger one, setting up much more definite rules for the application of law and justice between those nations which were prepared to agree within the pact. I hoped we might have a model on which international agreements based on law and justice could be developed, which could later be applied to a modification of the United Nations Charter. But this pact is strictly limited to a supplementary military alliance for collective self-defense.³⁶

During the debate over Nato Taft on July 11, 1949 elaborated on this theme that Nato was at variance with its promise an "international association of nations" and violated the aims of the UN. It is evident that Taft was bitter at the misuse of the opportunity to create a Nato orientated toward adjudication of disputes.

I believe that all nations must ultimately agree, if we are to have peace, to an international law defining the duties and obligations of such nations, particularly with reference to restraint from aggression and war. I believe that there should be international courts to determine whether nations are abiding by that law, and I believe that there should be a joint armed force to enforce that law and the decisions of that court. ... It is quite true that the United Nations Charter as drafted does not as yet reach the ideals of international peace and justice which I have described, but it goes a long way in that direction. ... The North Atlantic Treaty might have been so drafted as to create a small United Nations within the larger group, improving upon the United Nations Charter, eliminating its defects, and furnishing an example of an improved international organization which could be followed by the United Nations itself. It might have established a law between the nations signing it and a force to prevent aggression between those nations without veto and with reliance on the decision of a competent court to administer justice. ... The Atlantic Treaty as drawn is certainly no improvement over the United Nations, nor can it by any stretch of the imagination be regarded as a perfection of or supplement to that Charter. From the point of view of an international organization, it is a step backward.³⁷

For Taft peace was possible if foreign policy was based on international justice because the tradition of the common law demonstrated that it could maintain the unity of diverse elements. But, instead of the common law tradition, Taft saw American foreign policy dividing the world into armed camps through Nato which reflected theological militancy. Nato would create an arms race contradicting the UN's emphasis on achieving peace through the reduction of armaments. Taft declared:

We talked of defense for years before entering World War II while our preparation was really for offense. The result is, that no matter how defensive an alliance may be, if it carries the obligation to arm it means the building up of competitive offensive armament. This treaty, therefore, means inevitably an armament race, and armament races in the past have led to war. The United Nations looks perhaps vainly to the reduction of armaments. The Atlantic Pact proposes to increase them. ... But if Russia sees itself ringed about gradually by so-called defensive arms, from Norway and Denmark to Turkey and Greece, it may form a different opinion. It may decide that the arming of western Europe, regardless of its present purpose, looks to an attack upon Russia. ... In 1941, Secretary Hull sent a message to Japan in the nature of an ultimatum which stated, in effect, that if Japan did not withdraw from China, sooner or later they would face a war with the United States. ... I think this arms program will very likely force the Russians into an acceleration of their arms program, so that we face an armament race, which in the past has seldom failed ultimately to produce war.

... An undertaking by the most powerful nation in the world to arm half the world against the other half goes far beyond any "right of collective self-defense if an armed attack occurs." It violates the whole spirit of the United Nations Charter. That Charter looks to the reduction of armaments by agreement between individual nations. I do not claim that there is any direct violation of the Charter, but the Atlantic Pact moves in exactly the opposite direction from the purposes of the Charter and makes a farce of further efforts to secure international peace through law and justice. It necessarily divides the world into two armed camps. It may be said that the world is already so divided, but it cannot be said that by enforcing that division we are carrying out the spirit of the United Nations. 3

The Nato program caused Taft to state a more general critique of the premises of American foreign policy which he found to be aggressive and provocative. With rising anger he opposed the Cold War measures of the administration as departures from the binding American commitment to strengthen the United Nations and find peace through international law. On September 22, 1949 Taft declared:

But when we consider what international policy we shall pursue in order to advance the cause of peace, in order to stop war in the world, it seems to me we are now departing from the course we have heretofore adopted, and are taking a course which is far more likely to lead to war than it ever is to lead to peace.

Our policy has been to join an international organization, to which it is hoped that in time all nations will be invited to join - an international organization to be guided by the principles of international law and justice, an organization which should act only collectively and only on its own initiative, as might be decided by a majority of the states which are members of the organization.

I was in favor of joining the League of Nations. I was in favor of joining the United Nations. While I do not think that in doing so we entirely carried out the ideals I had in mind, yet I believe there is only one hope for peace in the world, and that is to establish a rule of justice, and behind it to create a public opinion of the world so strong that it will force all nations to back up the decisions made in accordance with that

rule of justice. I believe we should agree to an international law binding nations. I believe we should agree to a court able to decide the question whether any nation has violated such law, and that we should join in an enforcement procedure against those who violate it. But the program we are now considering is the exact opposite of such a program. This is a program to return to the balance-of-power theory which has prevailed in Europe for the past 200 years and which has brought a series of wars. This is a program to substitute for law and justice the force and the might which have heretofore prevailed throughout the world. This is a program by which we undertake to arm half the world against the other half of the world. This is a program under which we start gradually to build up and arm to the teeth every country in the world which may possibly be opposed to Russia, as against Russia and her friends and satellites, who control probably half the territory of the world.

Mr. President, in the first place it seems to me to be fairly obvious that this military assistance program will rather tend toward the incitement of Russia to war than to be a deterrent to war. It would be a deterrent if we told Russia that if she should provoke a war of aggression we would be in the war. I cannot see anything in such a statement except a deterrent. But when we undertake to arm numerous countries, all the way from Norway on Russia's northern boundary, to Iran, on Russia's southern boundary, certainly it will occur to the Russians that if they wait until that arming is completed, they may well be attacked by the countries we have armed. ...

Mr. President, it is the old armaments race. We have seen it before. ... Sooner or later it has always in the past led to war, and I think such action is likely to lead to war today. I think it is completely inconsistent with the United Nations and with our obligations under the United Nations. ...

The mere fact that the greatest nation in the world arms a whole series of nations against another nation constitutes a threat. There is no question about the nation against which they are being armed. That is itself a threat, and may well be so regarded. It is necessarily a threat, no matter how defensive we say the action is, to the territorial integrity of another nation.

Article 51 recognizes the possibility of collective defense. ... It seems to me that that very clearly refers to an attack which is actually made. If the United Nations fails to come to the defense of the nation attacked, article 51 recognizes the right of individual or collective self-defense. I certainly do not believe for a moment that it contemplates something entirely contrary to the spirit of the United Nations, such as the arming by one nation of half the other nations of the world against the remaining nations in the world. I think it is a step backward. I think we are entirely abandoning all the progressive steps we have made toward the ideals of peace. We are abandoning them simply because Russia has not gone along. Now we are turning back.

The bill itself seems to me to contain a purely hypocritical adherence to the United Nations. ... I believe that the effort to show that it is a support for the United Nations is utterly vain, and that in fact it is a complete departure from all the principles which Congress has affirmed. 39

With Truman's intervention in Korea, Taft saw the fulfillment of the many issues he had been warning about with regard to the powers of the executive and the legal position of the Security Council with reference to the use of American forces for UN purposes. The failure of the administration to negotiate and submit to the Senate a treaty with the Security Council concerning the bases on which American forces might be used underlined the important issues which Taft had emphasized from the beginning of the United Nations. Taft immediately challenged Truman's actions sending American air and naval forces to Korea. On June 28, 1950 Taft said: of Truman's decision:

His action unquestionably has brought about a de facto war with the Government of northern Korea. He has brought about that war without consulting Congress and without congressional approval. We have a situation in which in a far distant part of the world one nation has attacked another, and if the President can intervene in Korea without congressional approval, he can go to war in Malaya or Indonesia or Iran or South America. ...

It is claimed that the Korean situation is changed by the obligations into which we have entered under the Charter of the United Nations. I think this is true, but I do not think it justifies the President's present action without approval of Congress. ...

Section 6 [of the bill to implement the UN Charter], however, dealt particularly with the time in which armed forces may be used to support the United Nations. ...

So, we have enacted the circumstances under which the President may use armed forces in support of a resolution of the Security Council of the United Nations. The first requisite is that we negotiate an agreement to determine what forces shall be used and in what quantity, and that the agreement be approved by Congress. No agreement has ever been negotiated, of course, and no agreement has ever been presented to Congress. So far as I can see, and so far as I have studied the matter, I would say that there is no authority to use armed forces in support of the United Nations in the absence of some previous action by Congress dealing with the subject and outlining the general circumstance and the amount of the forces that can be used.

Other questions arise out of the United Nations Charter which I think should be explored. At least, they should be debated by this body.

Article 27 provides that decisions of the Security Council on all matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members. The word "veto" was never used in the United Nations Charter. It simply provides that there must be the concurring votes of the five permanent members. In this case Soviet Russia has not voted.

... it seems to me, namely, a complete usurpation by the President of authority to use the Armed Forces of this country. If the incident is permitted to go by without protest, at least from this body, we would have finally terminated for all time the right of Congress to declare war, which is granted to Congress alone by the Constitution of the United States. 40

On January 5, 1951 Taft undertook a general re-examination of administration foreign policy with special reference to the Korean war and the sending of troops to Europe. Taft argued strongly that the perilous nature of America's then foreign policy situation was due to the exclusive dominance of foreign policy by the executive and the exclusion of Congress. Taft in attacking Roosevelt and Truman praised Wilson for his emphasis upon open covenants openly arrived at and on opposition to secret diplomacy.

As I see it, Members of Congress, and particularly Members of the Senate, have a constitutional obligation to reexamine constantly and discuss the foreign policy of the United States. If we permit appeals to unity to bring an end to that criticism, we endanger not only the constitutional liberties of the country, but even its future existence.

... It is said that such debate and the differences that may occur give aid and comfort to our possible enemies. ... Such aid and comfort can only be prevented by frank criticism before such a policy is adopted.

... The President without authority, as I pointed out in my speech on June 28, 1950, committed American troops to Korea without any consultation whatever with Congress and, in my opinion, without authority of law. He did not even tell Congress there was a war for 2 weeks after we were engaged. The President claims the right without consultation with Congress to decide whether or not we should use the atomic bomb.

We see now the beginning of an agreement to send a specified number of American troops to Europe without that question ever having been discussed in the Congress of the United States.⁴¹

Taft's emphasis on the constitutional role of Congress in foreign policy decision-making was extended to the United Nations and America's relation to it. Taft noted again that the treaty between the United States and the Security Council for the regulation of the use of any U. S. troops in the interests of the UN never had been negotiated.

How can we best maintain peace? The United Nations was established as the great organization to maintain peace. ...

But the defect of the United Nations lies in the fact that it was never based on law and justice to be interpreted by an impartial tribunal, but was based on a control of the world by the power of five great nations. ...

On June 28, 1950, I questioned the legality of the United Nations action, because article 27 of the Charter clearly provides that decisions of the Security Council on all matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members. There was no concurring vote by Russia. ... Those who are blaming the United Nations should much more blame the limitations of the Charter and our own Government for forcing United Nations action beyond its permanent power to perform.