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BORAH AND THE WORLD COURT: A Chapter in the Emergence of Isolationism

Charles W. Toth

"Our nation ... the World Court ... obligations of mankind ... Such was the message of ... February 24, 1923 ... Charles W. Toth ... 1921 ... 'party join' ... a World Court ... by 1923 ... group of isolationists ... William F. Borah ... American entry ... upon any treaty ... 'This approach, in my mind, ... the message of February 24, Borah would ... the American people were strongly for a Court, ... 'What Americans ...'

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"Our nation had a conspicuous place in the advocacy of [a World Court] ... and our deliberate public opinion of today is overwhelmingly in favor of our full participation and the attending obligations of maintenance and the furtherance of its prestige."¹ Such was the message of President Harding to the Senate on February 24, 1923. Harding's remarks were not the result of an impulsive act; rather the result of two years of waiting for the moment considered most opportune. In his inaugural address in 1921, Harding had flatly promised that the United States "would gladly join" in a World Court; however, by 1923 the Senate Committee on Foreign Relations was controlled by a hard-core group of isolationists. The high-priest of these "irreconcilables" was William E. Borah. Borah, who had led the fight against American entry into the League of Nations, looked with dread upon any system "which would submit some vital issue ... to the decision of some European or Asiatic nation." As Borah continued: "This approaches, to my mind, moral treason."² With respect to the message of February 24, Borah would respond that, indeed, the American people were strongly for a Court, "but not this one." What Americans wanted was "a true World Court."³

¹ Quoted in Denna F. Fleming, *The Treaty Veto of the American Senate* (New York, 1930), p.172. On the reaction of the country in 1923, see pages 185-189.

² Quoted in Ruel J. Bartlett, *The League to Enforce Peace* (Chapel Hill, 1944), p.76.

³ See *New York Times* for March 20, 1923, and December 14, 1923. On March 20 the *Times* quoted Borah as saying that he would support a court patterned after the Supreme Court, "but there must be no armies and navies back of it —only public opinion." With respect to his many comments on this subject, see J. M. Chappel's *The Life and Times of W. G. Harding* (Boston, 1924).

In truth, Senator Borah's idea of what America's role should be in establishing a peaceful world was a negative one, one of American withdrawal from the international scene instead of a more intimate participation demanded by its growth to world power. Indeed the aim of the isolationists was always that of reducing the possibility of entanglement, thereby decreasing the area of American commitment. This was the cardinal objective of Borah's career, although unfortunately he was never to understand that his level of commitment was too low for the ultimate security of America.⁴

In their opposition to membership in any international organization the isolationists invoked a defense of the so-called "blessed trinity"—American independence, American sovereignty, and American ideals. Thus the fight against entry into the World Court involved a struggle to preserve American institutions and traditions, "to separate the European system from the American system ... to individualize the American nation ..."⁵ Or as Borah expressed it on another occasion: "God pity the ideals of this republic if they shall have no defenders save the *gathered scum of the nations* organized into a conglomerate international police force."⁶ So with the World Court as with the League, participation was equated with inevitable intermeddling which would be "in conflict with the right of our people to govern themselves free from all restraint, legal or moral, of foreign powers."⁷

The tactic of delay to defeat the acceptance of the World Court proposal had begun when Borah offered a resolution requesting President Harding for more information to help the Senate in its deliberations. The Secretary of State, Charles Evans Hughes, felt ready to cope with the *irreconcilables* by submitting what was to be called the *Harding-Hughes Reservations*, which stipulated that 1. adhesion to the World Court should not be considered as involving the United States in any legal way with the League of Nations, or the assumption of any obligations by the United States under its Covenant; 2. the United States be permitted to partici-

⁴ For an analysis of Borah's thinking and influence in the immediate post-war period, see the author's article entitled "Isolationism & the Emergence of Borah: An Appeal to American Tradition," *Western Political Quarterly*, XIV (June, 1961), pp.555-568.

⁵ Horace Green, ed., *American Problems. A Selection of Speeches and Prophecies by William E. Borah* (New York, 1924) pp.71-72.

⁶ *Congressional Record*, 66th Congress, 1st. Session, p.8782. Author's italics.

⁷ *Ibid.*, p. 87-83

pate in the proceedings of the Council and Assembly of the League to select the judges; 3. the statute of the World Court would not be amended without the consent of the United States.⁸

The Committee on Foreign Relations responded to the above by demanding the right for what it termed "considerable study." So considerable did it appear to some that the *New York Times* remarked: "... it would be too much to expect the Committee ... to come to a conclusion before the Christmas Holidays. By that time they will scarcely have got their ponderous intellects fairly in motion. Later will come the period of high debate ... There will be performed historical and legal disquisitions to be listened to week after week. Then the era of amendment and reservations will set in. These will have to be studied down to their minutest verbal shadings."⁹

When Senator Claude Swanson introduced the resolution to accept membership in the World Court on the basis of the *Reservations*, Borah reacted vigorously. As with the League of Nations, the Court became "that evil thing with the holy name," and the *reservationists* the same enemy. Borah's arguments also remained largely the same. In a letter to Senator Albert Beveridge, Borah remarked that "I am opposed to a court ... which is not completely ... divorced from international politics and international political institutions."¹⁰ Interestingly, Borah could say that he was not opposed to the idea of American participation in a World Court, but would then neutralize his remark by asking the impossible—a court divorced from international politics. As Herbert Hoover earlier remarked on this tactic (April 11, 1923): "the great field of political action as distinguished from judicial action remains unsolved."¹¹

It is difficult to imagine that the American people would believe that such a distinction could be made to avoid political entanglement. In the meanwhile Borah looked upon the proponents of the World Court as traitors who were attempting to bring the United States into the League of Nations through the back door, and this led him to shout that "we are in the midst of

⁸ Denna F. Fleming, *The United States and World Organization, 1920-1933* (New York, 1938). For the *Reservations* see pp.239 ff. The various proposals and counter-proposals are also briefly sketched in Denna F. Fleming, *The Treaty Veto of the American Senate*, pp.173 ff.

⁹ *New York Times*, May 23, 1923.

¹⁰ Quoted in John C. Vinson, *William E. Borah and the Outlawry of War* (Athens, 1957), p.104.

¹¹ Quoted in Denna F. Fleming, *op. cit.*, pp.174-175.

another long fight, [a fight] for America and American principles It is a subtle, treacherous program."¹² The Senator's position was predictable. After all, it was Borah who declared that "If the Savior of men would revisit the earth and declared for a League . . . I would be opposed to it."¹³

The *irreconcilables* managed to block the vote on the Swanson resolution and substituted the Pepper Plan. The essence of Senator Pepper's resolution is found in the proposal that the World Court be completely divorced from the League, thereby making it more appealing for the isolationists. Although the language was satisfying, as Senator Pepper remarked, "Then the Americans could walk into [the Council and Assembly], vote for the judges of the Court, and walk out again, uncontaminated by the political leprosy of the League."¹⁴ For Borah and company the Pepper Plan was eyed as another tactic in delay since they were quite aware that the plan would not be acceptable to the World Court. As the defeated Swanson remarked, "after all, we are not setting up a Court—it has been functioning for four years and they are not going to throw it overboard to accept a Senate version, and those Senators know it."¹⁵

In the meantime, President Harding stopped to see Borah on his way to Alaska. Although Borah did not actually disavow publicly the possibility of adherence, he did announce after Harding's departure that he would support the President for re-election if he would ignore the advice of such as Elihu Root and Charles Evans Hughes and, instead, insist that the World Court be completely divorced from the League.¹⁶

As the *New York Times* predicted, ten months passed and no progress had been achieved. On December 3, 1923 Harding's successor, President Coolidge, sent a message to the Senate and urged action with the statement that "I therefore commend it to the favorable consideration of the Senate with the proposed reservations clearly indicating our refusal to adhere to the League of

Nations."¹⁷ A few days later Senator Lodge likewise declared that "I am thoroughly in favor of a World Court, but I desire that it should be a true World Court, and not involved in any way with the League of Nations."¹⁸

The glorious moment came, at least the isolationists so thought, on April 4, 1924 (more than a year after Harding's proposal), when Senator Lodge announced that his Committee was too busy to consider the subject of the Court. But pressure within Congress, together from interested national groups, was still great enough and forced Lodge to schedule a sub-committee for hearings. What emerged was the Pepper Plan (May 22, 1924), highly detailed and with the inclusion of no less than six substantial amendments to the statutes of the World Court, and designed especially to create an electoral body which would provide for the exclusion of the League Council and Assembly. A reservation was also added during the discussions which disclaimed all responsibility for advisory opinions—the most controversial topic next to association with the League.¹⁹

The Pepper Plan was passed in committee with the members of the Democratic Party voting against it almost solidly, except for those who voted favorably with the understanding that the right was reserved to announce opposition on the floor of the Senate. Thus the Harding-Hughes *Reservations* had been superseded. Being an election year was an important reason to put the proposal on the Senate agenda. In the meantime the Republican convention platform innocuously reaffirmed its stand for some agreement among nations to prevent war and preserve peace, stating that "as an important step in this direction we endorse the Court and favor the adherence of President Coolidge." But the Republicans also felt it necessary to make the reassuring remark that "this government has definitely refused membership in the League of Nations and to assume the obligations under the Covenant. On this we stand."²⁰

Shortly after the victory of President Coolidge in 1924, Borah assumed the chairmanship of the Senate Committee on Foreign Relations. Senator Borah acted swiftly. On January 25, 1925,

¹² Quoted in John C. Vinson, *op. cit.*, p.111.

¹³ Quoted in Julius W. Pratt, *A History of United States Foreign Policy*, (New York, 1955), p.483.

¹⁴ Denna F. Fleming *The United States and the World Court* (New York, 1945), p.47.

¹⁵ Quoted in Eleanor E. Dennison, *The Senate Foreign Relations Committee* (Stanford, 1942), p.108.

¹⁶ Marian C. McKenna, *Borah*, (Ann Arbor, 1961), p.196. Borah also took occasion to interpret the President's St. Louis speech as a "masterly retreat" with respect to the World Court.

¹⁷ Quoted in Eleanor E. Dennison, *op. cit.*, p.116.

¹⁸ *New York Times*, December 14, 1923. Note that the Lodge is repeating Borah in his request for a "true World Court."

¹⁹ Denna F. Fleming, *The Treaty Veto of the American Senate*, pp.180 ff.

²⁰ *Ibid.*, p.185. For a good review on the views of President Coolidge, see Claude M. Fuess, *Calvin Coolidge* (Boston, 1940).

he warned the Committee that he would oppose having the issue of the Court forced upon it since the agenda was already full. With the session ending on March 4, 1925 this really meant the postponement of the subject for at least the remainder of the calendar year.

President Coolidge mistakenly thought that a little presidential nudge might influence Borah. In his inaugural speech (March 4, 1925) the President endorsed the Harding-Hughes proposal with the admonishment that "We can not barter away our independence or our sovereignty, but we ought to engage in no refinements of logic, no sophistries, and no subterfuges, to argue away the undoubted duty [of the United States] . . . to bear its full share of the responsibility . . . for the administration of even-handed justice between nation and nation."²¹ Although the President had made clear his feeling that the United States should not be bound by advisory opinions not voluntarily submitted, Borah would not allow himself to be intimidated by anyone, including the President. As Eleanor Dennison concluded, "the brakes of party loyalty might tend to keep the actions of Lodge within acceptable limits or induce him to camouflage his intentions by following an indirect course, but they had no effect whatever on the Senator from Idaho."²² Thus, although the Senate voted 72-2 to bring the Court up at the next regular session of Congress (December 17, 1925), the Harding proposal would by then be two years old, and Borah could take comfort from the power he had to delay. Indeed, Borah was a master of this tactic. For example, when Senator Swanson introduced his resolution of adherence, Borah brushed it aside contemptuously by resurrecting a treaty on the Isle of Pines which had been lingering in the files since 1904.²³

In the face of severe criticism, and in spite of public pressure, Borah and his Committee again won a stay on the issue of the World Court—"this committee," as Homer Cummings remarked, "whose pride of opinion was more important to them than the peace of the world."²⁴ In the meantime Borah reached out to the

²¹ Davis N. Lott, ed., *The Inaugural Addresses of the American Presidents* (New York, 1961). See also Denna F. Fleming, op. cit., pp.48 ff.

²² Eleanor E. Dennison, op. cit., p.118. In trying to placate Borah, President Coolidge later remarked that "we don't want to become identified with the LEAGUE; [the Court] is a justicial institution; the other is a political institution."

²³ A Treaty involving a small island off the southern coast of Cuba.

²⁴ Quoted in Karl Shriftgiesser, *This Was Normalcy* (New York, 1948), p.233.

public, resorting to all the means available to appeal to the emotions by weaving misconceptions, prejudices, and fears into the fabric of public opinion. The Senator took his stumping seriously, and he promised to speak to America on three propositions: to get out of the Court, to keep out of the League, and to defeat those Senators who had voted for the Court. The subject of political entanglement drew the most bitter invectives. Speaking to a huge crowd in Chicago on an appropriate day (February 22, 1926), Borah warned that "in this conflict those who are not for Washington's policies are against them . . . there is no alternative left but to take up this issue and fight it out to the close."²⁵ Or as he similarly phrased it some years earlier with respect to the League, "there is only one way . . . to make a fight on fundamental questions of right and wrong, of patriotism and treason, and that is to run up your flag and fight to the end."²⁶ Borah was quick to use the American flag, especially on holidays, when he enjoyed using the patriot-treason approach. The language was always the same whether the subject be League or Court. "We have room but for one flag, the American flag," was a favorite line, and he would conclude by adminishing: "let us inscribe this on our banner . . . let us cling uncompromisingly to this holy creed."²⁷

In the meantime Borah's Committee adopted the Harding-Hughes proposal, and added the Swanson *Reservation* (the United States should be in no manner bound by an advisory opinion of the Court not rendered pursuant to a request). Senator George Pepper then introduced a revised plan which in effect spelled the doom for American participation in the World Court. The Pepper amendments recommended that the Court be given no confidential advice, no opinion if one of the parties refused jurisdiction, and that there should be no advisory opinions on any matter directly affecting the United States unless consent of jurisdiction be first given. The last suggestion was really an attempt to safeguard against what was considered the subtle means of communication between the Court and the League.²⁸

After the Pepper amendments, Senators Borah, Johnson, and Reed pulled out all the stops in a tremendous attack, with the

²⁵ Quoted in John C. Vinson, op. cit., p.112.

²⁶ Ibid., p.22.

²⁷ Horace Green, ed., *American Problems, A Selection of Speeches and Prophecies by William E. Borah*, pp.103-104. For a good account of Borah's 1926 crusade, see Marian C. McKenna, op. cit., pp.226 ff.

²⁸ See Denna F. Fleming, op. cit., pp.194 ff. Also Denna F. Fleming, *The United States and World Organization*, p.246.

latter finally shouting "this, sir, is madness . . . disloyalty . . . a league of offense against the United States."²⁹ Then on January 19, 1926, a delay was proposed to give the American people time for consideration, but almost immediately *closure* was adopted by a vote of 68-26, and the issue of the Court was back on the floor of the Senate. The Senate voted to accept the Swanson and Pepper amendments, and to join the Court only under the condition that the Court accept the reservations, together with the stipulation that membership "shall not be construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions . . . of any foreign state, nor . . . be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."³⁰ It should be noted that these words are similar to those attached by the Senate in ratifying the Algerciras Convention with respect to the Moroccan Crisis in 1906, and the agreement made at the Second Hague Conference in 1907 with respect to the arrangements to create a Court of Voluntary Arbitration.³¹

Although the World Court met in special conference (September 1, 1926) to work out some agreement, Borah and the old 'Battalion of Death' had scored another victory, a victory in defense of his 'Blessed Trinity'—American independence, American sovereignty, and American ideals. But the erstwhile Senator from Idaho was not satisfied that he had strangled the Court Protocol; he was infuriated that a Geneva Conference (a League Conference, if you will) met to consider the American amendments. His words to the Senate re-echoed: "How shall you keep from meddling in the affairs of Europe, or keep Europe from meddling in the affairs of America . . . [which was] in conflict with the right of our people to govern themselves free from all restraint, legal or moral, of foreign powers."³²

The amended Protocol required forty-eight unconditional acceptance votes from the members of the World Court. The Se-

cretary of State, Frank Kellogg, refused to attend since he could not presume to interpret the conditions set down by the Senate. The Geneva Conference acknowledged the need for flexibility to increase membership, but the heart of the American *reservations*, the matter of advisory opinions, proved too much. The Court reiterated the importance of advisory opinions to the League as provided in the Covenant: "The Conference is confident that the United States entertains no desire to diminish the value of such opinions in connection with the functioning of the League of Nations. Yet the terms employed . . . are of such a nature as to lend themselves to a possible interpretation which might have that effect."³³

The Conference of the World Court then gently tried to point out that "our constitutional difficulties in drafting this reply certainly have been greater than was dreamed of in the United States, where the reservations were formulated. We look to the United States to resume her place in the pacific settlement of international conflicts."³⁴

But the United States, and especially the Senate, was not ready to assume its place in any international forum, preferring to bask in the rays of "splendid isolation." Senator Borah was not alone in the mistaken view that it might be possible to accept the position of world power and still remain safely removed from the troubles of the world. The greatest error imposed upon the thinking of the American public in the 20th century has been the isolationist argument that a decreased commitment would reduce the possibility of entanglement; that is, "not to depart from the traditional policy of not entangling itself in the political question of any foreign state." The result has been that the American people have had great difficulty in comprehending that the level of commitment suggested by such as Borah is too low for the ultimate security of the United States in the 20th century.

The reply to the United States formulated at Geneva went unanswered. Finally President Coolidge selected Armistice Day (at the dedication of the Kansas City War Memorial) to answer that "I feel warranted in saying that I do not intend to ask the Senate to modify its position. I do not believe the Senate would take favorable action in any such proposal, and unless the requirements of

³³ Denna F. Fleming, *op. cit.*, 229-230.

³⁴ *Ibid.*, p.234.

²⁹ Quoted in Denna F. Fleming, *The Treaty Veto of the American Senate*, p.207.

³⁰ Denna F. Fleming, *op. cit.*, pp.201 (note 1), 212,217. The date of the Senate vote was January 27, 1926. On the following day Borah announced a declaration of war by intending to take the matter "into every precinct of the nation—the fight has just begun."

³¹ See the author's chapter on Elihu Root in Norman Graebner, ed., *An Uncertain Tradition: American Secretaries of State in the 20th Century* (New York, 1961).

³² *Congressional Record*, 66th Congress, 1st. Session, p.8783.

Senate resolutions are met by the other interested nations I can see no prospect of this country adhering to the Court."³⁵

On February 9, 1927 Senator Trammell presented a motion to rescind the resolutions in an attempt to open a path to membership. With the Senate able to muster 59 votes to defeat the motion (26 Senators abstained from voting), another year would pass before the subject to the World Court would again surface. On February 8, 1928 Senator Gillett introduced a resolution suggesting the Senate recommend to the President a further exchange of views with officials of the World Court. But Borah's committee postponed consideration of Gillett's motion until the new session of Congress scheduled to open in December of 1928. A few days prior to President Coolidge's departure from office he expressed his willingness to use the good offices of the White House for renewed contacts—and act which could only delight Senator Borah and his associates, although they were somewhat annoyed by the remarks of President Hoover who, in his inaugural speech, reflected that "The Court in its major purpose is . . . identified with American ideals and with American statesmanship. No more potent instrumentality for this purpose has ever been conceived and no other is practicable of establishment . . . The way should, and I believe will, be found by which we may take our proper place in a movement so fundamental to the progress of peace."³⁶

In the meantime the World Court had formed a special consultative committee, adding no less a figure to it than Nobel Prize winner Elihu Root. And the League of Nations also added another prominent American, Charles Evans Hughes, to membership on the Court. Thus hope was revived for supporters of the World Court that the subject would not just become the victim of campaign rhetoric. Elihu Root, however, presented the committee a complicated scheme with regard to the controversial subject of advisory opinions which, in essence, sought a fool-proof guarantee for the right of protest of opinions at all stages of the proceedings.³⁷ In accepting Root's qualifications the World Court voiced

the following actions which would be unacceptable to it: 1. no emasculation of an advisory opinion, 2. unanimity not feasible, 3. that the United States could not be consulted alone on every act regarding advisory opinions, and 4. the United States could withdraw from the Court at any moment it so wished.³⁸

Action by the United States on the Court's efforts to bend with the American amendments was delayed for a year. On December 10, 1930, President Hoover submitted the Court's proposals to the Senate, together with a message which stated that "I trust the Protocols may have consideration as soon as possible after the emergency relief and appropriation legislation has been disposed of."³⁹ There was nothing positive really in Hoover's message, nothing to show heartfelt affirmation. And when the Clerk finished reading it, Senator Borah symbolically closed the matter by requesting that the text be accompanied in the *Congressional Record* with an editorial from the *New York Sun* entitled "When the League Court Comes Out—Kill It."⁴⁰

The Protocols were referred to the Senate Committee on Foreign Relations and the Committee voted immediately to postpone consideration until the next regular session of Congress (December, 1931), although a special consultation committee held hearings on Elihu Root's trip to Geneva—two years after his return. Not surprisingly when Congress convened in 1931, Borah's committee postponed consideration because of more pressing matters on the agenda, and the new date for hearings was set for March of 1932. On the 22nd of that month Secretary of State, Henry L. Stimson, was asked for his opinion and he concurred with the Root statement that the Protocols fully accepted the Senate resolutions of 1926. But for Borah and company membership in any international organization meant "nothing less than a complete surrender of the traditions and principles which have made us the most powerful nation and the happiest people in the world today."⁴¹ Indeed, what the isolationists expressed in the

³⁸ See Marian C. McKenna, op. cit., pp.227-228.

³⁹ Quoted in Eleanor E. Dennison, op. cit., p.126.

⁴⁰ Denna F. Fleming, *The United States and the World Court*, p.92. For Hoover's views on the World Court, see Williams S. Meyers, ed., *The State Papers and Other Public Writings of Herbert Hoover* (New York, 1934). Years later Hoover would write that "When I took office America was so isolationist that our proper responsibilities were neglected. Congress was adamant against the World Court, and even to suggest that we would collaborate with the League of Nations in its many non-political activities brought storms of protest." *Memoirs*, 3 vols. (New York, 1952), II, p.330.

⁴¹ Quoted in John C. Vinson, op. cit., p.112.

³⁵ Quoted in Karl Shriftgiesser, op. cit., p.234. Coolidge apparently felt that the Senate conditions would make the Court more independent from the League "leaving the other nations to approve that policy . . ." See Howard H. Quint & Robert H. Ferrell, eds., *The Talkative President* (Amherst, 1964), pp.98-99.

³⁶ *The Inaugural Addresses of the American Presidents* (Lott edition), p.227.

³⁷ On the so-called "Root Formula," see Denna F. Fleming, *The United States and World Organization*, pp.308 ff.

above statement was a hatred for what they considered irresponsible internationalism exposing the country to unnecessary dangers.

In any case the Senate Committee on Foreign Relations made membership on the World Court even more remote by adopting a new reservation which demanded that in the event the Senate should ratify the Protocols, American entry should not become effective until the Court formally accepted the Senate reservations. In addition, in a crude attempt to delay action, it was proposed that all 48 countries in the World Court re-explain themselves for the benefit of the Senate membership—each to answer separately. However, a resolution for adherence was then adopted and placed before the Senate on June 1, 1932. But the presentation was well-timed since the Senate shortly adjourned without taking action. When Borah was asked when he thought debate would reach the floor of the Senate, he answered "So far as I am concerned—never." In the hectic months of the New Deal the *Protocols* remained snug in the files of the Committee on Foreign Relations. Borah's fellow isolationist, Hiram Johnson, actually used the depression to cover up the delay by remarking that it would be "idiotic and simply outrageous [to disrupt] the recovery program."⁴²

The Subject of the World Court finally did come up before the Senate, and the debate lasted from January 16 to January 28, 1933. In spite of a desperate plea from the President-Elect, the final vote was 52-36 in favor—seven votes shy of the required 2/3s majority. A long chapter in the history of isolationism had finally come to an end. It was Senator's Borah's view that the defeat of the World Court was the most important action ever taken by the Senate. Borah's efforts were consistent throughout the period beginning with the fight against the *Covenant* of the League of Nations, that League which was for him "at war with every principle of the Magna Charta, the Bill of Rights, the Declaration of Independence, the Constitution of the United States, and with the fundamental principles of justice, liberty, and freedom."⁴³ Both the League and the Court were one and the same thing—a departure from Washington's farewell address, a threat to everything virtuous in American society. "Americanism," shouted Borah,

"shall not, cannot die. We may go back to sackcloth and ashes, but we will return to the faith of the fathers. America will live her own life."⁴⁴

In the words of Anne O'Hare McCormick, Borah and his colleagues were "early Americans, searching for a liberty forever lost."⁴⁵

⁴² Denna F. Fleming, op. cit., p.115.

⁴³ Quoted in John C. Vinson, op. cit., p.25.

⁴⁴ *Congressional Record*, 66th Congress, 1st. Session, p.8783.

⁴⁵ M.T. Sheehan, ed., *The World at Home, Selections from the Writings of Anne O'Hare McCormick* (New York, 1956), p.155.