

EDITORIAL

THE ROOT AMENDMENT, AND MAJOR BUTT'S MISSION.

By DANIEL DE LEON

THAT a political refugee is not held to “hoeing potatoes” in the country in which he finds asylum may be called the breath in the nostrils of International Law in the matter of asylum. Kossuth’s tour in the United States, early last century, agitating in the interest of the then Hungarian revolution against Austria, a country with which the United States was at peace, was no new departure; nor did the hospitality that the then Administration at Washington extended to Kossuth break with precedent, or establish a new rule. The neutrality laws forbid a friendly country from allowing its territory to be made a basis for military operations against another. Neither in neutrality laws nor in the principle of asylum can anything be found to forbid an exile from writing and speaking in keeping with his views. Of course he will; he is not held, as stated above, to “hoeing potatoes”; expulsion, or extradition, does not become operative except for specific reasons, and among these reasons that of the exile’s intellectually adhering to his political views, and promoting them by pen and speech is not one.

The Root amendment to the Dillingham Immigration bill,—by providing for the expulsion of any immigrant who “conspires” against a friendly country, the “conspiracy” consisting, of course, in not “hoeing potatoes”—provides for the virtual extradition of people whom the general principle of International Law expressly excludes from extradition, and whom the laws of the land protect. The Root amendment is, accordingly, an attempt to circumvent the principle of asylum and the laws that guard the principle. It is an attempt to perpetrate, under cover, the mischief that International Law and the law of the land expressly guard against.

—The Government of the United States has never recognized the Papacy as a temporal power. Whether failure to do so is wise or unwise, is bigotry or brightness,

is beside the question. Fact is, the Papacy is not a temporality in the eyes of our Federal laws. Being no temporality in the eyes of our Federal laws, there is no exchange of diplomatic representatives between Washington and Rome. That the Roman Catholic political machine has, as is its unquestionable right, pressed to alter this state of things is no secret; neither is it a secret that, as likewise is its unquestioned right, the Government has resisted the pressure. Congress, the only department with authority to allow the recognition of foreign powers, has withheld recognition from the Vatican.

In March of this year Major Butt, President Taft's Aide de Camp, left for Rome. It was stated that the Major's trip was a vacation intended to restore his digestion, "completely ruined by the rounds of political banquets which he had been called upon to attend with the President." Rumors, however, had it that the Major was entrusted with a "delicate diplomatic mission" to the Pope. The talk speedily passed beyond the stage of "rumor." In its issue of Sunday, April 14, the *New York Times*, an eminently reliable authority on advance "Cabinet secrets" at home and abroad, contained an extensively illustrated article by "A Veteran Diplomat," admitting, unofficially, of course, the truth concerning the rumors anent Major Butt's mission to Rome. The article did more than confirm. It was an argument, bearing all the signs of careful concoction, to show that Major Butt's mission to arrange for the Cardinals' receiving a place at official receptions in Washington and elsewhere in the country was in keeping with International Law. The argument ran this way: Cardinals are treated in European courts as "Princes of the blood"; as such International Law and practice award to Cardinals a place in official pageants, a place ahead of ministers plenipotentiary and even ambassadors; the arrangement for receiving Cardinals, and yielding to them the leading place at official pageants is, accordingly, fully in keeping with International Law, it requires no empowering Act of Congress, it is a matter that the President alone has full rights over.

Granted the premises, the reasoning is right. But the premises are faulty. "Princes of the blood" certainly are admitted in official pageants, and the leading place is theirs. But who and what is a "Prince of the blood"? It is essential, it is a prerequisite to "princedom of the blood" that the head of the alleged prince of the blood be a recognized political power, recognized by the power that grants prince-of-

the-blood privileges to the alleged prince. In the absence of such recognition by a Government, the closest of the relatives of a sovereign is no "Prince in the blood" in the eyes of that Government. The Papacy not being a recognized power by the American Government, its Cardinals lack the prerequisites for being held as "Princes of the blood" in the eyes of our Government.

Major Butt's mission to Rome, accordingly, was an attempt to circumvent the law of the land. It was an attempt, by indirection, to recognize a foreign temporal power whom the land's authorities had refused to recognize. Whereas, accordingly, International Law predicates the acceptance of "Princes of the blood" upon previous recognition of the temporal power from whom the would-be princes hail, the attempt was made to turn the thing up-side-down: start with the acceptance of the "Princes of the blood," and upon the strength of that infer recognition.

The two moves—Root's amendment, and Major Butt's mission—spell "governmental chicanery," that worst of governmental chicanery that seeks to accomplish underhandedly what frank and open legislation would refuse.

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