

Excerpt from Panama Speech of Hon. Henry Cabot Lodge of Massachusetts in the United States Senate, January 5, 1904 The Senate having under consideration Senate resolution No. 66, submitted by Mr. Morgan December 18, 1903, that neither the President, nor the President and the Senate, as the treaty-making power of the United States, has the lawful power to wage or declare war against any foreign power without the consent of Congress, when such country is at peace with the United States, etc. -Mr. Lodge said; Mr. President, there is now pending before the Committee on Foreign Relations a treaty with the Republic of Panama. I have no intention of discussing that treaty or its terms. It would be manifestly improper for me to do so, because the terms and provisions of that treaty must be the subject of discussion in executive session. But the events, sir, which lead to the making of that treaty are entirely public. They have been made the subject of much discussion here already and of much wider discussion in the press of the country. It is in regard to those events I desire to speak this morning. I wish first to say something about the general law and the precedents affecting the right and methods of the recognition of a new state. I feel as if I ought to apologize for entering upon a review of the authorities and the precedents, not merely because the subject is necessarily a dry one, but because all those precedents and all that law are or ought to be familiar to every Member of this body. But there have been so many misstatements in regard to the law and the precedents affecting the right of recognition by one country of the independence of another, there has been such a cloud of misapprehension resting upon the subject that it has seemed to me impossible to refrain from making some statement in regard to it. I shall try to be extremely brief in what I have to say on that subject; but I wish to bring the authorities together in such a manner that they can be easily examined by anyone who takes sufficient interest in the question to make such examination. I think, Mr. President, we may accept it as settled by all the writers on international law, as a general proposition, that a revolted state or colony may under certain circumstances be recognized as sovereign and independent by a neutral nation without thereby necessarily departing from an attitude of strict neutrality or giving just cause of offense to the parent state. The conditions necessary before such a recognition of independence is proper have been clearly defined by competent authorities. Halleck, in his International Law, says: When a state changes its government or a province or colony that before had no separate existence is in the possession of the rights of sovereignty, the possession of sovereignty *de facto* is taken to be possession *de jure*, and any foreign power is at liberty to recognize such sovereignty by treating with the possessor of it as an independent state. Where sovereignty is necessary to the validity of an act no distinction is or ought to be made between sovereignty founded on a good or bad title. In international transactions possession is sufficient. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

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