War vs. Psychology

Edgar V. Werner
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EDITORIAL

As a graphic indication of the attitude of the Marquette College of Law in regard to the war, we are publishing in this number of the Review (frontispiece) a reproduction of our service flag. Each star represents one student or alumnus of the Law College who has turned aside from his own affairs to assist in bringing to a successful conclusion the more serious business now in hand.

We feel secure in saying of each of them that — however high his aim and lofty his ambition in choosing the objective of his individual efforts, however tenacious his determination in accomplishing his own purposes, and however keen his perception and skill in solving his personal and professional problems, — whatever he may have done for himself in the past will be infinitely outdistanced by his efforts in the service of his country.

We are publishing in this number a timely article by Hon. E. V. Werner, and the first of two discussions on tax titles by Mr. K. K. Kennan. Two articles by Marquette law students also appear.
War kills men and destroys property, and the American people deplore the loss; but war also crushes bad principles and tyrants, and so saves society.

In disarming military power bent on war, America will disarm every soldier in the world. The foolish part of mankind will make wars from time to time with each other, not having sense enough otherwise to settle their difficulties. The Civil War was forced upon the American people in 1861. America never accepted war until it was forced upon it by the hand of necessity, and it was long predicted that if Europe shall ever be ruined, it shall be by its warriors.

To be prepared for war is one of the most effectual ways of preserving peace, when conditions are such that the relations of nations in the great competition of commercial strife continue, and there is a likelihood that the rights of nations and individuals will be trespassed upon. The life of states and nations is like that of man, the latter having a right to kill in self-defense; the former, to make war for their own preservation.

The central powers of Europe, now in control of a mammoth military machine, have carried on their ruthless war in such a way as to shock the sense of justice of the better and conscientious reasoning of the civilized world.

The American people now are, and always have been, a just people, and have always maintained a just regard for the rights of nations, and the people who constitute states and nations. We live under a wonderful system of government,—a government by the people and for the people, deriving its powers only from the consent of the governed.

The autocratic military governments of the central powers have grown to the highest state of efficiency that human energy and invention can devise, and have fully developed a military ambition to conquer by force and not by reason. The sense of justice affording protection to inalienable rights and patience due
to human souls, has been dethroned, and their mental war activities have been stimulated by military ambition, to further the ends of a ruthless policy. The good judgment of the military personnel of the central powers of Europe has been completely overcome; the war spirit and military ambition are predominating, and are suspending the exercise of the good, just, reasonable, patient judgment which is necessary in dealing with human souls. The minds of the military powers of Central Europe have been rendered deaf to the voice of reason, so that they are incapable of performing or exercising a just judgment, in order to effect permanent peace.

This condition will continue, unless their form of government is overpowered by force, or until some psychological moment shall arise, and the military powers controlling the ruthless warfare are again brought to acknowledge justice and patience, and assume a reasonable frame of mind. The military powers of Central Europe have attained an unbalanced military insanity; they are at large, so to speak, and must be conquered and put into a straight-jacket, so that their individual citizenship, now suppressed, as well as the overburdened people subject to their influence, laboring under such strain, can be permitted to speak for themselves. When this is accomplished, the American people will then have a heart-to-heart talk with the people of the nations, with an unselfish aim to point the way to avoid war in the future, and to establish a permanent peace between people of the world, and of the nations of the world.

The war policy of America is so just, so fair, so human, that the Central military powers cannot, in justice and right, disregard them. The refusal of the military powers to aid the American policy and their intimations of a loss of confidence in the American people are indications of three conditions:

1. An unbalanced mental condition.
2. A selfish greed verging on piracy.

As to the latter, one could scarcely charge the German people as a mass with having a lack of confidence in the American people. It has been practically demonstrated that the military powers of Germany have misrepresented the real American war policy in this war. Any human being who still retains his mental faculties and has resided within the boundaries of American soil and
under the American government, and who has enjoyed the citizenship of America and its protection, who intimates that he has lost confidence in the American people and their Government and war policy, does so either on the grounds of disloyalty, ignorance, or mental incompetency. Such a human being is not blessed with reason and human sense, in order to determine the distinction between right and wrong.

A nation that is bent on war and destruction, and whose representative government will not submit to reason, must be conquered. They must be compelled to lend an attentive ear to reason.

**APPEAL TO REASON.**

After subduing mankind possessed of wild and uncivilized and brutal tendencies, the time to appeal to reason arises.

Strong reasons make strong action. He that will not reason is a bigot; he that cannot reason is a fool; and he that dare not reason is a slave.

He that will reason and can discern between right and wrong must adopt a policy to compel the bigot to see, to understand, and to reason.

He that will reason and can discern between right and wrong must adopt some policy to protect the fool in his misfortune and inability to see or reason.

He that will reason and can discern between right and wrong must adopt some policy to liberate the slave, so that he may be able to exercise his mental faculties, and see and reason and distinguish between right and wrong. This slave above mentioned should be given all the rights due him, as a human being, in a friendly world.

A great duty and responsibility has been thrown on the shoulders of the American people. It is a foregone conclusion and an established fact that every issue, every difference of opinion, every strife, every question putting in issue the question of right and wrong, every controversy, every fight or conflict, and every war, be it either great or small, must after all be settled by a mental process.

Reason and faith resemble the two sons of the patriarch; reason is the first born, but faith inherits the blessing. All reason is retrospect; it consists in the application of facts and principles
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previously known. This shows the very great importance of knowledge, especially of that kind called experience. In order to fully appreciate the last statement, I desire to call your attention to the four great documents that are familiar to the legal profession in America. These documents are the consummation, result or settlement of a great strife; a settlement after a great war, which destroyed lives and property and caused irreparable damage. These wars were due to the want of reason, or an appeal to reason which in the end must of necessity finally determine the great controversy.

If reasons are forced upon individuals or nations, and such reasons are not based upon right and justice and are not well founded, such settlements will never endure or be everlasting. Permanent settlements are consummated when based upon a just, conscientious reason applied without force, and must be consummated and exercised by men who have been blessed with clear, healthy, humane minds, and who have had experience and ability which enable them to exercise a just and conscientious judgment. These men must also be blessed with conscientious motives, to further the ends of public good, such as was contemplated by those who drafted the Declaration of Independence, the Articles of Confederation, and the Constitution of the United States; the Magna Charta was a compromise document. The Declaration of Independence, the Articles of Confederation and the Constitution of the United States were entirely stripped of compromise, and placed every human being on an equal footing. This is strongly demonstrated in the first lines of the second paragraph of the Declaration of Independence, which is as follows: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.” This document is sound, and as human nature is universally the same the world over, we naturally expect that the people of the world can fully appreciate its importance. If there are any people in the central powers unable to comprehend the soundness of this policy, it is because they are subject to false impressions, stimulated by anti-American propaganda. These great documents are appeals to reason. They are based on sound principles.

The members of the legal profession of America have devoted much of their time to local and state controversies. They have paid very little attention and devoted very little time to
federal controversies; they have neglected to give international controversies any attention whatsoever; they have neglected international conditions and have secluded themselves from such opportunities. They have never taken an interest or made an effort to extend their legal influence or interchange of legal ideas with the legal profession of foreign countries. They have never realized the necessity of the organization of a strong international institution to guide and avert international controversies. They never have been interested enough to fully appreciate the necessity of creating some institution whereby international controversies may be settled by an appeal to reason, to avoid settlement by force of arms. This is true notwithstanding it has been frequently advised and the need strongly intimated.

The lawyers of this state and of America have a very important duty to perform in this present crisis. They are all officers of the law. They have all taken an oath that they will support the Constitution of the United States, and the Constitutions of the several respective states. They are entrusted with administration of the laws, so to speak.

This war will end when the American people win, and they must win, and right must prevail. When this time arrives, and war is ended, the policies of America must prevail. While this war is in progress, and as an auxiliary to a speedy end, and for the purpose of spreading propaganda of our democratic form of Government, as well as our war policies, the following suggestions are respectfully submitted:

1. There ought to be a policy inaugurated to avoid encouraging the spirit of hate among our own citizens.

2. No citizen should be charged with disloyalty without competent evidence.

3. Every suspicious case should be promptly investigated without unjust publicity, until competent evidence is obtained.

4. There should be a local naturalization board created and maintained by federal authority for the registration of all future applications for citizenship.

5. This naturalization board should be given power and discretion to obtain all necessary evidence and information to aid the court, and should be guided by proper rules and regulations in acting upon all applications made.
6. Every foreigner should be obliged to register on his arrival within the United States, state, and county; and after he has resided within the boundaries of America a certain length of time after registration, he should be required to declare his intention to become a citizen, and should qualify as a citizen. If he refuses to qualify, or if, for any reason, he is found disloyal, he should be restricted in certain rights that otherwise may give him an opportunity to influence or effect the policy of the state or nation, and which is vested exclusively in the rights of citizenship.

7. The time will arrive when some constitutional international organization must be established. This war, the inventions devised by reason thereof, and the progress of civilization have shortened the distance across the sea. The people of the nations are going to be better friends, and deal with one another as men and not as enemies.

In order to establish this relation, a substantial international institution must be established to accomplish permanent peace. It will require the best legal talent the world can produce. This legal talent is in our midst, but it needs an awakening. It needs a stimulant, it needs an opportunity. The opportunity has arrived. There will be six great cardinal principles involved:

1. The reducing and curtailing the maintenance of great standing armies among nations.

2. The reducing and curtailing the waste of material and energy, at the expense of the people, in the construction of inventions and manufacture of munitions of war. It will be necessary to adopt a policy to direct such energy in a direction to serve the greatest good of the people of the world.

3. It will be necessary to adopt a strong, substantial law, regulating the freedom of the high seas. To give all the nations of the world an unrestricted right to carry on commerce, guided by proper rules and regulations to do justice to all.

4. It will be necessary to establish a police power of some character to enforce its mandates.

5. It will be necessary to give this institution sufficient jurisdiction to enable it to settle all controversies between nations, or any factions within the nations which attempt to produce a revolution within the boundaries of any nation which would be likely to involve the nations with each other.
6. It is necessary to establish a procedure ample to meet the requirements necessary to accomplish all the objects contemplated by this institution. This will require solemn thought and effort on the part of those who are learned in the law and are constantly aiding in the administration of the law.

The legal profession must assume this responsibility by virtue of their profession. In order to get an expression of opinion and collect the best suggestive thought and judgment of the legal profession on this subject, it is suggested that the Bar Association of Wisconsin appoint a committee to receive and compile the suggestions submitted, as hereinafter and hereinbefore contemplated.

That the daily newspapers of this state be requested to volunteer their good services gratuitously by publishing a request to the legal profession of this state, as well as of other states, to suggest any clause or clauses that they may deem essential to be incorporated in an international organization for the purpose of aiding the peace commission, when that commission finally convenes for that purpose.

That the name and postoffice address of this committee be published so that the legal profession may promptly forward their suggestions accordingly. These suggestions submitted may bear on the subjects heretofore mentioned, or on the following subjects, according to the inclination and the interest which the profession may take therein.

1. A name for this organization.
2. How should it be represented?
3. What should be the qualification of the representatives of the respective governments?
4. How should the representatives of the respective governments be chosen?
5. Their term of office.
6. Their place of meeting.
7. How should the expense be levied in maintaining this organization and its representatives?
8. What shall be the extent of the jurisdiction of this institution? This is a very important question. Its importance will appeal to the legal profession. There is a great opportunity for giving valuable suggestions under this subdivision.
9. How should its orders, judgments and mandates be enforced?

10. What shall be the personnel of the executive and police powers of this organization, and how should it be selected and maintained?

11. What shall be the procedure to get jurisdiction over the persons and the subject matter and of the nations in order to make its orders, mandates and judgments effective?

12. How should the jurisdiction be conferred in order to make it binding on nations and persons and subject matters, in order to obtain jurisdiction over a group of persons starting a revolution within the nation which may jeopardize the welfare of nations internationally?

The legal profession will find this a very broad, extensive field. There will be very many valuable suggestions that will be submitted. These suggestions properly compiled will be of great assistance in solving many questions and averting war, and in finally maintaining a permanent peace among nations and the people of the world in the future. The Magna Charta, the Declaration of Independence, Articles of Confederation and the Constitution of the United States and of the several states will aid the legal profession in making some of the suggestions.

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**TAX TITLES UPON WHICH THE THREE-YEAR STATUTE OF LIMITATIONS HAS NOT RUN**

**By K. K. Kennan, of the Milwaukee Bar.**

**Editor's Note:** — This is the first of two articles by Mr. Kennan; the second, which deals with "Tax Titles Upon Which the Three-Year Statute of Limitations Has Run," will be published in the June number of the Review. These articles were delivered as lectures by Mr. Kennan in 1909, and in view of the fact that there have been few important changes in the law of Tax Titles since that time, it has been deemed advisable to publish them here in their original form, with notes by Mr. Kennan to indicate any changes which have been made.

The subject of Tax Titles is not one which lends itself readily to bright scintillations of wit, or bursts of eloquence, or flights of fancy. Indeed, it can hardly be said to be an agreeable subject to the average citizen who is reminded by it that he is in danger of losing his property if by any chance he fails to pay his taxes.