

**THE EVIDENCE IN THE CASE: AN ANALYSIS OF
THE DIPLOMATIC RECORDS SUBMITTED BY
ENGLAND, GERMANY, RUSSIA, AND BELGIUM
IN THE SUPREME COURT OF CIVILIZATION,
AND THE CONCLUSIONS DEDUCIBLE AS TO
THE MORAL RESPONSIBILITY FOR THE WAR**

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JAMES M. BECK

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By

James M. Beck, LL.D.

Late Assistant Attorney-General of the U. S.

*"Did these bones cost no more the breeding but to play at loggats
with 'em? Mine ache to think on't."*

HAMLET—Act V., Sc. I.

G. P. Putnam's Sons
New York and London
The Knickerbocker Press

1914

TO
ALBERT, OF BELGIUM
"EVERY INCH A KING"

Justum, ac tenacem propositi virum
Non civium ardor prava jubentium,
Non vultus instantis tyranni,
 Mente quatit solida, neque Auster

Dux inquieti turbidus Adriæ,
Nec fulminantis magna manus Jovis.
Si fractus illabatur orbis,
 Impavidum ferient ruinæ.

HORACE.



FOREWORD

ON THE eve of the Great War I sat one evening in the reading room of the Hotel Erbprinz in classic Weimar. I had spent ten happy days in Thuringia, and had visited with deep interest a little village near Erfurt, where one of my forbears was born. I had seen Jena, from whose historic university this paternal ancestor had gone as a missionary to North America in the middle of the eighteenth century. This simple-minded German pietist had cherished the apparent delusion that even the uncivilized Indians of the American wilderness might be taught—the Bernhardis and Treitschkes to the contrary notwithstanding—that to increase the political power of a nation by the deliberate and highly systematized destruction of its neighbors was not the truest political ideal, even of an Indian tribe.

This missionary had gone most fittingly to the Commonwealth of Pennsylvania, where its enlightened founder had already given a demonstration of the truth that a treaty of peace, even though not

formally expressed in a "scrap of paper," might be kept by white men and so-called savages with scrupulous fidelity for at least three quarters of a century, for even the cynical Voltaire said in sincerest admiration that the compact between William Penn and the Indians was the only treaty which was never reduced to parchment, nor ratified by an oath and yet was never broken. When Penn, the great apostle of peace, died in England, a disappointed, ruined, and heart-broken man, and the news reached the Indians in their wigwams along the banks of the Delaware, they had for him, whom they called the "white Truth Teller" so deep a sense of gratitude that they sent to his widow a sympathetic gift of valuable skins, in memory of the "man of unbroken friendship and inviolate treaties."

These reflections in a time of broken friendships and violated treaties are not calculated to fill the man of the twentieth century with any justifiable pride.

My mind, however, as I spent the quiet evening in the historic inn of Thackeray's Pumpnickel, did not revert to these far distant associations but was full of other thoughts suggested by the most interesting section of Germany, through which it had been my privilege to pass.

I had visited Eisenach and reverentially stood within the room where the great master of music, John Sebastian Bach, had first seen the light of day, and as I saw the walls that he loved and which are forever hallowed because they once sheltered this divine genius, the question occurred to me whether he may not have done more for Germany with his immortal harmonies, which are the foundation of all modern music, than all the Treitschkes, and Bernhardis, with their gospel of racial hatred, pseudo-patriotism, and imperial aggrandizement.

I had climbed the slopes of the Wartburg and from Luther's room had gazed with delight upon the lovely Thuringian forests. Quite apart from any ecclesiastical considerations that room seemed to suggest historic Germany in its best estate. It recalled that scene of undying interest at the Diet of Worms, when the peaceful adherence to an ideal was shown to be mightier than the power of the greatest empire since the fall of Rome. The monk of Wittenburg, standing alone in the presence of the great Emperor, Charles the Fifth, and the representatives of the most powerful religious organization that the world has ever known, with his simple, "*Hier stehe ich; ich kann nicht anders,*" represented the

truest soul and highest ideal of the nobler Germany.

These and other glorious memories, suggested by Eisenach, Frankfort, Erfurt, Weimar, Jena, and Leipzig, made this pilgrimage of intense interest, and almost the only discord was the sight of the Leipzig Voelkerschlacht Denkmal, probably the largest, and certainly the ugliest monument in all the world. It has but one justification, in that it commemorates war, and no monument ever more fully symbolized by its own colossal crudity the moral ugliness of that most ghastly phenomenon of human life. Let us pray that in the event of final victory Prussia will not commission the architects of the Leipzig monument, or the imperial designer of the Sièges-Allée to rebuild that Gothic masterpiece, the Rheims Cathedral. That day in Leipzig an Alsatian cartoonist, Hansi, had been sentenced to one year's imprisonment for a harmless cartoon in a book for children, in which the most supersensitive should have found occasion for nothing, except a passing smile.

On the library table of the Erbprinze, I found a large book, which proved to be a Bismarck memorial volume. It contained hundreds of pictures glorifying and almost deifying the Iron Chancellor. One particularly arrested my atten-