

When the World Outlawed War: Reviving the Kellogg-Briand Pact

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Theme: [US NATO War Agenda](#)

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In a few places around the country groups are working to make August 27th a local or national holiday as a result of reading "[When the World Outlawed War.](#)"

"Last night I had the strangest dream I'd ever dreamed before," wrote Ed McCurdy in 1950 in what became a popular folk song. "I dreamed the world had all agreed to put an end to war. I dreamed I saw a mighty room, and the room was filled with men. And the paper they were signing said they'd never fight again." (Here are a few videos: [Johnny Cash](#) - [Pete Seeger](#) - [Simon and Garfunkel](#) - [John Denver](#) - [Serena Ryder](#).)



That scene had happened in reality on August 27, 1928, in Paris, France. The treaty that was signed that day, the Kellogg-Briand Pact, was subsequently ratified by the United States Senate in a vote of 85 to 1 and remains on the books (and on the U.S. State Department's website) to this day as part of what Article VI of the U.S. Constitution calls "the supreme Law of the Land." Frank Kellogg, the U.S. Secretary of State who made this treaty happen, was awarded a Nobel Peace Prize and saw his public reputation soar — so much so that the United States named a ship after him, one of the "Liberty ships" that carried war supplies to Europe during World War II. Kellogg was dead at the time. So, many believed, were prospects for world peace. But following World War II, for the first time ever people were prosecuted for the brand new crime of making war — these charges explicitly justified by the Kellogg-Briand Pact. And the wealthy nations have not gone to war with each other since. War continues against and among poor nations only, much to our shame. But the possibility of eliminating war entirely if we choose has been well established.

IMAGE: the author at Frank Kellogg's house in St. Paul, Minn. Photo by Coleen Rowley.

The Kellogg-Briand Pact and its renunciation of war as an instrument of national policy is something we might want to revive. This treaty gathered the adherence of the world's nations swiftly and publicly, driven by fervent public demand. We might think about how public opinion of that sort might be created anew, what insights it possessed that have yet to be realized, and what systems of communication, education, and elections would allow the public again to influence government policy, as the ongoing campaign to eliminate war — understood by its originators to be an undertaking of generations — continues to develop.

We might begin by remembering what the Kellogg-Briand Pact is and where it came from.

Perhaps, in between celebrating Veterans Day, Memorial Day, Yellow Ribbon Day, Patriots Day, Independence Day, Flag Day, Pearl Harbor Remembrance Day, and the Iraq-Afghanistan Wars Day legislated by Congress in 2011, not to mention the militaristic festival that bombards us every September 11th, we could squeeze in a day marking a step toward peace. I propose we do so every August 27th. Perhaps a national focus for Kellogg-Briand Day might be on an event in the National Cathedral in Washington, D.C., (if it safely reopens following the recent earthquake) where the inscription below the Kellogg Window gives Kellogg, who is buried there, credit for having “sought equity and peace among the nations of the world.”

We would be celebrating a step toward peace, not its achievement. We celebrate steps taken toward establishing civil rights, despite that remaining a work in progress. By marking partial achievements we help build the momentum that will achieve more. We also, of course, respect and celebrate the ancient establishment of laws banning murder and theft, although murder and theft are still with us. The earliest laws making war into a crime, something it had not been before, are just as significant and will long be remembered if the movement for the Outlawry of war succeeds. If it does not, and if the nuclear proliferation, economic exploitation, and environmental degradation that come with our wars continue, then before long there may be nobody remembering anything at all.

Another way to revive a treaty that in fact remains law would, of course, be to begin complying with it. When lawyers, politicians, and judges want to bestow human rights on corporations, they do so largely on the basis of a court reporter’s note added to, but not actually part of, a Supreme Court ruling from over a century back. When the Department of Justice wants to “legalize” torture or, for that matter, war, it reaches back to a twisted reading of one of the Federalist Papers or a court decision from some long forgotten era. If anyone in power today favored peace, there would be every justification for recalling and making use of the Kellogg-Briand Pact. It is actually law. And it is far more recent law than the U.S. Constitution itself, which our elected officials still claim, mostly unconvincingly, to support. The Pact, excluding formalities and procedural matters, reads in full,

The High Contracting Parties solemnly [sic] declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it, as an instrument of national policy in their relations with one another.

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

The French Foreign Minister Aristide Briand, whose initiative had led to the Pact and whose previous work for peace had already earned him a Nobel Peace Prize, remarked at the signing ceremony,

For the first time, on a scale as absolute as it is vast, a treaty has been truly devoted to the very establishment of peace, and has laid down laws that are new and free from all political considerations. Such a treaty means a beginning and not an end. . . . [S]elfish and willful war which has been regarded from of old as springing from divine right, and has remained in international ethics as an attribute of sovereignty, has been at last deprived by law of what constituted its most serious danger, its legitimacy. For the future, branded with illegality, it is by mutual accord truly and regularly outlawed so that a culprit

must incur the unconditional condemnation and probably the hostility of all his co-signatories.

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