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The thoughts and opinions expressed are those of the authors and not necessarily of the U.S.

Government, the U.S. Department of the Navy or the Naval War College.

"I want particularly to take this occasion to express my great confidence that your armies will ultimately prevail over Hitler and to assure you of our great determination to be of every possible material assistance.

"Yours very sincerely,

FRANKLIN D. ROOSEVELT"

IX. ARMING OF AMERICAN-FLAG SHIPS

STATEMENT BY THE SECRETARY OF STATE

DELIVERED BEFORE THE COMMITTEE ON FOREIGN AFFAIRS OF THE HOUSE OF REPRESENTATIVES DURING HEARINGS ON H. J. RES. 237

(Dept. of State Bulletin, Vol. V, No. 121, Oct. 18, 1941)

The purpose of this bill is to repeal section 6 of the Neutrality Act of 1939 prohibiting the arming of our merchant vessels engaged in foreign commerce. The provisions of this section had their origin in section 10 of the act of 1937, which had made it unlawful for American vessels engaged in commerce with a "belligerent" state to be armed. The act of 1939 broadened that provision by making it unlawful for an American vessel engaged in commerce "with any foreign state" to be armed. This makes it impossible for American merchant vessels to defend themselves on the high seas against danger from lawless forces seeking world-domination.

The neutrality acts did not remotely contemplate limiting the steps to be taken by this country in self-defense, especially were there to develop situations of serious and immediate danger to the United States and to this hemisphere. There was never any thought or intention to aban-

don to the slightest extent the full right of our necessary self-defense.

At the time when these acts were passed many people believed that reliance could be placed on established rules of warfare. One of those rules was and is that merchant vessels, while subject to the belligerent right of visit and search, should not be sunk except under certain specified conditions and limitations. We remembered then, as we do now, what had happened during the ruthless submarine warfare of the World War. We attached importance, however, to the fact that during the years that followed the World War an effort was made to reduce to binding conventional form certain rules theretofore understood to be binding on belligerents. In the London Naval Treaty of 1930, provisions were incorporated in part IV stating that the following were accepted as established rules of international law:

“(1) In their action with regard to merchant ships, submarines must conform to the rules of International Law to which surface vessels are subject.

“(2) In particular, except in the case of persistent refusal to stop on being duly summoned, or of active resistance to visit or search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship's papers in a place of safety. For this purpose the ship's boats are not regarded as a place of safety unless the safety of the passengers and crew is assured, in the existing sea and weather conditions, by the proximity of land, or the presence of another vessel which is in a position to take them on board.”

The action taken was the outgrowth of steps initiated at the Conference on the Limitation of Arma-

ment held in Washington in 1921-22. In 1936 the above-quoted rules were incorporated in a protocol concluded at London, which was signed or adhered to by 47 nations, including the United States, Great Britain, France, Germany, and Italy.

Despite this solemn commitment of the powers as to the rules which should govern submarines, the German Government is today, and has been throughout the course of the present war, sinking defenseless merchant vessels, including vessels of the United States and of other American republics, either without warning or without allowing the passengers and crews a reasonable chance for their lives. We are, therefore, confronted with a situation where a gigantic military machine has been thrown against peaceful peoples on land and on sea in a manner unprecedented in the annals of history. Submarines, armed raiders, and high-powered bombing planes are inflicting death and destruction in a manner which would put to shame the most ruthless pirates of earlier days.

The provisions of section 6 of the Neutrality Act are not called for under international law. They were adopted by our own choice. They now serve no useful purpose. On the contrary, they are a handicap. They render our merchant vessels defenseless and make them easier prey for twentieth-century pirates.

It is our right to arm our vessels for purposes of defense. That cannot be questioned. We have, since the beginning of our independent existence, exercised this right of arming our merchant vessels whenever, for the purpose of protection, we

have needed to do so. For example, in 1798, when depredations on our commerce were being committed by vessels sailing under authority of the French Republic, the Congress, after the expulsion of the French Consuls from the United States, passed, upon recommendation of President Adams, an act permitting the arming of our merchant vessels for the purpose of defense against capture as well as to "subdue and capture" any armed vessel of France. The courts of France then held that the arming of American vessels for these purposes did not render such vessels liable to condemnation when captured by French men-of-war.

In addition to what I have just said it is well known that since section 6 of the Neutrality Act was adopted entirely new conditions have developed. Section 6 must, therefore, be reconsidered in the light of these new conditions and in the light of later legislation and executive responsibilities thereunder. The new conditions have been produced by the Hitler movement of world invasion. Hitler is endeavoring to conquer the European and African and other Continents, and he therefore is desperately seeking to control the high seas. To this end he has projected his forces far out into the Atlantic with a policy of submarine lawlessness and terror. This broad movement of conquest, world-wide in its objectives, places squarely before the United States the urgent and most important question of self-defense. We cannot turn and walk away from the steadily spreading danger. Both the Congress and the Executive have recognized this change in the sit-

uation. The Congress has enacted and the Executive is carrying out a policy of aiding Great Britain and other nations whose resistance to aggression stands as the one great barrier between the aggressors and the hemisphere whose security is our security.

The theory of the neutrality legislation was that by acting within the limitations which it prescribed we could keep away from danger. But danger has come to us—has been thrust upon us—and our problem now is not that of avoiding it but of defending ourselves against a hostile movement seriously threatening us and the entire Western Hemisphere.

The blunt truth is that the world is steadily being dragged downward and backward by the mightiest movement of conquest ever attempted in all history. Armed and militant predatory forces are marching across continents and invading the seas, leaving desolation in their wake. With them rides a policy of frightfulness, pillage, murder, and calculated cruelty which fills all civilized mankind with horror and indignation. Institutions devoted to the safeguarding and promotion of human rights and welfare built up through the ages are being destroyed by methods like those used by barbarian invaders 16 centuries ago.

To many people, especially in a peace-loving country like ours, this attempt at world-conquest, now proceeding on an ever-expanding scale, appears so unusual and unprecedented that they do not at all perceive the danger to this country that this movement portends. This failure to realize

and comprehend the vastness of the plan and the savagery of its unlimited objectives has been, and still is, the greatest single source of peril to those free peoples who are yet unconquered and who still possess and enjoy their priceless institutions. If the 16 nations that already have been overrun and enslaved could break their enforced silence and speak to us, they would cry out with a single voice, "Do not delay your defense until it is too late."

The Hitler government is engaged in a progressive and widening assault carried out through unrestricted attacks by submarines, surface raiders, and aircraft at widely separated points. The intent of these attacks is to intimidate this country into weakening or abandoning the legitimate defenses of the hemisphere by retreating from the seas. In defiance of the laws of the sea and the recognized rights of all nations, the Hitler government has presumed to declare on paper that great areas of the ocean are to be closed and that no ships may enter those areas for any purpose except at peril of being sunk. This pronouncement of indiscriminate sinking makes no distinction between armed and unarmed vessels, nor does the actual practice of the German Government make any such distinction. Since vessels are thus sunk whether armed or unarmed, it is manifest that a greater degree of safety would be had by arming them. Moreover, Germany carries her policy of frightfulness, especially in the Atlantic, far outside of these paper areas.

We are confronted with a paramount problem, and we must be guided by a controlling principle.

The problem is to set up as swiftly as possible the most effective means of self-defense. The principle is that the first duty of an independent nation is to safeguard its own security.

In the light of these considerations, further revision of our neutrality legislation is now imperatively required. Now, as in earlier times, necessary measures on land and sea for the defense of the United States and of the other independent nations of this hemisphere must be taken, in accordance with the wise, settled, and traditional policy of our Republic.

We are today face to face with a great emergency. We should not sit with our hands tied by these provisions of law.

If Hitler should succeed in his supreme purpose to conquer Great Britain and thus secure control of the high seas, we would suddenly find the danger at our own door.

Provisions of the Neutrality Act must not prevent our full defense. Any that stand in the way should be promptly repealed. I support the pending proposal to repeal section 6. My own judgment is that section 2 also should be repealed or modified.

X. NAVY AND TOTAL DEFENSE DAY

ADDRESS BY THE PRESIDENT OCTOBER 27, 1941

(Dept. of State Bulletin, Vol. V, No. 123, Nov. 1, 1941)

Five months ago tonight I proclaimed to the American people the existence of a state of unlimited emergency.