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REPORT OF THE AMERICAN DELEGATION SUBMITTED TO THE PRESIDENT FEBRUARY 9, 1922.

[Names of personnel of conference, etc., omitted.]

FIRST.

LIMITATION OF ARMAMENT.

It was recognized at the outset that it would be difficult, if not impossible, to provide at this Conference for the limitation of land forces.

So far as the army of the United States is concerned, there was no question presented. It has always been the policy of the United States to have the regular military establishment upon the smallest possible basis. At the time of the Armistice there were in the field and in training in the American Army upwards of 4,000,000 men. At once, upon the signing of the Armistice, demobilization began and it was practically completed in the course of the following year, and to-day our regular establishment numbers less than 160,000 men. The British Empire has also reduced its land forces to a minimum. The situation on the Continent was vividly depicted in an eloquent address by M. Briand, speaking for the Government of France, in which he stated his conclusions as follows:

“The thought of reducing the armaments, which was the noble purpose of this conference, is not one from which we would feel disinterested from the point of view of land armaments. We have shown that already. Immediately after the armistice demobilization began, and demobilization began as rapidly and as completely as possible. According to the military laws of France there are to be three classes of men; that is, three generations of young men under the flag. That law is still extant; that law is still valid. It has not been abrogated yet, and the Government has taken the responsibility to reduce to two years the time spent under the flag, and instead of three classes—three generations of young men—we have only two that are doing military service. It is therefore an immediate reduction by one-third that has already taken place in the effectives—and I am speaking of the normal effectives of the metropolis, leaving aside troops needed for colonial occupation or the obligation imposed by the treaty in Rhineland or countries under plebescite.

We did not think that endeavor was sufficient, and in the future we have plans in order to further restrict the extent of our army. In a few days it is certain that the proposals of the Government will be passed in the Chamber, and in order to further reduce the military service by half. That is to say, there will be only one class and a half actually serving. The metropolitan French army would be therefore reduced by half, but if anybody asks us to go further, to consent to other reductions, I should have to answer clearly and definitely that it would be impossible for us to do it without exposing ourselves to a most serious danger.

“You might possibly come and tell us, ‘This danger that you are exposed to, we see it, we realize it, and we are going to share it with you. We are going to offer you all means—put all means at your disposal in order to secure your safety.’ Immediately, if we heard those words, of course we would strike upon another plan. We should be only too pleased to demonstrate the sincerity of our purpose. But we understand the difficulties and the necessities of the statesmen of other countries. We understand the position of other peoples who have also to face difficult and troublous situations. We are not selfish enough to ask other people to give a part of their sovereign national independence in order to turn it to our benefit and come to our help. We do not expect it; but here I am appealing to your consciences. If France is to remain alone, facing the situation such as I have described, and without any exaggeration, you must not deny her what she wants in order to insure her security. You must let her do what she has to do, if need arise and if the time comes.”

* * * * *

“If by direction given to the labors of the Conference it were possible somewhere over there in Europe—if it were possible to say that the outcome of this Conference is indirect blame and opprobrium cast upon France—if it was possible to point out France as the only country in the world that is still imperialistic, as the only country that opposes final disarmament, then, gentlemen, indeed this Conference would have dealt us a severe blow; but I am quite sure that nothing is further from your minds and from your intentions. If after listening to this argument, after weighing the reasons which you have just heard, you consider it then as valid, then, gentlemen, you will still be with us and you will agree with me in saying that France can not possibly do anything but what she has actually done.”

Senator Schanzer described the Italian situation as follows:

“It is far from my mind to discuss what France considers indispensable for her national safety. That safety is as dear to us as it may be to them, and we are still morally by the side of our allies of yesterday and our friends of to-day.

"I wanted to say this. Only may I be allowed to express the wish and the hope that the general limitation of land armament may become a reality within the shortest possible space of time. Italy has fought the war for the highest aims which a country can seek, but Italy is in her soul a peace-loving nation. I shall not repeat what I had the honor to state at the first meeting of the Conference, but I should like to emphasize again that Italy is one of the surest factors of the world's peace, that she has no reason whatsoever of conflict with any other country, that she is following and putting constantly into action a policy inspired by the principle of maintaining peace among all nations.

"Italy has succeeded in coming to a direct understanding with the Serb, Croat, and Slovene people and in order to attain such an end had made considerable sacrifices for the interest of the peace of Europe. Italy has pursued toward the successor countries to her former enemies a policy not only of pacification, but of assistance. And when a conflict arose between Austria and Hungary, a conflict which might have dragged into war the Danubian peoples, has offered to the two countries in conflict her friendly help in order to settle the dispute. Italy has succeeded and in so doing has actively contributed to the peace of Europe.

"Moreover, Italy has acted similarly within her own frontiers and has reduced her armed forces in the largest possible measure. She has considerably curtailed her navy expenditures in comparison to the pre-war time. The total amount of her armed forces does not exceed 200,000 men and a further reduction to 175,000 men is already planned, and 35,000 colored troops.

"Our ordinary war budget for the present financial year amounts to \$52,000,000, including \$11,000,000 expenses for police forces; the extraordinary part of the war budget, representing expenses dependent for the liquidation of the war, expenses therefore of a purely transitory character, amounts to \$62,000,000.

"However, although we have all reduced our armaments to the greatest possible extent, we consider it necessary, for a complete solution of the problem of limitation of armaments in Europe, to take into consideration the armaments of the countries either created or transformed as a result of the war. The problem is not a simple one. It must be considered as a whole. It is a serious and urgent problem, for which a solution at no far distant day is necessary."

Baron Kato spoke as follows:

"I would like to say this morning just a few words on land armament limitation. Japan is quite ready to announce her hearty approval of the principle which aims to relieve a people of heavy burdens by limiting land armaments to those which are necessary for national security and the maintenance of order within the territory.

“The size of the land armaments of each state should be determined by its peculiar geographical situation and other circumstances, and these basic factors are so divergent and complicated that an effort to draw final comparisons is hardly possible. If I may venture to say it, it is not an easy task to lay down a general scheme for the limitation of land armaments, as in the case of limitation of naval armaments. Nevertheless, Japan has not the slightest intention of maintaining land armaments which are in excess of those which are absolutely necessary for purely defensive purposes, necessitated by the Far Eastern situation.”

Further consideration made it quite clear that no agreement for the limitation of land forces could be had at this time.

LIMITATION OF NAVAL ARMAMENT.

A different condition existed in relation to naval armament. It was believed by the Government of the United States that an agreement providing for a sweeping reduction and for an effective limitation for the future was entirely feasible. It was pointed out, after considering the failure of earlier endeavors for limitation of armaments that the Powers could no longer content themselves with investigations, with statistics, with reports, with the circumlocution of inquiry; that the time had come, and the Conference had been called, not for general resolutions or mutual advice, but for action.

The following general considerations were deemed to be pertinent.

“The first is that the core of the difficulty is to be found in the competition in naval programs, and that, in order appropriately to limit naval armament, competition in its production must be abandoned. Competition will not be remedied by resolves with respect to the method of its continuance. One program inevitably leads to another, and if competition continues its regulation is impracticable. There is only one adequate way out and that is to end it now.

“It is apparent that this can not be accomplished without serious sacrifices. Enormous sums have been expended upon ships under construction and building programs which are now under way can not be given up without heavy loss. Yet if the present construction of capital ships goes forward other ships will inevitably be built to rival them, and this will lead to still others. Thus the race will continue so long as ability to continue lasts. The effort to escape sacrifices is futile. We must face them or yield our purpose.

“It is also clear that no one of the naval Powers should be expected to make these sacrifices alone. The only hope of limita-

tion of naval armament is by agreement among the nations concerned, and this agreement should be entirely fair and reasonable in the extent of the sacrifices required of each of the Powers. In considering the basis of such an agreement, and the commensurate sacrifices to be required, it is necessary to have regard to the existing naval strength of the great naval Powers, including the extent of construction already effected in the case of ships in process. This follows from the fact that one nation is as free to compete as another, and each may find grounds for its action. What one may do another may demand the opportunity to rival, and we remain in the thrall of competitive effort."

But it was necessary to go beyond general observations. It was apparent that, in this field of opportunity, it was essential that the American Government, as the convener of the Conference, should be prepared with a definite and practicable plan. After the most careful consideration and detailed examination of the problem, with the aid of the experts of the American Navy, a plan was prepared and, under instructions of the President, was presented to the Conference by the American Delegation.

THE AMERICAN PLAN.

It was clear at the outset, and the negotiations during the Conference put it beyond doubt, that no agreement for the limitation of naval armament could be effected which did not embrace the navies of France and Italy. At the same time, it was recognized that neither of these nations, in view of the extraordinary conditions due to the World War, affecting their existing naval strength, could be expected to make the sacrifices which necessarily would lie at the basis of an agreement for limitation. These sacrifices could, however, be reasonably expected of the United States, the British Empire, and Japan, and these were the Powers then actually engaged in the competitive building of warships. The American plan, therefore, temporarily postponed the consideration of the navies of France and Italy and definitely proposed a program of limitation for the United States, British Empire, and Japan. The proposal was one of renunciation of building programs, of scrapping of existing ships, and of establishing an agreed ratio of naval strength. It was a proposal of sacrifices, and the American Government, in making the proposal, at once stated the sacrifices which it was ready to make and upon the basis of which alone it asked commensurate sacrifices from others.

The American plan rested upon the application of these four general principles:

"(1) That all capital-shipbuilding programs, either actual or projected, should be abandoned;

"(2) That further reduction should be made through the scrapping of certain of the older ships;

"(3) That in general regard should be had to the existing naval strength of the Powers concerned;

"(4) That the capital ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed."

More specifically, the plan in relation to capital ships was as follows:

"CAPITAL SHIPS.

"*United States:*

"The United States is now completing its program of 1916 calling for 10 new battleships and 6 battle cruisers. One battleship has been completed. The others are in various stages of construction; in some cases from 60 to over 80 per cent of the construction has been done. On these 15 capital ships now being built over \$330,000,000 have been spent. Still, the United States is willing in the interest of an immediate limitation of naval armament to scrap all these ships.

"The United States proposes, if this plan is accepted—

"(1) To scrap all capital ships now under construction. This includes 6 battle cruisers and 7 battleships on the ways and in course of building, and 2 battleships launched.

"The total number of new capital ships thus to be scrapped is 15. The total tonnage of the new capital ships when completed would be 618,000 tons.

"(2) To scrap all of the older battleships up to, but not including, the *Delaware* and *North Dakota*. The number of these old battleships to be scrapped is 15. Their total tonnage is 227,740 tons.

"Thus the number of capital ships to be scrapped by the United States, if this plan is accepted, is 30, with an aggregate tonnage (including that of ships in construction, if completed) of 845,740 tons.

"*Great Britain:*

"The plan contemplates that Great Britain and Japan shall take action which is fairly commensurate with this action on the part of the United States.

"It is proposed that Great Britain—

"(1) Shall stop further construction of the four new *Hoods*, the new capital ships not laid down but upon which money has been spent. These 4 ships, if completed, would have tonnage displacement of 172,000 tons.

"(2) Shall, in addition, scrap her predreadnaughts, second-line battleships, and first-line battleships up to, but not including, the *King George V* class.

"These, with certain predreadnaughts which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

"The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the 4 *Hoods*, if completed) would be 583,375 tons.

"*Japan:*

"It is proposed that Japan—

"(1) Shall abandon her program of ships not yet laid down, viz, the *Kii*, *Owari*, No. 7, and No. 8 battleships, and Nos. 5, 6, 7, and 8, battle cruisers.

"It should be observed that this does not involve the stopping of construction, as the construction of none of these ships has been begun.

"(2) Shall scrap 3 capital ships (the *Mutsu* launched, the *Tosa* and *Kago* in course of building) and 4 battle cruisers (the *Amagi* and *Akagi* in course of building, and the *Atoga* and *Takao* not yet laid down, but for which certain material has been assembled).

"The total number of new capital ships to be scrapped under this paragraph is seven. The total tonnage of these new capital ships when completed would be 289,100 tons.

"(3) Shall scrap all predreadnaughts and battleships of the second line. This would include the scrapping of all ships up to but not including the *Settsu*; that is, the scrapping of 10 older ships, with a total tonnage of 159,828 tons.

"The total reduction of tonnage on vessels existing, laid down, or for which material has been assembled (taking the tonnage of the new ships when completed), would be 448,928 tons.

"Thus under this plan there would be immediately destroyed, of the navies of the three Powers, 66 capital fighting ships, built and building, with a total tonnage of 1,878,043.

"It is proposed that it should be agreed by the United States, Great Britain, and Japan that their navies, with respect to capital ships, within three months after the making of the agreement, shall consist of certain ships designated in the proposal and numbering for the United States 18, for Great Britain 22, for Japan 10.

"The tonnage of these ships would be as follows: Of the United States, 500,650; of Great Britain, 604,450; of Japan, 299,700. In reaching this result, the age factor in the case of the respective navies has received appropriate consideration.

"Replacement:

"With respect to replacement, the United States proposes:

"(1) That it be agreed that the first replacement tonnage shall not be laid down until 10 years from the date of the agreement;

“(2) That replacement be limited by an agreed maximum of capital ship tonnage as follows:

	Tons.
For the United States.....	500,000
For Great Britain.....	500,000
For Japan.....	300,000

“(3) That subject to the 10-year limitation above fixed and the maximum standard, capital ships may be replaced when they are 20 years old by new capital ship construction;

“(4) That no capital ship shall be built in replacement with a tonnage displacement of more than 35,000 tons.”

This proposal was presented on behalf of the American Delegation at the first session of the Conference, and at once evoked from the other delegates expressions of assent in principle. The question of a definite agreement, however, presented many difficulties requiring protracted negotiations, in which a conclusion was not finally reached until January 31, 1922, when the draft of the proposed Naval Treaty was adopted in the Committee on Limitation of Armament.

CAPITAL SHIP RATIO.

It was obvious that no agreement for limitation was possible if the three Powers were not content to take as a basis their actual existing naval strength. General considerations of national need, aspirations and expectations, policy and program, could be brought forward by each Power in justification of some hypothetical relation of naval strength with no result but profitless and interminable discussion. The solution was to take what the Powers actually had, as it was manifest that neither could better its relative position unless it won in the race which it was the object of the Conference to end. It was impossible to terminate competition in naval armament if the Powers were to condition their agreement upon the advantages they hoped to gain in the competition itself. Accordingly, when the argument was presented by Japan that a better ratio—that is, one more favorable to Japan than that assigned by the American plan—should be adopted and emphasis was placed upon the asserted needs of Japan, the answer was made that if Japan was entitled to a better ratio upon the basis of actual existing naval strength, it should be, but otherwise it could not be, accepted. The American plan fixed the ratio between the United States, the British Empire, and Japan as 5-5-3 or 10-10-6; Great Britain at once agreed, but the Japanese Government desired a ratio of 10-10-7.

There was general agreement that the American rule for determining existing naval strength was correct; that is, that it should be determined according to capital ship tonnage. There was, however, a further question and that was as to what should

be embraced for that purpose within the capital ship tonnage of each nation. It was the position of the American Government that paper programs should not be counted, but only ships laid down or upon which money had been spent. It was also the position of the American Government that ships in course of construction should be counted to the extent to which construction had already progressed at the time of the convening of the Conference. The latter position was strongly contested by Japan upon the ground that a ship was not a ship unless it was completed and ready to fight. It was pointed out, however, that in case of an emergency a warship which was 90 per cent completed was to that extent ready and that only the remaining 10 per cent of construction was necessary; and, similarly, in the case of a ship 70 per cent or 50 per cent or other per cent completed, the work done was so much of naval strength in hand. It was also pointed out that it did not follow that because a ship had been completed that it was ready for action; it might be out of repair; its engines, boilers, apparatus, armament, might need replacement. It was idle to attempt to determine naval strength on supposed readiness for action at a given day. Objections could be made to any standard of measurement, but the most practicable standard was to take the existing capital ship tonnage, including the percentage of construction already effected in the case of ships which were being built. It was added that the American Government, while ready to sacrifice, in accordance with the terms of its proposal, its battleships and battle cruisers in course of construction, was not willing to ignore the percentage of naval strength represented by over \$300,000,000 expended on the unfinished ships.

The American Government submitted to the British and Japanese naval experts its records with respect to the extent of the work which had been done on the ships under construction, and the negotiations resulted in an acceptance by both Great Britain and Japan of the ratio which the American Government had proposed.

FORTIFICATIONS IN THE PACIFIC.

Before assenting to this ratio the Japanese Government desired assurances with regard to the increase of fortifications and naval bases in the Pacific Ocean. It was insisted that while the capital ship ratio proposed by the American Government might be acceptable under existing conditions, it could not be regarded as acceptable by the Japanese Government if the Government of the United States should fortify or establish additional naval bases in the Pacific Ocean.

The American Government took the position that it could not entertain any question as to the fortifications of its own coasts

or of the Hawaiian Islands, with respect to which it must remain entirely unrestricted. Despite the fact that the American Government did not entertain any aggressive purpose whatever, it was recognized that the fortification of other insular possessions in the Pacific might be regarded from the Japanese standpoint as creating a new naval situation, and as constituting a menace to Japan, and hence the American Delegation expressed itself as willing to maintain the *status quo* as to fortifications and naval bases in its insular possessions in the Pacific, except as above stated, if Japan and the British Empire would do the like. It was recognized that no limitation should be made with respect to the main islands of Japan or Australia and New Zealand, with their adjacent islands, any more than with respect to the insular possessions adjacent to the coast of the United States, including Alaska and the Panama Canal Zone, or the Hawaiian Islands. The case of the Aleutian Islands, stretching out toward Japan, was a special one and had its counterpart in that of the Kurile Islands belonging to Japan and reaching out to the northeast toward the Aleutians. It was finally agreed that the *status quo* should be maintained as to both these groups.

After prolonged negotiations, the three Powers—the United States, the British Empire and Japan—made an agreement that the *status quo* at the time of the signing of the Naval Treaty, with regard to fortifications and naval bases, should be maintained in their respective territories and possessions, which were specified as follows (Naval Treaty, Article XIX) ;

“(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands ;

“(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its Territories, and (c) New Zealand ;

“(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit: The Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa, and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.”

The same article of the treaty also contains the following provision with respect to the meaning of the maintenance of the *status quo*:

“The maintenance of the *status quo* under the foregoing provisions implies that no new fortifications or naval bases shall

be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace."

THE CASE OF THE "MUTSU."

Among the ships which the American Government proposed should be scrapped by Japan was the *Mutsu*. It was the understanding of the American Government that this ship was still incomplete at the time of the meeting of the Conference, although it was nearly completed; that is, to the extent of about 98 per cent. It was proposed to be scrapped as all other ships which were in course of construction; thus the Government of the United States included among its own ships which were to be scrapped two ships which were about 90 per cent completed.

The Japanese Delegation, however, insisted that the *Mutsu* had actually been finished, was commissioned and fully manned before the Conference met. Apart from this point, this latest accession to the Japanese Navy was the especial pride of the Japanese people. It was their finest war vessel and, it is understood, had been built, in part at least, through popular subscriptions and in circumstances evoking patriotic pride in the highest degree.

It was deemed by the Japanese Delegation to be quite impossible to induce the consent of their Government to any proposal of limitation which would involve the scrapping of the *Mutsu*. Its retention, however, created serious difficulties because of the disproportion of advantage that would accrue to Japan through the possession of such a ship. Japan offered to scrap the *Settsu*, one of the older ships that was to have been retained by Japan under the American plan, and also recognized that the gain to Japan through the *Mutsu* should be offset by the completion on the part of the United States of two of her battleships under construction and by the construction on the part of Great Britain of two new ships.

It was accordingly agreed that the Government of the United States should finish two ships of the *West Virginia* class that were under construction, and on their completion should scrap the *North Dakota* and the *Delaware*, which under the original plan were to have been retained. Great Britain on her part was to be permitted to build two new ships, and upon their completion was to scrap four (4) of the older ships which would otherwise have been retained. In this way the balance of the three navies was kept. Nor was there any serious change in the final

agreement establishing the maximum limits of the capital ship replacement tonnage. The original American plan had called for the following:

United States, 500,000 tons.

British Empire, 500,000 tons.

Japan, 300,000 tons.

The plan as modified became:

United States, 525,000 tons.

British Empire, 525,000 tons.

Japan, 315,000 tons.

Thus maintaining the ratio of 5-5-3.

An important concession was made by Great Britain with respect to the two new ships which she was permitted to build. Great Britain, as stated in the American proposal, had already planned four (4) new Hoods. These ships had been designed and considerable time would have been saved in proceeding to build the two new ships according to the existing plans, but the new ships were designed greatly to exceed in tonnage any existing ship; their tonnage displacement, it is understood, was to be about 49,000 tons. Great Britain agreed not only to abandon her program for the four (4) new Hoods, but in building the two new ships that they should not exceed 35,000 tons standard displacement, respectively.

Thus with respect to capital ships the United States, the British Empire, and Japan were able to reach an agreement, but this was tentative and depended upon a suitable agreement being reached with France and Italy.

FRANCE AND ITALY.

The scheme of reduction accepted by the United States, Great Britain, and Japan involved the scrapping of capital ships to the extent of approximately 40 per cent of the existing strength. It was realized that no such reduction could be asked of either France or Italy and that the case of their navies required special consideration.

France had seven (7) dreadnaughts with a tonnage of 164,500 tons, and three (3) predreadnaughts, making a total of about 221,000 tons. In the case of the United States, Great Britain, and Japan it was provided that their predreadnaughts should be scrapped without any provision for replacement, and there was to be, in addition, a reduction of about 40 per cent of the naval strength represented by dreadnaughts and superdreadnaughts. Reducing in the same proportion as the United States has reduced, France's tonnage of capital ships would be fixed at 102,000 tons, or, if the predreadnaughts of France were taken into the calculation on her side although omitted on the side of the United States,

the total tonnage of France's capital ships being taken at 221,000 tons, a reduction on the same basis would leave France with only 136,000 tons. This was deemed to be impracticable. It was thought entirely fair, however, that France, in the replacement schedule, should be allowed a maximum tonnage equivalent to the existing tonnage of her seven (7) dreadnaughts with a slight increase; that is, that the maximum limit of capital ships, for the purpose of replacement, should be fixed at 175,000 tons.

Italy sought parity with France, and this principle having been accepted in the course of the discussion, it was likewise proposed that Italy should be allowed 175,000 tons of capital ships in replacement. The present tonnage of Italy is about 182,800 tons. The proposed maximum limit of 175,000 tons was at once accepted by Italy.

France expressed the desire to be allowed 10 capital ships, which, at a tonnage of 35,000 tons each, would have given her 350,000 tons. This was deemed to be excessive as a part of a plan for the limitation of armament, and, had it been insisted upon, would probably have made impossible an agreement for an effective limitation of capital ship tonnage. But, after discussion, France consented to the maximum limit of 175,000 tons for capital ships.

AUXILIARY CRAFT.

In the original American proposal it was stated that the allowance of auxiliary combatant craft to each Power should be in proportion to the capital ship tonnage. The proposal for the three Powers—the United States, Great Britain, and Japan—was that the total tonnage of cruisers, flotilla leaders, and destroyers allowed each Power should be as follows:

United States, 450,000 tons.

Great Britain, 450,000 tons.

Japan, 270,000 tons.

And that the total tonnage of submarines allowed each of these Powers should be:

United States, 90,000 tons.

Great Britain, 90,000 tons.

Japan, 54,000 tons.

In the same proportion as the capital ship tonnage, this would have left for France and Italy, in the case of cruisers, flotilla leaders and destroyers, a maximum of 150,000 tons for each of these Powers; and, in the case of submarines, a maximum of 30,000 tons each.

The American Delegation felt that the original proposal for submarines was too high, and, aided by the advice of our naval experts, proposed that the maximum limit for the United States and Great Britain in submarine tonnage should be 60,000 tons each; and that France, Japan, and Italy should retain the tonnage

in submarines that they now have; that is, should maintain the *status quo* as regards submarine tonnage. It was understood that the present submarine tonnage of France was 31,391 tons; of Japan 31,452 tons, and of Italy somewhat less, about 21,000 tons. This proposition was not accepted, being opposed both by Japan and France. Japan stated her willingness to adhere to the original proposal, which allowed her 54,000 tons in submarines.

In accepting the allowance for capital ships, France had made a distinct reservation. It was said that it would be impossible for the French Government to accept reductions for light cruisers, torpedo boats, and submarines corresponding to those which were accepted for capital ships. Accordingly, France maintained that her necessities required that she should be allowed 330,000 tons for cruisers, etc., and 90,000 tons for submarines.

M. Sarraut thus stated the position of the French Government:

"After examining, on the other hand, the composition of the forces needed by France in auxiliary craft and submarines, which are specially intended for the protection of her territory and its communications, the Cabinet and the Supreme Council of National Defense have reached the conclusion that it is impossible to accept a limitation below that of 330,000 tons for auxiliary craft and 90,000 tons for submarines, without imperiling the vital interests of the country and of its colonies and the safety of their naval life.

"The French Delegation has been instructed to consent to no concession on the above figures.

"To sum up, France accepts, as regards capital ships, the sacrifice which she must face in order to meet the views of the Conference and which represents an important reduction of her normal sea power. She limits the program of the future establishment of her fleet to 330,000 tons for auxiliary craft and to 90,000 tons for submarines."

In view of the insistence on the part of the French Delegation that they could not abate their requirements as to auxiliary craft and submarines, the British Delegation stated that they were unable to consent to a limitation of auxiliary craft adapted to meet submarines.

For this reason it was found to be impossible to carry out the American plan so far as limitation of auxiliary craft and submarines was concerned.

THE NAVAL TREATY.

The agreement finally reached was set forth in the Naval Treaty, signed on February 6, 1922.

With respect to capital ships, while there are certain changes in detail, the integrity of the plan proposed on behalf of the American Government has been maintained, and the spirit in which that

proposal was made, and in which it was received, dominated the entire negotiations and brought them to a successful conclusion.

The treaty is in three chapters:

(1) A chapter containing the general principles or provisions relating to the limitation of naval armament.

(2) A chapter containing rules for the execution of the agreement.

(3) A chapter containing certain miscellaneous provisions.

Without following the order of this arrangement, the substance of the treaty may be thus stated:

The first subject with which the treaty deals is that of the limitations as to capital ships, which are defined as follows:

"A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons (10,160 metric tons) standard displacement or which carries a gun with a caliber exceeding 8 inches (203 millimeters)." (Ch. II, Pt. 4.)

The treaty specifies the capital ships which each of the five Powers may retain. Thus, the United States of America is to retain 18 capital ships, with a tonnage of 500,650 tons; the British Empire 22 capital ships, with a tonnage of 580,450 tons; France 10 ships, of 221,170 tons; Italy 10 ships of 182,800 tons; Japan 10 ships, of 301,320 tons. (Ch. II, Pt. 1.)

In reaching this result, the age factor in the case of the respective navies has received consideration.

The treaty provides that all other capital ships of these Powers, either built or building, are to be scrapped or disposed of as provided in the treaty. (Art. II.)

It is provided that the present building programs are to be abandoned and that there is to be no building of capital ships hereafter except in replacement and as the treaty provides. (Art. III.)

It may be useful to make a comparison of this result with the proposal which was made at the beginning of the Conference on behalf of the American Delegation. That proposal set forth that 18 ships were to be retained by the United States with a tonnage of 500,650 tons. In this treaty the same ships are to be retained.

In that proposal there were set forth 22 capital ships to be retained by the British Empire. Under the treaty the same number of ships is to be retained, in fact, the same ships, with the single exception of the substitution of the *Thunderer* for the *Erin*, with a total tonnage of 580,450, as against the calculation in the original proposal of 604,450 tons for ships retained.

In the case of Japan, the proposal set forth 10 ships to be retained. By the treaty, the same number of ships is to be retained, the difference being that the *Mutsu* is to be retained and the *Settsu* (which was to have been retained) is to be scrapped.

The tonnage retained by Japan, as calculated in the original proposal, was 299,700 tons. The tonnage retained under the treaty is 301,320.

The effect of the retention of the *Mutsu* by Japan was to make necessary certain changes to which reference has already been made, and for which the treaty provides. These changes are:

In the case of the United States, it is provided that two ships of the *West Virginia* class, now under construction, may be completed, and that on their completion two of the ships which were to have been retained, the *North Dakota*, and the *Delaware*, are to be scrapped.

In the case of the British Empire, two new ships may be built, not exceeding 35,000 tons each; and on completion of these two ships, four ships, the *Thunderer*, *King George V*, the *Ajax*, and the *Centurion*, are to be scrapped.

In the case of Japan, as has been said, the difference is that the *Mutsu* is retained and the *Settsu* scrapped.

Aside from these changes, the principles set forth in the American proposal in relation to capital ships have been applied, and the capital ship program is in its essence carried out.

A further comparison may be made with respect to ships to be scrapped.

In the case of the United States, it was proposed to scrap all capital ships now under construction, that is to say 15 ships, in various stages of construction. Instead, 13 of these ships are to be scrapped or disposed of. The total number of capital ships which were to be scrapped by the United States, or disposed of, was stated to be 30. Under the treaty, the number is 28, with a very slight difference in total tonnage.

In the case of Great Britain, the construction of the 4 great Hoods has been abandoned, and while Great Britain is to have 2 new ships, limited to 35,000 tons each, 4 of the retained ships are to be scrapped, as already stated, when these 2 ships are completed.

It was also provided in the original proposal that Great Britain should scrap her predreadnaughts, second line battleships and first line battleships, up to and not including the *King George V*. These ships, with certain predreadnaughts which it was understood had already been scrapped, would amount to 19 capital ships, with a tonnage reduction on this account of 411,375 tons. This provision is substantially unaffected by the treaty, the fact being that under the treaty 20 ships are to be scrapped instead of 19 that were mentioned in the proposal.

In the case of Japan, the proposal was that Japan—

“(1) Shall abandon her program of ships not yet laid down, viz, the *Kii*, *Owari*, No. 7 and No. 8, battleships, and Nos. 5, 6, 7, and 8, battle cruisers.”

This proposal has been carried out and the program has been abandoned by Japan.

"(2) Shall scrap 3 capital ships (the *Mutsu*, launched; the *Tosa* and *Kago*, in course of building) and 4 battle cruisers (the *Amagi* and *Akagi* in course of building, and the *Atoga* and *Takao* not yet laid down, but for which certain material has been assembled). The total number of new capital ships to be scrapped under this program is 7. The total tonnage of these capital ships when completed would be 289,100 tons."

Under the treaty Japan is to scrap all the ships mentioned with the exception of the *Mutsu*.

"(3) Shall scrap all predreadnaughts and battleships of the second line. This would include the scrapping of all ships up to but not including the *Settsu*; that is, the scrapping of 10 older ships with a total tonnage of 159,828 tons."

Under the treaty 10 ships are scrapped, including the *Settsu* instead of excluding it.

There are certain special provisions with regard to capital ships which should be mentioned in order that there may be no misapprehension, although the matter itself is insignificant. In the tables in Section II of Chapter II, Part 3, it is provided that the United States may retain the *Oregon* and *Illinois* for noncombatant purposes after they have been emasculated in accordance with certain provisions of the treaty. There is a sentimental reason for the retention of the *Oregon*, which it is understood the State of Oregon desires to possess.

The British Empire is permitted to retain the *Colossus* and the *Collingswood* for noncombatant purposes after they have been emasculated. These have already been withdrawn from combatant use.

There is also a provision in the case of Japan that 2 of her older ships, over 20 years old, the *Shikashima* and the *Asahi*, which were to be scrapped, may be retained for noncombatant purposes after they have been emasculated, as stated.

The matter of scrapping is not left to conjecture or to the decision of each of the Powers taken separately, but is carefully defined by the treaty in Part 2 of Chapter II, as follows:

"RULES FOR SCRAPPING VESSELS OF WAR.

"I. A vessel to be scrapped must be placed in such a condition that can not be put to combatant use.

"II. This result must be finally effected in any one of the following ways:

"(a) Permanent sinking of the vessel;

"(b) Breaking the vessel up. This shall always involve the destruction or removal of all machinery, boilers, and armor, and all deck, side, and bottom plating;

“(c) Converting the vessel to target use, exclusively * * * Not more than one capital ship may be retained for this purpose at one time by any of the Contracting Powers.”

There is a special provision in the case of France and Italy that they may severally retain two seagoing vessels for training purposes exclusively; that is, as gunnery or torpedo schools. The treaty describes the vessels, or the class to which they belong, and France and Italy undertake to remove and destroy their conning towers and not to use them as vessels of war.

There is also provision as to the two stages of scrapping. The first stage is intended to render the ship incapable of further warlike service and is to be immediately undertaken. The process is set forth in great detail in respect to removal of guns or machinery for working hydraulic or electric mountings, or fire-control instruments and range finders, or ammunition, explosives, and mines, or torpedoes, war-heads and torpedo tubes, or wireless telegraphy installations, the conning tower and all side armor, etc. (Ch. II, Pt. 2, Sec. III, Subdivision A.)

In the case of vessels that are to be immediately scrapped, the work of rendering them incapable of further warlike service is to be completed within six months from the time of the coming into force of the treaty and the scrapping is to be finally effected within 18 months from that time. In the case of vessels which are to be scrapped after the completion of the new ships which may be built by the United States and the British Empire, respectively, the work of rendering the vessel incapable of further warlike service is to be commenced not later than the date of the completion of its successor and is to be finished within six months from that time. The vessel is to be finally scrapped within 18 months from that date.

The treaty provides the maximum replacement limits as follows:

United States.....	525, 000 tons.
British Empire.....	525, 000 tons.
France.....	175, 000 tons.
Italy.....	175, 000 tons.
Japan.....	315, 000 tons.

The size of each of the capital ships is limited to 35,000 tons; it is also provided that no capital ship shall carry a gun of a calibre in excess of 16 inches. The provisions for replacements of capital ships are set forth in charts, which form Section II of Part 3 of Chapter II of the treaty.

In the case of the United States, the British Empire and Japan, aside from the two ships that may be completed by the United States and the two which may be built by the British Empire, the first replacement is to begin with the laying down of ships in the year 1931, for completion in 1934, and replacement takes place thereafter according to the age of the ships.

In the case of France and Italy, the first replacement is permitted for laying down in 1927 for completion in 1930 in the case of France and in 1931 in the case of Italy.

The treaty also deals with aircraft carriers.

"An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons (10,160 metric tons) standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed for carrying a more powerful armament than that allowed to it under Article IX or Article X as the case may be." (Ch. II, Pt. 4.)

The total tonnage allowed for aircraft carriers is limited as follows: (Art. VII.)

For the United States.....	135,000 tons.
British Empire.....	135,000 tons.
France.....	60,000 tons.
Italy.....	60,000 tons.
Japan.....	81,000 tons.

In view of the experimental nature of the existence of aircraft carriers, that fact is recognized and there is provision for replacement without regard to age. (Art. VIII.)

The maximum limit of each aircraft carrier is 27,000 tons. There is, however, a special exception which permits Contracting Powers to build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons.

What has been said with regard to the disposition of existing capital ships and their scrapping is to be qualified by the statement that in order to effect economy any of the Contracting Powers may use, for the purpose of constructing aircraft carriers as defined, any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the treaty, and these may be of a tonnage of not more than 33,000 tons. (Art. IX.)

The general provision as to the armament of aircraft carriers is that if it has guns exceeding six inches, the total number of guns shall not exceed 10. It can not carry a gun in excess of 8 inches. It may carry without limit 5-inch guns and antiaircraft guns. (Art. X.)

In the case of aircraft carriers of 33,000 tons, the total number of guns to be carried, in case any of such guns are of caliber exceeding 6 inches, except antiaircraft guns and guns not exceeding five inches, can not number more than 8. (Art. IX.)

With respect to auxiliary craft, the treaty provides that no vessel of war exceeding 10,000 tons, other than capital ships or aircraft carriers, shall be acquired by or constructed by, for, or within the jurisdiction of any of the Contracting Powers. Ves-

sels not specially built as fighting ships nor taken in time of peace under Government control for fighting purposes which are employed on fleet duties, or as troop transports, or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, are not within this limitation. (Art. XI.)

The treaty contains certain provisions of a protective nature; that is, for the purpose of securing the faithful execution of the agreement.

Thus it is provided that no vessel of war of any of the Contracting Powers hereafter laid down, except a capital ship, shall carry a gun in excess of 8 inches (Art. XII); that no ship designated in the treaty to be scrapped may be reconverted into a vessel of war (Art. XIII); that no preparations shall be made in merchant ships in time of peace for the installation of war-like armament for the purpose of converting such ships into vessels of war, other than the necessary stiffening of the decks for the mounting of guns not exceeding 6 inches. (Art. XIV.)

There are also provisions with respect to the building of vessels for foreign powers. Thus, no vessel of war constructed within the jurisdiction of any of the Contracting Powers, for a noncontracting power, shall exceed the limits as to displacement and armament prescribed by the treaty for vessels of a similar type, constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a noncontracting power shall not exceed 27,000 tons. (Art. XV.)

It is provided that a Contracting Power, within the jurisdiction of which a vessel of war is constructed for a noncontracting power, shall give suitable information to the other Contracting Powers. (Art. XVI.)

Further, in the event of a Contracting Power being engaged in war, such Power is not to use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other power or which may have been constructed within its jurisdiction for another power and not delivered. (Art. XVII.)

Each of the Contracting Powers undertakes not to dispose, by gift, sale, or any mode of transfer, of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign power (Art. XVIII). It is recorded in the proceedings of the Conference that this undertaking is regarded as binding as a matter of honor upon the Powers from the date of the signing of the treaty.

Reference has already been made to the provision relating to the maintenance of the status quo as to fortifications and naval bases in the Pacific Ocean.

If, during the term of the treaty, which is 15 years, the requirements of the national security of any of the Contracting Powers, in respect of naval defence are, in the opinion of that Power, materially affected by any change of circumstances, the Contracting Powers agree, at the request of such Power, to meet in conference with a view to the reconsideration of the provisions of the treaty and its amendments by mutual agreement. (Art. XXI.)

It is further provided that in view of possible technical and scientific developments the United States, after consultation with the other Contracting Powers, shall arrange for a Conference of all the Contracting Powers, which shall convene as soon as possible after the expiration of 8 years from the coming into force of the treaty, to consider what changes, if any, may be necessary to meet such developments. (Art. XXI.)

There is a special provision as to the effect of an outbreak of war. The mere fact that one of the Contracting Powers becomes engaged in war does not affect the obligations of the treaty. But if a Contracting Power becomes engaged in a war which, in its opinion, affects the naval defence of its national security, such Power may, after notice to the other Contracting Powers, suspend for the period of hostilities its obligations under the present treaty, other than certain specified obligations, provided that such Power shall notify the other Contracting Powers that the emergency is of such a character as to require such suspension. In such a case the remaining Contracting Powers agree to consult together and ascertain what temporary modifications may be required. If such consultation does not produce an agreement, duly made in accordance with the constitutional methods of the respective Powers, any one of the Contracting Powers may, by giving notice to the other Contracting Powers, suspend for the period of hostilities its obligations under the present treaty, except as specified. On the cessation of hostilities the Contracting Powers agree to meet in Conference to consider what modifications, if any, should be made in the provisions of the treaty. (Art. XXII.)

The treaty is to remain in force until December 31, 1936, and in case none of the Contracting Powers shall have given notice two years before that date of its intention to terminate the treaty, it is to continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the Contracting Powers; whereupon the treaty shall terminate as regards all the Contracting Powers. (Art. XXIII.)

This is a summary of the engagements of the Naval Treaty. Probably no more significant treaty was ever made. Instead of discussing the desirability of diminishing the burdens of naval

armament, the Conference has succeeded in limiting them to an important degree.

It is obvious that this agreement means ultimately an enormous saving of money and the lifting of a heavy and unnecessary burden. The treaty absolutely stops the race in competition in naval armament. At the same time it leaves the relative security of the great naval powers unimpaired. No national interest has been sacrificed; a wasteful production of unnecessary armament has been ended.

While it was desired that an agreement should be reached for the limitation of auxiliary craft and submarines, its importance should not be overestimated. Limitation has been effected where it was most needed, both with respect to the avoidance of the heaviest outlays and with reference to the promptings to war, which may be found in excessive preparation. Moreover, it is far from probable that the absence of limitation, in the other field, will lead to production of either auxiliary craft or submarines in excess of their normal relation to capital ships. Peoples are not in a mood for unnecessary naval expenditures.

The limitation of capital ships, in itself, substantially meets the existing need, and its indirect effect will be to stop the inordinate production of any sort of naval craft.

RULES FOR CONTROL OF NEW AGENCIES OF WARFARE.

SUBMARINES.

The British Delegation submitted a proposition for the abolition of submarines. This proposal was put upon the records in the following form:

“The British Empire Delegation desired formally to place on record this opinion that the use of submarines, whilst of small value for defensive purposes, leads inevitably to acts which are inconsistent with the laws of war and the dictates of humanity, and the delegation desires that united action should be taken by all nations to forbid their maintenance, construction, or employment.”

The proposal was discussed at length, the British Delegation bringing forward in its support arguments of great force based upon the experience of Great Britain in the recent war. It met with opposition from France, Italy, and Japan.

The American Delegation not only had the opinion of their naval advisers in opposition to the proposal, but also had received a careful report upon the subject from the Advisory Committee of Twenty-One appointed by the President. This report was presented by the American Delegation as setting forth in a succinct manner the position of their Government. In this report it was stated:

“Unlimited submarine warfare should be outlawed. Laws should be drawn up prescribing the methods of procedure of submarines against merchant vessels both neutral and belligerent. These rules should accord with the rules observed by surface craft. Laws should also be made which prohibit the use of false flags and offensive arming of merchant vessels. The use of false flags has already ceased in land warfare. No one can prevent an enemy from running ‘amuck,’ but immediately he does he outlaws himself and invites sure defeat by bringing down the wrath of the world upon his head. If the submarine is required to operate under the same rule as combatant surface vessels no objection can be raised as to its use against merchant vessels. The individual captains of submarines are no more likely to violate instructions from their government upon this point than are captains of any other type of ship acting independently.

“SUBMARINES AGAINST COMBATANT SHIPS.

“Against enemy men of war the submarine may be likened to the advance guard on land which hides in a tree or uses underbrush to conceal itself. If the infantry in its advance encounters an ambush, it suffers greatly even if it is not totally annihilated. However, an ambush is entirely legitimate. In the same fashion a submarine strikes the advancing enemy from concealment and no nation cries out against this form of attack as illegal. Its Navy simply becomes more vigilant, moves faster and uses its surface scouts to protect itself.

“The submarine carries the same weapons as surface vessels, i. e., torpedoes, mines, and guns. There is no prohibition of their use on surface craft and there can be none on submarines. Submarines are particularly well adapted to use mines and torpedoes. They can approach to the desired spot without being seen, lay their mines or discharge their torpedoes, and make their escape.

“The best defense against them is eternal vigilance and high speed. This causes added fatigue to the personnel and greater wear to the machinery. The continued menace of submarines in the vicinity may so wear down a fleet that when it meets the enemy it will be so exhausted as to make its defeat a simple matter.

“The submarine as a man-of-war has a very vital part to play. It has come to stay. It may strike without warning against combatant vessels, as surface ships may do also, but must be required to observe the prescribed rules of surface craft when opposing merchantmen, as at other times.

“THE SUBMARINE AS A SCOUT.

“As a scout the submarine has great possibilities—it is the one type of vessel able to proceed unsupported into distant enemy

waters and maintain itself to observe and report enemy movements. At present its principal handicaps are poor habitability and lack of radio power to transmit its information. However, these may be overcome in some degree in the future. Here, again, the submarine has come to stay—it has great value, a legitimate use, and no nation can decry its employment in this fashion.

* * * * *

“The submarine is particularly an instrument of weak naval powers. The business of the world is carried on upon the surface of the sea. Any navy which is dominant on the surface prefers to rely on that superiority; while navies comparatively weak may but threaten that dominance by developing a new form of attack to attain success through surprise. Hence submarines have offered and secured advantages until the method of successful counterattack has been developed.

“The United States Navy lacks a proper number of cruisers: The few we have would be unable to cover the necessary area to obtain information. Submarines could greatly assist them as they can not be driven in by enemy scouts.

“The cost per annum of maintaining 100,000 tons of submarines fully manned and ready is about thirty million dollars. For the work which will be required of them in an emergency, this cost is small when taken in connection with the entire Navy. The retention of a large submarine force may at some future time result in the United States holding its outlying possessions. If these colonies once fall the expenditure of men necessary to recapture them will be tremendous and may result in a drawn war which would really be a United States defeat. The United States needs a large submarine force to protect its interests.

“The Committee is therefore of the opinion that unlimited warfare by submarines on commerce should be outlawed. The right of visit and search must be exercised by submarines under the same rules as for surface vessels. It does not approve limitation in size of submarines.”

Illegal Submarine Warfare—Use of Submarines Against Merchant Ships—Poison Gas.

While the Conference was unable either to abolish or to limit submarines, it stated, with clarity and force, the existing rules of international law which condemned the abhorrent practices followed in the recent war in the use of submarines against merchant vessels. The resolutions adopted by the Conference as to the use of submarines against merchant vessels, and with respect to the use of poison gas, were put in the form of a treaty

which was signed on February 6, 1922. The substantive portions of this treaty are as follows:

“ I.

“ The Signatory Powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law:

“(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

“A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

“A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

“(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

“ II.

“ The Signatory Powers invite all other civilized Powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

“ III.

“ The Signatory Powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any Power who shall violate any of these rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.

“ IV.

“ The Signatory Powers recognize the practical impossibility of using submarines as commerce destroyers without violating,

as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

“V.

“The use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties, to which a majority of the civilized Powers are parties.

“The Signatory Powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves, and invite all other civilized nations to adhere thereto.”

Mr. Root, in presenting this treaty for the approval of the Conference, said:

“You will observe that this treaty does not undertake to codify international law in respect of visit, search, or seizure of merchant vessels. What it does undertake to do is to state the most important and effective provisions of the law of nations in regard to the treatment of merchant vessels by belligerent warships, and to declare that submarines are, under no circumstances, exempt from these humane rules for the protection of the life of innocent noncombatants.

“It undertakes further to stigmatize violation of these rules, and the doing to death of women and children and noncombatants by the wanton destruction of merchant vessels upon which they are passengers and by a violation of the laws of war, which as between these five great powers and all other civilized nations who shall give their adherence shall be henceforth punished as an act of piracy.

“It undertakes further to prevent temptation to the violation of these rules by the use of submarines for the capture of merchant vessels and to prohibit that use altogether. It undertakes further to denounce the use of poisonous gases and chemicals in war, as they were used to the horror of all civilization in the war of 1914-1918.

“Cynics have said that in the stress of war these rules will be violated. Cynics are always near-sighted, and often and usually the decisive facts lie beyond the range of their vision.

"We may grant that rules limiting the use of implements of warfare made between diplomatists will be violated in the stress of conflict. We may grant that the most solemn obligation assumed by governments in respect of the use of implements of war will be violated in the stress of conflict; but beyond diplomatists and beyond governments there rests the public opinion of the civilized world, and the public opinion of the world can punish. It can bring its sanction to the support of a prohibition with as terrible consequences as any criminal statute of Congress or of Parliament.

"We may grant that in matters which are complicated and difficult, where the facts are disputed and the argument is sophistic, public opinion may be confused and ineffective, yet when a rule of action, clear and simple, is based upon the fundamental ideas of humanity and right conduct, and the public opinion of the world has reached a decisive judgment upon it, that rule will be enforced by the greatest power known to human history, the power that is the hope of the world, will be a hope justified."

COMMISSION TO REVISE RULES OF WAR.

The Conference adopted the following resolution for the appointment of a commission to examine the rules made necessary by recent experience with respect to new agencies of warfare:

"I. That a commission composed of not more than two members representing each of the above-mentioned Powers shall be constituted to consider the following questions:

"(a) Do existing rules of International Law adequately cover new methods of attack or defense resulting from the introduction or development since the Hague Conference of 1907 of new agencies of warfare?

"(b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

"II. That notices of appointment of the members of the commission shall be transmitted to the Government of the United States of America within three months after the adjournment of the present Conference, which, after consultation with the Powers concerned, will fix the day and place for the meeting of the commission.

"III. That the commission shall be at liberty to request assistance and advice from experts in International Law and in land, naval, and aerial warfare.

"IV. That the commission shall report its conclusions to each of the Powers represented in its membership.

“Those Powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized Powers.”

A further resolution was adopted at the same time, as follows:

“*Resolved*, That it is not the intention of the Powers agreeing to the appointment of a Commission to consider and report upon the rules of International Law respecting new agencies of warfare that the Commission shall review or report upon the rules or declarations relating to submarines or the use of noxious gases and chemicals already adopted by the Powers in this Conference.”

AIRCRAFT.

It was found to be impracticable to adopt rules for the limitation of aircraft in number, size, or character, in view of the fact that such rules would be of little or no value unless the production of commercial aircraft were similarly restricted. It was deemed to be inadvisable thus to hamper the development of a facility which could not fail to be important in the progress of civilization.