Disarmament Conference, 1933

Exportation of Arms, Munitions or Implements of War to Belligerent Nations

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

SEVENTIETH CONGRESS

FIRST SESSION

ON

H. J. Res. 183

A JOINT RESOLUTION TO PROHIBIT THE EXPORTATION OF ARMS, MUNITIONS, OR IMPLEMENTS OF WAR TO BELLIGERENT NATIONS

STATEMENTS OF

Hon, John J. McSwain, a Representative in Congress from the State of South Carolina.

Hon. J. MAYHEW WAINWRIGHT, a Representative in Congress from the State of New York. HON. B. CARROLL REECE, a Representative in Congress from the State of

Hon. Dwight F. Davis, Secretary of War.

MR. CHARLES H. HERTY, Chemical Foundation, New York City.

HON. THOMAS S. BUTLER, Chairman, Committee on Naval Affairs, House of Representatives.

HON. CURTIS D. WILBUR, Secretary of the Navy.

Mr. H. N. Foss, Assistant Solicitor, Department of Agriculture,

Mr. G. S. MELOY, Assistant Chief Marketing Specialist, Department of Agriculture.

HON. CHARLES B. ROBBINS, Assistant Secretary of War.

HON. FRANKLIN F. KORELL, a Representative in Congress from the State of Oregon.

HON. THEODORE E. BURTON, a Representative in Congress from the State of Ohio.

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COMMITTEE ON FOREIGN AFFAIRS House of Representatives

SEVENTIETH CONGRESS, FIRST SESSION

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EXPORTATION OF ARMS, MUNITIONS, OR IMPLEMENTS OF WAR TO BELLIGERENT NATIONS

House of Representatives, COMMITTEE ON FOREIGN AFFAIRS. Thursday, March 15, 1928.

The committee this day met, Hon. Stephen G. Porter (chairman)

The Chairman. The committee will come to order. I understand representatives of the House Military Affairs Committee are here to make statements.

STATEMENT OF HON. JOHN J. McSWAIN. A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. McSwain. Mr. Chairman and members of the committee, rather than being representatives of the Military Affairs Committee as a committee, the three gentlemen from that committee who appear here, consisting of Representative Wainwright, Representative Reece, and myself, appear as individual members of the House and as the bearers of the greetings of the Committee on Military Affairs, for the purpose of expressing the very high appreciation of that committee toward your committee for the fine spirit in which it received the memorial by the Committee on Military Affairs. When the matter was called to the attention of the Military Affairs Committee, that the possible effects, not certain effects, because that could only be ascertained by investigation, of the enactment into law of House Joint Resolution 183, might be such as to impair the preparedness program and might impinge upon the national defense, it was suggested that the Committee on Military Affairs itself ascertain that fact, but upon reconsideration, in the spirit of comity and of courtesy that should prevail between coordinate committees of the House, and especially, in consideration of the high esteem in which the members of the Committee on Military Affairs held the individual membership of this committee, it was decided, rather, to memoralize this committee as to the significance that appeared to the majority of our committee to be involved in House Joint Resolution 183, and for that reason to ask this committee to hear the facts that might be presented by such persons as might desire to appear and to make statements with reference to the consequences of the enactment of the House resolution into law. I have no statement with regard to it myself. I do desire that you hear the other two members of the Military Affairs Committee if they desire to be heard, and especially Mr. Wainwright, former Assistant Secretary of War, which office under the national defense act is charged with the materiel end and the ammunition end of the preparedness program.

The CHAIRMAN. We certainly appreciate very much your kindly thoughts. We recognize as you do in your country that when the quality arms the complements begin.

STATEMENT OF HON. J. MAYHEW WAINWRIGHT, A REPRESENTA-TIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Wainwright. Mr. Chairman, I will not assume to present coniderations involving the merits of this resolution, as I feel there are others who are so much more able to do so who have been more recently associated with the activities of the Government that would be affected by this resolution. I am sure my valued friends on the Military Affairs Committee will not deem it out of the way if I say hat in considering this resolution we were impressed with the fact hat, had it not been for the first section of the resolution, that resdution would have gone to the Military Affairs Committee, since it nvolved matters that would automatically have sent the resolution to our committee. But since this involves a matter of general policy n the form in which the resolution is worded in the first section, it s entirely appropriate that it should come to your committee, but ve felt that there was a joint interest in this matter, and let me conur in the expression of my colleague from South Carolina, in my ppreciation as a member of the committee of the spirit in which he resolution has been received, because I wish to assure you and. o add to what has been said, that it was with some embarrassment, with some reluctance we took the action that we did, and it is very ratifying to have it received in the spirit it has been received.

I have only one suggestion to make. I see the Secretary of War ere. I see the Chief of Staff of the Army, and I may say that he Secretary of War succeeded me as Assistant Secretary of War. nd nobody could be more familiar with the considerations involving n ample supply in time of war. I see here also former Assistant ecretary of War, Hanford MacNider, whom we love to call Colonel facNider. Therefore, I feel that the defense considerations here re in abundantly good hands. I would simply suggest that an pportunity be given, that the matter be held over, in order that ne present Assistant Secretary of War, Colonel Robbins, may have n opportunity to be heard through his section, which is definitely harged with the responsibility in this regard. You will notice at I refer frequently to the Assistant Secretary of War, and I mply wish to recall to the minds of those who were in Congress in 20, that at that time the Assistant Secretary of War was given a ery definite relationship to national defense and he was made, as might have been termed abroad, a "minister of munitions." He as charged with the measures for an adequate supply and for adenate measures for that purpose for a time of war, and I suggest be given an opportunity to be heard. I would also suggest, as am informed that the Assistant Secretary of War is absent from ashington at this time, and I am quite sure the Secretary of War mself will concur in the suggestion on my part, that you might ve General Ruggles, the Assistant Chief of Ordnance, who, as I lieve, was one of the delegates, a fellow delegate with Senator urton, at the Geneva conference, an opportunity to be heard before is committee. He could enlighten the committee from his standpoint on some of the proceedings at the Geneva conference with

regard to this subject.

The CHAIRMAN. May I say, Mr. Wainwright, to keep the record in proper shape, that the Burton resolution was introduced on December 5, 1927. Numerous meetings of the committee were held. It was not reported until January 30, 1928, a period of almost two months, and during that entire time no one, according to the records of the committee, indicated a desire to be heard either in favor of or in opposition to the measure. I might add to that, it is not customary unless people ask to be heard to request them to be heard. The committee realizes that we are going out of the usual course by fixing this hearing, but we are anxious to hear anybody that desires to be heard on this or any other measure. There was ample opportunity, however, to be heard by simply requesting the committee during the two months preceding the reporting of the resolution to the House.

STATEMENT OF HON. B. CARROLL REECE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. Reece. Since the Secretary of War and members of the Military Establishment are here, and since two members of the Committee on Military Affairs have made statements to which I feel I can not add anything at this time, I would suggest that the Secretary of War be invited to proceed with his statement.

Mr. Burton. Has the Committee on Military Affairs formulated

any objections to this resolution; I mean, specific objections?

Mr. Reece. No, sir; the Committee on Military Affairs has taken no positive action with regard to the resolution or any subjects raised in the resolution, but in considering the resolution-Mr. Wainwright, Mr. McSwain, and myself-certain possibilities, certain far-reaching consequences appeared to the committee and members of the committee, and they were of such far-reaching importance that we thought that the members of the national-defense arms of the Government ought to be asked to present their views as it affected the national defense, with the object of determining just what effect enactment of this resolution into law might have. In reference to the policy that was announced by the chairman of the committee, the Committee on Military Affairs, the members of the Committee on Military Affairs, and I think I might say the committee also, never had the matter called definitely to their attention until after it was reported to the House.

Mr. Cooper. You say your attention was not called to it until after the Committee on Foreign Affairs had reported the measure.

Who called attention to it? Mr. Reece. Perhaps I should not say it was not called to our attention. I, perhaps, should have said that it did not engage our attention until that time.

Mr. Cooper. Who engaged your attention?

Mr. Reece. Mr. Wainwright and I entered, into a discussion between ourselves about the effect it might have, and we invited the attention of the Military Affairs Committee to the resolution itself.

Mr. Wainwright. We deemed that our responsibility as Members

of Congress justified us in so doing; in fact, demanded that we should

it, due to the functions of the committee of which we are

Mr. Reece. As a result of our suggestion the committee entered to a discussion of the resolution. When the Committee on Military ffairs has under consideration legislation which affects, as most our legislation does, the national defense of the Government, we el it our responsibility to invite the opinion of the War Departent, the national-defense branch of the Government, on this legistion before we take action, even though they might ask to be ard, and it was rather with that policy in view that we came to e conclusion.

Mr. Wainwright. We are not apologizing for it. Mr. Martin. Nobody inspired you to do it, then?

The CHAIRMAN. There is no such inference as that to be drawn om Mr. Cooper's question.

Mr. Cooper. I never heard a more uncalleld-for ejaculation in this mmittee room than that of the gentleman from New York. I asked

nost proper question. The CHAIRMAN. Certainly.

Mr. Cooper. I questioned no one's authority, but simply asked who ew their attention to this matter. I did not question the authority d I did not suspect such tenderness of feeling.

Mr. Moore of Virginia. You are only trying to find why the storm oke so late.

Mr. Cooper. Yes.

Mr. Cole. May I refer to the fact, I think it was on the day er we reported out this resolution, that I received a letter from friend, Col. C. B. Robbins, Assistant Secretary of War, making uiries as to the purport of this resolution. Perhaps I should re laid this before the committee, but it was largely in the nature a personal letter, and it was thought at that time that it might interfere so much with national defense, but with exports of h products as cotton.

The CHAIRMAN. You have read the resolution as reported?

Ir. Reece. Yes.

The CHAIRMAN. Have you examined the list of articles enumerated embargo in the resolution?

Ir. Reece. I have taken cognizance of them.

he Chairman. Do you agree with the conclusion that these cles have only one function-that is, the destruction of human and limb?

Ir. Cooper. And property?

Ir. REECE. It is possible that they have only that function, but might have a different purpose than we would ordinarily

he Chairman. Will you point out to me one article enumerated he resolution that has any other function than the destruction uman life and limb?

Ir. Reece. If I may be permitted to say, in one subsection it rs to the fact that the components of munitions of war might be

he Chairman. Let us assume you are correct as to that. I am ng the question because the committee in drafting this resoluwanted to limit the embargo to articles that had only one function, that is, destruction of life and limb. Let us assume you are right about subsection 14. Will you point out any other item that

could be used in the pursuit of peace?

Mr. Reece. Since subsection 14 has been called to our attention, I think we ought to first say that subsection 14 might be very far-

reaching.

The Chairman. I am assuming that. Go to the other. If there is anything in here that can be used in the pursuit of peace, the committee is anxious to strike it out, and that is the reason I am

asking you the question.

Mr. Reece. As far as I have in mind at this time from my study of the resolution, that is the only section that might refer to materials except those which would be used in destruction of life and property, but I think we might well consider the purpose for which such destruction might be brought about, and if that policy should be enunciated and followed, then we would completely do away with-it would call for the doing away with all our national defense functions of the Government.

The CHAIRMAN. I think that is rather a broad statement. I merely wanted to get from you that one point. I assume there is a question about subsection 14. I will ask you this question, as a member of Congress, as a soldier with the splendid record you have, do you not think it prudent for the American Congress to take over control of these instruments of death instead of leaving them in

the hands of munitions makers?

Mr. Reece. I think the question has the wrong significance. Congress and the executive branch of the Government now have control over munitions, and I would not be willing to admit that the manufacturers of munitions now have control of that subject.

The CHAIRMAN. You recognize under the law of contraband that as long as contraband is not declared forbidden, the munitions makers have a perfect right to sell. Of course, they run the risk of capture by belligerents.

Mr. Reece. The President has authority.

The CHAIRMAN. The President has no authority. The King of England has, but the President has not. He must get authority

from the Congress.

Mr. Moore of Virginia. We might as well be clear about this question of policy you are suggesting. The Government of the United States always assumes, as far as its activities are concerned, absolute neutrality, and not only does the President announce that as the attitude of the Government when a war comes along, but we have statutes that forbids certain specific things being done. For instance, forbidding American citizens enlisting with the belligerents; from fitting out expeditions to assist either one of the belligerents, and so forth. The question we have is whether that being the condition, we are going to continue the right to American citizens, to send out implements and munitions of war as they get the opportunity. They do not do it with the direct approval of the Government, but they are permitted to do it if they can find opportunity to do it, to send out weapons of war that are used by a nation against another nation for the purpose of doing one thing, namely, killing or crippling people and bringing a great deal of distress upon the

men and children of the people who may be injured or destroyed. would like to ask you this question, as a fine soldier with a fine ord, Would you consent to do that thing yourself? Suppose re were two nations engaged in war, could you bring yourself scientiously to the manufacture and exportation of war maals for the purpose of becoming, in that way, an accessory to the duct of the war? Could you conceivably bring yourself to that? Ir. Reece. Before we entered the World War we supplied a great ny munitions of war, and as far as I am concerned, I have no forse of conscience because of the fact that we did supply those nitions of war, although we were strictly a neutral government. Ir. Moore of Virginia. I understand what our practice has been. purpose of this resolution is to get away from that practice, and ist ask you the friendly question, Would you do a thing I would do for any amount of money, manufacture material to be sent oad to be used in killing other folks? I do not believe you would. fr. McReynolds. I do not think that is a fair question.

fr. Reece. The resolution has much more far-reaching effects n embodied in the question the gentleman from Virginia has pounded, and that is what we thought ought to be studied.

Ir. Moore of Virginia. We are not foreclosing any discussion. I only interested to get your personal view, because I have so much

pect for you and admiration for your record.

Ir. Reece. The resolution itself has a much more far-reaching et than the relations between individual governments, and, there-

, the question can not be answered by making an answer to a stion as narrow as that. That is the way it appears to me. r. Cole. From the statement that you made a few moments ago regard to the export of arms to the allied nations before we red the war, you understand, of course, that if we sympathized

the French or any other nation at that time, we would have permitted to export arms to that particular nation and all that ld be required would be an act of Congress?

r. Reece. Under those circumstances I should think that the act ongress to that effect would very nearly be an act of war and be

rded from that standpoint. he Chairman. When it reaches a point of war between two na-

s, and we are justified in contributing to the promotion of war by ment of these instruments-if that situation exists, we should be

ared to get into the war ourselves.

r. Reece. If I may be permitted to say, it occurs to me that the is now being consumed by a discussion of academic phases of this tion, and the purpose of the Committee on Military Affairs in ging this to the attention of this committee was to get beyond academic discussion of the effect upon our national defense; and should be desired that I present that phase of it, not feeling that as competent as other gentlemen who are present, I want to are myself before engaging the time of the committee.

r. Moore of Virginia. I think it is desirable as you suggest, that

ear these gentlemen.

r. LINTHICUM. I move we ask the Secretary of War for his

STATEMENT OF HON. DWIGHT F. DAVIS, SECRETARY OF WAR

The CHAIRMAN. Have you examined this resolution, H. J. Res. 183? Secretary Davis. Yes.

The Chairman. Have you any opinion which you desire to express

in regard to it?

Secretary Davis. I would be very glad to give you my opinion, Mr. Chairman. I might say that I did not know until last night that I was to appear before the committee to-day, so I have not prepared any formal statement. Therefore any opinions which I may give you may seem to be rambling, but I will try to stick to the point. I agree with Mr. Wainwright that it would be highly desirable to have the Assistant Secretary of War, if you so wish, to appear before the committee, as by section 5a of the national defense act he is the official of the War Department who is directly charged with responsibility.

The CHAIRMAN. Is he here?

Secretary Davis. He is out of town and will be back to-morrow morning, and also General Ruggles, who is directly in charge of the technical side of the work in the Ordnance Department.

Mr. Cooper. You said the Assistant Secretary was directly charged

with responsibility for what?

Secretary Davis. Under section 5-a of the national defense act he has responsibility for planning for mobilization of the industrial resources of the country in the event of war, and the general duties which would go with a ministry of munitions, and is directly responsible for organizing the system. I will try to give the committee a picture of what this whole problem of munitions in time of war means. It is a thing which very few people who have not given it a thorough study can realize. It is the most complex problem, I believe, in the whole question of warfare.

In the beginning, I am not concerned in the slightest with the question of the munitions industry from the standpoint of profits or anything of that sort. I wish that all profits or the question of money could be taken out of the question of munitions in industries. I am not concerned with that in the slightest. In fact, our whole plan under the responsibility put upon us by Congress is based upon the idea that we hope to eliminate, in case we are ever again forced into war, the possibility of slackers and profiteers, and I think that meets with the approval of the committee. But I am vitally concerned in the responsibility which Congress has put upon us with the munitions industry as an essential element in our national security, and it is on that point I wish to speak.

I believe the most important lesson of the World War, the major problem presented to all the nations, was the importance of supplies of munitions, as we call it, in modern warfare. It is a problem, the extent of which was not realized by any of the nations before the war, and one which is an exceedingly complex and difficult one, but it is one which is absolutely essential in case we are forced into war. We have been inclined, I think, always to look upon warfare as a question of man power largely, but the World War taught us that man power without munitions power was almost impotent, and that munitions power was just as important in warfare as man power.

To give you a little idea of the size of this problem-you probably are more or less familiar with it-but in our studies we find that to supply an army requires the provision of some 35,000 different items made up of 700,000 component parts, in quantities which run literally into many millions of every possible conceivable kind and character. You might be interested in a little illustration which I gave a couple of years ago, which I just wrote off this morning to llustrate the quantities that are needed in the supply of an army. Take, for example, a common thing like shoes—the service shoe—to supply an army in a major war with shoes, the sole leather would equire 4,462,500 steers; the upper leather would require 3,750,000

Mr. Hull. How large an army.?

Secretary Davis, Two million men. That is a total of 8,000,000 lead of cattle, and it would require, if we were to transport them, 01,625 cattle cars, a train 3,000 miles long, reaching from New York o San Francisco. Stacked one on top of the other, the cut soles would reach 375.60 miles in the air, or over thirty-five hundred imes higher than the Washington Monument. That is a little ypical illustration of the size of the problem, and, of course, the ame sort of an example could be given for all of these 30,000 articles The CHAIRMAN. There is nothing in this resolution to interfere ith making shoes?

Secretary Davis. No; that is just one illustration. The same hing could be used with cartridges. That is simply an illustration

had on my desk.

Mr. Cooper. This meeting was called to hear those who are oposed to the Burton resolution previously reported by the Committee n Foreign Affairs. You as Secretary of War put in that data. f it had been put in without the comment just made by the chairan of this committee, the casual reader might have gotten the idea nat the resolution would injure very materially the cattle industry nd the shoe manufacturing industry, when as a matter of fact it does ot affect them at all.

Mr. Maas. The Secretary simply gave that as an illustration of

ne magnitude of the War Department's whole problem.

Mr. Cooper. I am telling what the reader would get from reading ese hearings if he did not know what was in this resolution. Secretary Davis. The illustration was certainly not given with that

tent, but was given to show you the size of the problem, as I stated the beginning. I do not think anyone could get the impression ou state. I simply want to make the point that this question of pplies is one of the greatest problems that can confront any couny in time of war. It is a most stupendous problem, and I do not ink this committee or anyone who has not given very thorough udy to the question realizes the size, the complexity, and the magtude of that problem. Furthermore, it is important in modern arfare and it measures the difference between victory and defeat nether a nation well supplied with munitions is fighting a nation nich is not so supplied, and there are countless illustrations in the orld War that could be given of that.

There is the further fact that the lack of munitions, the lack of eparedness, is measured not only by victory and defeat, but by the es of our boys, and that is a thing I always try to keep under consideration when I study these problems and how they affect our national defense, because, after all, it is the soldier in the trenches, the American boy, who pays the price.

I bring that up, and I would like to expend it, but I will not take your time, because of the fact that there are two ways in general in which nations can supply themselves with these munitions. They can have large governmental arsenals capable of making tremendous supplies more or less secretly, or they can rely on the private industry

I think it has been American policy, and I believe I agree heartily that it is wise to adopt the second of these alternatives; certainly, it is a nonmilitaristic way of providing for the national defense.

In the last war we, of course, used our governmental arsenals which were very largely increased to the extent of their capacity. Yet with their full productive capacity they could supply less than 10 per cent of the munitions needed for our armies, and, as you all know, we did not have an adequate supply of munitions at any time up to the armistice, so that we must rely, if we are to continue that policy of relying upon private enterprises, and not building up enormous governmental arsenals, we must rely on our private industries for 95 to 97 per cent of the munitions needed in time of .war. That shows the importance of our munitions industry to the national defense, and anything which would cripple that industry would to that extent cripple the national defense.

Mr. Hull. You said earlier that you were not interested in the profit end of the business and hoped the profit end of the business could be eliminated. How can you reconcile a program of that kind with the maintenance of private industries in this business?

Secretary Davis. Because it is essential to the national defense

unless you are going to build up Government arsenals.

Mr. Hull. Private industries can not be maintained without

Secretary Davis. No; but as I said, in our plans which are so thoroughly studied, we hope to eliminate any inordinate and enor-

mous profits which may be made in time of war.

Mr. Cole of Iowa. Is it your opinion that by permitting these exports of muntions you keep our munitions makers in practice, keep them as going concerns so that they will be ready in case we became involved in war ourselves?

Secretary Davis. That certainly was the experience in the World

Mr. Cole of Iowa. Should we keep our factories in practice by permitting them to send those munitions abroad to kill other people with whom we have no controversies at all? Would it not be better if we financed our factories outright instead of permitting them to finance themselves by exporting arms to assist those carrying on war against people with whom we have no grievances?

Secretary Davis. That is a question which, I believe, has been studied at every international conference we have had, and the question as to whether there should be a prohibition such as that put upon the producing countries has always been strongly opposed by the nonproducing countries, and, I think, has been opposed by our own delegates. It raises a rather big question.

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Mr. Lanthicum. You recognize that this resolution does not affect any of these munitions industries except after the President issues a proclamation that there is neutrality on the part of the United States in the event of nations going to war.

Secretary Davis. Yes.

Mr. Linthicum. During time of peace you recognize that this resolution does not affect the munitions manufacturers, do you not?

Secretary Davis. Yes.

The CHAIRMAN. When you refer to munitions factories, you mean industrial establishments throughout the United States which in time of war are converted into munitions factories?

Secretary Davis. Yes.

The CHAIRMAN. In other words, at the present time there are really no munitions factories in America, except concerns like the Remington and others that manufacture sporting goods and things of that sort. Is that the fact?

Secretary Davis. Yes.

The Chairman. Then, at the present time, the passage of this resolution, as long as there is peace in the world, would not affect in the slightest degree any industry in the United States; it is only after war has occurred between two or more countries, and the plants are converted into munitions factories, that this industry would be affected. Am I correct in this?

Secretary Davis. To a certain extent, but if there was no possibility of exporting arms in case of war, there would be little encouragement to any plants to make even the plans which we ask them

to make for conversion in time of war.

The CHAIRMAN. It is a big problem to convert the ordinary in-

dustrial establishment into a munitions plant.

Secretary Davis. Yes; and it is particularly important that plans should be made in advance for that very reason. I will come to

Mr. Moore of Virginia. Do the other nations, for instance, England and France and Italy, depend on private producers, or do they produce munitions of war themselves

Secretary Davis. Some of them have large Government-controlled or Government-owned arsenals, and I would like to come to that in a

Mr. Hull. Following the question Mr. Cole of Iowa asked, would it not seem to be necessary to foment trouble in the outside world to keep your factories in practice so that you could have adequate supplies?

Secretary Davis. I do not think so.

Mr. HULL. During long periods of peace they would be out of

Secretary Davis. Our industries which were developed during the war were naturally in that condition before the war, and the best Illustration of that is that due to the fact that they were able to supply the Allies for two years they were able to supply our own needs ar better than they would have.

Mr. HULL. But as a condition for the utilization of private indusries for the manufacture of munitions and implements of war, you

nust have war going on to keep your factories in practice.

Secretary Davis. As far as actual manufacture is concerned, yes; but the best illustration is that in the World War, if this resolution had been in effect, I think unquestionably the nation against which we ultimately fought would have won the war and, if not, American lives unquestionably would have been sacrificed more than they were when we did get into the war.

Mr. Hull. I think that is quite conceivable with reference to a

past situation, but this is prospective and not retrospective.

Mr. Fish. Will you put into the record the number of Americanmade airplanes, American guns, that were used by the American Army in the American Expeditionary Forces-we were in the war 18 months-the number of guns manufactured and produced for our use, and how much ammunition was made for our use over in France?

Mr. Cole of Iowa. Add to that how many combat planes for use in

the Army.

The Chairman. Proceed.

Secretary Davis. I think also in connetion with the same problem of our productive capacity that our potential productive capacity for munitions in this country is one of our greatest safeguards for peace. I make that statement after consideration.

Mr. Hull. How is our potential productive capacity affected by

this resolution?

Secretary Davis. Because if we can not make and ship to nations, if private industry can not make and ship munitions to belligerents, our productive capacity would not be developed.

Mr. Hull. That comes back to the question I asked before. We have to foment trouble throughout the world to keep our potential

productive capacity up to our potential needs.

Secretary Davis. I think that is wrong.

Mr. Korell. In the final analysis the opposition to this resolution revolves around the question of whether or not the Government wishes to sustain the cost of preparedness to the point of maintaining factories and arsenals of its own or desires to be dependent upon

private munitions factories. Secretary Davis. It will come partly to that, and it seems to me that our policy that we have adopted in this country in the past is far better and infinitely less militaristic than the policy of large Government-owned arsenals, where any nation which had aggressive designs against any other nation, assuming there was a militaristic nation that intended to attack some other nation could proceed to prepare large amounts of munitions in its government factories.

Mr. Maas. Our industries in the United States, if we were at war, could be mobilized for munitions and implements of war for our use? Secretary Davis. It would take us considerable time to develop plants up to their productive capacity and that is one of the important elements entering into it.

Mr. Maas. How would that be affected by some war in which we

were not engaged?

Secretary Davis. Because, if our private industries, in accordance with international law, were able to supply munitions to any belligerents they would be that much further advanced in connection with their productive capacity than they would be if they were not.

Mr. Maas. Are we proceeding on the theory that any other international war in which we are not engaged is a mere preparation for war which we are going to step into after we have made sufficient profits out of munitions so that we are prepared to go ahead?

Secretary Davis. That would not follow.

Mr. Hull. What is the answer to the dilemma? It is a logical dilemma, fomenting trouble, to keep it going to take care of the potential demands in case we get into war. There is the dilemma for the War Department to answer.

The CHAIRMAN. That is the point.

Mr. Cole of Iowa. We thought it was not humanitarian, to say the least, to keep our factories in practice for making munitions by permitting them to export them to nations that unfortunately happen to be at war with each other. Why should we help them kill each other in foreign countries just simply to keep our own factories in shape to make munitions in the event we get into it?

Mr. Fish. That goes much further than the question he had propounded. Every thinking man knows that by the shipment of munitions to belligerent nations by private industries, we will be

lragged into that war.

Secretary Davis. I think it could operate the other way as regards other countries and particularly small nonproducing countries which are confronted with this same problem without the possibility of working it out for themselves. That has been brought out many imes, particularly in the Washington Arms Conference, that if they were not able to obtain supplies to defend themselves against attack by the aggressive nation, if they could not buy those supplies to lefend themselves from a neutral nation, they must establish their own government arsenals on a large scale. You would be in a posiion then where instead of decreasing armaments throughout the world you would be increasing them.

Mr. Fish. How does that affect the smaller nations? They can ot get them because they do not control the seas, but assuming they lid get them, how does that cause them to declare war against any-

ody, against the United States?

Secretary Davis. That does not cause them to declare war against s, but during the late war there were very strenuous efforts made to et President Wilson to declare just this sort of an embargo and he efused because it would be an unneutral act in his opinion.

Mr. Fish. If we are going to act on this resolution the only time o act is in time of peace, not in time of war when there is belligerncy. The time to act is now when there is no fear of this country

oing to war with any nation.

The CHAIRMAN. Is it not a fact that nations against whom these nunitions are used will hold a hatred for centuries against the nation hat has allowed its people to profit from their manufacture and sale? or instance, take the case of the War between the States, when ertain European nations were selling arms and munitions to the onfederacy.

Secretary Davis. No; I think not.

The CHAIRMAN. As a result, would not such action tend to disturb ne good will that ought to exist between the nations of the world? Secretary Davis. It would if it was contrary to international law, ut that thing has been argued time and again in The Hague Conference, the traffic-in-arms conference, and the Havana Conference, and

in each case they decided against it.

The CHAIRMAN. Do you think it would make any difference to the family of a man who was killed in the War between the States, whether the gun that killed him was manufactured in Europe, or was manufactured in the South?

Secretary Davis. I do not think that is a very good illustration. The CHAIRMAN. Don't you know they would have a feeling against

the country that shipped that gun into the South? Secretary Davis. You have to consider its effect.

The CHAIRMAN. I would like you to answer that question.

Secretary Davis. I do not think you can say that any particular shell or any particular ammunition came from any certain place, but you can see what some of these smaller nations say, that we have in several of these conferences agreed to the idea that there shall not be an embargo on the shipment of munitions by private manufacturers.

The CHAIRMAN. We recognize the fact that we are establishing a new policy, but this committee thought when it reported this bill that

it was high time to establish such a policy.

Secretary Davis. A policy which I think we opposed at the last conference and some of the nonproducing States fought vigorously

Mr. Burton. Which conference?

Secretary Davis. The traffic-in-arms conference.

The CHAIRMAN. Proceed.

Secretary Davis. There is the point which was brought up in questioning Mr. Reece about subsection 14, the component parts. I have told you of the 35,000 different articles, not all of the munitions but a large part of them, in which 700,000 component parts go into the question of supplies! As I read that section, it would refer to practically every article of export whether for peaceful purposes or not, such things as cotton, steel, copper, sulphuric acid, lenses, electrical apparatus, optical instruments, and things of that sort.

The Chairman. Assuming you are correct in regard to item 14, what other items do you object to?

Secretary Davis. I do not know whether there is anything else. I have not read it with that point of view you brought out in one of your questions.

The CHAIRMAN. That is the point of view we want. We do not

cover anything that can be used in pursuit of peace.

Secretary Davis. I have not read it with that in view. Mr. Burron. Of course, this committee does not wish in any way to impede the export of articles used for peaceful purposes, but do you think that in the interpretation by the courts of criminal statutes, such a provision as this-"component parts of the articles enumerated above if capable of being used in the assembly or repair of the said articles or as spare parts "—would go so far as to include cotton, lead, and things of that kind, particularly when you have an enumeration of divers arms here before that provision, and it is not the evident intention of the section to refer to portions of machine guns, cannons, and things of that kind?

Secretary Davis. I should read that to include cotton, steel, and things of that kind, because they are absolutely essential parts in the assembly of projectiles and munitions. Furthermore, that very point was raised at the traffic in arms conference, and it was brought up by many delegates, particularly from the smaller countries, that it would be impossible to determine what those things were, and it was left to the good faith of the nations.

Mr. Burron. I am somewhat familiar with that.

Secretary Davis. So am I.

Mr. Burton. If the interpretation was put upon that language, component parts, it would be more of a question; but it goes on to state clearly, "capable of being used in the assembly or repair of the said articles or as spare parts." If you take the case of a projectile, a machine gun, or an automatic rifle, would cotton or lead still be a component part capable of being used in repair or assembly? It does not refer at all to fabrication. It refers to assembly or repair of them.

Secretary Davis. I should think cotton, steel, and copper, particularly, would be absolutely component parts of assembly. The very fact that it raises a question in my mind or the mind of all the delegates and other people shows what you would get into in case of

war. Suppose you had this resolution in effect?

Mr. Burton. The courts would make their own interpretation. Secretary Davis. Suppose we shipped cotton for peaceful purposes to any belligerent. What would be the other belligerent's claim—that it was opposed to this? I am certain they would, and they would endeavor to make a serious international difficulty, and I think you would get a serious international controversy on that very point.

The CHAIRMAN. Except that there is no article that can be used

other than for blood letting.

Secretary Davis. Offhand, I do not think there is anything. Mr. Fish. If you are sincere in that attitude, and your colleagues in the War Department, and you think it includes cotton, lead, and so forth, I for one as a member of the committee, would be perfectly willing to strike it out, and if there is the slightest idea that those are included, the committee are trying to do one thing, and not include those things, and if it does not, as far as this paragraph is concerned, it would not affect the resolution, and I would strike it

out and I think the committee would.

Secretary Davis. It seems to me that would be a very dangerous thing for future international determination, particularly in view of the discussions that have already come up in connection with it.

That very point would raise the question as to whether or not if we shipped anything which might be considered as controversial in this resolution, it would raise international difficulties which would drag us into conflict.

The CHAIRMAN. I am assuming that you are correct in your

construction.

Secretary Davis. I think it is important for the committee to consider the arguments made by the nonproducing countries, the smaller ountries, which have no arsenals of their own and which have not he resources for producing munitions. At the various conferences hat have been held that has been a point which has been raised steadly by them, and they have also strenuously opposed any provision which would leave even to a producing nation the right to say

whether or not munitions could be shipped to them. They have taken the standpoint that was opposed to their rights of sovereignty. Any restriction of that sort, therefore, I think would be opposed by other countries with whom we have met in amicable conferences and who have argued very strongly against such embargoes.

The Chairman. I can not agree with your conclusion that the nonmanufacturing country at war could treat as an unneutral act on the part of our Government an embargo against shipment of arms and

munitions of war.

Secretary Davis. I did not say that. I said in all these conferences the question has been repeatedly brought up by nonproducing countries when provisions similar to this have been suggested of opposition to it, and they are even opposed to the idea that the producing country could limit or restrict shipment of munitions which might be sent to them.

The Chairman. I am indifferent as to what these nonmanufacturing countries think about it. What I am trying to do is to reach a sound policy for our Government, which has an undoubted right to lay an embargo any time it sees fit; and if we did it in peace or war no country in the world would have a right to call it an unneutral act on our part.

Secretary Davis. That is the basis on which President Wilson

refused to lay an embargo, was it not?

The CHAIRMAN. I do not know what was in his mind. Secretary Davis. I have always understood that was it.

The Chairman. That has always been my understanding of the

Mr. Moore of Virginia. I am willing to admit this resolution represents a departure from international practice, and the only question we have is whether we will take the step. I agree with you to that extent. Admittedly the attitude of President Wilson and Secretary Lansing heretofore and the general attitude up to this time, I believe we simply have the question as to whether we will embark on a new course,

Secretary Davis. There is one great danger-I am trying to look at it from your standpoint as well, because we all want the same thing after all: The danger that I see in anything of this sort is that some nations have a tremendous capacity of producing munitions either in Government arsenals or other ways, which other nations have not. If any nation with militaristic ideas, with the design of committing aggressive warfare against any other nation, smaller nation perhaps-if any nation had that design, if it bought munitions or made munitions before the declaration of war, piled up a reserve of munitions, it seems to me the one thing that they would want would be to have the other producing nations, especially ourselves, as one of the large producing nations, incapacitated from supplying with munitions for their own defense the nation which is being attacked.

The Chairman. In answer to your statement, let us assume that one of the largest nations in the world attacked one of the smallest, which had no means of defending itself without buying munitions from the outside. This resolution provides that with the consent of Congress munitions can be shipped to the injured nation. Is it not

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better, Mr. Secretary, to trust the control of this traffic to Congress than to leave it in the hands of munitions makers, whom you say were profiteers in the last war? That is the very purpose of this provision in the resolution "with the consent of Congress," and not make the embargo final, to meet a situation similar to the one you

Secretary Davis. It seems to me the very moment Congress lifted its embargo on behalf of one belligerent the other belligerent might

properly take that as an unneutral act.

The CHAIRMAN. Under the law of contraband we have a right to lay an embargo, and no one has a right to question it. Therefore, we should also have a right to lift the embargo without anyone questioning it. I can not see where the lifting of this embargo in a particular case would be an unneutral act, because we have a right to do it or not.

Secretary Davis. Do you not think that any nation against whose interest it was lifted would certainly claim, at least, or feel that it

was an unneutral act against them?

The CHAIRMAN. We are not approaching the problem from the standpoint of what nations may claim, but from the standpoint of

international law.

Mr. Hull. I will call your attention to the fact that there was an embargo on munitions, and war supplies on the Lusitania were given as the explanation or excuse for the sinking of the Lusitania. Is it not true, as indicated by that experience, that it does not keep us out of war but gets us into war when they ship munitions that way?

Secretary Davis. The question of the shipment of munitions, as I see it, under international law, is one to which no nation has the

right to object.

Mr. Hull. They might not have a right to object, but they sunk

Secretary Davis. That in my opinion is an act of war against us. Mr. Cooper. Have they a right to object to an independent, sovereign country laying an embargo?

Secretary Davis. Possibly they have no right, but I think they would consider that an unneutral act, which in time of war is serious.

Mr. Cooper. It has been said that we are embarking on a new policy. There has not been an advance step in the history of mankind that has not involved a new policy. Its opponents have sometimes been called conservatives for objecting to it simply because it was new.

St. Paul's idea of conservatism was to hold fast to that which is good, not to hold fast to everything good or bad. Therefore, the fact that the pending resolution embodies a new proposition is not a vital argument against its enactment. The World War, as was repeatedly stated by President Wilson in proclamations that enlisted the praise of the civilized world, was fought to end war. Every minister of the Gospel from every pulpit in this land, of every faith and creed, repeated that statement to their congregations and their congregations applauded it every time. Yet now, although nearly 10 years have elapsed since the fighting ceased, you have just been asserting here the necessity of our being prepared for an army of 2,000,000 men in this country and talking about the danger, if we should have a public manufacture or governmental manufacture of

arms rather than private manufacture. The private manufacturer of munitions of war has back of him always the opportunity for profit. There are men in America to-day, I am afraid, from a conversation that I overheard when the World War was about to end, who would deliberately sacrifice lives if it would tend to gorge their respective pocketbooks. A man said on a train in my hearing, "I hope they will not sign the armistice; I have a contract to run about another six months. I would like to finish that." He would make money and his neighbor's children would go to death. "A war to end What steps does the War Department propose, and what steps has the United States Government proposed toward carrying out that universally indorsed pledge of President Wilson? It was a war to end war. It cost 10,000,000 lives and billions of dollars worth of property, and yet we see you come here and urge preparations for an army of 2,000,000 men in this country in the event of war.

Secretary Davis. I agree entirely with the high ideals expressed by Mr. Cooper. My ideals for peace are just as high as his. I know he

will agree.

Mr. Cooper. Undoubtedly.

Secretary Davis. I think I can say any man who went through the hell of war does not want any more war, and if I thought this was a constructive measure for world peace, I would be one of the first to be in favor of it. I am afraid it is not. I am afraid instead of promoting peace it might bring difficulties.

Mr. Hull. Yet by your own statement you would make ready

for war.

Secretary Davis. I have not in any sense advocated an army of 2,000,000 men. It is the duty of the War Department under the mandate of Congress to plan for national defense. That is by action of Congress, not the War Department, but any constructive measures for peace I am heartily in favor of, because I know what war means as I have been in it actively. I think any man who has been through it wants constructive measures for peace.

Mr. Fish. You know what the intention of the committee is in reporting this bill. It was a peace measure to keep us out of war,

instead of getting into war.

Secretary Davis. Absolutely. Mr. Fish. In the second place, we wanted to help starve out war in other countries, not only keep ourselves out of war, but also help to starve war in other countries. What we want to hear from the War Department is how this measure will get us into war and in

The CHAIRMAN. May I add something? There is a third reason what possible way? that moves me very strongly. As long as the workshops of America supply belligerents, Europe is practically helpless to control wars in the Balkans. If the Balkan countries realize they can not get arms and munitions in America, will it not enable Europe to exercise a much larger measure of control over these peoples?

Secretary Davis. If we got a universal agreement with the other

great producing nations that might be so.

The CHAIRMAN. As Washington said, "We have very little in common with Europe." When war starts in the Balkans they are supplied with arms and munitions from America, which is an entirely different state of affairs than if they had to go to countries in Europe that were intensely interested in preserving peace to get arms and munitions. At any rate Europe would be responsible for permitting the war.

Mr. Bloom. The only objection which you urge in this entire esolution is to subsection 14 of section 3. Can you suggest any way by which this resolution could be amended to bring about the aims and desires of this committee?

Secretary Davis. In regard to that section?

Mr. Bloom. No. That section is the only thing you have reerred to.

The Chairman. He said the others so far as his examination was

oncerned.

Mr. Bloom. Is there any suggestion you could make with reference o this resolution which would bring about the desires of the com-

Secretary Davis. In order to carry out the purpose you have?

Mr. Bloom. Yes.

Secretary Davis. I will be very glad to examine it and see if I can

ake any suggestion.

Mr. Maas. You are very much concerned with the present practice f neutrality. In actual practice, is it not true that shipping munions and arms is to only one side, when two nations are at war, as ne is usually able to enforce a blockade against the other, and ctually results in taking sides by shipping munitions to only one

Secretary Davis. Not necessarily, unless you refuse to ship to the

Mr. Maas. It is not a question of refusing. It is a question of not ing able to make deliveries to the other side.

Secretary Davis, It is largely a question of making deliveries rect. You remember that in the World War munitions were devered to Germany through Sweden and other countries.

Mr. Moore of Virginia. What is the difference in principle beeen this resolution and the principle expressed in our neutrality tutes with which you are doubtless familiar. The neutrality tutes, codified in 1818, forbid any citizen of this country to enlist the service of helligerents with which we are at peace; it forbids citizens of this country or any group of citizens from arming a ssel to take part in a war going on between nations with which we at peace. It forbids all citizens of this country from augmenting e equipment of a foreign armed vessel of a country entering our rts when that nation is at war with another. There is a prohibin upon citizens furnishing cannon to any belligerent ship that mes into our ports. It forbids citizens of this country from organ-ng military expeditions here for the service of a friendly power. ere are severe penalties attached to the violation of those statutes. It has seemed to me that when you come to the spirit of the thing can not distinguish between the policy expressed by those statutes I the policy suggested by this resolution. Those statutes have not ten us into any trouble. We now are intending only to enlarge provisions of those statutes by saying that citizens shall not do thing forbidden by this resolution. I confess I have been unable see a distinction. It seems to me that the resolution is simply rancing our general policy of neutrality. Some people want to

get rid of that policy altogether. A writer recently had an article in the North American Review advocating the wholesale abandonment of neutrality, his idea being that it would operate as a deterrent because it would be regarded as a threat. I could not favor that. I do not think many would favor that. That would be a reversal of the policy which was started by Washington. We are now on the contrary trying to put something on the statute books in addition to what we now have.

Mr. Burton. And in line with it. That is set forth quite fully in

the report on the resolution.

Secretary Davis. In the various international conferences, the Hague conference, the traffic in arms conference, the Havana conference, this same thing has been brought up. I am not an international lawyer, but I think it is pretty well settled that a provision similar to this was not international law. It has been brought up several times and I think we have always agreed to the conclusion of the conference which has stricken out that idea.

Mr. Burton. We have undoubtedly up to this moment. We did

in Havana.

Secretary Davis. Whether it is wise for us to change international

law by one nation, as far as we are concerned, is a question.

Mr. Burron. That is the whole question, whether we shall undertake to do what is proposed by this resolution on our own account and without relying on the concurrence of other nations, or let them go in their gate and we go in our gate.

Mr. Fish. Not to rely on other nations; we are not even asking

other nations.

Mr. Burton. Have you other points?

Secretary Davis. I think not.

Mr. Moore of Virginia. Your statement has been of help. Mr. Fish. Will you put in the record the answer to the question I asked, about the amount of airplanes used by the American Expeditionary Forces, and the number of guns and munitions, and so forth?

The CHAIRMAN. I will ask you to come back to-morrow. I will not

take more than 10 minutes.

Mr. Burron. I do not guarantee that. Secretary Davis. Would it not be better to hear some other wit-

nesses to see what you would develop?

The CHAIRMAN. This committee, after much study, prepared this list of absolute contraband. We had only one guide post, and that was to limit it to instruments of destruction. I wish you would take that list, disregarding subsection 14 for the moment, and examine it carefully coming prepared to point out any of the articles enumerated that are even as consistent with peace as with war.

Secretary Davis. I will be very glad to do that. May I just notify

that or come up?

Mr. Maas. The Secretary was asked also if he would prepare his The CHAIRMAN. Come up. idea on this resolution.

Mr. Bloom. I asked that.

Secretary Davis. That would take several days. Mr. Bloom. May I suggest that the Secretary said he would prefer to let it go until after some of the other people spoke because we might want to get different opinions.

The CHAIRMAN. The information I asked I would like to have at the opening to-morrow because it is a sort of groundwork from which to examine other witnesses.

(Thereupon, at 12 o'clock noon, the committee adjourned to meet again at 10.30 o'clock a. m., Friday, March 16, 1928.)

House of Representatives, COMMITTEE ON FOREIGN AFFAIRS, Friday, March 16, 1928.

The committee this day met, Hon. Stephen G. Porter (chairman) presiding.

The CHAIRMAN. The committee will come to order.

Secretary Davis will not be here this morning on account of a Cabinet meeting, and I desire to announce that there will be no testimony taken this morning from the War and Navy Departments, but we will hear from those present that desire to be heard.

STATEMENT OF CHARLES H. HERTY, ADVISER TO THE CHEMICAL FOUNDATION, NEW YORK CITY

Mr. Herry. I am adviser to the Chemical Foundation.

The CHAIRMAN. Have you examined House Joint Resolution 183? Mr. Herry. I have, Mr. Chairman, and I desire to say just a few

words to the committee in regard to this.

The CHAIRMAN. Before you do so I would like to state this: You called upon the Speaker, Mr. Longworth, and he referred the matter to me. I telegraphed you to come on and you very kindly responded.

Mr. HERTY. I am very glad to receive that information. I appreciate the opportunity to come here for this reason, that I would like to speak to the committee for a moment regarding certain phases of this resolution which may affect our chemical industry, because the Chemical Foundation, under its charter, is deeply interested in everything that affects the welfare of the chemical industry. I think I can speak to this committee in a sense in a disinterested way, and, while I was for five years president of the Synthetic Organic Chemical Manufacturers' Association, an organization that embraces dyes, and so forth, I no longer am connected with the industry even directly or indirectly in any capacity. I own no stock in any chemical concern and never have, and for that reason I can give, to a certain extent, an impartial discussion of certain points in regard to the bill.

May I say at the outset, that I have the deepest sympathy with the purpose of this resolution? I am one of those who longs to see every movement fostered that may avoid war and promote peace among our people. I go so far as to regret exceedingly that Congress has not seen fit to join the World Court. I go even further han that. I regret that, with proper reservations, we did not join he League of Nations to get our men sitting around a table to plan an understanding that will avoid war. I watched with a reat deal of interest and have followed closely developments at deneva, in which efforts have been made to control the implements f war, and, as I watched the fruitless manner in which they labored

at this question, especially the chemicals as applied to chemical warfare, I feel convinced that we can not hope for much through efforts to control implements of war rather than to give our entire thoughts to getting at the rooting out of the fundamentals that lead to war.

In connection with this matter of the chemical industry, Mr. Chairman, there are many of us who have been connected with efforts to develop this industry in this country, who have been led not by commercial thoughts but by the belief that through a complete rounding out and firm establishment of that industry, we were con-

tributing in our way to increasing the national defense. We have been very successful in building up this industry in this country within the last 10 years, and yet it has been largely a domestic affair. Two weeks ago I attended a great meeting of the chemical executives of the chemical industry at the Department of Commerce on the invitation of Mr. Hoover, and the whole burden and emphasis of that meeting was that the chemical industry must seek greater export fields. Just in the midst of that successful building up of this industry and seeking foreign markets, our share of the world's trade, there come three developments which I would like to call to the attention of the committee, and I am not wandering afield from the resolution. I have some very definite, specific things to say upon certain clauses in the resolution, and I would like to lay this background. We are faced here all of a sudden with a combination of the European chemical industries under the carter system, so entirely foreign to the spirit of our legislation, of our laws, and of our policies in this country. Those European chemical industries have combined, and it gives them a temporary advantage in the elimination of overhead, and so forth. We are living under the Sherman antitrust law, I am happy to say, but I feel confident of the ultimate outcome of the commercial struggle that is now on between this country and Europe in the matter of chemicals as between the competitive system and the monopolistic system. I think we are going ahead for the best interests of our brains and the consumers.

In the midst of that comes another development. Our banks to-day are floating loans, taking the money of the investors of this country and directing it toward the support of the European chemical industries which are banded together as a unit in this commercial struggle that is now getting under way between this country and Europe. It is just at the critical stage. Everybody is in the mood for a fight on this side with confidence we will eventually win out, and every factor that may upset the peaceful and steady development of that industry is a threat to its future permanency.

So in this resolution there come up questions which, as I read and reread last night the deliberations of the League of Nations on this question, it seemed to me, ought to give us pause in regard, at least, to certain features of this resolution, because they gave it up. I have that paper here with me, a very interesting interview in the New York Times by Professor Vernetti, who was on the membership of the commission.

Mr. Moore of Virginia. Who was he?

Mr. Herry. A professor of quantitative analysis at Columbia University, and he was liaison officer between our Chemical Warfare Service and the French chemical warfare service. He served in all this League of Nations work in drawing drafts of various matters.

Mr. Moore of Virginia. You are stating three points-first, a combination of European chemical manufacturers; second, that we are making loans to them to build up their industry; and what is the third ?

Mr. HERTY. The third relates to certain features of this resolution which I think will work detrimentally to the chemical industry.

The first point I will ask the committee's attention to is page 2, lines 1 and 2, where it specifies in regard to shipments, in section 2. It speaks here of exporting "or attempt to export any arms, muni-tions, or implements of war from any place in the United States or any possession thereof to the territory of either belligerent or to any place if the ultimate destination of such arms, munitions, or implements of war is within the territory of either belligerent," and so forth-and I call attention to that-" or to any place.

My thought is that chemistry is not primarily a war industry. Chemistry is a peace industry. The war people have taken up chemistry and made use of it. But the manufacturer goes ahead with his legitimate trade, developing export business, and I fear that under that restriction there is a danger, and I see exactly what the committee intends to do; it is to prevent a roundabout method of getting things which they can not get directly; I recognize the danger there. On the other hand, the manufacturer makes a sale in good faith to some other nation, to a customer in some other nation. He can not control where that is going to. He does not know.

As I see this resolution, it is not an international agreement; this is simply an American policy, and so I can not see how our manufacturers could ever feel safe or comfortable that they would not be, of course, unwittingly, because I think that would apply to the great bulk of our people—that they would not wittingly try to circumvent a law of this kind—but unwittingly they would be shipping material which would find its way to a belligerent nation through some other country or countries.

The Chairman. Before you leave that, suppose we take them one at a time. I realized that the lay mind would be likely to put such

a construction upon that section.

Mr. HERTY. May I say I am not a lawyer? I am a chemist and I

am not familiar with the legal aspects.

The CHAIRMAN. This is a penal statute, which must be strictly construed, and any prosecution of a company for violating section 2 would put the burden of proof on the Government to show that the manufacturer knew at the time he manufactured and exported these goods that they were to be used by belligerents.

Mr. Burton. Or passed on.

The CHAIRMAN. Or passed on to other parties. I can not satisfy your mind as to that, but if you will consult any reputable lawyer he will confirm my statement. There is absolutely no danger whatever. There can not be a crime without an intent to commit a crime. If there is anything fundamental, that is. In other words, I might illustrate by a matter with which I am quite familiar. Suppose an American firm of pharmaceutical chemists manufactured heroin and sold it to the legitimate trade, and it finally reached the hands of a drug peddler, no one would say the chemist was liable.

Mr. HERTY. At the same time, does not that indicate the futility of isolated action by a measure of this kind when these things can be gotten around in so many ways indirectly?

The CHAIRMAN. No. The committee was actuated by an earnest desire not to interfere in any particular with the ordinary commercial life of the nation. One of the purposes of this hearing is to get the judgment of men like you, because if there is anything in here that does interfere with the commercial life of the nation, we want to know it and strike it out.

Mr. Moore of Virginia. You must realiez that the resolution is so drawn that there would be full knowledge by the exporter that war was in progress. He would be put on notice by the President's proclamation, if not otherwise, that war was in progress, and he would thereby be warned to determine as well as he could whether the implements or munitions were intended to be ultimately used for war purposes.

Mr. HERTY. I will come back to the point later. It shows the

difficulties chemical men would have to meet.

Mr. Moore of Virginia. You are merely suggesting details and not reading the heart of the matter at all. Your objection would be answered by using the word which is so commonly employed in statutes—"knowingly." That word is used in thousands of State statutes and in many Federal statutes, so as to attribute actual knowledge to the person charged with violating the law, knowledge that he is doing something that constitutes a violation.

Mr. Burton. What are the arms or munitions or implements of war made by chemical manufacturers that would come under this

Mr. Herry. I am coming to that. On line 21 of page 2 of the resolution, in subsection 6, it says: "Projectiles and ammunition for

the arms enumerated in number 5 above."

I have in mind a few illustrations here. Picric acid is a dye manufactured by dye manufacturers along with other supplies of dies, yet picric acid is one of the most powerful explosives that the French relied on most during the war. In this connection would picric acid be considered a dyestuff, as it is being used in quantities, or does it come under the head of munitions?

The CHAIRMAN. The word "munitions," if we apply your theory, then means everything that is assembled or used in the fabrication of these instruments of destruction, and that, of course, would affect exports of steel, lumber, iron, and so forth, so picric acid bears the same relationship to munitions as steel does in the manufacture

of arms.

Mr. Bloom. Or as alcohol to prohibition. Mr. Herry. To my mind, when we were talking about supplying munitions to the French we were making picric acid tremendously.

That is classed as a powerful explosive.

Mr. Burton. Would picric acid be used as an implement of war? Mr. Herry. Yes; put right into the shell. You have to put the shell into the gun. The picric acid was the greatest explosive the French relied on during the war, and we made most of it here for them. Mr. Fish. Do we export any of it now?

Mr. Herry. I can not tell you offhand, but I have no doubt all our lines of dyes are going abroad. I have not the export figures with me. I came on 15 minutes' notice of this meeting.

Mr. Fish. I asked the question because you mentioned it.

Mr. Herry. I am giving it as a type.

The CHAIRMAN. I assume you know the resolution would have no ffect unless there were war.

Mr. HERTY. I understand that.

The Chairman. I understand that in case of war your factories could be converted in 10 or 15 days to furnish poison gases to the Jovernment?

Mr. Herry. I am speaking now about the export business.

The CHAIRMAN. I wanted to get that point definitely.

Mr. Herry. In case of war on our part?

The CHAIRMAN. Yes.

Mr. HERTY. Absolutely. I can give you the wording of the League of Nations on that. I can give you my own judgment. I think some of our factories in a week's time could be turning out the most powerful materials for our armaments.

The CHAIRMAN. I would like to get that more definitely in the

ecord.

Mr. Herty. I am very glad you brought up this subject because I hought we were already sufficiently informed about that. One of he greatest happiness to my life is the fact that when I was president of that association of dye manufacturers I was instrumental in flecting the opening up of every factory to the representatives of he War Department, so that they could be absolutely surveyed in very respect to determine which plant and whatever that plant was est qualified to make. All that is on record in the War Department ere and those plants can be called upon and equipped with material or make any of these so-called materials for war on short notice.

The CHAIRMAN. What is short notice?

Mr. Herry. Some of them could be manufacturing and turning

ut powder within a week; others in a month.

The Chairman. In case of war between foreign countries, it would not be necessary for your company to manufacture for the belligerats, in order to prepare your plant to furnish materials to our Government in case we became involved in the war? You are ready at I times without any preparation?

Mr. HERTY. The material is standing there in the plant.

The CHAIRMAN. I simply want that on the record.

Mr. Herry. There is no question about it.

The Chairman. In other words, you could be ready in 10 days. Mr. Herry. That argument was used with Congress itself to make that point clear, and I think the President of the United States and the Speaker of the House have written letters testifying to the fact the importance of the industry. That is the basis of the protection given by Congress, both Republicans and Democrats, to insure at the industry should be developed so that it would be ready for attional defense.

Mr. Moore of Virginia. Referring to Mr. Fish's question as to hether you export picric acid now, let us assume you do not export now. Let us assume that the present policy of allowing exportation freely is continued and not abandoned, as we propose. Now, with human nature as it is, have you any doubt that as soon as war might break out between two nations, we will say, two large nations, without naming them, that there would be a lot of picric acid exported?

Mr. HERTY. I imagine there would be.

Mr. Moore of Virginia. That is to say, while not necessary to manufacture its acid in order to protect the interests of the United States, a concern engaged in the business would send out this picric acid to be used for war purposes in a contest between two nations with which we would be at peace. Now, from the moral point of view, what do you think about that?

Mr. Herry. I think that manufacturers living under our laws as they do would have a right legally and morally, when called upon, to furnish materials in the ordinary course of business transactions, to carry that out. I can see in some cases where it might be very desirable from every standpoint to do so. Suppose some one would attack the Republic of Panama where we are so closely concerned.

Mr. Moore of Virginia. I am not talking about the exceptional case. I am asking you, in any conceivable case of war, human nature being what it is, is there any doubt at all that the exportation of picric acid would be started, the stuff to be used to kill people? I am asking you whether that is the moral position to take, any more than for a bootlegger to distribute poisonous liquor to injure people?

Mr. Herry. I can not see those two cases on all four legs.

Mr. Moore of Virginia. I should think the manufacturers would be accessory both before and after the fact, to the destruction of human life, should it continue to do that thing.

Mr. Bloom. What else is there besides this picric acid that any of your manufacturers could in 5 or 10 days' notice export to foreign countries?

Mr. HERTY. That is the next article I was coming to, far more

important than picric acid; that is ammonium nitrate.

Mr. Bloom. The statement is made here that within 5 or 10 days the factories could equip themselves so as to export munitions of war. I do not believe it is right to have that go out to the world that we are to-day equipped with our factories to export munitions of war, whether it is this acid or 10 or more other things. I think it ought to go into the record just what the manufacturers, the factories, in this country to-day, can export that may be used in case of war. The statement made which is in the record does not seem to clarify the atmosphere as to how this country is preparing for war at the present time. It allows the impression to go out that we are prepared for war and we can manufacture and export these things within 10 days' notice.

The Chairman. You did not get the purport of my question.

Mr. Bloom. I got the purport of the question but not the answer.

The Chairman. The point I want to make it that in the usual and ordinary course of this business you are at all times prepared to furnish these gases and acids either in time of peace or war?

Mr. Herty. Yes.

The Chairman. My purpose in asking the question is to meet the argument that in the event of war between two foreign countries it is necessary for us to manufacture and ship arms, so that our fac-

ories will be prepared in case we become involved in the war. The entleman's testimony eliminates that point so far as chemical warare is concerned. There is no necessity for the chemical industry ship to belligerents simply for the sake of preparedness in case re become involved in war. That is what I had in mind.

Mr. HERTY. Only to this extent, that where other chemical-proucing countries like Germany, England, and France, might be alled upon for the same material and supplies they are that much

urther ahead in the indautrial race.

Mr. Bloom. What is there outside of acid that you could ship? Mr. HERTY. That is the very next thing I will bring up-amonium nitrate.

Mr. Bloom. How many things are there that you could ship? Mr. Herry. I could not answer that offhand. That information ould be readily gotten from the War Department, which keeps close b on all of those questions.

Mr. Bloom. Do you represent the synthetic?

Mr. Herry. No; I resigned from that a year and a half ago. I

n now with the Chemical Foundation.

Mr. Bloom. There seems to be another association that you brought the attention of the committee. What is the difference between our organization, with reference to the manufacture of these things, nd the Synthetic Organic Chemical Manufacturers' Association?

Mr. Herry. The latter association is a trade organization of the anufacturers, American manufacturers of synthetic organic chemi-

ls, such as dyes, perfumes, flavors, and so forth.
Mr. Bloom. They are just distributors?

Mr. Herry. No; manufacturers. It is simply a trade association. Mr. Bloom. Do they manufacture the same things as your organi-

Mr. Herry. The Chemical Foundation is an organization which es not manufacture. It simply owns patents that were bought om the Government. During the war they licensed these patents d received royalties and it uses its profits for educational research. is not manufacturing.

Mr. Linthicum. Do they have Bayer's tablets?

Mr. Herry. No. Those tablets were bought up by public sale

d were bought in by a selling drug company.

Mr. Cooper. Did the witness say that he appeared here for the emical Foundation?

Mr. HERTY. I am adviser to the Chemical Foundation.

Mr. Cooper. The Chemical Foundation, you say, was organized take over certain German patents?

Mr. Herry. That is all on the official records of the courts of the

Mr. Linthicum. And on the records of Congress.

Mr. Herry. On the records of the courts, Federal, district, appeal,

United States Supreme Court.

Mr. Cooper. Yes; and everyone who has examined it knows that Supreme Court was obliged to hold that way because of the nary power conferred upon President Wilson, and then upon the sistant Secretary of State by President Wilson's order, to do as y might respectively please as a war measure.

Mr. Herry. That was a power conferred by Congress.

Mr. COOPER. And that was gotten through by the influence of and as some people said the very adroit work of Mr. A. Mitchell Palmer. A suit was directed to be begun by the then President of the United States, Mr. Harding, to set aside the sale of those patents as fraudulent because of the grossly inadequate prices for which they were purchased and the fact also that the man who made the sale was within a few weeks president of the company that owned the patents that he himself had sold. The transfer of these patents was not made until three months or four months after the armistice

was signed. Is that true?

Mr. HERTY. Mr. Chairman, in answer to that question this whole matter has not only been heard before the Ways and Means Committee, before the Senate Finance Committee, covering weeks of testimony, all published in the record, but it has been brought through Federal courts, where testimony was taken throughout an entire summer, with Judge Morris, of the court in Delaware, giving the utmost freedom to make the record absolutely complete; where the Department of Justice, which was carrying on this suit, had access to every document, everything of that kind assembled; where it was argued at length, and every specification in the bill of complaint was rejected by the judge and a decision given not only entirely in favor of the Chemical Foundation but if you will read Judge Morris's decision he commended the purposes and the spirit of cleanness with which the Chemical Foundation had been admintered, and at the end of his decision he rebuked the Government for coming into court with a case with such serious charges with no evidence to support them.

Mr. Moore of Virginia. And the Supreme Court O. K'd that.

Mr. HERTY. The Court of Appeals heard the thing.

Mr. Burton. That is past history.

Mr. HERTY. It was clearly a matter of public record. Mr. Cooper. Did not that all hinge upon the fact and was not the Supreme Court and other courts estopped from making any other judgment because of the action of Congress in conferring that war power upon the President, and his authority to give it as he did to Mr. Frank Polk? The transfer of these patents was not made until

three months after the armistice was signed?

Mr. Hull. What do we gain in this discussion by that? Mr. Cooper. He said he appeared for that foundation, and I wanted the character of the Foundation understood.

Mr. HULL. Is not the gist of your objection that it simply inter-

feres with the profits of the business?

Mr. HERTY. Of course, there are profits incidentally, although I think there is so much competition in the chemical industry that there is very little profit in it. It would interfere with the legiti-mate, normal production in furnishing these peace-time articles. Mr. Burron. Do you desire to have also the right to ship those

articles in time of war to belligerents? Mr. HERTY. Just as it has always been the case. It is the question

The CHAIRMAN. It is contraband, and the word contraband means of contraband. against the law.

Mr. Herry. I have never heard any outcry or moral objection gainst our shipping materials to the allies before we went in the var. We took the risk, of course.

The CHAIRMAN. The only exception I took was that you said it

as legitimate to do it.

Mr. Herry. I meant it was the custom or practice.

Mr. Linthicum. I do not think you brought it out sufficiently in our answer to what Mr. Bloom asked you when you answered the hairman's question in a way which would lead the public to believe nat you were ready to manufacture munitions of war of whatsoever ature within 10 days. What Mr. Bloom wanted to know and what would like to know is what chemicals or other things definitely ould you be able to manufacture within 10 days to use in warfare? Mr. Herry. For instance, all sorts of apparatus for the nitrating cotton. We use it in connection with making film for new skin, ed in rayon, and in connection with viscous manufacture, we can trate the cotton, and taking the nitration a step further you get to gun cotton. That is the chief propeller used to drive a shell out the gun. It is the case of concentration of acids for a length of me. With mild treatment we get a mild nitrating and with further avy nitrating the products become explosives. It is the same appatus, the same material, a small amount, a little more time and ength. We are nitrating every day to get nitrates to make aniline d from the aniline make the dyes. The apparatus we nitrate with operating to-day while we are talking.

Mr. Bloom. This resolution will not disturb any of your commod-

es in the least in peace time?

Mr. HERTY. No.

Mr. Bloom. In war time this resolution would not affect it, if the esident gives permission or Congress gives permission. How ald you folks be in any way injured by this resolution the way it rawn up at the present time? It would not disturb you now. In er words, if this resolution should become law, in what way would ffect any of the companies that you represent?

fr. Herry. I think I can illustrate that by an analogy in eco-

he Chairman. I would rather have a direct answer to the ques-. It is very easy to answer it and tell how it interferes with your

r. Herry. In other words, it takes time to get a measure through gress. We all know that. Not through the House, as the House its machinery working fast. In the meantime, whatever other tries would do in violation of the spirit of this resolution it would been done.

he Chairman. In other words, other countries in the meantime

d get the business and you would not?

r. Herry. Yes; it is a commercial question.

r. Temple. You say it would take a week or 10 days to equip to enable these chemical factories to transform their present ucts into munitions. How would the passage of this resolution affect your present business? You are not manufacturing tions now.

HERTY. In many cases we are. They are used for other pur-

Mr. Temple. Why do you figure 10 days to get ready to manu-

Mr. Herry. Because there are certain products that we are not manufacturing that we would have to change over to; there would be slight changes in equipment, cleaning up the machinery, getting rid of certain products, changes in material-all that would have to be

Mr. TEMPLE It would not interfere with your manufacture of acids or the making of rayon, so far as this resolution is concerned?

Mr. HERTY. No; that is going on to-day.

Mr. Temple. It would not interfere with that peace-time activity. The passage of this resolution would not affect your peace-time business.

Mr. Herry. No: provided no more wars come.

Mr. Bloom. Getting back to Mr. Hull's question, the only thing that your company or your association is concerned about is the profit that would come from selling munitions? It is not a patriotic

gesture on your part or your association.

Mr. HERTY. It is a question whether you are selling all munitions or selling peace-time products. Take the case of chlorine. That is a very powerful war gas. The manufacturers are not making it to destroy life, they are making it to preserve life. It is the most powerful agent for the purifying of water in our water works in this country to-day.

Mr. Temple. The passage of this resolution would not interfere

with the sale of chlorine in time of peace?

Mr. HERTY. No.

Mr. Temple. It would not interfere with the sale of chlorine in this country in time of war?

Mr. Herry. No; but the exportation of it. Mr. Burron. Would it interfere with the exportation of it?

Mr. Herry. Page 3, line 11, subsection 13, "Poisonous gases, acids, or any other articles or inventions prepared for use in warfare."

The Chairman. Prepared for use in warfare. Mr. Herry. Prepared for use in peace or war.

The Chairman. It does not say that,

Mr. Herry. You can not distinguish because the Germans are using it in the same kind of cylinders we use it in to-day, with slight modi-

Mr. Fish. Are we importing any chlorine gas in this country? Mr. HERTY. I think so. You can get that from the Department

Mr. Temple. Any prosecutions under this act would have to show that this gas was prepared for use in warfare. That would bring

Mr. Moore of Virginia. Not only prepared but shipped for that

Mr. Temple. Yes. I wanted that comment to go on record. It would not interfere with the manufacture of any of these gases unless the gas shipped was prepared for use in warfare. That is specifically written in the bill and would have to be proved in court that that was the purpose.

Mr. HERTY. If the prosecutor wanted to take the war side of things, he could say it was prepared for war, and the defendant might have right to say it was prepared for peace.

Mr. TEMPLE. He would not only have to say it but he would have to

Mr. HERTY. Chlorine is not a compound. It is an element, one ingle elementary substance.

Mr. TEMPLE. The intent to ship for use in warfare would have to

e shown.

Mr. Burton. In the ordinary form in which chlorine gas is exorted, could it be immediately used in warfare?

Mr. HERTY. Yes. Mr. Burton. How so?

Mr. HERTY. Just as the Germans used it, put big tanks in the renches, open up the cock, and let the wind blow it across. That is

hat killed so many British and Canadians.

The Chairman. The point you raise in regard to subsection 13, nat it would render any manufacturer liable, is a legal one. I am so onfident that the committee is right in its position, that before there ould be a conviction the Government would have to show that the anufacturer knew it was to be used in warfare. If you can get the pinion of any reputable lawyer saying we are wrong in our view, we ill strike it out.

Mr. Herry. Those legal questions I will have to leave to the law-

ers of the House.

The Chairman. You are raising a legal question.

Mr. Herry. I am sorry; I thought I was bringing out the chemical

de of it. I would be lost on the legal side of the matter.

Mr. Maas. In connection with Mr. Hull's question as to the purse of this hearing, we are not concerned particularly with the ofits of the chemical industry in time of war. What we want to low is how this will affect the national defense.

Mr. Herry. It is affected by anything that tends to upset the balce in favor of the efforts we are making to develop a legitimate

emical industry in this country.

Mr. Maas. How does that affect it?

Mr. Herry. It affects it unfavorably financially and would, per-

ps, leave the industry on a wobbly financial footing.

Mr. Maas. You do not mean to say that the industry is dependent a war. You are dependent on peace-time developments.

Mr. Herry. Our industry is dependent on competition with so ny industries.

Mr. Maas. In time of war?

Mr. HERTY. Any time.

Mr. Maas. In time of peace this resolution does not affect your ustry. It is only when there is war between belligerent nations. u do not mean to tell us that the preparation of that industry to ist us in time of war is dependent upon some other war, that the elopment and the profits of that industry are dependent upon some er countries when they are engaged in war? We are not intering with your peace-time industry.

Ir. HERTY. This industry has not developed into a big enough

Mr. Maas. How will it be affected?

Mr. HERTY. Because the chemical industries of other countries with which we are in very keen competition are not bound by this resolution at all.

Mr. Moore, of Virginia. That is, they would make more profits

out of war than otherwise they would make?

Mr. HERTY. They would make more money than we would.

Mr. Moore, of Virginia. They would make more money than we would in time of actual war. Do you think we ought to be controlled by that consideration or by the consideration of what is right?

Mr. Temple. It seems to me if they had no markets developed in time of war their competition with you in your peace-time business

would be less in time of war.

Mr. Maas. The only loss you would have would be the loss of the

increase for war purposes.

Mr. HERTY. The whole story of the chemical industry in war time is that all wars result in tremendous expansion of the chemical industries of all countries.

The Chairman. Why not just say tremendous profits, instead of

using the word expansion?

Mr. Herry. I will say exactly why. So far as we are concerned in a future war I hope that this Congress will provide that there be no profits. I hope to see the chemical industry and everything else drafted.

Mr. Bloom. Why should you object to this resolution?

Mr. Herry. It is not a question of our being involved in war.

Mr. Bloom. Or of any country being involved in war? You say

there should not be any profits?

Mr. Herry. Here are peace-time articles going into regular commerce that happen to be useful in war as well as in peace, and when two countries go to war immediately your whole market is worked

Mr. Fish. What are your peace-time articles that you are now exporting that this bill interferes with? What are some of the

commodities you refer to?

Mr. HERTY. Ammonium nitrate, which we are preparing now in this country at Hopewell, Va., where there is an enormous plant costing a hundred million dollars.

Mr. Fish. How much are we exporting now?

Mr. Herry. Very little at present, because we are developing a synthetic ammonia that will be ready in a year.

Mr. Fish. What are you exporting now that this bill would inter-

fere with?

Mr. Herry. We are certainly justified in looking ahead a year or two on a question of this kind.

Mr. Fish. It is 10 years since the war.

Mr. HERTY. This country is going to make ammonium nitrate in enormous quantities for fertilizers.

Mr. Korell. Is that investment being made on the hypothesis of

other countries having continuous wars?

Mr. HERTY. It is on the basis of agricultural fertilizers for the farmers without reference to anything else.

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Mr. Bloom. We will have agriculture just the same during war

Mr. Temple. Yes; it will be stimulated.

Mr. Fish. What are you exporting now that this bill would inter-

re with? Mr. HERTY. That I can not tell you in detail.

Mr. Fish. We are not exporting any of these things that this bill ould interfere with at the present time. The only kinds of dyes e the common dyes, and if we are exporting them in large quantis it has nothing to do with war purposes.

Mr. HERTY. We do not want to stand still in the business of dye ports. We are trying to develop the dye business every day.

Mr. Fish. We are exporting certain kinds of dyes in large quantis, but they have nothing to do with war purposes. You come re as an expert, representing the Chemical Foundation, and I will k you to specify before this committee what kind of chemicals we e exporting to-day that would be interfered with by the passage this resolution?

Mr. Herry. I do not come here as an expert on all these details. came on 15 minutes' notice in answer to a telegram from the chairan, without time to get matters together or to know what the mmittee wished. All of this is a matter of governmental record Washington and it can be gotten much better through those

annels than from me.

Mr. Fish. Nothing we are exporting to-day would be interfered

th by this bill. I have asked you to specify something.

Mr. Burron. Your contention is that you should be placed on an uality with foreign manufacturers of chemicals in time of war, at they would manufacture chemicals for belligerents, and that e domestic manufacturers in the United States also ought to have at right. Is that your contention?

Mr. Herry. Primarily, the fact is that the domestic manufacture,

a legitimate peace-time business, is cut off.

Mr. Burton. But this is not a peace-time business. Now, is that ur contention? I understand you to say that the competition is ry sharp, and that there is a cartel among those foreign manucturers, and that in order to hold your own among them you must ve the same privileges as they have; is that your contention?

Mr. Herry. I think the whole resolution is very ineffective, unless

ere is a world-wide agreement.

The Chairman. Do you not know that it is impossible to secure

world-wide agreement? Mr. Herry. Yes, sir. And, therefore, I think very little of this solution. I think it is a fruitless gesture. I do not think it will complish what you think it will accomplish.

Mr. Burton. Well, it will accomplish what it is intended to acmplish. Do you think we should have a right in war time, equally

th other nations, to supply belligerents?

Mr. HERTY. To supply what?

Mr. Burron. To supply belligerents, the same as foreign nations? Mr. Herry. We are not asking at all for a special supply of war sterial. I am speaking now for the peace-time trade of this tion, in its usual channels.

Mr. Burron. Do you claim your association should have the right in war time to furnish belligerents any of your commodities, the same as other manufacturing countries? Is that your contention?

Mr. HERTY. Yes.

Mr. Burton. Does not that lead inevitably to this situation, Doctor-let me state this to you, and I want your candid answer-that your industry is interested in the continuance of wars in foreign countries?

Mr. HERTY. I do not think so at all.

Mr. BURTON. Why not?

Mr. HERTY. Because I know the men; I have lived with them; I

have worked with them.

Mr. Burton. Well, why not? If you want to retain your equality with these other countries, and to obtain the profits that you would obtain in time of war, why is it not to your interest to have a continuance of wars in foreign countries?

Mr. Herry. Because I think our people are of a different type

from that.

Mr. Burron. Well, if they are of a different type from that, why are they not willing to suspend the shipment of chemicals and ex-

plosives used for killing people.

Mr. Herry. You ask them to do that; and yet here is the British industry and the French industry that will continue to supply munitions to belligerents; and you can not stop them; and, therefore, this resolution would not have the slightest effect in preventing war.

Mr. Burton. Well, it would mean at least that belligerents would

have to be supplied from Europe in time of war?

Mr. Herry. And more than that, let me say this: That I do think that, if this measure is passed, there is great danger of the smaller nations, with no chemical industry, being placed largely at the mercy of larger nations. You spoke of "war tools"; and chemistry is a war tool-

The Chairman (interposing). You called attention to that before. But the resolution is careful to protect the weaker nations by putting in a provision that this embargo can be raised with the consent of Congress. There was considerable discussion about our position at Geneva last year, when we attempted to protect the smaller

nations. That is the reason for this provision.

Mr. Herry. I think that is a very wise provision, Mr. Chairman. The Chairman. Let me put this question, in view of your testimony that you feel that we are justified in shipping war materials to belligerents, because other countries will do so: Do you not think it is to the best interests of America that Congress should control the shipment of these implements of war in time of war? As an American citizen do you not think it would be much better to exercise a rigid control of this traffic?

Mr. HERTY. Well, I have the greatest faith in the Congress of the

United States, Mr. Chairman.

Mr. Moore. You are one of the few people who have. [Laughter.] Mr. Herry. No. I say that with no intention of flattering the members of the committee. I have been before committees of Congress a number of times, and I have frequently made that statementthat I believe that these men are seeking earnestly to do the best

they can, according to their light, for the people of the United States. I am confident of that. And I have only one thought in mind in this connection-I will answer your question in this way: I will say it would be better for Congress if the Senate could do business on as

quick a basis as the House can.

The CHAIRMAN. Now, then, we have agreed so far, I know you also agree with me that the temptation to sell these articles in time of war is great, and that many can not resist the enormous profits therefrom. I know that you also agree with me that this traffic reflects seriously on our Government and that it is impossible to secure an agreement among all the nations of the world to prevent it. Do you not think if we took the lead, other nations would be very likely to follow our example? Again I repeat my question, because it is the crux of this whole resolution. Is it not better to have this traffic in the control of the Congress than to leave it in the hands of the munition makers, some of whom, at least, would act only with a view to profits, and despite the harm that would result? Can you not answer that question, "yes"?

Mr. Herry. I am afraid-no; I can not answer it yes right off; because I think it is too much of a gesture, this resolution—a hope-

less, fruitless gesture.

Mr. Cole. At least, you would not answer that question with a

Mr. Herry. No. I think this: That if we could get a world-wide

The CHAIRMAN (interposing). No; that is impossible. Let me give you an illustration as to the difficulty of getting world-wide greements: For a number of years, I have been working to get a world-wide agreement to suppress the traffic in drugs; and this s the kind of reply I always receive: One nation says, "Yes; we want to quit it, but these other nations will not; and as long as they ell drugs we will."

Mr. Moore. But we have quit it; and they can quit it.

The CHAIRMAN. Yes; we have quit it, and so can other countries. Mr. Maas. You say that you think that you should have the right o ship munitions to belligerents, because other nations are doing o, in spite of the consequences. You would not insist on the right o sell carbolic acid in liquors, would you? There are people selling iquors with carbolic acid in them?

Mr. HERTY. No.

Mr. Maas. Well, there are people who are selling liquors now con-

aining carbolic acid.

Mr. HERTY. No. But I do not think a thing like carbolic acid a liquor should be sold at all-and, by the way, carbolic acid is also a ar-time material.

The CHAIRMAN. Mr. Moore, you wanted to ask one more question? Mr. Moore. Yes; I would like to ask one question: Doctor Herty ade a very striking statement awhile ago, at the outset: That he hought that war could be eradicated, or the occurrence of war preented, only by rooting out the elements that lead to war. Have ou ever heard of any proposed legislation that tends to root out those ements except this resolution? If you know of anything of that ort that your company has proposed, or that anybody else has proosed, that shows any hope of leading to results, except this one

resolution, the concrete resolution that we have before us, I would like to know what it is?

Mr. HERTY. I think the World Court-

Mr. Moore (interposing). But we have not gone into the World

Mr. Linthicum. How about the League of Nations?

Mr. Moore. We have not gone into the League of Nations. I am asking whether you know of any proposal that has been offered, except this one thing, which we believe has very great merit, that is in the direction of doing what you and I would like to have done.

Mr. Herry. I know of nothing else.

Mr. Moore. You know of nothing else. And now we are attempting something; and you say that we are going against an existing legal right. I may say that, too. But I remember that Edmund Burke made a remark to this effect: "When I am passing on a question, I do not do what a lawyer tells me I must do, but I do what my conscience tells me I must do."

Now, do you not think that it would be a consciencious thing and moral thing for this Government to take the same attitude in respect to war material that we are talking about, as in respect to the narcotics to which the chairman has alluded, even though the rest of the world may say, "We will not go along with you on that"?

Mr. Fish. Because of the profits?

Mr. Moore. Yes; because of the profits?

Mr. HERTY. I can see where that would apply to shipments for

war purposes

Mr. Moore (interposing). But we are assuming a case where there is a war and where the companies know when they start to engage in actual production and undertake to make the actual shipments, they are doing that for only one solitary purpose, and that is to have what the expert employed in the conduct of the war, with the result of killing men and bringing infinite distress upon people who are dependent upon those men who are killed. Now, it seems to me a pretty curious sort of position for anyone to take the say that, "We are against the effort to bring about a discontinuance of that practice," merely upon the theory that the practice has heretofore been regarded as legal and is at this moment legal.

Mr. HERTY. Mr. Chairman, let me mention in connection with that statement of Mr. Moore a case of that kind, and also along the line of Mr. Fish's statement, as to combining paragraphs 13 and 14. Now, Texas is shipping a lot of sulphur. There is a certain section of Virginia where they are making a lot of chlorine. Now, sulphur is used and is shipped very widely to be used for the purpose of spraying fruit trees, grapevines, and so forth, against insects, pests, and has various peace-time uses. And yet when sulphur and chlorine are brought together, the component parts make sulphur chloride.

Let me get the complete picture before you first, Mr. Chairman. Now, take ethylene gas. Ethylene gas is used to-day, and very widely used, as an anesthetic. In Baltimore they are making more and more of it every day, and it is going to hospitals all over the United States. And yet you take that ethylene gas, and the sulphur from Texas and the chlorine from Virginia, and combine them, and you have got mustard gas. And yet must we stop shipping sulphur-

The CHAIRMAN. But the language of paragraph 14 of section 3 of the resolution reads:

Component parts of the articles enumerated above if capable of being used in the assembly or repair of the said articles or as spare parts.

Is there such a thing as repairing a munition such as gas? Mr. HERTY. Not repairing.

The CHAIRMAN. Is there such a thing as assembling it?

Mr. Herry. Yes; there is the example I have just mentioned: Sulphur and chlorine when combined make sulphur chloride.

Mr. Herry. Simply a combination of the two elements. If you

bring them together they make sulphur chloride.

Mr. Fish. Would you have any objection if this paragraph 14 is so amended as to protect those things that you are talking about, so that it will only take into consideration the repair, and leave out the assembling, which would seem to meet your objection? Would you object if that was so amended as to cover the very purpose that we all want, and that is to preclude the use of anything—

Mr. Herry (interposing). You mean to prevent the shipment of "knockdown" stuff, and things of that kind?

Mr. Fish. Yes.

Mr. Linthicum. Is not that what we really had in mind—the re-

pair and assembly of guns and things of that kind?

Mr. Burton. May I suggest a change in the order of those paragraphs, paragraph 13 the place now occupied by paragraph 14, so that the latter would apply only to the articles enumerated above paragraph 13?

Mr. HERTY. I think that would be very much of an improvement, Mr. Burton, if paragraph 14 preceded paragraph 13; because when you go into paragraph 13, which is strictly a chemical paragraph, and speak of component parts, it would leave such a haze that I would not know where the chemical industry stood, on any kind of shipment.

The CHAIRMAN. Will you look at that, and see whether, if subsection 14 was moved above subsection 13, so that it would not apply

to gases at all, you would have any objection to it?

Mr. Linthicum. Would you strike out the word "assembly "?

The Chairman. It would not be necessary.

Mr. Herry. It would not be necessary, and would not cover what you want; because if you keep in guns you would have to keep the word "assembly" in there; because otherwise the law would be a joke; they could ship a lot of "knockdown" stuff and put it together in the foreign country.

The CHAIRMAN. What would be your objection?

Mr. Herry. To subsection 14?

The Chairman. Yes-if we moved it up so that it would not apply to chemicals at all.

Mr. HERTY. I would have no objection to it if it did not apply

to chemicals.

Mr. Burron. If subsections 13 and 14 were transposed, you would not have any objection to this measure?

Mr. HERTY. To this section?

Mr. Burron. Well, to this resolution. I understood you to say you would have no objection.

Mr. Herry. Well, it says in subsection 13, "Poisonous gases, acids, or any other articles," and so forth. That may mean any chemical; "poisonous gases" may mean any chemical. Everything is poison-ous if it is concentrated enough. We could not breathe if the oxygen

in the air was concentrated too much.

Mr. Burron. Well, that would be covered by the expression, "prepared for use in warfare." Now, you surprised me a little by saying that chlorine gas can be used directly for purposes of warfare,

without any change or modification. Do you mean to say that?

Mr. Herry. Mr. Burton, if you will take any book on the history of chemical warfare—or if you will take the daily papers and read the account of the battle of Ypres, where the first gas used, in war, you will find accounts of how the Germans simply brought up big tanks of chlorine and put them in trenches, and when the wind got in the right direction, they simply opened the cocks, and this chlorine gas blew all over the field. And if you will go to the And if you will go to the freight yards in Washington, you will find flat cars, with multipleunit tanks filled with chlorine, being shipped to manufacturers in various parts of the country. And if you wanted to use chlorine on the flats of the Potomac, you would simply take the tanks out there and open up the cocks—and out the gas would flow. And there is no "manufacture" in it whatever.

Mr. Hull. Chlorine gas is relatively simple gas, is it not?

Mr. HERTY. Yes. It is an element.

Mr. Hull. It is an element; and it would not require any manufacture ?

Mr. HERTY. No.

Mr. Hull. And it would not make any difference, so far as your business is concerned, as to the chlorine? The manufacturers abroad could produce their own chlorine?

Mr. Fish. We do not export any chlorine.

Mr. Herry. Are you sure we do not-to South America?

Mr. Fish. I am merely speaking from memory. I know perfectly well that we only export from this country certain chemicals in connection with the new dyes we are producing.

Mr. Herry. But that business is growing; the chemical business is growing. I think the committee should, for its own guidance, call on the Department of Commerce to give it the facts in the case.

Mr. HULL. There is not any export business in chlorine gas, is

Mr. HERTY. That is a fact that could easily be established from the Department of Commerce. Mr. Hull. You do not know it yourself?

Mr. Herry. I do not know it myself.

Mr. Hull. Your judgement is that it is not exported?

Mr. HERTY. That it is not exported.

The CHAIRMAN. How do you make chlorine gas?

Mr. Herry. There are two ways. One way, as Niagara Falls-The CHAIRMAN (interposing). I did not say "where"; I said. "How do you make it?"

Mr. Herry. At Niagara Falls, they take common salt and pass an electric current through it; and hydrogen comes off at one pole. Salt is made of sodium and chlorine. And they pass an electric current through a solution of salt, and the sodium comes out at one pole and the chlorine at the other; so that you have the sodium and chlorine coming out as a result of the operation.

The CHAIRMAN. You take the chloride of sodium, which is com-

mon table salt, and extract the chlorine?

Mr. Herry. Yes-which is in solution.

The Chairman. Salt, which is very common everywhere?

Mr. HERTY. Yes; all over the world.

The Chairman. Would it be extraordinary for a country in Europe that wanted this gas to say, "We can buy salt and convert it into gas "?

Mr. Herry. Well, how about our South American neighbors? Mr. Bloom. They have salt down there, have they not?

Mr. Herry. But they have no chemical industry down there.

The CHAIRMAN. Then we come again to that provision, " for use in

Mr. Cole. Is chlorine gas the only article that is of such a nature that it can be used immediately for war purposes?

Mr. Herry. You mean without going through manufacture?

Mr. Bloom. Yes.

Mr. Burton. I think that is an important question.

Mr. Bloom. Is there anything except chlorine that could be made

immediately available?

Mr. Herry. I do not think of anything just now, Mr. Cole and Mr. Burton, in the way of an element or a compound readily formed into-wait a minute; remember this: There are a lot of things that are used in traffic or trade to-day, in peace time, that are ready to be used. Take the case of phosphene, one of the most violent gases used during the war. To show you how hard it is to regulate things by treaties, may I take a moment to tell you the story of phosphene? Our dye manufacturers have used phosphene in making certain classes of dyes. Now, the president of our association said, "Can you not get the Government which made phosphene during the war to make phosphene for us now, because we do not want to bother with it," because it is a nasty thing to have around the plant. And I took it up with the chemical warfare service of the War Department and found that it would require an act of Congress to permit them to do it. About that time there came to me an engineer-a ivilian-who was a graduate of West Point; and he said, "I have found a large supply of phosphene in Germany." You will remem-ber that, under the treaty of Versailles, Germany can not manufacture for store war gases. And I told him to see General Fries, and if it was all right with him and the War Department to "go to it"; but therwise not-

The Chairman [interposing]. Doctor Herty, we have to adjourn o-day at 12 o'clock. Your statement is very interesting, and we appreciate it; and if you would like to extend your remarks in the ecord you may do so. I would like to have an executive session of he committee before we adjourn.

Mr. Burron. Let me ask you this question: If subsections 13 and 14 were transposed, would you have any objection to this resolution?

Mr. Herry. Do you mean to the resolution as a whole?

Mr. Burton. Yes.

Mr. Herry. Yes.

The Chairman. To sum up your position, your objection is this: That you believe you have a moral and legal right to ship these articles in time of war as well as in time of peace?

Mr. HRETY. The same in time of war as in time of peace.

The CHAIRMAN. And that if you do not sell it other countries would, and they would make the profits?

Mr. Herry. That is the way I look at it. The American industry

would suffer at the expense of the foreign industry. The CHAIRMAN. The fact that you are always prepared to manufacture these gases does not make it necessary to sell to belligerents

in so far as our preparedness is concerned. Mr. Herry. Only that it is a fact that, if the chemical industry

were suspended, American industry would suffer very much. The CHAIRMAN. Well, if I had any doubts as to the necessity of

this resolution, your testimony has removed them.

Mr. Herry. I am very glad to explain my position, because my only purpose in coming here is to give the committee the factswhatever interpretation is placed upon my testimony.

Mr. Korell. I would like to inquire whether the testimony taken

now is going to be printed, Mr. Chairman?

The CHAIRMAN. Yes; it will be printed and, I hope, will have

world-wide distribution.

Mr. Fish. In view of a careless and misleading statement made by the Secretary of the Navy in a letter to the chairman of the Naval Affairs Committee, Mr. Chairman, I think the Secretary of the Navy should be invited to come here to-morrow morning.

The CHAIRMAN. That will be done,

Mr. Fish. Because he made a statement in that letter that is entirely contrary to the facts concerning this resolution. He starts off

It is accepted as a legitimate right and need that those countries must be supplied with arms, munitions, and implements of war for administration, policing, and safeguarding the country, and for their defense during war.

This resolution, as we know, does not affect the administration or policing of any country in time of peace. It has nothing to do with that. And yet that statement has gone out from the Navy Department. I am reading from the New York Times of to-day.

Mr. Moore. You are not surprised, are you?

Mr. Fish. I will not define my feeling. (Thereupon, at 11.55 o'clock a. m., the committee went into executive session, and at 12 o'clock noon adjourned until Saturday, March 17, 1928, at 10.30 o'clock a. m.)

House of Representatives, Committee on Foreign Affairs, Saturday, March 17, 1928.

The committee met at 10.30 o'clock a. m., Hon. Stephen G. Porter (chairman) presiding.

STATEMENT OF HON. FRANKLIN F. KORELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. Korell. Mr. Chairman and gentlemen of the committee, I am in receipt of a letter signed by a gentleman residing in Washington, D. C., purporting to be written on behalf of a committee of the American Legion. The letter contains a protest against the Burton resolution—the legislation that we are now considering. My correspondent's objection, although he has not stated it clearly in his letter, appears to be based upon the ground that the resolution is in conflict with certain plans for our national defense. IL reporting the receipt of this letter to the committee I would like to say that I happen to be a member of the American Legion. Also that I have the profoundest respect for its worthy objects and purposes and the very highest regard for the opinion of its patriotic officers and members. This is especially true, I might add, in suggestions relating to military and naval affairs, matters about which the officers and members of the American Legion are peculiarly qualified to speak. My feeling toward the Legion and ts officers and members is most respectful and friendly. I am anxous that they should know that I have been considerate of their committee's protest against the Burton resolution also that I will pe glad to receive their views on any other legislation pending perfore Congress. However, I do not believe that in this instance he object and purposes of the Burton resolution have been fully xplained to the representatives of the American Legion. It is also ery obvious that they have been misunderstood by several of the entlemen who have already testified at this hearing. I hope that rith a better understanding of the legislation that we are considerng the American Legion will be for rather than opposed to the assage of the Burton resolution. I also hope that the opinions f those who have testified will be changed. With these thoughts my mind I would like to obtain permission to make a brief atement at this time, outlining some of the reasons why I have so ar supported and expect to continue to support the Burton resoation unless convinced by further testimony than that which has far been given that my views in regard to its merits and expected ecomplishments are erroneous. Have I the committee's permis-The CHAIRMAN. You may proceed.

The Chairman. You may proceed.

Mr. Korell. I think that I can clarify my position considerably by ating before attempting to give my reasons for favoring the Burton is already been given at this hearing as well as by my knowledge of e wording of the resolution itself that none of its provisions relate any way to articles that can be used for peaceful purposes. They late exclusively to specific articles that are manufactured for war proses and can only be used for carrying on warfare. Again, the

resolution does not prohibit the manufacture and exportation of articles for use in warfare except in one particular, and that is to belligerent nations with which we ourselves must be at peace. It has absolutely no application to rebellions and civil wars, or foreign quarrels in which we as a nation have taken a definite side. Moreover, the embargo against the exportation of arms and munitions can be lifted at any time in favor of either or both of the belligerent nations if Congress shall consider it expedient or wise to do so. Two things must concur simultaneously in order to constitute the offense of exportation in violation of the terms of the resolution. First, it must be shown that a shipment of one or more of the prohibited articles was made to a belligerent nation with which we are at peace. Second, it must be shown that the shipment was made with knowledge of the destination of the particular article or articles shipped. Finally, being a penal statute the language of the resolution will be strictly construed. In view of all this, it is not at all likely, in my opinion, that any well intentioned person could act contrary to the provisions of the resolution through inadvertence or mistake.

Reduced to their final analysis, all of the objections that have been voiced so far against the resolution narrow down to a single question of policy, which stated in question form is, "Shall the United States shoulder the cost of preparedness directly or depend upon the output of private arms and munition factories, which in turn must rely upon a continuance of foreign wars in order to keep their plants and workmen in sufficient readiness to meet the emergency of a war, should war unfortunately overtake us again?"

Of course, there is much to be said and undoubtedly will be said not only in Congress but throughout the entire country about the morality of the United States maintaining a policy of this kind, but I will leave that task for others to discuss. I merely want to speak briefly about some of the definite and specific things that I expect the passage of the Burton resolution will accomplish: First, I believe that the shipment of arms and munitions to belligerent foreign nations with which we ourselves are at peace is almost certain to involve us in war. Certainly the traffic is not conducive to the establishment of a feeling of amity or good will toward the United States. The only one of the two belligerent nations that could possibly receive our arms and munitions would be the nation that is powerful enough to maintain control of the seas. This means that we would in every case be merely aiding the strong against the weak, regardless of the justness or merits of the quarrel. In this connection I might remind the committee of the importance of the sinking of the Lusitania in 1915. It will be recalled that this ship was torpedoed by a submarine and that the German Government attempted to justify the ship's destruction on the alleged ground that it was carrying arms and munitions to Germany's enemies at the time it was sunk. It would be idle to say and I do not pretend to say at this time that the sinking of the Lusitania was the cause of our declaring war on Germany; many other matters were factors in forcing the United States to make its decision, but I believe that it is fair to state that the sinking of the Lusitania was a very important and a contributing factor to our entry into the World War in 1917. Second, it has been said that war has now become so mechanical and the needs of modern armies

so multifarious that two foreign countries of any considerable size could not continue to battle against each other for any length of time without receiving supplies of arms and munitions from American arms and munition factories. If this statement is true, and it seems reasonable, I believe that we would be greatly aiding the cause of international peace by assisting in starving war. If we could prevent war by assisting in starving it we would certainly be doing something for the cause of peace. Third, it is being said abroad and generally throughout the world to-day that we maintain a position of neutrality and isolation solely for the purpose of enabling our arms and munition factories to profit off of the death and misery of foreign nations suffering with the horrors of war. Indeed, the world is accusing us of merely talking eloquently of peace and high ideals but doing nothing constructive or in the interest of peace.

In this connection I might say we have rejected the league and have not accepted the World Court, although both are largely American ideas. To date our disarmament conferences have not been overly successful. The 5-5-3 naval ratio is about to be abandoned. The passage of the Burton resolution at this time will, to my way of thinking, be equivalent to our saying "If we have not done anything more we have at least gone on record as opposed to the practice of making profit off of war." Fourth, the present arrangement of permitting American munition makers to sell arms and munitions to belligerent nations with which we are at peace prevents the Government from effectively controlling shipments to a nation or countries that we might conclude to be waging an unnecessary, cruel, or unprinciple war against another without taking a step that would, under the existing stringency, be considered equivalent to a declaration of war, and thus indirectly plunge ourselves into a costly and terrible international conflict. The passage of the Burton resolution at this time would, in my opinion, anticipate this contingency. Finally, Mr. Chairmen and gentlemen of the committee, I see a real danger in he policy of having the United States rely upon private munitions actories instead of Government-owned and controlled arsenals for complete preparedness. For instance, in foreign wars should sudlenly cease and our munition factories thereby become compelled to lose, which appears to be the crux of the argument being made gainst the Burton resolution, we would be without adequate national efense. We would be obliged to make up, if we could, what we had eglected to do on the interim-namely, prepare for the manufacture f arms and munitions. It would be disastrous if war should overake the United States before the lost ground could be recovered. I epeat, it is not wise to depend upon anyone but the Government for ar supplies and munitions. There is no assurance that private rms and munition factories will continue in operation after their asiness shall become unprofitable through the suspension of foreign ars. The War and Navy Departments are charged with a solemn sponsibility. They should see to it that we have sufficient machiny and equipment in our public-owned arsenals to start production hen production on a large scale becomes necessary. To leave our ational defense exposed to the visicitudes of private business is a

Before concluding I want to say that I intend to give very careful nsideration to whatever additional testimony may be brought before

this committee, but unless it is sufficient to overcome my present views I expect to continue supporting the Burton resolution and urging its passage before the House. I have no authority to speak for others but I might add that I understand that two other members of the American Legion on this committee share the views that I have expressed.

I thank the committee for its indulgence of my remarks.

STATEMENT OF HON. THOMAS S. BUTLER, CHAIRMAN COMMITTEE ON NAVAL AFFAIRS, HOUSE OF REPRESENTATIVES

Mr. BUTLER. Mr. Chairman, I have just a word to say on behalf of the Naval Affairs Committee of the House, and that is that we are grateful to this committee for having complied with the request of the Secretary of the Navy to be heard. He is present this morning, and I repeat that our committee is under obligations to this committee for its civility in consenting to hear the Secretary of the Navy.

The CHAIRMAN. May I repeat what I said the other day, Mr.

Butler, when "quality arrives, the compliments begin."

Mr. BUTLER. Whatever I have to say on this subject will be said in the House.

STATEMENT OF HON. CURTIS D. WILBUR, SECRETARY OF THE

The CHAIRMAN. We have with us this morning Mr. Wilbur, the Secretary of the Navy. Before we begin, I might explain that an inquiry was made by the Committee on Naval Affairs of the Navy Department as to its opinion of this resolution, and the reply of the Navy Department was sent to the Naval Affairs Committee instead of this committee. That is the reason I was unable to get the report until this morning. In fact, I obtained it the first time when Mr. Butler kindly handed it to us in printed form, for which we are quite grateful

Mr. Hull. Does this letter of the Secretary of the Navy to Mr.

Butler bear any date?

Mr. O'CONNELL. It is in reply to a letter of March 15, and this is March 17.

Mr. Burron. The copy I have is dated March 16.

Mr. Butler. This letter was asked for by me about two or three days ago, perhaps the day before the date given here. I knew that there was such a letter addressed to one of the members of the committee, and I desired to have the letter addressed in such a way that it might be notice to this committee, or might become a public document. Therefore, I addressed a letter to the Secretary of the Navy requesting him to furnish it.

Mr. MARTIN. He says in this letter, "In accordance with your

request."

Mr. Butler. I understood that he had expressed his views in some way, and desired to be heard. Therefore, I made the request I did. The CHAIRMAN. Mr. Secretary, please state your full name and occupation.

Secretary WILBUR. Curtis D. Wilbur, Secretary of the Navy. My occupation is law.

The CHAIRMAN. Will you kindly state your views on this House Joint Resolution 183?

Secretary Wilbur. I have with me this morning a copy of the letter addressed to Chairman Butler, copies of which have been handed to the members of this committee. This letter was prepared by the General Board of the Navy for my signature, was examined and signed by me, and expressed the mature judgment of the Navy Department. With your permission, I will read the letter:

PROHIBITING THE EXPORTATION OF ARMS, MUNITIONS, OR IMPLEMENTS OF WAR TO Belligerent Nations (H. J. Res. 183)

> NAVY DEPARTMENT. Washington.

HOD. THOMAS S. BUTLER,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN BUTLER: In accordance with your request of March .5, 1928, a careful examination has been given to Joint Resolution 183, which proposes that the United States, without international agreement, should prodbit the exportation of arms, munitions, and their component parts to any ation that is engaged in war with another. You desire to know how this esolution will affect the plans of the Navy Department for national defense.

The United States is an arms-producing country. There are numerous small ountries, particularly on the American Continent, that are not arms-producng countries. It is accepted as a legitimate right and need that those countries nust be supplied with arms, munitions, and implements of war for adminisration, policing, and safeguarding the country, and for their defense during

The act of January 31, 1922, chapter 5, section 236 (ch. 44, par. 1, 42 Stat.

31). reads as follows:

"Whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conitions of domestic violence exist, which are or may be promoted by the use reclamation thereof, it shall be unlawful to export, except under such limi-tions and exceptions as the President prescribes, any arms or munitions of ar from any place in the United States to such country until otherwise

This act, originating in 1898 and extended in 1922, to cover extraterritoriality, articularly in China, gives the President freedom of action in cases where here seems to be an abuse arising from the special nature of commerce in

ms and the power to remedy the evil which might be arising therefrom. The effect of the joint resolution as between the United States and such onproducing countries would be:

(1) That no orders from such countries when belligerents could be filled private manufacturers of arms or munitions in the United States

(2) So that the output from our factories would be lessened by the inability fill such orders.

(3) Since such countries could not obtain additional arms and munitions alle a belligerent, it is probable they would not place such orders in time

peace with the United States, but would place them with other countries here there would be no restriction on their orders in war. (4) The consequent result of this resolution would be, then, a marked

juction in the factories and equipment capable of manufacturing arms and

mitions in the United States.

dered by the President or by Congress."

(5) A possible corollary of such reduction would be the necessity of estabhing additional Government arsenals to meet the needs of the United

(6) If the orders for arms and munitions be placed with other countries, present executive control which the President has over shipment of arms d munitions to American countries, contained in the act quoted above, would longer be effective. This is most important. 7) Further, that nonproducing countries might become producing countries,

ablishing arsenals, factories, etc., in which case also the act above quoted

uld not be effective.

(8) The seizing of these arsenals by revolutionists would add to the turbulence in such countries.

(9) Such countries, being unable to procure arms and munitions when belligerents, might feel the necessity of accumulating large reserves for possible

In the strictest interpretation of the relation which this joint resolution would have to the plans for national defense, it may be briefly stated that the tendency would be to reduce the reserve strength of the United States for war by reducing ability of the private manufacturers to produce in quantity for Government in emergency small arms, machine guns, projectiles, and munitions up to calibers of 5.9 inches, and cannon and howitzers of like caliber, together with submarine mines, depth charges torpedoes, etc.

In its relation to international law, in which the Navy as an instrument for enforcement is keenly interested, here is a marked and radical departure. The joint resolution prohibits the exportation of arms, munitions, or implements of war to belligerent nations by municipal law when such commerce is permitted by international law, thereby restricting commerce and placing the United States in a particular class by itself. To quote the committee report:

"Under principles of international law, already established, a neutral nation is forbidden to furnish implements of warfare to a belligerent, though its citizens may at their own risk seek to furnish such supplies. In this latter particular,

the resolution seeks to create an important change."

A neutral government is bound to prevent the sending out of any armed vessel in its jurisdiction which it has reason to believe is intended for hostile operations against a power with which it is at peace. Also, there is a limitation of 24 hours in use of the harbors by belligerent warships and a limitation as to revictualing them. It further forbids the recruiting, fitting out, and equipping of armed forces from its shores

Both of these forbidden activities involve the movement of ships, their crews and passengers which, under customary shipping laws, are easily ascertained and controlled. The shipment of arms as parts of cargoes is much more difficult to follow, and the illicit trade therein, known as gun running, has been long practiced and it is to prevent such trade that this joint resolution is proposed.

International law does not forbid such trade, and to correct such evil as might spring therefrom in the country of destination that country has always assumed the burden. This joint enactment would, by municipal law, place this onerous duty upon the government of the country of origin. Such duty is difficult of enforcement and may frequently subject the government to charges of laxity and lack of good faith in its international duties.

"Rights and duties of neutrals." Section III, of the Sixth International Con-

ference of American States, Habana. 1928, reads in part as follows

ART. 15. Among the acts of assistance emanating from the neutral States and the acts of commerce effected by individuals, only the former are contrary to neutrality.

ABT. 16. The neutral State is forbidden:

"(a) To deliver to the belligerent, directly or indirectly, and for any reason whatever, warships, munitions, or any war material,

"(b) To make loans or to grant credit to a belligerent during the war. "ART. 22. Neutral States are not obligated to prevent the exportation or

transit, at the expense of any one of the belligerents, of arms, munitions, and in general everything that may be useful to its military forces.

This convention is quoted as the latest recommended international law, but Is in entire accord with that recognized before the World War.

What the joint resolution hopes to accomplish:

(1) That our citizens do not participate in the profits derived from the furnishing of implements of destruction;

(2) That it will be a restraining influence when nations are about to embark

on war; and

(3) That other countries will adopt similar regulations. Regarding item (1), it is noted that implements of destruction are with equal fairness defined as implements for defense of the home and fireside.

Regarding item (2), as to a restraining influence to prevent war, one of the two nations always goes to war with the belief that it will win. It usually has made preparations in the way of accumulation of arms, munitions, and implements of war, and frequently believes that it has sufficient stock to carry it to victory without turning to neutrals for additional supplies during war.

At this point it would be well to examine into another statement in the report

of the House Committee on Foreign Affairs, viz:
"It is certainly a well-known fact that no nation can wage war for any conderable time, or on any large scale, unless implements of warfare can be obained from neutral nations."

Taking only the three most recent examples as to the historical accuracy of

(1) In the War of 1870 neither Germany nor France found it necessary to

btain implements of warfare from neutral nations. (2) Similarly, in the Spanish-American War, a war between two first-class

lowers, neither belligerent found it necessary to obtain implements of war from

ny neutral nation. (3) Finally, in the World War, waged "for a considerable time" and "on a arge scale," the central powers did not find it necessary to use implements of varfare obtained from neutral nations.

While giving historical consideration to the World War, what would have

een the effect of the proposed joint resolution upon that war?

In the spring of 1916, 175,000 tons per month of shell steel, shell, copper, mall arms, ammunition, etc., were being delivered from America. Twenty per ent of the space on American lines was allotted to munitions alone. Having n view the enormous amount of munitions of war obtained from the United tates by the allied powers while the former country was a neutral, might not ictory have been obtained by the central powers had the joint resolution been hen in effect?

The third item which it is hoped to accomplish is the method of legislation y example. It would seem unnecessary to make any comment on the probable uccess of such method, but it is considered pertinent to submit certain extracts rom the report of the American delegation to the International Conference on he traffic in arms, held at Geneva May 4 to June 17, 1925. It gives certain onclusions of the delegates to that convention which it is considered bear upon egislation by example. The gist of the conclusions is that the United States oust not be first to deposit ratification, but it must be simultaneous, lest certain owers would fall to deposit ratification and thereby gain a certain advantage.

"The delegates at the conference impressed upon the American delegation their iew that any international convention for the control of the trade in arms would e ineffective unless adhered to by the United States, one of the important arms-

roducing powers.

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"The American delegation desires to * * * state that in their opinion the access or failure of the present convention will be in no small measure dependat upon the position assumed by the American Government in the matter.

"While registering this view, the American delegation would point out that in eir opinion the adherence of all the important arms-producing powers, and not aly that of the United States, is essential to the realization of the objects of the onvention. For the United States to ratify and to make the convention effecve prior to the ratification by other arms-producing powers would only result placing a premium upon nonratification by certain producing powers, since ey would then be free to sell arms to other powers without control and without ablicity. If, therefore, the convention meets with the approval of the Senate, nd if the legislation which will be necessary to make it effective in the United ates is assured, the delegates of the United States consider that the deposit of tifications on the part of the United States should be conditioned upon the posit of ratifications by the other great producing powers of the world. The merican delegation would not, of course, suggest any delay in the submission the convention to the Senate or its consideration by that body, but considers at in the event of senatorial approval the deposit of ratifications, which would ake the convention binding upon the United States if 13 other powers deposit tifications, should only take place when among the ratifying powers are cluded the other principal arms-producing states

It is felt, however, that pending the realization of a definite sarmament program it would be futile, and possibly harmful, as indicated ove, to attempt the arbitrary restriction of the trade in war material, which ould place the nonproducing powers at the mercy of the producing power, ree production by all powers, and, far from accomplishing the purposes of armament, might tend toward the increase of the military establishment

certain powers.

Here we find that the American delegation, after close association with propean powers for several months, felt the necessity for cautioning the

American Government against the deposit of ratification to a convention controlling the exportation of arms until it could be done simultaneously by all countries. If they felt the necessity for such cautious procedure, where the countries' delegates had expressed an agreement to such convention, how can it be hoped that a legislative act made independently by this country can accomplish sim lar legislation in other countries if the present situation be advantageous to such countries?

Finally, the very important principle of freedom of action by the Executive to meet any condition arising in the future is sacrificed and the Government becomes bound by legislative action permitting no initiative or discretion on the part of the executive department of the Government. Moreover, any attempt to change such legislation by the United States as a neutral might well be considered as a unneutral act and therefore prohibited.

In connection with Africa, the United States already is signatory to the Brussels conference of 1890, covering the particular abuses that were associated with the slave trade between latitudes 20° north and 22° south.

Summing up the situation:

(1) The Navy Department can see no useful result which would come from legislation binding by municipal law this country to the special burden forbidding international trade in arms permitted by international law, and punishing its citizens for international trade permitted by such law.

(2) The annulment of the present freedom of action and exercise of discretion now reposing in the President to meet future conditions is contrary to sound administration and invites embarrassing and difficult situations.

In view of all these considerations, the department considers that interpational traffic in arms and munitions should continue to be controlled, as heretofore, under international law, by the importing sovereign, the exporting sovereign remaining, as heretofore, free of entangling engagements.

Sincerely yours,

CURTIS D. WILBUR.

JOINT RESOLUTION To prohibit the exportation of arms, munitions, or implements of war to belilgerent nations

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the United States of America to prohibit the exportation of arms, munitions, or implements of war to any nation which is engaged in war with another.

SEC. 2. Whenever the President recognizes the existence of war between foreign nations by making proclamation of the neutrality of the United States, it shall be unlawful, except by the consent of the Congress, to export or attempt to export any arms, munit ons, or implements of war from any place in the United States or any possession thereof, to the territory of either belligerent or to any place if the ultimate destination of such arms, munitions, or implements of war is within the territory of either belligerent or any military or naval force of either belligerent.

Sec. 3. As used in this joint resolution, the term "arms, munitions, or imple-

ments of war" means

1. Rifles, muskets, carbines. 2. (a) Machine guns, automatic rifles, and machine pistols of all calibers;

(b) mountings for machine guns; (c) interrupter gears.

3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above.

4. Gun-sighting apparatus, including aerial gun sights and bomb sights, and

fire-control apparatus.

5. (a) Cannon, long or short, and howitzers, of a caliber less than five and nine-tenths inches (fifteen cent meters); (b) cannon, long or short, and howitzers of a caliber of five and nine-tenths inches (fifteen centimeters) or above; (c) mortars of all kinds; (d) gun carriages, mountings, recuperators, accessories for mountings.

6. Projectiles and ammunition for the arms enumerated in No. 5 above. Apparatus for the d scharge of bombs, torpedoes, depth charges, and other

8. (a) Grenades; (b) bombs; (c) land mines, submarine mines, fixed or kinds of projectiles. floating; depth charges; (d) torpedoes.

9. Appliances for use with the above arms and apparatus.

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10. Bayonets.

11. Tanks and armored cars; aircraft designed for purposes of warfare.

12. Arms and ammunition not specified in the above enumerated prepared or use in warfare.

13. Poisonous gases, acids, or any other articles or inventions prepared for se in warfare.

14. Component parts of the articles enumerated above if capable of being used in the assembly or repair of the said articles or as spare parts.

SEC. 4. Whoever exports or attempts to export any arms, munitions, or implenents of war in violation of the provisions of this resolution shall, upon coniction thereof, be punished by a fine not exceed ng \$10,000, and by imprisonnent not exceeding two years. It shall be the duty of the Secretary of the Treasury to report any such violation of the provisions of this resolution to the United States district attorney for the district wherein the violation is alleged o have been committed.

The Chairman. Mr. Secretary, before going into a general exmination, I would like to call your attention to the statement on page 1825, near the top of the page, as follows-

Finally, the very important principle of freedom of action by the Executive o meet any condition arising in the future is sacr.ficed and the Government ecomes bound by legislative action permitting no injutive or discretion on the part of the executive department of the Government—

which is followed in your summary by this statement:

The annulment of the present freedom of action and exercise of discretion ow reposing in the President to meet future conditions is contrary to sound dministration and invites embarrassing and difficult situations.

Is it not a fact that the sole and exclusive jurisdiction over arms raffic and over embargoes is vested in the Congress, and that the xecutive branch of the Government has no power over the mater of embargoes without the consent of Congress?

Secretary Wilbur. Of course, that is a legal question. I think

ou are correct as to the fundamental power.

The CHAIRMAN. Let me state it in another way: Is not the sole nd exclusive power over embargoes placed by the Constitution in Congress, and is it not a fact that the President has no right to put n an embargo or lift an embargo without authority from Congress?

Secretary WILBUR. I think that is true.

The CHAIRMAN. You think he has not the power?

Secretary Wilbur. I think not.

The CHAIRMAN. Then, why do you say that-

The annulment of the present freedom of action and exercise of discretion ow reposing in the President to meet future conditions is contrary to sound iministration and invites embarrassing and difficult situations.

Secretary Wilbur. I think that relates back to the statute quoted n the first page. That relates back to the statute quoted on the

The CHAIRMAN. Mr. Secretary, to simplify the situation, the act f 1922, to which you refer, vested authority, under the act of ongress, in the President to take such action.

Secretary WILBUR. Yes. The CHAIRMAN. So far as my knowledge goes, there has been no stance in the history of the Republic when the President exercised ne embargo power without express direction from Congress. Still.

The annulment of the present freedom of action and exercise of discretion ow reposing in the President to meet future conditions is contrary to sound iministration and invites embarrassing and difficult situations.

Mr. Moore. The statute that the Secretary has cited does not refer to such a case as is embraced within the terms of the resolution, but it refers to the case of civil war or rebellion within a nation.

Secretary WILBUR. I have just consulted Admiral Schofield, who prepared the communication, and he confirms my impression that that reference is, first, to this legislative authority given the President by Congress, quoted on the first page, and, second, to the effect of passing such a law upon the freedom of action of the President to recommended to Congress that it impose or authorize the imposition of embargoes, or to secure legislation upon the subject. In other words, when Congress itself has placed an embargo upon arms to all belligerents, the President might not feel free to recommend the removal of the embargo in specific instances, because that, in effect, would be an unneutral act.

The CHAIRMAN. I am not quite satisfied with your reasoning, Mr. Secretary. The first point I want to develop is this, the President has absolutely no power over embargoes, unless authorized by Con-

gress. Do you agree with that view?

Secretary WILBUR. I believe that is correct.

The CHAIRMAN. Now, if you will read the resolution carefully, you will see that it would not affect in the slightest degree the act of 1922, to which you refer, because that act is limited to conditions of domestic violence in the Americas, and does not extend to war between two sovereign States. If you will read the act carefully, you will find I am correct about it.

Mr. MARTIN. I do not see why the writer of this communication

should put that in-

Mr. O'Connell (interposing). Why not let the Secretary explain

Mr. Moore. Let the Secretary tell us. He has the stand, and he must know about it.

Mr. MARTIN. He signs his name to it.

Mr. Cooper. It relates to something that is not in the Burton reso-

Mr. Moore. It has no more to do with it than the moon has to do lution at all.

Mr. Cooper. Not a particle; and it is entirely misleading. It is with bullfrogs.

misleading as to the Burton resolution.

The CHAIRMAN. Do you agree with the opinion, Mr. Secretary, that the Burton resolution does not in any way interfere with the act of 1922, giving the President authority to lay an embargo on the exportation of arms from the United States to countries in the Americas

where there is domestic disorder? Mr. Cooper. That is the question I want him to give some attention

The CHAIRMAN. The act is there before you, and you can read it. Secretary Wilbur I am not in the habit of giving off-hand opinions on questions of law.

Mr. HULL. Here is a plain question. Mr. Cooper. Here is a letter that you signed within a very short time after you received the letter requesting it, because the letter of inquiry was dated March 15, and to-day is March 17, and your letter in reply was printed in full on March 16.

Mr. Moore. He says at the outset that he has made a careful exination of it.

Mr. Fish. You have stated here-Secretary Wilbur (interposing). Just a minute, please. I want say something. I have told this committee in detail how this ter was prepared. It was prepared by the General Board. I did give it the careful study that I would have given it as a lawyer, the communication had been prepared by me. I examined it, and seemed to me to be correct. The man who drafted the communican is Admiral Schofield, who is an attendant on the Geneva conence, and who has had these matters in charge. He knows a lot re about it than I do. As to the legal question, you do not need vice from me, and I do not intend to give it.

Mr. Fish. Mr. Secretary, I want to read what you state here, and at is what I noticed yesterday in the New York Times. You

n accordance with your request of March 15, 1928, a careful examination been given to Joint Resolution 183.

We had the statement of Mr. Butler, who is here beside me. He s that that communication was sent on March 15. The answer to t communication, and I do not know whether it was sent in the rning or the afternoon of March 15, was published in the New rk Times on March 16. This whole report, therefore, which you you have carefully examined, was written or issued in one afteron. Fault has been found with this committee because, while we d several days' hearings on this resolution, it is claimed by some pple in opposition to it that it has not been given careful consideron. Yet you, or your representatives in the department, saw fit send this entire report out in one afternoon for publication in a vspaper.

Mr. Moore. Attributed to the Secretary of the Navy by the press

the country. It stands as his statement.

Secretary Wilbur. I am able to explain it. When it comes to the guage of this report, it was formulated by Admiral Schofield. The CHAIRMAN. Then, let Admiral Schofield take the stand.

Secretary Wilbur. No; not just now.

Ve received a communication from Mr. Andrews, a member of House Naval Affairs Committee, asking for the opinion of the vy Department upon this resolution. I referred that matter to the eral board for comment. The general board prepared these aments, and they were put on my desk. Then that communication s sent to Mr. Andrews.

Ar. Cooper, Some time ago? The CHAIRMAN. How long ago?

Secretary Wilbur. Several days ago. The propriety of answering questions of an individual Congressman was raised.

The CHAIRMAN. I hardly see the relevancy of this.

Ir. Bloom. I think the Secretary should have an opportunity to

The CHAIRMAN. There is no criticism of the Secretary.

Ir. Fish. I want to say that there might be some criticism of the retary or of the department issuing that communication for pubtion in the New York Times, which reads as followsMr. O'CONNELL (interposing). He has a right to explain it. Mr. Fish. I would like to have him explain this paragraph:

It is accepted as a legitimate right and need that those countries must be supplied with arms, munitions, and implements of war for administration, policing, and safeguarding the country, and for their defense during war.

This went over your signature to the New York Times, and was published yesterday. This resolution has nothing to do with peacetime policing or administration; yet the country received this state-ment, published in the New York Times, which is the largest newspaper in the United States. Do you not think we have the right to resent the sending out to the public of misleading information of that kind? Would not that be resented by all fairminded men?

Secretary Wilbur. Let me go back a little, and I will come to your question. In the first place, this letter was considered by the general board. The language was formulated, and it was sent to Mr. Andrew. Subsequently, an inquiry came from the chairman of the House Naval Affairs Committee, as a more appropriate inquiry, and the communication was sent to them. With reference to its publication in the New York Times, the department had nothing whatever to do with that. Of course, you have the right to resent any misinformation or misstatement in this communication, or in any other, from the Secretary of the Navy or from any other individual. I believe this to be an accurate statement.

Mr. Fish. Do you mean that this is an accurate statement?

Secretary Wilbur. What is your question?

Mr. Fish. You make the statement that "It is accepted as a legitimate right and need that those countries must be supplied with arms, munitions, and implements of war for administration, policing, and safeguarding the country." You are referring there to House Joint Resolution 183, and that is your statement?

Mr. Linthicum. Why do you not finish the quotation—" and for their defense during war"? You do not finish the sentence. It is

all embodied in one paragraph.

Secretary Wilbur, Admiral Schofield informs me that he did not personally draft this letter, but that it was prepared by the general board. He was consulted by the general board. I make that cor-

The Chairman. May I conduct the examination, but if any mem-

bers of the committee desire to ask questions-Mr. Linthicum [interposing]. I want to ask a question: Mr. Secretary, you said something about Admiral Schofield being at Geneva?

Mr. Linthicum. Will you explain what his duties were at Geneva? Secretary Wilbur. He was attending the three-party conference for the limitation of naval armaments. It was not the conference

Mr. Fish. That had no connection with the arms traffic conference? alluded to here in this letter. Secretary Wilbur. No. Admiral Schofield, however, was one of those who assisted the Navy Department in the arms traffic con-

The CHAIRMAN. This committee is searching for only one thing, and that is light upon this perplexing problem. You have furnished a statement, and I would like to ask you a few questions. Secretary Wilbur. I will be glad to answer to the best of my

The Chairman. The first question I want to ask is the one pro-

ounded by Mr. Fish. You make this statement: The United States is an arms-producing country. There are numerous small untries, particularly on the American Continent, that are not arms-producing untries. It is accepted as a legitimate right and need that those countries ast be supplied with arms and munitions, and implements of war for admin-ration, policing, and safeguarding the country, and for their defense during

Now, is there anything in the Burton resolution that would probit the shipment by citizens of the United States of arms to those onmanufacturing countries for administration, policing, and safe-

arding themselves?

Secretary WILBUR. I think not. The Chairman. Have you any idea why that statement was inrted in this report? I ask that because it misled me when I read it. Secretary Wilbur. For this reason, that the theory of this report is

at it is held that the general effect of this resolution will be to limit r ability to produce arms.

The CHAIRMAN. I am coming to that.

Secretary Wilbur. I suppose that is the theory on which that was

entioned as an incidental premise to the letter itself.

The CHAIRMAN. Let us turn to the act of 1922. We are both wyers, and there are many lawyers around the table. Let us turn the act and see if we can not agree on the construction of it. It ads as follows:

Whenever the President finds that in any American country, or in any untry in which the United States exercises extraterritorial jurisdiction, contions of domestic violence exist, which are or may be promoted by the use of ms or munitions of war procured from the United States, and makes proclaation thereof, it shall be unlawful to export, except under such limitations d exceptions as the President prescribes, any arms or munitions of war from y place in the United States to such country until otherwise ordered by the exident or by Congress.

Now, does not that clearly limit the authority of the President to apose an embargo on the shipment of arms to an American country here domestic disorder exists, and could it, by any stretch of the agination, be extended to the shipment of arms to a country that as in war with another?

Secretary Wilbur. My impression is just as you state the matter be, but I would not want to express an opinion. It does occur to e that possibly there might be both domestic violence and war. ake, for instance, the conditions in China-

The Chairman (interposing). I mean if you limit it to domestic

sorder. Mr. Moore. Anybody who followed the debate in Congress when e act was passed knows that it was limited to countries where doestic violence might exist, and if the gentleman who prepared this port did not know that, he prepared it in ignorance.

Secretary Wilbur. I resent the statement of the Congressman, beuse that is not a proper way to treat an officer who comes here at

ur request.

Mr. Moore. I withdraw anything that may seem to be discourteous.

Secretary Wilbur. You are asking me about that? Mr. Moore. Yes.

Secretary Wilbur. You know how difficult it is to construe language like that here, and how different circumstances change situations. The thought came to me that China to-day is turbulent and we are not furnishing arms there, but suppose war with Russia, Japan, or with England should result from this turbulence, while the turbulence continued. It occurred to me that possibly it might justify the President in prohibiting the sending of arms to countries under those conditions. I would not want to express an opinion about it. The main purpose is for what you say.

Mr. Moore. I certainly wish to be entirely courteous to both you

and your subordinates.

Secretary WILBUR. I thank you.

Mr. Moore. I do not want anything I may have said on that point to be misconstrued, but having examined this matter a good deal, it seems to me so perfectly clear that only one interpretation can be placed upon what Congress had in mind that there is hardly any room for any disagreement.

Secretary Wilbur. My impression is quite in accordance with your statement and that of the chairman, but if I am asked to commit myself, either as a lawyer or Cabinet officer, I reserve the right-

Mr. Moore (interposing). You are very much more of an attorney than I am, and have had larger judicial experience, and I had supposed you would be able to reach a conclusion on this point which is relevant to the discussion contained in this letter.

The Chairman. You understand, of course, Mr. Secretary, that the committee must depend in part, at least, on the departments of the Government. The purpose of my examination is not at all unfriendly, but it is simply to get information.

Secretary Wilbur. I have no wish to withhold any information

The CHAIRMAN. I would like to refer to page 1822, item 6. Secretary Wilbur. I want to make it clear that I do not consider this a Bible at all. If this letter is in error, we will correct it.

The CHAIRMAN. It is an official document from the Secretary of the Navy of the United States, sent to a committee of Congress.

Secretary WILBUR. I stand by it as such. The CHARMAN. Now, take the act of 1922, and look at item 6, on page 1822. Item 6 reads as follows:

If the orders for arms and munitions be placed with other countries, the present Executive control which the President has over shipments of arms and munitions to American countries, contained in the act quoted above, would no longer be effective. This is most important.

Now, Mr. Secretary, will you point out where in this act of 1922 there is anything that would prevent a foreign government from shipping arms to any of these South American or Central American

Secretary Wilbur. The point there is that the President, at his Republics?

option, can permit arms to flow in, or not.

The CHAIRMAN. It does not say so. Secretary WILBUR. I mean under this act. As the situation is now, the matter would be within the discretion of the President in the event of internal turbulence, and in the event of war, of course, it ould be with Congress; but if you placed an embargo on, so that ms did not flow from this country, they would flow from other nuntries, and if they should flow from other countries, we would the countries of the countries.

Mr. Linthicum. As I understand it, that could not take place atil the President issued a proclamation that war did exist, and that

e were to be neutral.

Secretary Wilbur. The point is that as long as arms come from is country, we have control of the situation, but if they come from other country, we have no control.

The CHAIRMAN. We would have no power to prevent other coun-

ies from shipping arms to these countries.

Secretary WILBUR. No, sir; certainly not.

The CHAIRMAN. How does the existence of this act give you that

ntrol?

Secretary Wilbur. It does not. The point is this: That if the ms are purchased in this country, and if the belligerents were in the habit of coming to this country for arms, we could control the tuation by regulating our own people, by prohibiting them, if need to, from shipping arms. If they did not come to this country for ms, but went to France, Great Britain, or Germany, or any other countries, we would have no control. The control would be with them.

The Chairman. There is nothing in this act that would prevent

em from purchasing arms and munitions in Europe.

Secretary Wilbur. No, sir. This is dealing with a practical situaon, and not with the legislative condition. Do you get my point?

The CHAIRMAN. I confess I do not.

Secretary Wilbur. Take, for instance, the Mexican embargo. exico comes normally to this country for a considerable portion of er arms, and, in consequence, our embargo is effective upon the omestic situation there. Our embargo or our releasing of arms go into that country affects their domestic situation; but suppose exico, instead of coming to this country, went to France or Great ritain. Then they would be the ones to say whether arms should be into Mexico, or should not flow there. It is a practical question, the right of those nations is the same in either event, of course. The Chairman. This does not interfere with the control that the

resident exercises under the embargo powers contained in the act

1922.

Secretary Wilbur. That goes back to your fundamental assumption nich, I think, is correct, that the 1922 law applies only to internal sorders. If that is true, there is no conflict between the two.

The Chairman. I want to submit this to you, whether an ordinary an reading this report would not immediately draw the inference on this letter that the Burton resolution interfered with the power permit those countries to be supplied with arms, munitions, and plements of war for administration, policing, and safeguarding e country? Would he not draw the conclusion that the resolution buld prevent the President from carrying out the purposes of the tof 1922, when, as a matter of fact, it would not interfere in the ghtest degree with it?

Secretary Wilbur. Well, I do not know that I can say. An ordiry man would probably be in a good deal of doubt about the whole

matter. It is a technical question, and we are addressing this to Members of Congress who have studied the situation and are familiar with it. I do not believe there was any thought or intention on the part of anybody in formulating this letter to give a wrong impression.

Mr. Cooper. Then, why did you give it to the press so suddenly, for publication in the New York Times, if there was no intention

to influence public opinion?

Secretary Wilbur. I can not answer you there.

Mr. O'Connell. The Secretary has said that he was not in any way responsible for giving it to the press, or giving it to that paper.

The CHAIRMAN. One of your arguments against this resolution

appears on the first page, in item 3, where you say:

Since such countries could not obtain additional arms and munitions while a belligerent, it is probable they would not place such orders in time of peace with the United States, but would place them with other countries where there would be no restriction on their orders in war.

In item No. 1 you state that the effect of the Burton resolution would be-

That no orders from such countries when belligerent could be filled by private manufacturers of arms or munitions in the United States.

In the second item, you state-

That the output from our factories would be lessened by the inability to fill such orders.

Would it not have been more accurate to have added the words

"in time of war "?

Secretary Wilbur. No, sir.

The CHAIRMAN. Now, in item 3 you say:

Since such countries could not obtain additional arms and ammunition while a belligerent, it is probable they would not place such orders in time of peace with the United States, but would place them with other countries where there would be no restriction on their orders in war.

Now, of course, that is largely conjecture, is it not?

Secretary Wilbur. No, sir; I think not.

The CHAIRMAN. Do you not think that human nature is the same in the purchase of arms as in the purchase of other articles of commerce?

Secretary Wilbur. I do not think that is relevant, if you will pardon me. The proposition there relates to the caliber of guns, the character of munitions, the possibility of the replacement of munitions, the parts of guns, and so forth. They would not want to get a machine gun from this country, knowing that in time of war they could not get the replacement parts. If the calibers of the guns were different, they would naturally get them from nations that would supply ammunition in time of war, when they needed it. I take it that that would be the operation of judgment and common sense of nations that were preparing for war or preparing to protect themselves. I think that is a perfectly plain, simple, and straightforward proposition.

The Chairman. In paragraph 7, on the second page, you say:

Further, that nonproducing countries might become producing countries, establishing arsenals, factories, etc., in which case also the act above quoted would not be effective.

You have nothing in support of that statement except your opinion at they might do that; have you?

Secretary Wilbur. Why, of course, it is an opinion based upon e evident proposition that every nation owes the fundamental aty to its citizenship to protect it, and if they could not get the strumentalities for protection from other nations they would, adoubtedly, in pursuing their obligation of self-defense, be pro-ding means at home. I think that reaches the rather fundamental fficulty in this type of legislation. As pointed out in this letter, is my personal opinion that a country of great wealth and purasing power must either rely upon its ability to produce munions for protection at home or ability to purchase them abroad. If e ability to purchase abroad is terminated, then, necessarily, there ust be ability to produce them at home. That deals with the ndency of the legislation, and it seems to me that is correct. That the greatest difficulty I see in this whole system of legislation. do not want to be critical, and I am not here for that purpose. If the nations were to say to America, "You can not buy munitions om us in case you are at war," then we must produce more than we herwise would. It is a tendency.

The Chairman. I refer you to page 1823, where you say:

Taking only the three most recent examples as to the historical accuracy of s statement: (1) In the war of 1870 ne'ther Germany nor France found it necessary to

ain implements of warfare from neutral nations.

I wonder if the person who wrote that took into consideration the ct that France purchased, or had under contract with the United ates to purchase, enormous supplies of munitions of war left over a result of the War between the States, and that supplies of the orthern Army were used largely to equip the French Army in the

anco-Prussian War. You remember the controversy over it, no

Secretary Wilbur. No, sir; I do not. I relied absolutely upon the

ard in that respect.

Mr. Temple. There was a senatorial investigation of that matter. d that investigation furnished the occasion for or led to one of the eatest speeches by Carl Schurz. It resulted in a report that the nited States had done no wrong in selling to the French Governnt because the sale had been arranged prior to the outbreak of the r. The arms were sent over there in large quantities, and it was e of the famous investigations of that question, and I am surprised w to hear that your authorities or advisers in international law l not now of that very widely discussed case.

The Chairman. In the second paragraph, at the bottom of page

3, you say:

imilarly, in the Spanish-American War, a war between two first-class powers, ther belligerent found it necessary to obtain implements of war from any

s it not a fact that our Government obtained implements of war

oad in that war?

Secretary Wilbur. I can not give you any detailed information. ecall that we did buy some ships-three, I think. It is Admiral erle's opinion that they were obtained before war was declared. The CHAIRMAN. Did we not buy large quantities of cannon and

Secretary WILBUR. I can not answer that. Mr. Bloom. Did they come with the ships?

Secretary Wilbur. I do not know. Admiral Jackson made a study of it, and Admiral Eberle says that this statement was made up after an extensive investigation. Admiral Jackson is a member of the General Board.

The CHAIRMAN. The reason I am making this inquiry is that this report of yours will go into the records of Congress, and it may be

referred to 50 or 100 years from now.

Secretary Wilbur. We will correct any misstatements.

The CHAIRMAN. I am anxious to have it accurate.

Secretary Wilbur. We will have it checked over, and if you have any information, we will be glad to have it.

The Chairman. Your opportunity for getting information on a

subject like this is very much greater than mine.

Referring further to your letter, at the bottom of page 1823, the third example you give is that "finally, in the World War, waged for a considerable time" and "on a large scale, the Central Powers did not find it necessary to use implements of warfare obtained from neutral nations."

As a matter of fact, they could not obtain them from neutral nations. Was not the whole purpose of the blockade to prevent them

from getting them?

Secretary Wilbur. I do not want to answer that type of question. I think you are absolutely correct, but I do not know of my own knowledge. I have no report.

The Chairman. Your report deals largely with the question of

policy.

Secretary WILBUR. Exactly.

The CHAIRMAN. Whether or not it is wise for this Government to take the control of the munitions traffic out of the hands of the munitions makers and put it in the hands of a responsible branch of the Government-that is the question before the committee on this resolution.

Secretary WILBUR. I do not want to concur in that, and I do not

want to comment on it.

The CHAIRMAN. Wherein would the passage of this resolution in-

terfere with the functioning of the Nation, if at all?

Secretary WILBUR. Two things are pointed out in this letter that might interfere with the ability to procure munitions in this country and cast on the Navy the burden of controlling this contraband situation in the event of war. It is of more importance to the Army than to the Navy.

The CHAIRMAN. I realize that. As a matter of fact, Mr. Secretary Davis said in his testimony the other day, the following, which

I will quote:

The CHAIRMAN, When you refer to munitions factories, you mean industrial establishments throughtout the United States which in time of war are converted into munitions factories?

The CHAIRMAN. In other words, at the present time there are no munitions factories in America, outside of concerns like the Remington and others, that manufacture sporting goods and things of that sort-that is a fact?

Secretary Davis. Yes.

As a matter of fact there are no munitions factories in the United States to-day. We have great industrial establishments which can be converted into munitions factories in time of war. Is not that the fact?

EXPORTATION OF ARMS TO BELLIGERENT NATIONS

Secretary Wilbur. I believe it is so. I would want to be informed on that before I answered it.

The CHAIRMAN. Is there any place you can point out where the passage of this resolution would interfere with the procurement of necessary munitions by the Navy Department?

Secretary Wilbur. No. We would have to rely on the general tendencies of the legislation, tending to discourage the production of muntions as affecting the ability to procure those munitions in time of trouble.

The Chairman. You do not take the position that factories were built in America on the strength of the possibility of war taking

place some time abroad?

Secretary Wilbur. I think I have made my position fairly clear and I do not know that I could add anything to the general statement. This letter deals with the general tendencies of this legislation. To say that this would put some given factory out of com-mission or prevent the establishment of some other factory—we have not that data and could not give it. The War Department has made a study of the situation of procurement. Our department has concurred in that. I have not in hand the figures. This report of ours deals with the general tendencies of this legislation to discourage the production of arms and munitions in the United States in time of peace by discouraging the exportation of such arms and munitions to countries which might otherwise procure them.

The CHAIRMAN. There are no munitions factories in America to-day. They must be converted for that purpose, which takes a long period of time, and it seems unbelievable that any one would go into the industrial business in the hope that a war would occur at some future time. In other words, I can not quite agree with you

that this action would discourage these industries.

Secretary Wilbur. With all due respect, I am not asking you to agree with me. I am simply presenting the view of the department, and this committee has its own views and will no doubt act upon them.

The Chairman. Arms and munitions for the use of the Navy for

the most part are made in the navy yards, are they not?

Secretary Wilbur. Hardly that. We manufacture over 50 per cent of our smokeless powder. We make our great guns. Some of them are made at Washington, and some are made by the Army. Some of the guns we are procuring now are being made by the Army for us, the large guns, but the rifles are all purchased either from the Army, the small arms mostly from the Army; we do not make those. Our other explosives are all purchased from private corpora-tions—T. N. T., and other explosives. The admiral tells me he thinks all the other explosives, and that is my recollection, are purchased elsewhere. We only manufacture smokeless powder.

The CHAIRMAN. Are the guns you buy from the Army made by

Army arsenals or by private enterprise?

Secretary Wilbur. Are you talking about small arms? The CHAIRMAN. Small arms.

Secretary Wilbur. Most of them come from the Army. The CHAIRMAN. The question I asked is, where did the Army get them? Did it make them or buy them? Secretary Wilbur. They make them.

The CHAIRMAN. As far as the Navy is concerned, to sum up your testimony, everything you use is made in Government arsenals or navy yards, except half of the powder. Is that correct?

Secretary Wilbur. And other explosives-we use a great many

other explosives.

The CHAIRMAN. Everything that the Navy uses is made in navy yards or arsenals except half of the T. N. T. and other explosives.

Secretary Wilbur. I think in a general sense that is correct. I

did not give the impression that we made T. N. T.

The CHAIRMAN. You said half of them. Secretary Wilbur. Smokeless powder.

The Chairman. The Government does not make T. N. T. but makes

half of its smokeless powder.

Secretary Wilbur. Approximately, and all our shells are purchased from private manufacturers.

The CHAIRMAN. The shells?

Secretary Wilbur. Yes; projectiles.

The CHAIRMAN. Then in case of war the Navy would be prepared for action and would be fully equipped except for its needs of smoke-

less powder and shells and T. N. T.

Secretary Wilbur. Just exactly what do you mean by that? Do you mean that we would enter the war with full supplies or do you mean that during the war we would be able to take care of anything?

The CHAIRMAN. You would not need the aid of munitions facto-

ries. You are supplied now, as I understand?

Secretary Wilbur. I am a little at a loss in answering that. The plan of the Navy is to be prepared for instant action and have on hand not only shells but all other types of explosives, but not in quantities that would be used in a major war. As Admiral Schofield just suggested to me, we would probably need everything we could possibly get, and after all that is what we are dealing with, that possibility.

The Chairman. You recognize, inasmuch as you have suggested matters of policy, that the shipment of arms from one belligerent to be used against another causes ill will toward us on the part of nations against which these arms and munitions are used.

Secretary Wilbur. I think you gentlemen are just as able to form an opinion on that as I am, and I do not believe my opinion would be of any assistance to you.

The CHAIRMAN. Is there any doubt about it in your mind?

Secretary Wilbur. None whatever.

The CHAIRMAN. We recognize that this resolution is a departure from existing customs, I will hardly say of law because I have always doubted that there was such a thing as international law-we recognize that this is a departure from existing customs. Do you not think it would be safer for the United States to vest the control over this doubtful traffic in a responsible branch of the Government instead of leaving it to those who make those munitions, and some of them with only one motive, and that is to make money, without regard to the results to the country? Do you not think it would be better to vest the control in a responsible branch of the Govern-

ment and take it away from the munition makers?

Secretary Wilbur. I will have to give you a personal answer, and more or less offhand, to that question, but the fact is that the control of that subject is now in Congress. The exercise of that control can be had at any time Congress chooses to exercise it, and the question that is here is whether you exercise it in advance of future international complications which you can not now visualize, or whether Congress will await the exigency and act at that time with full knowledge. The power is in Congress. It is not in the munitions manufacturers. They can not turn a hand without the consent of Congress implied by silence.

The CHAIRMAN. You do not mean that.

Secretary Wilbur. I mean the consent of Congress, not verbally expressed, but by failure to express, the tacit consent of Congress. Do you see what I mean?

The CHAIRMAN. Yes.

Secretary Wilbur. That is an offhand answer.

The CHAIRMAN. That has been the rule in the past and it resulted in failure because when the exitement of war is on it is impossible to secure any definite action. That is history of the past. Would it not be better in times of peace to fix a definite policy in regard to this traffic which disturbs the good feeling of certain nations toward

the United States?

. Secretary Wilbur. There again I will have to express a personal conviction. I think it is covered by the report of our conferees at Geneva, that by all means possible we should contribute to the peace of the world, and that if by making some sacrifices with reference to munitions we can contribute to that peace we ought to do it, but to tie our own hands irrevocably and leave every other nation free to supply arms to belligerents all over the world will not be as effective as it would be for us to retain our power of action and seek by negotiation to get similar action from all other nations producing arms so that there will be a cooperation of effort. That is an offhand personal expression of opinion.

The Chairman. Are you not losing sight of the provision in the resolution, that the decision is left in the discretion of Congress, and ought you not to assume that Congress would take further

action when the necessity arises?

Secretary WILBUR. No; because I have the same feeling you expressed a moment ago, that to get action in time of international turmoil and difficulty is very hard, and you have control just as

much as you would have with this resolution passed.

The Chairman. If a war broke out to-morrow in Europe, and munitions factories would start shipping hundreds of tons of these instruments of destruction to add fuel to the flame of war, we should permit the traffic as we have done in the past.

Secretary Wilbur. Don't you believe the movement at Geneva should result in some modification of that situation? I think our

delegates there had faith to believe that there would be.

The CHAIRMAN. If you had the experience at Geneva that I had on the opium question, you would not think so.

Secretary Wilbur. Senator Burton was there and can speak with authority on that situation. He represented this Government to the satisfaction of the Navy and I think every other department of the Government.

Mr. Hull. He has spoken in this resolution.

Mr. Maas. That is his answer.

The CHAIRMAN. Would a shell made in America fit an English cannon or a French cannon or a German cannon, as made for our Navy?

Secretary Wilbur. Broadly speaking, no; and I think I am correct in saying that it is not only a question of caliber but that there are considerations involved. The answer the admiral suggests is

no, and that would be my answer.

The CHAIRMAN. In other words, our factories might go on making shells, as an illustration, for years, for the English and the French and the Germans and the Japanese. Then if we became involved in a war we could not use that machinery; we would have to get new machinery to make shells that would fit out guns. Is that a fact?

Secretary Wilbur. No; that is rather an erroneous conclusion from the premise. The possession of machinery for that purpose, the ability to make these shells, could be diverted very readily to the production of other types of shells. The production of these shells requires a great technical ability; it is not so much in the caliber as in the strength of the steel, the ability to manufacture steel and have it of the proper tensile strength.

The CHAIRMAN. Do not the manufacturers have to change the

machinery, to change the dies and gauges?

Secretary Wilbur. I can not answer that offhand. I think I have answered in a general way, and the admirals here can answer you more in detail. We have men who have supervision of the production of these things, and I would not want to give you an offhand answer on that subject.

The CHAIRMAN. What brought up the question is this. We were making munitions almost from the very beginning of the war in Europe, but even as late as the armistice, unless I am misinformed, we had very little artillery in Europe, if any. Why could we

not manufacture our artillery?

Secretary Wilbur. I will have to speak from general knowledge. My understanding is that we were manufacturing the artillery and that the demand for our men was so great that England and France agreed to supply the artillery if we would get the men over there, and that we really went before we were prepared. I am not certain of that.

The CHAIRMAN. Then two years of munitions making in America did not help us in the slightest degree when it came to making

artillery for our own Army.

Secretary Wilbur. I will again have to give my personal view. which is that there was the very greatest possible assistance. I think sometimes we forget the enormous quantities of materials that were consumed in that war, far beyond anything nations ever dreamed of. You have seen the figures of comparisons of projectiles and powder used in the Civil War with that used in one engagement in the World War, enormous, unheard of quantities.

The CHAIRMAN. I have always understood that we had very lite artillery in Europe even at the end of the war, and yet the rgument is made that if we keep these munitions factories going e will be able to produce munitions much more quickly. I never did nderstand why we did not have artillery in Europe.

Secretary Wilbur. An offhand statement from me would not be f any value. I think you can get specific data from the War De-

artment.

Mr. Burton. You speak here in No. 2 of the decrease in our ade that would result. Are you at all familiar with the quantity f exportation of explosives or firearms or munitions under present onditions? That is the argument that is conveyed by this No. 2, that the output from our factories would be lessened by the inabily to fill such orders."

In peace time are we exporting any very great quantity of firearms

nd munitions to other countries?

Secretary Wilbur. I could not answer that question. There were unitions shipped to Nicaragua to assist the Government there. We ive, I believe, 15,000 stands of arms now in our possession turned ver by the two belligerents, but the details in support of that can be rnished to the committee.

Mr. Burton. It is not a fact that these exports are negligible, that

ey amount to less than one-tenth of 1 per cent?

Secretary Wilbur. If you have any specific information, it would better than anything I can say. If you have not, we can get it for

Mr. Burton. What is meant in the list of exports by metallic rtridges? What are they? Are they for sporting operations, or e they for preparations for war? That is the principal item in our ports of firearms and munitions. I am asking for information. hat are metallic cartridges?

Secretary Wilbur. Have you a list of the exports?

Mr. Burron. Yes. Under "Firearms and ammunition," subheadg "Firearms and ordnance," it gives for revolvers and pistols. 13,386 worth of exports for the calendar year 1927; rifles, \$723,704. Are not those used largely for hunting and sporting purposes? Secretary Wilbur I could not say.

Mr. Burton. Shotguns, \$510,238. Those are not used for war.

Secretary Wilbur. Not ordinarily.

Mr. Burton. Machine and heavy ordnance guns and carriages, 85,226. That may be for purposes of war and preparations for

Under ammunition, we have shot shells, and the amount given here

\$960,765. What do you understand those to be?

Secretary Wilbur. The admiral thinks those are probably shotgun

Mr. Burton. The largest item is \$1,993,795, exports of metallic

tridges. What are those metallic cartridges.

Secretary Wilbur. The probabilities are that means small-arms tridges with the brass case, like revolver and rifle cartridges. Mr. Burron. Are those for military purposes or peaceful pursuits,

e matches and hunting?

Secretary WILBUR. They can be used for both.

Mr. Burron. Predominantly, are they not for peaceful purposes? Secretary Wilbur. My answer would be no.

Mr. Burron. In your judgment is it storage of supplies for war? Secretary Wilbur. You did not ask me that question. You asked me whether it was for peaceful purposes, and I say my judgment

Mr. Burron. Your judgment is that they are not materials for

Peaceful purposes. What are these cartridges?

The CHAIRMAN. They are shotgun cartridges.

Secretary WILBUR. Or ordinary rifle cartridges.

The CHAIRMAN. Or pistols.

Secretary Wilbur. Pistols or rifles.

The CHAIRMAN. A great many of them go to Switzerland for their

shootfests. Are there metallic cartridges for shotguns?

Secretary Wilbur. The metallic cartridges make up a much larger caliber for the fixed ammunition for rapid-fire guns, 3, 4, 4-inch, even 5-inch. I do not want to evade your question, but I do not like to answer something I do not know.

The CHAIRMAN. Would that classification of metallic cartridges, in your judgment, include charges for cannon and other arms down

to shotguns, or what would it include?

Secretary Wilbur. It would not go higher than 5-inch guns but it would go down from that to the .30-caliber rifle or to the revolver. Mr. Burton. Are you quite sure that does include charges for

cannon?

Secretary Wilbur. Am I sure that these items include it?

Mr. Burton. That classification, metallic cartridges.

Secretary Wilbur. The classification would cover it, but whether any were shipped of that type I have no knowledge.

Mr. Burron. The summary does not give that. The exports of explosive shells and projectiles for the calendar year 1927 were \$214,561. What do you understand that to include?

Secretary Wilbur. I think I will not be very helpful to you in going over that list unless I have an opportunity to study it. I do

not think I ought to even speculate on it. Mr. Burton. Other ammunition, including fireworks—the exports were \$518,588. Is that for warlike purposes?

The Chairman. In China; yes.
Mr. Burton. The point I desire to make is that any idea that this could convey serious injury to our trade is not well founded. The figures I have quoted are taken from the Monthly Summary of Foreign Summary of Foreign Commerce of the United States part 1, December, 1927, page 44.

Mr. Moore of Virginia. What is the total of the items?
Mr. Burron. The total for the classification of firearms and ammunition is \$6,020,263, the principal item being metallic cartridges,

\$1,993,795, just about a third.

Secretary Wilbur. That does not appeal to me in just that way, for this reason: The important thing to this country is the ability to manufacture munitions of war, rifles, and so forth. I do not mean that we should not have the rifles, of course, but we are relying very largely in our national defense upon our potential ability to produce the things needed in war. If a factory can produce a dozen rifles,

can probably produce a great many more when the demand comes, I do not think it is as inconsequential as the figures might indite with reference to our exports. It is a question of ability to train en to produce those things in quantity when they are needed. That

my general thought.
Mr. Hull. Does that ability depend on the production of munions and implements of warfare, or is it dependent upon an indusialism of the country that enables them to adapt the tools to that

Secretary Wilbur. On both, I should say.

Mr. HULL. Is it not rather the latter than the former?

Secretary WILBUR. The latter.

Mr. Hull. I have listened for a long time for some explanation the dependence of this country upon the business which munitions akers and arms makers may have in other countries as a necessary ndition for their ability to supply us with like tools and munions, but nothing has been produced here of a definite character to bstantiate that claim-that their potential power to supply us with ms and munitions is dependent on their doing business with other untries that are in a state of warfare. It has all been suggested a general tendency, but I say there has not been anything proced here to substantiate that. If we had to supply ourselves with initions and implements of war based upon an industrialism of at kind, we would have to foment war in Europe all the time. Secretary Wilbur. It does not seem to me that is quite a fair estion. I do not think there is anybody in our department.

Mr. HULL. The department has not set out the facts to show how r the manufacture of munitions or implements of warfare for use other countries is necessary in order to be available as a potential

oply for us.

Mr. Cole. For our preparedness.

Secretary Wilbur. We have not presented that to you, but there ve been studies made jointly by the Army and Navy on that pject. I think that would be available to the committee. I would e to give an illustration that occurs to me that may not seem to a exactly germane; but I was on a visit to the Bethlehem plant years ago, and they were dismantling great machines that must we cost a tremendous amount of money, which it would take a g time to replace. They had been placed there to manufacture nitions during the war. I think they were for guns and for nor plate. They were tearing them down and melting them up put in a different type of plant. I happened to attend a meeting t day at which a gentleman stated that the Bethlehem-I might he was conneced with the university and not with the steel rks-that they would be able at any time to begin production of rmous quantities of war supplies. As a matter of fact, by teardown these machines they were rendering it impossible for them begin the production of such supplies for a long period of time. at may present a picture to you or it may not, but it occurs to me t the thing we are liable to overlook is that manfacturers will retain this type of machinery with the loss of capital involved. erioration and all that, unless they are able to use it. fr. HULL. They are tearing them down now before we pass a

olution of this kind?

Secretary Wilbur. Those particular ones.

The CHAIRMAN. I doubt if that is the reason, because I noticed in the paper the other day that my fellow townsman, Charles M. Schwab, was awarded a peace medal.

Mr. Maas. Is not the whole theory of our industrial mobilization for war purposes the ability of our industries to be converted into establishments to supply the Army and Navy rather than existing to operate as munitions factories independently?

Secretary Wilbur. I could not say. I think that is a correct statement. I am not very familiar with that subject.

Mr. Fish. You naturally are interested in the national defense?

Secretary Wilbur. Yes.

Mr. Fish. You stated before this committee that if this resolution went through-or, rather, if we continued as we are, shipping munitions abroad to belligerent nations-that it would have a tendency to drag us into war with nations or they would be unfriendly toward us. That is your statement-that it would have a tendency to create hostility in that nation toward us?

Secretary Wilbur. I think I made that answer to the chairman's question, and I had in mind the strenuous objections advanced by Germany during the World War to our furnishing ammunition

to the Allies, which we insisted upon doing.

Mr. Fish. If this resolution went through, of course, we would not be endangered by the hostility of any foreign nation. That seems to be the big point.

(Thereupon, at 12 o'clock noon, the committee adjourned to meet

again at 10.30 o'clock a. m., Monday, March 19, 1928.)

House of Representatives, COMMITTEE ON FOREIGN AFFAIRS, March 19, 1928.

The committee this day met, Hon. Stephen G. Porter (chairman) presiding.

The Chairman. The committee will come to order.

STATEMENT OF HON. DWIGHT F. DAVIS, SECRETARY OF WAR-Resumed

Mr. Fish. Have you that information with you as to the number of guns and the amount of ammunition used by the American Expeditionary Forces?

Secretary Davis. They are getting that up in the department and

will send it in. I do not have it with me.

Mr. Fish. When the Secretary of the Navy was here Saturday the question was propounded to him, whether the passage of such a resolution as is now before the committee would not have a tendency to keep the United States out of war, and, as I remember, he stated that in his opinion it would; because if we shipped munitions of war to belligerent countries, the country that did not get the munitions, of course, would be hostile, and, naturally, human nature being what it is, would try to prevent the other party from receiving munitions, by the use of submarines or any other method. Do you concur with

Mr. Fish. Can you explain the reasons why you do not think so? Secretary Davis. No nation has the right to take the shipment of unitions by private manufacturers as a hostile act of a country. nder international law. At the time of the World War it was roposed and strongly urged upon President Wilson that he place embargo upon such shipments. As I understand it, he took the titude that, while legally this country would have the right to do it, might be taken as an unneutral act to put such an embargo upon ch shipments. If it would be an unneutral act, not legally but in e opinion of another nation, to put an embargo on, it seems to me would be much more of an unneutral act, in their opinion, to lift an abargo, as provided in this bill, by Congress.

Mr. Fish. The question was asked the Secretary of the Navy turday, What neutral countries shipped arms to the Central Powers Germany during the war-do you know what neutral powers

ipped arms to Germany during the war? Secretary Davis. No; I do not know. There was a feeling that unitions were going into Germany from some of the neutral powers, t I have no information on that.

Mr. Fish. Is it not a fact that the countries adjoining the Central wers passed either laws or executive orders to the effect that they ould not export any munitions of war to Germany because they rerded that exportation as an unneutral act? It is very contrary to at you have been stating to us here.

Secretary Davis. I do not know what the situation was with regard

their laws. I have not heard that statement.

Mr. Fish. Perhaps it will be interesting to you if I should read briefly the laws or regulations passed by the Swedish Governnt at the outbreak of the war. Immediately after the outbreak of World War, the Swedish Government issued an export prohibin for war materials. Those war-export prohibitions were mainned until the end of the war, and no export licenses were issued to of the belligerent powers. The prohibition of transit of war terial was in force from January, 1915, to the end of the war. have tried to find out whether other countries also had these

ulations, and I am told Switzerland did have the same regula-

They take an attitude contrary to your attitude, that if they had pped munitions of war to any of the countries-the Allies or Gerny-it would have been regarded as an unneutral act and would

e dragged them into the war.

want to find out from the opponents of this resolution how they are that our passage of this resolution, which prevents shipment arms, which is what Sweden and Switzerland and other nations , will drag us into war, as stated in the Post this morning, and, the other hand, why it should not keep us out of war? We are all riotic American citizens. Most of this committee have voted for paring us, and I have been many times with the Chief Executive. he three battle cruisers last year, on the light cruisers, and on the ation of guns, and so forth. We all have the same desire. The stion the committee wants to find out is why the opponents of this

resolution state this will drag us into war, and why this will not stop us from being dragged into war. That is the case in a nutshell. We wish you to present your side to the committee and give us evidence.

Mr. Cooper. As I recall it, the Swedish order was made after the war began. We propose this resolution in a time of peace so that

they will have ample warning before the war begins.

Mr. Fish. I, myself, would hesitate a long while to adopt this resolution in the way that Sweden and some of the other countries did. For a big nation to adopt it at such a time might inspire intimation of fear, but if we are going to adopt it at all, let it be while everything is peaceful with no war on the horizon.

Mr. Cole. I think your question ought to be answered directly and not by any indirection. These shipments that were prohibited were those on the part of the government or subjects of the govern-

ment?

Mr. Fish. Private munitions. Mr. Burron. It is universally so.

Mr. Fish. To all; not only Germany. Mr. Burton. Also, as well, transit.

Mr. Fish. They went much further. In 1915 it would have been regarded as an unneutral act. I am sure if you can enlighten the committee on the attitude that it would bring us into war instead of having a tendency to keep us out of war, we could go ahead here in

discussing the advisability of proceeding further.

Secretary Davis. One danger that I see was pointed out by Mr. Hay and Mr. Root in the past. If a nation itself declares certain articles are contraband and should not be shipped during the war, it becomes in a sense a guarantor that they will not be shipped. There is always the danger in anything of this sort, as we know, that private people will try to ship out munitions or anything else, and there will be charges made, at least, that it is being done. If a nation has said that it will not do that, in a sense it must stop that exportation; under international law as it is now, it is up to one of the belligerents to stop that. The various nations themselves—the ex-porting nations—do not become guarantors in the moral sense that they shall not be shipped. Therefore, it would lead to frequent charges and constant friction, it seems to me, charges that munitions are being shipped, although we have guaranteed that they shall not be shipped.

Mr. HULL. We do not guarantee. Secretary Davis. In a sense.

Mr. Fish. Assuming that is correct, that we do not guarantee at all, but suppose we did, it is just doing the same thing Sweden and others did and they had no trouble with them at all. They only had to ship across the Baltic, which was controlled by the German fleet. To make munitions takes some little time, and to ship them. We would have no difficulty. If the Government did not want to back up the law, they would be shipped. Everyone must agree that if the Government wanted to stop shipment of munitions from this country they could do it. That depends entirely on the Government at that time. What we want to be advised about is whether the tendency of this resolution will be to put us into war or keep us out. Will you develop that idea?

cretary Davis. There is a further question I can see, particuas regards any nation in this hemisphere. Suppose an Euronation should attack some nation in this hemisphere? The eal place for them to get their supplies for self-defense would be country. Under the Monroe doctrine would we not be required fend them if the foreign nation should make a landing on their

r. Fish. You answered your own question; that we are practibound, if it means anything, to do that very thing ourselves.

ould not have anything to do with this resolution.

here are two things we are concerned with: One is the national ase, which we will take up later. The other is whether this ution will have a tendency to keep us out of war. Those are wo matters we want you to discuss before the committee. There use talking about what the Monroe doctrine is. We all have our s on that. If any foreign nation should land on this continent, ould be compelled under the Monroe doctrine to oppose it.

TEMPLE. I want to enter my protest against that interpreta-

of the Monroe doctrine.

e CHAIRMAN. I agree with you.

TEMPLE. We have never taken the ground that an European n must not make war on an American Republic.

. Fish. There is a division of opinion on that.

. Temple. I do not think so.

. Fish. I do not believe this country, regardless of the Monroe ine or any other doctrine, would permit an European nation ake war on a South American country, but do not let us get that argument.

Cole. Congress can review the situation and can permit ship-

of arms.

. Fish. Certainly. Will you proceed with your argument as to this resolution may possibly lead us into war, if passed?

retary Davis. Along what line?

Fish. That is the line that we want to find out. Opponents is resolution claim that this resolution might drag us into war. re unanimous that this resolution will keep us out of war. If going to drag us into war, I will vote against the resolution. CHAIRMAN. Ask the witness some direct question.

FISH. I would rather have him talk than talk myself.

EATON. Has the Secretary taken the ground that this will us into war?

Fish. The Secretary first began by stating that he did not he thought this would not be an unneutral act, the shipment mitions, and I pointed out that foreign nations had taken the de it would be an unneutral act. Taking the case of the great ries, suppose there is war between England and France. retary Davis. Do you believe the shipment of munitions by pri-

nanufacturers is an unneutral act?

Fish. You do not think so.

etary Davis. That was your statement.

Fish. I said that was why these foreign nations, Sweden and erland, passed their embargoes. Suppose there is a war be-England and France, and assuming our sympathy is with e, munitions can only go to England. Do you think that by continuing the present policy it is not going to create hostility in France toward us if these munitions are used to kill French nationals, and will it not have a tendency to drag us into war?

Secretary Davis. I do not see how it could if we are willing to ship

to both sides. We have a perfect right to do it.

Mr. Fish. If England controls the seas and France can not get

them, what then?

Secretary Davis. The fact remains that we have a perfect right to do it, under the international law, if we ship to both sides. If we ship only to one side, I agree with you.

Mr. Fish. Assuming that French submarines come out and sink our munitions ships, has that a tendeny to drag us into war?

Secretary Davis. If they do it contrary to international law. Mr. Fish. If they attack our ships, is that contrary to international law-attacking our ships with American citizens on board?

Secretary Davis. I should think so. Mr. Fish. Has not that quite a tendency, therefore, to bring us

into war with France or with any other country?

Secretary Davis. If they attack our ships, that would bring us in the war regardless of the munitions question.

Mr. Fish. Don't you agree, then, that the present policy has a

tendency to drag us into war and not to keep us out?

Secretary Davis. No; not necessarily.

Mr. Fish. You do not agree, then, that the shipment of munitions by this country endangers this country's peace as far as the attitude of any foreign country against whom the munitions are used is concerned?

Secretary Davis. I think as long as international law remains as it is, by the agreement of all nations, an individual, not the nation,

has a perfect right to ship.

Mr. Fish. Everybody agrees that we have a legal right to ship these munitions, not legally, but under international law we have the right.

Mr. Burton. Not a legal right?

Mr. Fish. A right to ship them and a right to sell them.

Mr. Burton. That is, we do not interfere with private munition makers in the shipment. They make the shipments at their own

Mr. Moore of Virginia. The citizens have a right to ship.

Mr. Fish. We agree to that?

Secretary Davis. Yes.

Mr. Fish. What we want to know from you is whether you are opposing this resolution because you think that this will prevent us from getting into war or may drag us into war?

Secretary Davis. Not primarily. I think there are a great many

other objections to it which are fundamental.

Mr. Fish. Do you agree to this statement that if we refuse entirely to ship munitions that that would have a tendency to keep us out of these foreign wars?

Secretary Davis. It might or might not, depending on the condi-

Mr. Fish. Can you elucidate that?

Secretary Davis. I would like to read one thing that comes into this, it seems to me, as to what the effect would be-that is, the stateent of our committee to the Secretary of State in reporting on e traffic in arms convention:

While registering this view the American delegates would point out that in eir opinion the adherence of all the important arms-producing powers, not ly that of the United States, would realize the objects of the convention. For the United States to ratify and to make the convention effective prior the ratification by other arms-producing powers would only result in placing premium upon nonratifying nations producing, since they would then be trying sell arms to other powers without control and without publicity.

If therefore the convention meets with the approval of the Senate, and if e legislation, which will be necessary to make it effective in the United States, assured, delegates of the United States consider that the deposit of ratification on the part of the United States should be conditioned upon deposit of tifications by the other great producing powers of the world.

And a little later they say:

It is felt, however, that pending the realization of a definite disarmament ogram it would be futile and possibly harmful, as indicated above, to attempt y arbitrary restrictions on trade in war materials which would place the nproducing powers at the mercy of the producing powers and force produc-n by all the powers, and far from accomplishing the purpose of disarmament ght tend toward the increase of the military establishments of certain

Mr. Burton. It is conceded that this resolution is an advance step om the opinion expressed at that time. There is no doubt that it oks at it from a somewhat different standpoint. It is thought ere has been some progress made in the promise of peace by the carno agreement and other negotiations that have been entered to between the powers. I do not altogether agree with the stateents contained in that report, certainly, not at this time.

The CHAIRMAN. As a matter of fact, this resolution with the proion in it whereby the consent of Congress must be obtained, would eck the nonproducing nations as our Government advocated at Geneva conference; at least, we had that purpose in mind in isting that the "consent of Congress" must be obtained to sell

nitions and arms.

Secretary Davis. Yet if all the producing countries passed a similar bargo resolution, which, I believe, is the purpose that this com-tee has in mind, the ideal which you would like to work for, it ms to me it would place the nonproducing countries in the power the producing countries, and that is exactly what they felt in

ruing very strongly against that proposition.

Mr. Burton. Let us face the practical facts in regard to the rights nonproducing countries, about which a great deal has been said. pose there was a war between England and France and our ipathies were with France. Is it not true that under existing ditions, England having much the stronger navy, that country ld prevent the sending of munitions to France? Take another stration which I have already used, Italy and Greece, do you nk any munitions shipped from this country could get by the ian Navy and get into Greece? Take the case of Latin America, u and Chile. If Chile had the stronger navy, could we send munitions into Peru? So this resolution does not create any condition. It merely—I will not say exactly—but it is in line and it does have to recognize existing facts. Suppose one of e nations in the north of Europe, which are essentially pacific, eden, Norway, or Denmark, desired to contest with England or

France, could we get any munitions in there? So it seems to me all this argument that it is a discrimination against the less powerful nations is futile. They could not get those munitions anyway. The more powerful nation would prevail and prevent.

Secretary Davis. Would it not mean, therefore, if they could not get them from other places, that they would have to build up their

own military establishments?

Mr. Burton. That is another question.

Secretary Davis. That is a very important question.

Mr. Fish. Why is that such an important question? Why should we continue to encourage a slaughterhouse? Must we furnish munitions to all the nations for any purpose, whether offense or defense?

Secretary Davis. Do you think it makes for the peace of the world to take action which would require every nation to build up their own huge government arsenals?

Mr. Fish. Do we ship from our Government arsenals even in

time of war to belligerents?

Secretary Davis. No; but if we did not have private industry, we would have to build up very large Government arsenals-huge arsenals which, in itself would possibly be taken by other nations as a threat against them.

Mr. Fish. Why should our country be in a different position? Secretary Davis. We do not want those countries forced to build up government arsenals in every little country. It would breed suspician and fear among their neighbors and might conceivably lead to war.

Mr. Fish. Lead to war with whom? Secretary Davis. Between them.

Mr. Fish. Not with us.

Secretary Davis. Not with us, but between them.

Mr. Fish. Why between them? They would only be in the same position, if they had their own munitions, as if some one else shipped them munitions.

Secretary Davis. You know if one nation starts to build huge government arsenals, its rival nearby would either have to do the same thing or would feel that nation was preparing to attack it, and I think it would certainly lead to sowing the seeds of possible warfare.

Mr. Fish. Are you referring to South American countries or to

Secretary Davis. Any countries.

Mr. Hull. Is that the reason the naval building bill is not serious in its possibilities in stirring up fears of what we are going to do? Mr. Fish. That is the answer.

The Chairman. You might answer that question.

Secretary Davis. I am not an expert on naval affairs, but if we were building up a huge, overwhelming Navy that might be one thing. It is exactly the same principle here, that if any one nation in Europe, say, should commence to build huge government arsenals, which would enable it to attack its hereditary enemy, and the hereditary enemy was unable to buy munitions for its own self-defense, it seems to me it would either be putting the second nation into the power of the first nation or would require the second nation to build up huge government arsenals itself for its own protection, and I

ink it would tend to defeat the very thing that most people are inking of in the interest of world peace, if the nation which is acefully inclined, which has not large government arsenals, which lies on neutrals for its supplies for purely self-defense, is menaced

a great belligerent nation militaristically inclined.

The CHAIRMAN. You stated that you understood President Wilson ok the attitude at the time of the World War that if we laid an bargo it would be an unneutral act. Of course, President Wilson a very high authority. I must assume your information is largely

Secretary Davis. Yes.

The CHAIRMAN. Can you furnish anything in a public paper of

resident Wilson to sustain your statement?

Secretary Davis. I have not looked it up. That was my underanding. I do not think that legally it would be an unneutral act. The Chairman. Therefore, as far as your reference to Mr. Wiln's opinion is concerned, the committee is at liberty to disregard nat you said in that respect.

Secretary Davis. As far as the legal side is concerned. On the her hand, there is always the situation in any international relationip, particularly in time of war, that while a thing may be legal, it ll not bring protection.

The CHAIRMAN. If a nation wants an excuse for going to war it ll find one.

Secretary Davis. Yes.

The CHAIRMAN. You say that if we have an embargo we would be nstantly charged with allowing citizens to ship munitions?

Secretary Davis. There is that danger.

The CHAIRMAN. That is the danger. But that, after all, is more less of a conjecture on your part. All that our Government would bound to do would be to exercise reasonable care in preventing ese shipments. Is that a fact?

Secretary Davis. Yes; as far as the strictly legal standpoint is

Mr. Burton. There might be instances of smuggling. Mr. Temple. That raises the question of due diligence.

Secretary Davis. From the strictly legalistic standpoint that is rect, but in time of war or great international stress, the feelings nations are superheated and they do not stick on strictly legalistic

The CHAIRMAN. You made another statement, that it is our duty defend South American Republics under the Monroe doctrine in

e they become involved in war with European nations.

Secretary Davis. No. The Chairman. You did not mean to go that far?

Secretary Davis. No; I said if they maintained a landing on the pres of a country in this hemisphere.
The Chairman. The Balkan States are recognized as the powder gazine of Europe. The World War began there as many others ve. Suppose this resolution were passed. Some of the Balkan ates anticipating war would know that they could not get muni-ns from America. They would know they would have to go to intries intensely interested in preserving peace, Great Britain, ance, Belgium, Holland, and Germany, to secure munitions.

Would not the fact that there would be doubt about their ability to get munitions from those European countries tend to deter them

from going to war?

Secretary Davis. I think the great difficulty there is that you have these understandings or obligations between these various Balkan States and some other power, divided spheres and influence with groups of nations. If they can not get munitions for self-defense from some neutral source like this country, which is not interested in any of those groups, they would be thrown into the hands of these various groups which would thus have more power over them than they have at the present time.

The Chairman. That group of powers in Europe, the big five, is

certainly interested in preserving peace in Europe.

Secretary Davis. Yes, but they have separate interests, often diverse and opposite interests in their relationships with the various groups of the Balkan States, and that is one danger of that whole sit-

Mr. Hull. War against one is war against all. I believe they

have a covenant to that effect.

Mr. Moore of Virginia. The argument offered against this resolution has two prongs. In the first place, it is suggested that to pass the resolution might compel other nations to do what they are conceivably not doing now, to build up factories for the manufacture of munitions of war, being disabled from obtaining supplies here. Do you not think that argument is continually losing force, in view of the new methods of warfare, for instance, submarines? If we go along as we have been doing heretofore and shipments are sent out by American citizens in American vessels, or foreign vessels, those vessels would be liable to attack by submarines. Of course, this Government could not sacrifice its policy of governmental neutrality by undertaking to convoy or protect those vessels, and so it strikes me that the proposition now noticed is whittling away all the time. Is that a reasonable view?

Secretary Davis. From our last experience in the World War, the thought that I can not get out of my mind is that if this embargo had been in effect and had not been raised, our enemy and not our

allies would have won the war.

Mr. Moore of Virginia. But we all agree that was an exceptional tragedy, and that if such a tragedy occurs again it will probably shake the foundations of civilization so that there will be, perhaps, nothing much left. I am talking about conditions of warfare of a more or less ordinary character, and it seems to me when those conditions occur, what I am presupposing will be the case.

Take the other prong of the argument, that is, if we discontinue the present practice we may be losing our ability to be prepared for war. But it was said here the other day by the representative of the chemical interests that it only requires 15 days for a chemical factory to be converted into a factory for the manufacture of war material, and that they would be available in that time. What I would like to have you do at your convenience for my information as a person ignorant on this subject, is to survey the situation and tell me to what extent, in such an emergency as I am forecasting, we are dependent upon private producers, and what would be the expense and the difficulty for us to supersede private production by under-

aking our own production?

I ask you to do that because if we can do it I want to get our people out of a business which I consider a homicidal business. I lo not believe, and I know you and I have the greatest respect for ou. I do not believe you would consent for a minute to produce this naterial of war and ship it to a nation to be used in killing people. Ve might say it is legal for John Smith, Jim Jones, or George ohnson to do it, and they can go along and do it because it is legal, out you and I would not do it, and there are millions of American itizens who would scorn to do it. They would rather go in rags han to do it, and for that reason I will ask you, if you will, to make he kind of analysis that I am asking for and give me the benefit of our information, because as far as I am concerned I would rather ave this great rich Nation spend a great deal of money in looking fter its own preparations for war than to continue upon a course of usiness now sanctioned but in my opinion wrong. That is all I

Secretary Davis. I will be very glad to make that analysis. Offand, from my own knowledge, I could give you a general statement,

ut not in detail.

Mr. Moore of Virginia. I would like to have it in detail.

Secretary Davis. As regards the chemical industries, I do not now how long it would take them to get in. That is not a serious fficulty. The one that would take the longest is the question of anufacturing of artillery and munitions. It takes, I suppose, from we to seven months in a great many of the items. General Ruggles in give the details better of getting into production. For certain ems it would take 12 to 18 months to get most production.

Mr. Moore of Virginia. That might point to an exigency for this overnment in getting into these operations to wait on people who ke from six months to a year or more to get ready because nobody n tell what will occur to our disadvantage in that period of time. Secretary Davis. As regards the Government doing it, I will be

ad to make a statement of it.

But we must realize that in modern warfare the problem is so mplex that it goes into every possible kind of business. It is very fficult but I suppose you could figure out what it would cost to ild arsenals, and you have other complex problems affecting raw aterials, and so forth. I will have to give general figures.

Mr. EATON. Do you feel as we all do, that it would be very mean d wicked for individuals to engage in producing these murderous oducts, and yet take it away from part of the population and put

upon the whole population?

Mr. Moore of Virginia. No; I propose taking away from citias the right to produce and ship it out and vest the right to proce it in the Government, because the Government as a neutral uld be prevented from shipping to any belligerents.

Mr. Cooper. And no motive on the part of the Government for

sonal profit.

Secretary Davis. To develop what you want I will continue that ittle further. There is another side of this matter that has not l, perhaps, sufficient consideration. Munitions, of course, are not only factors necessary in warfare. We shipped a great deal

more in value in food and raw materials, considerably more than we used for muntions, undoubtedly, in finished munitions, during the war. That raises the point of how far you want to go into that.

Mr. Moore of Virginia. We are not raising the point of an economic boycott here. That question has been raised and talked about. We are aiming to take this one step. I realize the force of

what you say, however.

Secretary Davis. You would not prohibit the shipment of food and certain essential raw materials. That is plain, but there are other reflex angles to that. Suppose all the other countries adopted this same principle of embargo. There are certain essential items in our own manufacture for our self-defense, in munitions, which we must get from other countries. We can not manufacture all the things we need for our own self-defense, purely from the things we have in our own country. If every other nation put on an embargo, and particularly an embargo on those essential raw materials, would it not be a rather serious question where we were going to get those?

Mr. Moore of Virginia. I think you have two considerations there. First, as to whether the Government if it went into the business could accumulate materials in advance, and, second, how

important those materials are.

Secretary Davis. They are absolutely vital, the things I have in mind, a certain list of things that are absolutely vital.

Mr. Moore of Virginia. I have asked these questions not as a pro-

fessional pacifist.

Secretary Davis. I know that,

Mr. Moore of Virginia. I scorn that idea. I supported the naval bill before the House the other day and I believe in reasonable preparedness, but I am very deeply interested in getting our citizens out of this sort of business.

Secretary Davis. I will do the best I can to answer your question

in the record.

Mr. Hull. You suggested that the passage of this resolution would tend to discourage some industrial plants from being ready to prepare us with necessary supplies of war. Has the department any list of those plants that can supply us with those things, which would go out of business if they do not have the right to ship munitions

supplies to other countries at war?

Secretary Davis. That is a question that can not be answered by any definite names, naturally. We have to go back to our experience in the World War, and I will get the figures for you as to what the difference in time would have meant there. Suppose that our manufacturers had not been able to take any orders from our allies, not regarding it from the standpoint of whether it would have meant victory for the Germans or not, but suppose they had not been able to make all the different classes of munitions from the time the war was on and before we went into it. If we had relied on our own munitions, we would not have had those munitions until a year and a half later than we did. We did not have everything we wanted as it happened. It took many months beyond the time to get some of the essential things, and we would have had practically nothing.

Mr. Hull. The Allies did not have very much to supply us.

Secretary Davis. They helped out enormously.

Mr. Hull. It was 18 months or more before we began to supply

Secretary Davis. If they had not done that it would have made an normous difference. I would be glad to put that into the record.

Mr. Hull. We have not had war for 10 years. I do not know what ne prospects are but they do not look very alarming. I think it is ife to say we will not have one for another 10 years. Should all f these industrial plants go out of business and be unprepared to apply us with munitions because we will have no war for another

Secretary Davis. No; not necessarily. I am taking that from the perience in the World War. If this had been in effect at that time, e would have been tremendously hampered; not only hampered, we ould have had nothing at the time we went to war, and our boys ould have lost their lives because they did not have guns to protect

Mr. Fish. I asked at the last meeting if you could bring here the umber of American guns and shells used by our boys on the other

Secretary Davis. I will be very glad to. That is an illustration two or three things which we did not supply even in those 18 onths. I think it was due to other reasons. One was the fact that were not prepared and had no plans, no standardized designs those things; it was due to our lack of preparation.

Mr. Fish. Artillery is one of the most important parts of the stem of offense and defense, and we practically did not use any nerican artillery or American shells, and, of course, we could not

American shells if we did not have our own artillery.

Secretary Davis. We were able to borrow from our Allies because had shipped them a lot of things. One of the greatest safeguards this country in national defense is the wise provision put by ngress in the national defense act, section 5-a, which puts upon Assistant Secretary of War definite responsibility for planning advance to meet the situation for our own defense.

Ir. Fish. Is not that what you have done for the past five years?

Secretary Davis. Exactly.

Ir. Fish. And you have made wonderful strides, yourself, Macler, the previous Assistant Secretary, and the present Assistant retary, preparing industrial organizations for conversion into nitions works, and yet if this resolution went into effect, it would harm our defense preparation to the extent of putting them k to where it was 10 years ago.

ecretary Davis. It is not a question of producing but of planning dvance. We have made a tremendous advance, and the statement ut artillery and airplanes would not be a true statement of facts ay, because if they had gone as far with preparations and plany before the war as we have gone to-day, we would have had our

airplanes and artillery in the 18 months.

r. Fish. That is one of the great things your department has e in the way of defense.

ecretary Davis. Yes.

he Chairman. You say when we entered the war there was a lack reparedness. To what extent were we unprepared, 50 or 75 per

Secretary Davis. It is hard to put it into percentages, but particularly from the standpoint of supplies and for the planning for the

things we needed, we were very seriously crippled.

The CHAIRMAN. The point I am trying to develop is this. Take the position that the production and sale of these munitions during our pre-war period prepared us for the war. According to your records we manufactured and shipped \$4,000,000,000 worth of munitions and even that experience did not prepare us fully for war.

Secretary Davis. It prepared us in a great many different lines.

That was notice to other nations.

The CHAIRMAN. Did you not have to change dies and machinery in practically every munition factory in America to make the kind of guns and artillery that were wanted?

Secretary Davis. Only in some instances.

The Chairman. Entirely different from the European kind? Secretary Davis. Only in some instances, and that is what we are planning now, that we will not have to do that sort of thing.

Mr. Hull. That preparedness is not conditioned upon supplying

other nations with raw materials?

Secretary Davis. Not entirely. We divide the planning into various phases: First, a certain length of time to draw up your requirements. We did not even know what we would require in the last war. In the actual production in any factory work it takes a certain length of time to draw up plans and specifications. It takes a very great length of time in the artillery end to get jigs, gauges, and dies necessary for manufacturing, and it takes a certain length of time to begin actual production. It takes a certain length of time, comparatively short, to get into full mass production. By being in production and making these things for the Allies they had gone through the first phases and were in the final phase of mass production, so that there was a tremendous saving in time, a saving due to the fact that they were making these supplies at the time. That is a rather complicated statement.

Mr. Temple. One instance to illustrate the point, which occurred in the World War was in the production of small arms. One of the big manufacturers of small arms in this country had a contract to supply rifles with Great Britain. A Member of this House who knew of that contract and was intimately acquainted with the manager of the plant, having observed that it took nearly 13 months for that company to equip itself to make the first shipment of Enfield rifles, began to wonder in what position we were. We had 700,000 Springfield rifles. He wondered what position we would be in, and he made an inquiry at a plant manufacturing Springfields of what their capacity running 24 hours a day would be in delivering the Springsfields, and what the wastage would be on the 700,000.

He inquired of the manager and the manager told him that the fact that they were manufacturing rifles did not enable them to manufacture the Enfield rifle, that they would have to equip themselves with jigs and dies and gauges, and that it would have been about as easy for the National Cash Register people or the Burroughs Adding Machine people to get out and manufacture small arms.

Then, Mr. Tilson introduced a bill in the House appropriating a million and a half dollars for jigs, dies, and gauges, so that they

could transform the manufacturing plants in 2 weeks histead of 12 months. The bill was passed. The War Department did not use the money, but when the war came on it took nearly a year for those people to reduce the Enfield rifle to our caliber. There was a difference in the cartridges used, rimmed cartridges in the Springfield and rimless cartridges in the Enfield, for instance, and it took nearly a year before they could transform the machinery and they could much more quickly make the modified Enfield than the Springfield. That is the reason our men were equipped with the Enfield rifle. It took them nearly a year to manufacture the Enfield for Great Britain. It was about a year after we got into the war that that plant was ready to manufacture the modified Enfield rifle for our soldiers.

Secretary Davis. That is one instance.

Mr. Temple. You are familiar with that instance.

Secretary Davis. General Ruggles would be familiar with it. That is one instance. There are a great many other things where we did actually use some of the things they were turning out. The very illustration you give shows what Congress has been doing on one scale, and what I have asked them to do in another matter is to provide jigs, gauges, and dies.

Mr. Temple. I hope you are doing that now. I hope you have got them ready to be transformed in case of necessity, but I hope the

necessity will not come.

Secretary Davis. We get an appropriation of \$50,000 each year

for jigs, gauges, and dies.

The Chairman. March 15, 1928, I received the following letter from Hon. Walter H. Newton:

MY DEAR MR. PORTER: It is my understanding that at the request of the Committees on Military Affairs and Naval Affairs, and several individual members of the House, that your committee has decided to hold hearings on the Burton embargo resolution. I am very glad to hear this

The question is a most important one, and it would be extremely helpful to individual members of the House if they can have the benefit of the evidence pro and con before making up their own judgment in reference to the resolution.

In this connection I should like very much to have the committee invite one or more prominent international lawyers or publicists such as John Bassett Moore, James Brown Scott, David Jayne Hill, Charles Evans Hughes, or others somewhat similarly known, this in addition to whomever you desire to call from our own State Department.

On receipt of his letter, I felt we should go to the proper officers of the Government to secure this information, and the officer charged with that duty is the Secretary of State. I can not subscribe to his idea of going outside when we have officers whose function it is to discharge a duty of this kind. I have here this morning a reply from the Secretary of State, which I will read.

(The letter referred to is as follows:)

THE SECRETARY OF STATE. Washington, March 19, 1928.

Hon. STEPHEN G. PORTER. House of Representatives.

Sir: In reply to your inquiry of March 17, 1928, regarding House Report No. 492, which was made on House Joint Resolution No. 183, introduced by Mr. Burton, I have the honor to submit the following

neutral State to permit or to forbid the exportation of arms, munitions, or

Neutrality may be said to be an attitude of impartiality by nonbelligerent States toward belligerent States. It is not perceived that the resolut on would have any effect on the definition of neutrality. There is no obligation on a

implements of war by private persons. Therefore, the prohibition of traffic in arms, munitions, and implements of war as proposed in the resolution would not violate the obligations of neutrality.

Nor would action taken by Congress to lift an embargo constitute a hostile act, a violation of neutrality, or be cause for declaration of war by a belligerent country, provided such action by Congress applied equally to all the parties to a

I have the honor to be, sir, Your obedient servant.

FRANK B. KELLOOG.

Secretary Davis. Mr. Moore of Virginia, particularly, has developed a very interesting technical discussion here, that I think is of great importance, and it so happens that General Ruggles, Assistant Chief of Ordnance, has made very thorough studies of that, and is in charge of the work I am talking about. I think it would be interesting to ask him questions about that.

The Chairman. When Mr. Secretary Wilbur was on the stand I

asked him this question:

You recognize, inasmuch as you have suggested matters of policy, that the shipment of arms from one belligent to be used against another causes ill will toward us on the part of nations against which these arms and munitions are

Secretary Wilbur. I think you gentlemen are just as able to form an opinion on that as I am, and I do not believe my opinion would be of any assistance

The CHAIRMAN. Is there any doubt about it in your mind?

Secretary WILBUR, None whatever.

Do you agree with Secretary Wilbur that it would cause ill will

on the part of belligerent nations?

Secretary Davis. There might be one cause of ill will. It seems to me the feeling that exists to-day in other nations toward us is not due to the shipment of arms so much as it is to various other matters,

such as matters of debts. The CHAIRMAN. You mentioned the World War, and stated that our manufacturers were an important element in winning that war. Of course, there can not be any doubt of that. Did you ever stop to think, in view of what the German Government said, while we were shipping munitions to the allied powers, what the attitude of Germany would have been toward us in case the war had gone against us? Is it not likely she would have been much more severe than if we remained neutral, and would have carried out the threats to make us pay for all the damages done by those munitions?

Secretary Davis. I have my own opinion of what Germany would have done to us if she had won the World War, but I would rather

not express it.

Mr. HULL. I am bothered with a dilemma in your testimony and the testimony of all these people who believe the shipment of arms to other nations is a method of preparation on our part for war with some other nation. Surely there is some other way to be prepared for the contingency of war than by the warring of other nations to give our munitions makers and artillery manufacturers business. Surely there is some other way of meeting the situation. That is an absurd dilemma.

Secretary Davis. The alternative would be the building up of enormous governmental arsenals, spending hundreds of millions

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f dollars, and possibly that might be the cause of friction with

Mr. Hull. I do not like to believe that is the alternative—that we nould have to build up these great arsenals. How much of the me and capital of these industrial plants is spent now or has been pent in the last 10 years in the manufacture of artillery and municipal for notions at war?

ons for nations at war?

Secretary Davis. Very small.

Mr. Hull. They have been able to survive.

Secretary Davis. Some of them have gone out of business.

Mr. Hull. Suppose they have gone out of business. There is a prospect of an European war that will give them business now. Secretary Davis. The point you miss is that in the case of a new ar like the World War, if that prohibition had been in effect, we ould not have been able to supply the Allies, in the first place, and the second place would not have been able to supply our own are

Mr. Hull. In case of a new world war we might be neutral.

Secretary Davis. Nobody can answer that question.

Mr. HULL. We might be in it some way.

Mr. Maas. So far, Mr. Secretary, the line of reasoning has been resented on the basis of the possibility of a war among other naons, in which we are going to become engaged after a while. What reparations have been made for our necessary defense in case we are volved from the very beginning?

Secretary Davis. All these plans I have been speaking of under

ction 5-a of the national defense act.

Mr. Maas. Having our plants in such operation that we can be pplied, or would we have to wait until these plants can be built up? Secretary Davis. Absolutely not. I think one of the wisest measures ongress has passed of recent years is section 5-a, which requires to do what you have in mind.

Mr. Maas. If the evidence proves that this resolution would interre with our national defense, I would vote against it. There is no conger advocate of an adequate national defense in Congress than I

Secretary Davis. I think General Ruggles can give you the details. The Chairman. This matter in my mind has resolved itself into is question: How far would interference with the manufacture of initions in time of war between other countries interfere with our n preparedness? The poison gas interests were here and said they all be prepared in 10 days. Secretary of the Navy Wilbur said actically the same thing. It does seem to affect the Army in some riculars. I would like General Ruggles, or the man in charge munitions, to give us a specific answer on this phase of the matter, owing just what articles munitions factories in the pre-war period de that were used afterwards in the World War.

Secretary Davis, I will be very glad to do that.
The Chairman. Not in general, but as Doctor Temple pointed out, scific instances, such as the Remington-Arms Co. making 700,000 field rifles in a certain time did not help us one iota when it came making our own rifles. That may be true in the case of other icles that are important to the national defense. I would like to be something definite.

Secretary Davis. If you are willing to take the time, you would find it interesting to let him outline in general what the department is doing and what it effects in point of time.

The Chairman. I would be glad to hear that, but not to interfere with what I am asking—in what respect the manufacture and sale of \$4,000,000,000 worth of war materials involved us in the conflict.

Secretary Davis. I will be glad to do that.

Mr. Korell. Suppose we continue with the policy of relying upon private arms and munitions factories, and that they in turn are dependent upon the continuance of foreign wars in order to keep their plants in condition to meet the emergency of the United States getting into another war; suppose that foreign wars were to terminate and the private factories should be forced out of business as a consequence—what would become of our plans for national defense if we should have a war a couple of years after they shut down? Would they disappear? Would there be anything left of our preparedness?

Secretary Davis. Of course, the plans are not dependent on that in any sense. Our plans can be made and, as General Ruggles can show you, there would be a tremendous saving of time in getting into production; but if they are prohibited in time of war from making munitions for other nations and the other nations are permitted to do it, it certainly gives those other nations a tremendous

advantage over us in case we are drawn into war.

Mr. Maas. If we adopt this resolution, would our industrial plants, that are holding themselves in readiness to convert their machinery

into making munitions and arms, give up those plans?

Secretary Davis. No; I do not say that; but I say, if this resolution was in effect, if this embargo was in effect and there should be a war similar to the World War, we would be tremendously handicapped by this embargo.

Mr. Maas. I can not see, if these industrial plants which you have already mobilized will continue to be ready to be converted, if this resolution goes into effect, how it will affect our national

defense

Secretary Davis. The experience in the World War is enlightening on that. The fact that you have your jigs, gauges, and dies on hand, that we are already in the process of manufacturing them, means a saving on the average of five to seven months.

Mr. Maas. Do they not have these jigs and gauges now? Secretary Davis. No; that is one of the serious things they have

The Chairman. You made one answer that I would like you to elaborate. You said, in case this resolution was in effect and war took place, we might find ourselves at a great disadvantage. Do you not think the Congress of the United States would recognize that fact since there is a provision in the resolution to remove the

embargo?

Secretary Davis. I do not think so, because generally it does not become evident to the ordinary citizen until a great many months. He does not know about the technical manufacturing features, and

so forth.

Mr. Maas. Would you present that information to us.

The Chairman. Congressmen are men of ordinary intelligence.

Secretary Davis. More than ordinary intelligence. But I did not ow anything about it before I came into the department, and I as a citizen of average intelligence. I knew nothing about it, and

did not realize the importance of it.

Mr. Hull. Your policy is based upon a general war in which we me in a little late. Suppose war is sprung on us without any her war in advance? What help would the munitions makers and tillery makers be to prepare the United States with supplies? Secretary Davis. That would not enter into this situation.

Mr. Hull. Your answer is always predicated upon the repetition the statement that the World War was going on for three or four

ars before we got into it.

Secretary Davis. I can not get out of my mind the idea that if is embargo had been in effect at the time of the World War we ould have been defeated at a heavy cost.

Mr. Hull. That is looking backward. We are looking forward. The CHAIRMAN. Congress would have the intelligence to remove

e embargo in time to save the situation.

Secretary Davis. That is for you to say. I do not think there is ny public demand for it because the public would not understand

It is a technical question.

Mr. Cole. You are presuming a great deal, and also are not able presume that in the case of the World War Congress would have ted and permitted the export of arms to the nations that became

Secretary Davis. If they had removed such an embargo in order ship munitions to one side, while legally the other nation prob-oly could not have taken exception to it, I think unquestionably it ould have made an enormous amount of friction and probably ould have brought us into the war at that time.

Mr. Cole. Suppose we had removed the embargo and permitted

e free shipment of arms?

Secretary Davis. That would have brought us into the war much rlier than we did.

Mr. Cole. Perhaps it would have been better.

Secretary Davis. I agree with you.

Mr. Fish. The question before us is whether private munitions akers shall have control over sending munitions abroad or whether ne power should be lodged in Congress.

Secretary Davis. It is also bringing in the private munitions akers as being the case of war. I have never seen a war in all istory brought on by that, certainly not in this country, and the atter of getting into war or not getting into war is always in the ands of Congress.

Mr. Fish. I want this on the record. I do not know of any factor nat tends more to get the United States into war with foreign ations than by permitting or continuing the same policy in future oreign wars of private munitions makers sending munitions to the ations who are belligerents and going always to the side that conrols the sea. The side that does not get them naturally will be pposed to it and it will probably eventuate in dragging us into the

Secretary Davis. You must remember another thing that appeals o me, that we are trying to stop war by various methods. Most

people think the way to do it is to cripple the nation which has aggressive designs against another nation. Let me put it in words of one syllable. Suppose nation A is a militaristic nation determined to attack nation B, which is its leading rival in the past years, and has built up a great reserve of munitions either from government arsenals or buying in peace time, and has put itself in position to make an attack by crushing and overwhelming nation B, which is a peace-loving nation and not desirous of building up these enormous reserves or has not the ability to buy munitions for its own self-defense for the most laudable purpose; if neutral nations cut off their supplies you are absolutely putting the peace-loving nation in the power of the militaristic nation.

Mr. Burron. As I have already stated, we must view that question

from a practical standpoint.

Secretary Davis. I am trying to view it from a practical stand-

Mr. Burton. The small nation would be in such a disadvantageous position, shut off by a blockade, and would have such an insufficient supply at the outbreak that it would be at the mercy of the larger

nation. It is the larger and more powerful nation that would benefit, regardless of the desire for peace and justice on our part. Suppose there is a war between Italy and Greece, would you be able to get by the navy of Italy to get munitions into Greece in case of

Secretary Davis. Suppose nation B, that I illustrated, a peaceloving nation, has control of the sea, but if they could not get their munitions from neutral nations that advantage would be as nothing.

Mr. Fish. If France and England adopted it. Secretary Davis. Exactly. As I said, the ideal is to have France

and England adopt exactly the same embargo.

Mr. Fish. You said if all agreed you would not have any objec-

Secretary Davis. I beg your pardon; no. If all producing nations entered into such an embargo, the nonproducing nations would be

absolutely in their power, in my opinion.

The CHAIRMAN. It has been my observation as a result of study and service in the House for many years, that everybody is for peace just as long as it does not interfere with economic interests. Inasmuch as nine wars out of ten result from economic antagonisms, it is difficult to preserve peace. That is the whole story. Secretary Davis. My position is not due to economic reasons.
The Chairman. No?

Secretary Davis. It certainly is not.

The CHAIRMAN. No; but that is the story. Secretary Davis. Nor the opposition of anybody that I have heard. I have never heard of anybody that had an economic interest, whether they were opposed or not. My interest is not from that standpoint. Mr. Cooper. I understand the chemical interests objected to it

largely because it would interfere with their profits.

Secretary Davis. Probably they did. They are the only ones. The Chairman. They were the first objectors, primarily, as they themselves stated, because it would interfere with their profits. That

is a fair analysis of their statement.

Mr. Korell. I want to say that the testimony of the Secretary of ar has been most helpful, but he has been interrupted in presentg his views by a variety of questions, and his testimony has not d the necessary continuity. I wonder if the military board has rmulated specific objections to the resolution as the naval board

The Chairman, I have a communication from the War Depart-

(Thereupon, at 12 o'clock, noon, the committee adjourned to meet ain at 10.30 o'clock a. m., Tuesday March 20, 1928.)

> House of Representatives, COMMITTEE OF FOREIGN AFFAIRS, March 20, 1928.

The committee this day met, Hon. Stephen G. Porter (chairman)

The Chairman. The committee will come to order.

ATEMENT OF H. N. FOSS, ASSISTANT TO THE SOLICITOR FOR THE DEPARTMENT OF AGRICULTURE

Mr. Foss. I am assistant to the Solicitor of the Department of riculture.

The Chairman. How long have you held that position?

Mr. Foss. I have been there since 1922.

The Chairman. Have you examined House Joint Resolution 183? Mr. Foss. Yes.

The Chairman. Especially item 14 under section 3?

Mr. Foss. Yes.

The CHAIRMAN. Will you state whether or not in your opinion approval of the resolution containing that item 14 would intere with cotton or the sale of cotton?

Mr. Foss. I am authorized, I might say, to speak for the Solicitor the department, who has also considered the bill, and I have mined it myself also, and I am authorized to state that neither solicitor nor myself consider that the resolution as drafted ald prohibit the exportation of raw cotton under the conditions tten in the resolution.

The CHAIRMAN. Will you kindly state your reasons for that

nion ?

ld be so as to cotton.

fr. Foss. The reasons are based entirely on the language used paragraph 14. It says, "component parts of the articles enuated above," and I understand that cotton is used in the manufacof gun cotton. The paragraph goes on to say-if these coment parts be "capable of being used in the assembly or repair he said articles."

do not believe that assembly or repair could be said to mean sufacture, and I would consider that cotton would be used in manufacture and not in the assembly or repair. I noticed the er day that the expert from the Chemical Foundation indicated he considered in connection with some gases or explosives that bining two elements would be an assembly. I do not agree that

The Chairman. In other words, the language of the resolution, "used in the assembly or repair of the said articles or as spare parts," would not cover cotton, because cotton must go through a certain process before it is useful in the making of munitions. Mr. Foss. Yes; I would say it would be used for manufacture

The Chairman. Cotton could not be used to repair munitions. To assert that is absurd.

Mr. Foss. No.

Mr. Linthicum. Do you not think it would remove all doubt if

sections 13 and 14 were transposed?

Mr. Foss. No; I do not think that would make any difference in connection with cotton because 13 refers to gases and acids. Cotton to my mind would be a minor concern. Paragraphs 5 and 6 have to do with cannon and ammunition, so if you placed 14 just before 13 it would still refer to ammunition.

Mr. Linthicum. Some one the other day thought the shipment of cotton would be prohibited, and you and the solicitor think it would

not. There is a doubt right there.

Mr. Foss. My recollection is that the suggestion that they be interchanged was for the purpose of eliminating its application to poisonous gases and acids. It was the Chemical Foundation man who was on the stand at the time, and his testimony had to do with poisonous gases and acids.

Mr. Linthicum. I would like to have all doubt about cotton removed, because the cotton men are particularly interested in this bill.

Mr. Moore of Virginia. So you do not think the agricultural interests will be prejudiced by this bill, however much it may interfere with carrying on war.

Mr. Foss. Not in so far as exportation of raw cotton is concerned. Mr. Moore of Virginia. Or the exportation of anything else, as

far as you can say.

Mr. Foss. As far as I know. I do not think that any court, this being a criminal statute and, therefore, strictly construed, would ever say that they would prevent exportation of cotton.

Mr. Moore of Virginia. I think that is beyond peradventure the

most sensible view.

STATEMENT OF G. S. MELOY, ASSISTANT CHIEF MARKETING SPECIALIST. DEPARTMENT OF AGRICULTURE

The Chairman. What is your official position? Mr. Meloy. Assistant chief marketing specialist, Department of Agriculture, specializing in cotton and cottonseed products.

The CHAIRMAN. In the discharge of your duties, is it necessary for you to have contacts with the War Department in regard to cotton?

Mr. Meloy. In the course of my studies of one form of cotton linters, which form is chiefly used in the manufacture of explosives, I have had some contacts with one branch of the War Department and also with some of the munitions manufacturers. My contact in that respect was that I was studying this particular form of cotton known as cotton linters for the purpose of establishing standard grades, and my object was to incorporate in those standard grades as nearly as might be the requirements of the consumers. That brought me in contact with some of the munitions manufacturers and with the Chemical Warfare Service, and I did incorporate in those grades he requirements of those types of consumers.

I suppose, going directly to the point you are interested in, you vant to know whether I had found any form of cotton which is used

s such as explosives, and I have not.

Cotton is a form of cellulose, and it is not an explosive in itself, ut nitrocellulose is an explosive, and that is manufactured and may e manufactured out of any other form of cellulose in addition to otton. The only form of cotton that I have found that is used in ne war industries, you may say, without change, is a form that has een developed in the Chemical Warfare Service, where the fiber f one of those grades is simply floated in water without any chemial or other change, and that is used not as an explosive but as a life

Mr. Linthicum. Do you know how they manufacture this gun-

Mr. Meloy. Guncotton is cellulose. It is rather a misnomer. It a common term used to describe nitrocellulose, which is manuctured by treating cellulose with nitric acid.

Mr. Moore of Virginia. They use the linters. That is very cheap

compared with other cotton.

Mr. Meloy. It is a cheaper form.

Mr. Moore of Virginia. Linters is almost next to what is called

Mr. Meloy. It used to be considered refuse but it has become Iuable and I have seven standard grades for it and each of these ades enters into a different channel of consumption.

Mr. Moore of Virginia. The staple is too short for other uses. Mr. Meloy. In the higher grades of linters the staple, the length the fiber is almost equal to that of cotton and may equal it, but at is called the staple in linters is not the schedule length of fiber, a blending of the side and top fibers, the short and long fibers, the greater the per cent of short fibers the lower the grade or lower the staple, as it is called.

Ir. Cole. We are to understand, then, that, as far as the cellulose ustry, especially as far as cotton is concerned, there is nothing in s resolution that would interfere with the trade in and export of h products.

Ir. Meloy. Cotton of itself is not an explosive. It must be manu-

tured into an explosive.

Ir. Cole. And the language of this resolution does not cover it. fr. MELOY. The solicitor of the department advises me that he s not believe it does.

TEMENT OF HON. CHARLES B. ROBBINS, ASSISTANT SECRE-TARY OF WAR

he Chairman. Mr. Robbins wishes to read his statement without

r. Cooper. The other morning Secretary Wilbur read a letter ch had already been printed in the newspapers and with the cons of which most of us were familiar. A prepared statement ted in the newspapers in its entirety may convey a very wrong-

ful impression, as I am confident the letter of the Secretary of the Navy did. I do not like to have the committee now tied down so that Mr. Robbins can not be interrupted should a member feel that the prepared article he is going to read is erroneous in its statement of alleged facts. I think the antidote ought to be applied as quickly as possible, or at least an attempt ought to be made to apply it. Many people might read a lengthy inaccurate, prepared statement and not read anything else, and if there are no interpolations, be entirely misled.

Mr. Burron. How long is this statement?

Mr. Robbins. I can read it in 5 or 10 minutes. It deals very largely with what the office of the Assistant Secretary of War is doing under the mandate of Congress contained in section 5-a of

the national defense act toward the national defense.

The Chairman. I am in accord with Mr. Cooper about prepared statements. All we can do is to make a few notes, and it is impossible to elicit the information that a man would like to have. I think it would be better practice for those who have prepared statements to send them to the committee in advance so that we may have an opportunity to study them and be able to ask questions more intelligently on the subject.

Mr. Linthicum. I reserve the right to ask questions. We do not

have power to bind members.

The CHAIRMAN. No.

Mr. Moore of Virginia. I think we ought to allow the gentlemen to go ahead.

Mr. Linthicum. You did not hesitate to ask the Secretary of the Navy questions.

Mr. Moore of Virginia. I got into trouble.

Mr. Linthicum. Probably I will get into trouble now, but I re-

serve the right.

Mr. Cole. I think we ought to reserve the right to ask questions if we find an erroneous statement, but I am of the opinion you will not find any erroneous statements in his statement.

The CHAIRMAN. Proceed.

Mr. Robbins. Under the national defense act it is made the duty of the War Department to plan for national defense and, particularly, the duty of the Assistant Secretary of War to make plans for the procurement of supplies for future defense.

Since 1920, under Colonel Wainwright, Colonel Davis, and Colonel MacNider, who have successively filled the position of the Assistant Secretary of War, a comprehensive plan has been worked out whereby the industries of the country can be mobilized and utilized to the fullest extent by the Nation in a time of national emergency.

The entire country has been divided into what is known as 14 procurement districts, each under a chief, a civilian officer of the Reserve Corps, capable of dealing with business problems of purchase and supply in a business way. In each of these districts a survey was first made of the factories and utilities which would be capable of supplying the various branches of the Army, such as Quartermaster Department, Engineer Department, Chemical Warfare Service, Ordnance Department, Air Service, Signal Corps, and Medical Department.

Through splendid cooperation with the owners of the various facories, a survey of the capability of each factory to produce certain eeded articles has been made. Each factory has been furnished lans for each article which would be required from such factory. schedule of production has been worked out, and the productive pacity of the plant has been determined as to its ability to supply e needs of our defense program.

Many articles, of course, are identical with those now being made, ich as clothing, tentage, food supplies, and so forth. Others renire changes in machinery of the plant in order for production to started. These articles are munitions of all kinds, fire-control ap-

aratus, and the like.

House Joint Resolution 183 deals with arms, munitions, or impleents of war, so I shall consider principally those articles required

the Ordnance Department.

Very little ordnance material is manufactured at the present time. ar has become more and more a mechanized affair. Without tomatic guns, tanks, tractor-drawn artillery, airplanes, and other echanical devices an army would be helpless against one equipped ith them, no matter how capable its leaders were or how brave s soldiers. Long-range, high-powered artillery plays an increasgly important part in warfare. The manufacture of such artillery id its ammunition is a difficult task, requiring an enormous amount expensive machinery and skilled workmen. Even with our present ans for conversion of existing machinery, a considerable time must apse before our manufacturing establishments could be ready for antity production.

In time of peace no manufacturing establishment could hold in adiness, for manufacture the enormous amount of expensive mainery necessary to produce our requirements for ordnance material

the time of a national emergency.

Our plans must be to adapt machinery used for peace-time purses to the production of war-time requirements. If there was, in ne of peace, a demand for the necessary articles so that manucturers could have the machinery on hand to manufacture them, thout having to change their entire plant, our problem would be ach simpler, but no such demand exists or is likely to exist. Could ch factories have an opportunity to manufacture and sell such ticles to a belligerent in time of war, the time required when their oduction along such lines could be turned to our own uses would greatly lessened and a consequent saving of vast amounts of money the people and, what is much more important, thousands of lives, ald be made, for, as I have said, an army not equipped with modern chinery of war is at a hopeless disadvantage.

If we could know when a war starts—a small war—that it would confined solely to the nations that started it, we could rest much sier, but all experience has shown that war spreads like wildfire ong other nations, and no one can foretell how soon our country

uld be drawn into it.

Shutting off the right to manufacture war material in our own ctories would place us at a tremendous disadvantage as against a tion already so equipped. Our national program looks first of all the defense of our own nation, a preparation not for war, but ainst war.

It has been stated that the object of House Joint Resolution 183 is to promote pace, and I firmly believe that is the sincere desire of every member of this committee. Let me add that it is just as sincerely the desire of every member of the War Department with whom

I have ever come in contact.

The War Department does not declare war. Congress does that, and it then decomes the duty of the War Department to do the fighting, to defend the Nation; but does this resolution tend to promote peace? Would any nation go to war because it believes this Nation can supply it with arms and ammunition? The causes of war lie much deeper than that. Whether we like it or not, economic and political pressure evolves developments which inevitably breed rivalry, envy, and strife. The best way to avoid attack is by being prepared to meet it.

We have never entered a war because we could import arms and ammunition, and we have never entered a war prepared for it. If this resolution were carried out throughout the world it would not prevent war, but would result in aggressive nations spending vast sums for stores of war materiel in time of peace, which would place weaker nations, too poor to accumulate such stores, at their mercy

in time of war.

The act of Congress contemplated in the resolution to lift the embargo would rightly be interpreted as an unfriendly act by the nation against which the embargo was made with the result of placing this Nation in the attitude of a belligerent.

There is one further feature of the resolution that is important, and that is the great difficulty in ascertaining whether or not an article exported to a belligerent nation would come within the pro-

visions of the act.

Steel products, cotton, starch, nitrates, and chemicals of all kinds would certainly come within its provisions, while utilities like tractors, searchlights, airplanes, and automobiles should also be included. Motorized artillery is useless without tractors which are innocent enough in themselves, but as important in operating a gun as the powder which projects the shell.

I see no difference in principle between the articles enumerated

and these such as I have mentioned.

In supplementing that I desire to read a portion of a State document in which this question was raised prior to our going into the war. Austria had made a protest to the United States against the export of arms and ammunition to the allied powers. That was made on July 29, 1915, by Burian, then prime minister, and President Wilson, in replying to the communication of the Central Powers, spoke as follows:

To this assertion of an obligation to change or modify the rules of inter-national usage on account of special conditions the Government of the United

They had requested that we put an embargo on.

Mr. Moore of Virginia. That was Lansing's note you are reading

Mr. Robbins. Yes.

Mr. Cooper. That was in the midst of war.

Mr. Robbins. This was in 1915.

Mr. Cooper. The war had been going on for more than a year. Mr. Robbins, Yes. [Reading:]

The recognition of an obligation of this sort, unknown to the international practice of the past, would impose upon every neutral nation a duty to sit in judgment on the progress of a war and to restrict its commercial intercourse with a belligerent whose naval successes prevented the neutral from trade with the enemy. The contention of the Imperial and Royal Government appears to be that the advantages gained to a belligerent by its superiority on the sea should be equalized by the neutral powers by the establishment of a system of nonintercourse with the victor. The Imperial and Royal Government confines its comments to arms and ammunition, but, if the principle for which it contends is sound, it should apply with equal force to all articles of contraband. A belligerent controlling the high seas might possess an ample supply of arms and ammunition but be in want of food and clothing. On the novel principle that equalization is a neutral duty, neutral nations would be obligated to place an embargo on such articles because one of the belligerents could not obtain them through commercial intercourse.

But, in addition to the question of principle, there is a practical and substantial reason why the Government of the United States has from the foundation of the Republic to the present time advocated and practiced unrestricted trade in arms and military supplies. It has never been the policy of this country to maintain in time of peace a large military establishment or stores of arms and ammunition sufficient to repel invasion by a well-equipped and powerful enemy. It has desired to remain at peace with all nations and to avoid any appearance of menacing such peace by the threat of its armies and navies. In consequence of this standing policy the United States would, in the event of attack by a foreign power, be at the outset of the war seriously, if not fatally, embarrassed by the lack of arms and ammunition and by the means to produce them in sufficient quantities to supply the requirements of national defense. The United States has always depended upon the right and power to purchase arms and ammunition from neutral nations in case of foreign attack. This right, which it claims for itself, it can not deny to others.

A nation whose principle and policy it is to rely upon international obligations and international justice to preserve its political and territorial integrity might become the prey of an aggressive nation whose policy and practice it is to increase its military strength during times of peace with the design of conquest, unless the nation attacked can, after war had been declared, go into the markefs of the world and purchase the means to defend

itself against the aggressor.

There is more to it.

The Chairman. Will you kindly add also the Austrian ambassador's full statement?

Mr. Robbins. Yes. There are two more paragraphs of this. [Reading:]

The general adoption by the nations of the world of the theory that neutral powers ought to prohibit, the sale of arms and ammunition to belligerents would compel every nation to have in readiness at all times sufficient munitions of war to meet any emergency which might arise and to erect and maintain establishments for the manufacture of arms and amunition sufficient to supply the needs of its military and naval forces throughout the progress of a war. Manifestly the application of this theory would result in every nation becoming an armed camp, ready to resist aggression and tempted to employ force in asserting its rights rather than appeal to reason and justice for the settlement of international disputes.

I think that is all.

No matter how lofty our aims may be for international peace, I firmly believe our duty to our own Nation should come first and Theodore Roosevelt said:

We of America can win to our great destiny only by service; not by rhetoric and that dreadful mental double dealing and verbal juggling which makes

promises and repudiates them says one thing at one time and the directly opposite thing at another time: Our service must be the service of deeds, the deeds of war, and the deeds of peace.

The Chairman. You say we have never been prepared when we entered a war?

Mr. Robbins. Yes.

The Chairman. To what extent were we prepared when we entered the World War?

Mr. Robbins. To the extent to which an army of 100,000 can operate as compared with an army of 4,500,000.

The CHAIRMAN. I am not speaking with reference to men, but with reference to munitions, those articles which are strictly contraband and have only one function, and that is to take human life.

Mr. Robbins. It would be impossible to give it in percentages, because no one knew when we entered the war what we would be required to produce during the war, and it has been very difficult since the ar to find out the things we did produce in the way of arms and ammunition during the war.

The CHAIRMAN. What I have in mind is this: According to the reports of the War Department we sold abroad \$4,000,000,000 worth of munitions to the allied armies. That would indicate that we were

extraordinarily active in the manufacture of munitions?

Mr. Robbins, Yes.

The Chairman. It does seem to me that all that activity should have made us fully prepared to enter the conflict.

Mr. Robbins. If we had been using in our Army the exact artillery, airplanes, rifles, etc. that were used in the allied armies, we would have been able to use their facilities at that time.

The CHAIRMAN. That is just the point I want. When the war broke out in Europe it was necessary for our industrial establishments to convert their machinery to make the particular kind of guns or ammunition that the allied armies required, and that was done at a very large expense by many of the industrial establishments.

Mr. Robbins. Yes.

The CHAIRMAN. And from the time of the outbreak of the war in Europe until we entered it the activities of our industrial establishments were devoted to the making of the particular kinds of munitions that the allies needed under their war program?

Mr. Robbins. Yes.

The Chairman. Our war program, so far as equipment, guns, and ammunition, and artillery were concerned, is quite different from the equipment used by the allied powers in many instances?

Mr. Robbins. It was at that time.

The CHAIRMAN. When we entered the war these industrial establishments had to be reconverted by changing dies, jigs, gauges, etc. so as to make the kind of equipment that we needed to meet our requirements. Is that a fact?

Mr. Robbins. Particularly rifles. I do not think the artillery re-

quired so much.

The CHAIRMAN. But at any rate it was necessary, was it not?

Mr. Robbins. It was in regard to the rifles certainly. The CHAIRMAN. And it materially reduced any advantage which we apparently secured by this enormous production of munitions.

Mr. Robbins. It reduced it so far as rifles are concerned certainly. We used the French 75's. We adopted that gun and the French 155. The CHAIRMAN. How about our airplanes? Did it help us on

Mr. Robbins. If we had adopted the type of airplane which was being used in France and England at that time, it would have been an immense advantage, but we decided to have our own type of airplane, our own type of Liberty motor, and you will recall we went on our own way developing our implements instead of using those that the Allies were using at that time. Looking back at it, it seems

a very great mistake.

The Chairman. We are not here to pass on that. We must take what you men in the War Department say about these matters if it is a mistake it is behind us. The fact is, however, that all of this conversion of the industries of the country, so as to make airships for allied powers was of practically no benefit to us when we came

to make airships for ourselves.

Mr. Robbins. I think it was of great benefit.

The CHAIRMAN. I grant that so far as the workmen are concerned, it is more or less of a training for them, but outside of that, was it of much advantage?

Mr. Robbins. Yes, there was in the manufacture of a great deal

of munitions and a great many other things.

The CHAIRMAN. I am talking of airplanes now.

Mr. Robbins. I am not an airplane expert. My personal opinion is that from the work for the Allies a large quantity of spruce and other material was placed at the disposition of our Government. We built a lot of airplanes and then ditched them after we built

The CHAIRMAN. If we acquired such great experience in the making of airplanes for the allied powers, why was it that we were able only to use a few airplanes of American make, perhaps none at all, in Europe. I understand we were unable to put even a single combat

plane in Europe during the war.

Mr. Robbins. Because mistakes were made, which it has been the duty of the Assistant Secretary of War under the mandate of Congress to remedy since that time. We went into this war, not knowing how to make war, not having any previous plan for industrial mobilization, and that is what we have been engaged on since the

The Chairman. Have you any idea of how many airplanes we

made for the allied powers?

Mr. Robbins. No, sir, I have not.

The CHAIRMAN. Nevertheless, the fact exists that with all this experience in making airplanes for the allied powers from the time we entered the war until the armistice we were unable to put a ombat plane in Europe.

Mr. Robbins. We made them, but we did not send them to Europe.

Mr. LINTHICUM. What did we do with them? Mr. Robbins. They were used in training.

Mr. Bloom. Why would they not be serviceable over there if used

n training here?

Mr. Robbins. All we were able to turn out were needed for trainng the men here before they could be sent over there. The diffi-

culty, Mr. Chairman, was in expanding an army of 100,000 men into an army of 4,000,000 men over night. It can not be done.

The CHAIRMAN. You said, and that has been the testimony of all the witnesses, that in case of war it is necessary, to use your exact expression in reference to the industrial establishments, to change their entire plants.
Mr. Robbins. Yes; to some extent.

The CHAIRMAN. It depends on what you are making.

Mr. Robbins. That is true, in speaking of munitions. At the present time, in the making of shells, it is something we all know, there have been plans, what we call factory plans, drawn and given to the man who will be expected to produce the shell in time of war. That plan tells him just exactly what he will have to do in the way of changes in his present machinery, in these well-known jigs, dies, and gauges. That is something we did not have before.

The Chairman. I have no hesitancy in saying I am in hearty accord with section 5 of the preparedness plan. The only fault I find is that Congress has not enlarged it. I feel if that is developed the way it ought to be, it is only a question of time until the necessity of engaging in this munitions traffic will be wholly eliminated.

Mr. Robbins. Unless we accumulated a very large reserve of munitions over a considerable length of time, it is hard to say how many

months will elapse before those factories could be changed.

One word further on reserves in our material on guns. By the time we could accumulate reserves for one sort of gun, that type of gun would become more inefficient, and we would have to accumulate reserves for a new type.

The CHAIRMAN. Are you familiar with the French system for

storing explosives at Creusot?

Mr. Robbins. I think General Ruggles could tell you more about it. I may say we are endeavoring to do what we can through the socalled educational orders that Secretary Davis mentioned.

The CHAIRMAN. These educational orders that you send out are so designed to make the kind of munitions that the United States

desires?

Mr. Robbins. Yes.

The CHAIRMAN. There is no reference whatever to the type of munitions used by other countries?

Mr. Robbins. No.

The CHAIRMAN. As a rule each country has its own educational program.

Mr. Robbins. They have become more standardized since the war. General Ruggles can tell you much more about that than I can.

The CHAIRMAN. But before the war each nation was trying to surprise the other. That is about the story?

Mr. Robbins. Yes.

The Chairman. Their equipment was all different.

Mr. Robbins. A great deal of it was different.

The Chairman. Suppose a war should break out in Europe under these educational orders, as you call them, changing the dies, jigs, and gauges, they would be of no value in making the kind of equipment that European nations would desire?

Mr. Robbins. Some of them might be. The Chairman. Very few of them.

Mr. Robbins. Probably. They are intended primarily for our own equipment, but might extend to foreign countries using equipment similar to ours, depending on the types they have.

The CHAIRMAN. There seems to be an impression that we have large number of munitions factories in America, when, as a mater of fact, we have industrial establishments which can be converted nto munitions factories, but when you convert them to make a paricular kind of gun or shell, they must be reconverted if you want o make another kind of gun or shell.

Mr. Robbins. Not entirely.

The Chairman. Not entirely, but largely. Is not that a fact? Mr. Robbins. I would think that would be true to some extent: lthough the time would be considerably lessened, I could not tell ou how much.

Mr. Hull. The logic of your whole argument is that for these lans to be available to us for purposes of national defense it reuires that there should be war in Europe before we go in.

Mr. Robbins. No; I do not say that is the logic of my argument. hat would place us in a much better state of preparedness.

Mr. Hull. If there is a long period of peace, and those plants hould get out of the manufacture of this war material, just as I nderstand the Secretary of the Navy said one of the big plants Bethlehem was dismantling some of its equipment, and that procss is going on, as there is no profit in the maintenance of them, the ogic of your whole argument requires that there should be a war in curope or other countries going on before we get into it, in order make those plants particularly available to us.

Mr. Robbins. It would put this Nation in a better state of pre-

aredness so we would not have to buy so much abroad.

The Charman. A foreign war is a necessary condition for the ficiency of munition plants for our own use in case we were inolved in war.

Mr. Robbins. No, sir.

The Chairman. Why is not that the only conclusion from your stimony?

Mr. Robbins. I do not admit that. I said we had made plans for e conversion of our own factories to our own uses, and that those ans at the present time, as I explained, from drawings of the shells. ould enormously lessen the period of time it takes to convert those

The Chairman. That would be true whether we pass this resolu-

Mr. Robbins. Yes. My point about that was that after we got in e war and before we can turn these factories over to our use the nited States would have gone abroad and everywhere they could d them have bought arms and munitions so that our men would be

operly prepared to meet the enemy.
The Chairman. As far as this resolution is concerned, it does not ect the preparedness of the country, or your educational program r designs for converting industrial plants into the making of

Mr. Robbins. It does not affect the planning that we are making the present time.

Mr. HULL. The only way this resolution would interfere with our preparedness would be that in case war broke out in Europe, our industrial plants preparing munitions for them would help us to be prepared for our possible entry into the war ourselves. Is that right?

Mr. Robbins. It would.

Mr. HULL. In other words, the whole theory of your argument is that there must be war somewhere else to keep those plants busy so as to be prepared for war on our part?

Mr. ROBBINS. No.

Mr. Hull. Why is not that the logic of it?

Mr. Robbins. I just got through explaining that the purpose of this whole planning is to do as much of this preparation in time of peace as possible for the conversion of these plants, so that we can convert them in time of war to the manufacture of munitions, and the amount of planning we have done along that line, I am positive, would make a very great shortening of time over what there was in

Mr. HULL. I can understand that. That does not answer my question. Your planning is not interfered with by this resolution? The shipment of certain munitions of war to other nations is proposed to be prohibited by this resolution, and the argument that has been made by the department has been that these shipments prepare these industrial plants so that they can take care of our needs in case we get in.

Mr. Linthicum. Did he not also seem to adopt the letter of Mr. Lansing wherein he said in case of war it would be necessary, if we were to purchase materials elsewhere, we ought not to deprive other people of the opportunity to purchase of us, if we expected to pur-

chase from them in emergency?

Mr. Robbins. That is the point exactly, and really that is where this resolution hits the national defense. If adopted by other nations it would hit us in a vital way in the purchase of arms and munitions before the time our plants can get into production from the time war is declared.

Mr. Temple. What foreign plants are equipped now to manufac-

ture the type of armament that is used in the United States?

Mr. Robbins. I do not know. Mr. Temple. Are there any?

Mr. Robbins. Yes. There are certain things that are used in

artillery ammunition and gun carriages.

Mr. TEMPLE. The thought occurred to me that if it would require some time to equip American plants to supply munitions, it would require as much time for foreign plants to be equipped to supply American munitions.

Mr. Robbins. There are foreign plants manufacturing explosives

that we could immediately avail ourselves of.

Mr. Fish. You have raised the question of Mr. Lansing's viewpoint. Have you spoke to Mr. Lansing about this resolution?

Mr. Linthicum. No; I have not. You were not here when Mr. Robbins read Mr. Lansing's letter, and I simply quoted from Mr. Lansing's letter in reply to one from the Imperial Government of Austria.

Mr. Fish. I have spoken to Mr. Lansing about this resolution, but can better speak for himself, especially in view of his statement the Austrian Government, and he said that this resolution, of surse, is a new departure, but he said he could not see any harm trying it out. Those were his words. If you want to call on Mr. ansing I will be glad to have him here.

Mr. Linthicum. Personally, I am not interested in Mr. Lansing. Mr. Fish. The witness is a personal friend of mine and I will take vantage of him. I will ask a question. You are here representg the department of national defense and are speaking here from

e point of view of national defense.

Mr. Robbins, Yes.

Mr. Fish. Every member of the committee is in sympathy with e program of an adequate national defense. Is it not the highest nceivable national defense to keep us out of war honorably

Mr. Robbins. That is a question that is impossible to answer. Who the judge of whether we are in a war with honor?

Mr. Fish. You are the judge.

Mr. Robbins. No; the people of the United States would have to be. Mr. Fish. Concede it is honorable.

Mr. Robbins. If it is righteous, as Theodore Roosevelt said. Mr. Fish. I used the word "honorable," but I accept the word ighteous." Is not that the highest possible national defense? Mr. Robbins. To keep us out of war with honor to the Nation?

Mr. Fish. Yes.

Mr. Robbins, Yes.

Mr. Fish. That is exactly what this committee is trying to do. e believe that the passage of this resolution has a tendency to stop from being dragged into every foreign war by shipping munins. We claim that the highest possible national defense is to keep of war with honor, and we claim that is what this resolution

s a tendency to do.

Mr. Robbins. As I said in my statement, I have no doubt at all as the sincere desire on the part of every member of this committee

be in favor of national defense.

The Chairman. We are speaking of national defense. I am not accord with the suggestion of Mr. Fish, but do you not think the ional defense is materially aided by preserving the good will of the peoples in the world, and does not the sale of arms and nitions create more ill will than any other cause?

Ir. Robbins. I do not know. I was hit by a bullet from a German e in 1898 and had no ill will toward Germany. I regretted our vernment had not purchased rifles as good as the Spaniards had. The CHAIRMAN. Did the sale by Germany of Mauser rifles to the

ers create ill will between Great Britain and Germany?

Ir. Robbins. Yes.

That is a matter of opinion. My opinion is that Germany and eat Britain were bound to go to war sooner or later over their

mercial rivalry.

fr. Fish. There was considerable ill will between those two nas. The Secretary here yesterday stated that in his opinion the oment of munitions did not have very much to do with it and that war had ever been started by that. Is it not a fact that the World War was started by the shipment of munitions, our war against Germany by the shipment of munitions?

Mr. Robbins. It was said it was to make the world safe for de-

Mr. Fish. That is after we went in. Was not the cause of the war our continued shipping of munitions abroad? Is that a fair

Mr. Robbins. I would not say so. I think the causes of the war

were much deeper than that.

The CHAIRMAN. That was not the proximate cause.

Mr. Robbins. As a matter of fact, we all know that the food supply is just as vital in time of war as shells because people have to eat, and it is just as vital to the people to have food supplies as

The CHAIRMAN. You made a statement that England and Germany were bound to get into war over their commercial antagonisms.

Mr. Robbins. Yes.

The CHAIRMAN. I assume you agree with me that the World War

was largely economic.

Mr. Robbins. I think it started through economic reasons. There are a great many reasons. That is one of them. We are getting off the subject.

The CHAIRMAN. I do not think we are.

Mr. Cooper. I will make one suggestion to corroborate what the witness has said and it is a quotation from a very high authority. President Wilson in two speeches after his return from Paris, notably the speech at St. Louis, said, "We all know now that this was a

commercial war."

Mr. Moore of Virginia. *Of course, any of us who have studied have considered the views you have presented in regard to the expression of Lansing, and I might refer you to the views of other Secretaries of State who have expressed themselves similarly. But we are seeking to depart from the rule with reference to this matter that has obtained heretofore. Suppose we do depart from it by domestic or municipal statute rather than by international action. Suppose that this resolution is adopted and goes on the statute books, and then suppose war should break out-we trust it will not happen-let us say, between this Nation and Japan. What disadvantage would the United States be at compared with Japan, in the matter of requiring an adequate supply of munitions and other material, that it would not be under if the resolution had not been adopted?

Mr. Robbins. Do you mean if this resolution was universally

adopted?

Mr. Moore of Virginia. No; I am talking about the adoption of it in the United States. If it were universally adopted, if there were international action, which has been indicated here by most of the gentlemen who have appeared as a very desirable thing, that would be a different case. I am assuming that there is no international action, that there will be simply the adoption of this resolution as indicating the policy of the United States, and that a war occurs. How would we be disadvantaged or embarrassed because of the resolution being in effect in comparison with Japan?

Mr. Robbins. We would immediately go out and try to buy muni-There is no doubt about that.

Mr. Moore of Virginia. And Japan will immediately go out and

to buy munitions.

Mr. Robbins. Yes. And these countries would say, "Do you think a can violate your own statute; you have a statute that denies the e of munitions to us; why do you come to us when you have pressly forbidden your own people to sell munitions to us?

Mr. Moore of Virginia. They would know this was a domestic icy, and anybody understanding human nature would realize that country would decline to sell where it could make money simply ause we had such a statute. I do not see how this great, powerful tion, the greatest and most powerful anywhere, could be put at a advantage in a war with Japan or any other nation because of this olution having been adopted.

Mr. Robbins. That is just my idea of what the governments

endly to Japan would say to us.

The CHAIRMAN. You have overlooked the fact that these muni-

as could be shipped with the consent of Congress.

fr. Moore of Virginia. I lay that aside I am assuming from what now of human nature and its history of nations, that we would e no more trouble in buying from private interests in France England than Japan would have. I have anticipated in my dy of this matter every objection that has been made in this comtee room since the Secretary of the Navy appeared here. Every tary objection, to my mind every objection advanced, unless you going to merely confine its opposition abstract or academic gestion, the adoption of this measure would not work out to disadvantage. Therefore, I come to the conclusion, and it is eiteration, that we would not be hampered in war activities, we might become involved with Japan or any other nation, ause this resolution would be on the statute books.

here is one other question: Have you inquired sufficiently to w what are the processes in the nations of Europe which mainthe two greatest military establishments-Russia and France-

espect to accumulation of war materials?

Ir. Robbins. Their policies covering their reserves of war ma-

Ir. Moore. Their manufacture or production of it.

Ir. Robbins. No; I think someone asked that question as to the

losives at Creusot. I do not know what that is.

Ir. Moore of Virginia. I know perfectly well that you and a at many other gentlemen in the War Department are anxious to rid of war and the horrors connected with it. I believe one thing committee is trying to get at is to do away with the old rule. ch simply means that we turn our people loose to make money assisting in the destruction of other people and property. That hat we have in mind. The thing has been discussed here as if were trying to break down the national defense, trying to minithe opportunity for preparedness, but the resolution has no conceptions as that and in our opinion can have no such result. I me that you would be most anxious, if you can do it safely, to inate the conditions I have just described, where private citizens he United States, in spite of the fact that the Government itself

is absolutely neutral, with hands off, are allowed to go ahead and produce and sell all the things that are used for destructive purposes by nations at war with each other with which this Government is absolutely at peace. I take it for granted if we can wipe out that sort of an opportunity, you would like to do it.

Mr. Robbins. I am in favor of any international agreement whereby war can be minimized; yes. I do not believe the United States ought to put itself at a disadvantage in national defense in order to keep

peace in other nations.

Mr. Moore of Virginia. I was asking whether we are at a disadvantage. Take the case of war between the United States and any other nation. We are confessedly more powerful than any other nation in the world to-day. Take the case of war between the United States and any other nation. How could this resolution, not looking at it in an academic or theoretical way, but practically, prove injurious to us?

Mr. Robbins. I can conceive of a situation, if England were friendly to Japan and we had an embargo against export of munitions to England in the event she got into trouble, would not the British Government give use immediately a dose of our own medicine, if we

went over there to buy. That is just my opinion.

Mr. Moore of Virginia. That would be contrary to all the history of the commercial and manufacturing activities of Great Britain. Suppose that Great Britain were to pass a resolution like this and the United States declined to do it, and war occurred between Great Britain and Japan, do you think that private producers in the United States would hesitate for a minute because of Great Britain having adopted this policy, to make sales just as fully and as freely as they might be able to both of the belligerents? I do not think so.

Mr. Cole. I will ask the Assistant Secretary a question suggested

by his remark that he would favor an international agreement that would help to prevent war. Did I understand you to say that?

Mr. Robbins. Yes.

Mr. Cole. I am wondering what you would think of the League

Mr. Robbins. I think we would get into a long discussion there. Mr. Linthicum. He retains a mental reservation on that proposition.

The Chairman, I assume you agree with Mr. Secretary Wilbur in replying to my question as follows:

The CHAIRMAN. You recognize, inasmuch as you have suggested matters of policy, that the shipment of arms to one belligerent to be used against another, occasions ill will toward us on the part of nations against which these arms and munitions are used?

Secretary Wilbur. I think you gentlemen are just as able to form an opinion on that as I am, and I do not believe my opinion would be of any assistance to

The Chairman. Is there any doubt about it in your mind? Secretary Wilbur. None whatever.

Mr. Moore of Virginia. Do you think you ought to ask him any more about Mr. Wilbur's expressions than about the League of

The CHAIRMAN. That is behind us. The testimony all tends to show that the shipment of arms and munitions to a belligerent causes ill will toward the United States by the nation or nations, against m the munitions are used. I am laying aside the moral side of sufacturing these articles to take human life. That is a disadtage of the traffic. Do you not consider good will between our ernment and the peoples of the world is one of the strongest

ents in preserving peace? r. Robbins. That is going on the supposition that the inhabitants he nation, which has the same right to sell to every other belrent that we would have, would have ill feeling against us for g the very thing every government had a right to do in the

t we were engaged in war. I do not admit that. he CHAIRMAN. You do not admit that at all?

r. Robbins. No.

he Chairman. You do not think it disturbs their feelings toward

r. Robbins. It may but there would be no justice for their claim. he CHAIRMAN. There would be no law. I rather think there ld be considerable justice.

r. Robbins. That is a matter of opinion. That is my idea.

he Chairman. Assuming it did create considerable ill will tod us and threaten our peaceful relations with that government, use there is no doubt in my mind that the shipment of arms had ething to do with our entering the World War, would not that dvantage very largely counterbalance the advantage that we have eing prepared for war by having our factories ready for conion to the manufacture of munitions?

r. Robbins. I say the shipment abroad, the trade in arms, is vital

e defense of the United States.

he Chairman. Without regard to the ill will it creates in other tries?

r. Robbins. Yes.

r. Cole. May I suggest that the statement made by Colonel Robmeets with my most hearty approval? I think I can indorse y statement he has made, and I think there is no difference ben him and this committee.

ne CHAIRMAN. Very little.

r. Cole. As to purposes and intentions. The only point that s in my mind is that the witness has not shown that this resoluwould in any way interfere with the purposes on which we are

r. McReynolds. Do you agree with the last statement he made? r. Cole. Yes; I think I will agree with Colonel Robbins on alanything he says, as far as statements of facts are concerned.

r. Moore of Virginia. He is your constituent?

r. Maas. I wish to say that this committee in deliberating on this ution took into consideration and thoroughly discussed every e of this question that has been brought before this committee in hearings. You are charged particularly with the preparations

r. Maas. Are we prepared to defend ourselves immediately ld we be the object of concerted attack by other world powers? r. Robbins. No.

r. Maas. Is not that after all the main purpose of our national nse act?

Mr. Robbins. Yes.

Mr. Maas. Has not something fallen down in our preparations? Mr. Robbins. The Army in time of peace is what Congress makes it; preparation for war in time of peace is a matter of money. It has never been the policy of the United States to maintain a great standing army or a great military establishment, and I do not think it will ever be. We have depended on our isolation and a number of other factors to give us an opportunity to bring our military de-fense program up to that of the nation attacking us.

Mr. Maas. I am talking about the industrial mobilization only. Should not our industries be mobilized in such a way as to be independent of any foreign countries assisting us in defending our-

Mr. Robbins. It would take billions of dollars to do that.

Mr. Maas. Do we expect to get those billions of dollars from other

countries, selling munitions to other countries before we get into it?

Mr. Robbins. The Government does not get a dollar. We get an advantage in the machinery and personnel. That is the main thing where a war starts and spreads, involving us as the last war did. beginning with Austria and Servia.

Mr. McReynolds. It gives an advantage in organization and

training.

Mr. HULL. Who gets the dollars?

Mr. Cole. Is not that connection very vague? Mr. Bloom. You have agreed with him already.

Mr. Cole. I agree with him except on that one proposition. He has not shown us, and I do not believe anyone has shown us, that this resolution would interfere with our national defense for pre-

Mr. Moore of Virginia. Even if he were my constituent, if I had that honor, I could not agree with his views. I would congratulate

him on preparing his statement.

(Thereupon, at 12 o'clcok noon the committee adjourned to meet again at 10.30 o'clock a. m., Wednesday, March 21, 1928.)

> House of Representatives, COMMITTEE ON FOREIGN AFFAIRS, March 21, 1928.

The committee this day met, Hon. Stephen G. Porter (chairman) presiding.

The Chairman. The committe will come to order.

STATEMENT OF HON. CHARLES B. ROBBINS. ASSISTANT SECRE-TARY OF WAR-Resumed

Mr. Burron, I will ask whether the War Department has been in harmony with the policy of the United States Government in regard to poisonous gases. Let me briefly rehearse. In the conference of 1921-22, our delegates very strongly favored banning the poisonous gases in warfare, a treaty was negotiated which forbade its use and promised that our Government would use its efforts with other countries to the same effect. Joined with that was a

gulation for the use of submarines. The French Government resed to ratify that treaty because it pertained to submarines as all as poisonous gases. I was chairman of the delegation that was not to Geneva with instructions to bring forward such a proposion there in conference for the control of international traffic in ms. We did bring forward such a treaty which was received with great deal of enthusiasm under our leadership and was signed the nations represented there, but it has seemed to me there has en opposition in the War Department to the ratification of that eaty. Can you tell us what the attitude of the War Department is that treaty? Has there been a statement to the Senate Committee. Foreian Relations, to which the treaty was referred, or from the ar Department favoring or opposing that treaty?

Mr. Robbins. No, sir; that question has never arisen since I have

en connected with the War Department.

Mr. Burron. Is it not true that certain subordinates, for instance, a head of the Chemical Warfare Service of the War Department,

ve opposed that treaty in interviews?

Mr. Robbins. That may be; I do not know. General Fries takes

e position that is the most merciful warfare there is.

Mr. Burron. It is a question of difference of opinion. There can no question about the policy of this Government. In the treaty th Germany and Austria they are forbidden to use it and in treaty of Versailles, Germany and Austria were forbidden to use

It would be fair if we are not going to ratify such a treaty to case them from their obligations. If it is so humane, we ought to impose such an obligation upon them. Do you know whether ur predecessors as Assistant Secretary of War have taken a stand

that? Have they opposed it?

Mr. Robbins. I have never discussed with any of them the matter the prohibition of the use of poisonous gases. We have one partment in the War Department called the Chemical Warfare

rvice, and that is very active.

Mr. Burron. To use a slang expression, having been sent to Geneva propose such a protocol or treaty and communicating with the ate Department by cablegram, bringing it forward as an American oposition, one that we favored, I feel that I have been "left out the cold." It is hard to explain to these countries why treaties bught forward on our initiative and so advocated by us have not be favored by every department of the Government. Has not a War Department been requested by the State Department to give expression on that in harmony with governmental policy?

Mr. Robbins. Not since I have been connected with it.
Mr. Hull. How long have you been connected with it?

Mr. Robbins. Since the first of the year.

Mr. Hull. Since January 1.

Mr. Burron. It naturally would be prior to that.

Secretary Wilbur. I can answer that question because I have and the matter discussed frequently in the Cabinet by Secretary seks, and later by Secretary Davis.

There is not any question but what the War Department is in ene harmony with the policy of the Government you have been pressing. It has been indicated by Mr. Robbins that General ies is not in harmony with that. Mr. Burton. Has not the opposition been more numerous vocally than the others?

Secretary Wilbur. It so happens that he is that kind of man.
Mr. Burron. I might read what General Pershing said—that
chemical warfare should be abolished among nations; it is a cruel,
unfair, and improper use of science, fraught with the greatest danger
to noncombatants and demoralizing to the better instincts of humanity.

The General Board of the Navy made an expression on the policy

of prohibiting the use of gas in warfare.

It places this country in a very embarrassing position in negotiating a treaty with a foreign country, to have opposition by any of the departments of this Government to a general policy which has been expressed. It has been most embarrassing to me in meeting representatives of the foreign countries in my visit to Europe since 1925.

Secretary Wilbur. I think I can assure you beyond any question that both the War and the Navy Departments have been in accord with that governmental policy. There might have been individuals who felt that the proposition of prohibiting gas warfare was not feasible and that nations in their extremity would resort to the use of gas regardless of a treaty, and that we would find ourselves forced into a situation of that sort if we got into war, and there is the attitude of General Fries that has just been alluded to. Some men think that gas warfare is more humane than other types.

Mr. Burton. Like throwing confetti or something of that kind. Secretary Wilbur. That has not anything to do with the attitude of the Government, which has been in harmony with your ques-

tion

Mr. Burton. Of course, the treaty merely provides as between themselves, the signers of the treaty, and again I think a nation which has favored prohibition of the use of poisonous gas and advocated abolition of chemical operations could resort to reasonable preparation against any nation that violates its obligations.

Mr. Cole. What is the status of the treaty now?

Mr. Burton. It is tied up in the Senate.

Mr. Cole. Has the War Department influenced the Senate and tied it up?

Mr. Burton. I think some subordinates in the War Department

have

Mr. Cole. Can they tie up the Senate?

Mr. Burton. You know as much about it as I. I only say this, that I feel that some subordinates in the War Department have been quite out of line, not merely with the policy enunciated by the Government but with the policy of Congress, the policies that this Congress ought to take.

Mr. Robbins. Do you know of any specific instances?

Mr. Burron. There was a very long interview given out by General Fries a couple of years ago, absolutely running counter to the policy of the Government. It was published widely in the newspapers.

Mr. Robbins. About two years ago.

Mr. Burton. I think it was about that time.
Mr. Cole. I think that shows our impotence to let one man stop a great international treaty.

The CHAIRMAN. Are there any further questions?

Mr. Cooper. Mr. Robbins, were you consulted, or did you take rt in the drawing up or writing of the letter which was published the newspapers and signed by the Secretary of the Navy?

Mr. ROBBINS. No, sir.

Mr. Cooper. I did not know but what as an expert you had been sulted as to certain facts. You had nothing to do with that? Mr. Robbins. No, sir; the Navy Department stands on its own

fr. Bloom. On its own bottom.

Ir. Cooper. I understood you to say yesterday that if this resolun now before the committee should be enacted, it would result in ry nation becoming an armed camp.

Ir. Robbins. If it was adopted universally among the nations, if

idea was adopted by the other nations.

fr. Cooper. But I understood you to say that it would result, if should pass this resolution and stop the exportation of arms during war, that the knowledge that the prohibition was in effect would ilt in further stopping it before war, in time of peace?

fr. Robbins. What I meant by that is this: I did not understand t this one resolution was to tie the United States in regard to this ly, but that there would be an effort made to have other nations

pt the same sort of policy.

fr. Cooper. What are those nations now but armed camps, and enever before in their respective histories have they had as large ies and been as fiercely belligerent in time of peace as they are ? France has the largest army it ever had. Italy has the largest is most threatening with it.

Ir. HULL The French army has been reduced by 100,000 and it

roposed to further reduce it by 100,000.

Ir. Cooper. It is larger than before the war until recently.

r. Robbins. No; it is now smaller.

r. Hull. They have shortened the period of conscription in nce from three years down to one, I believe.
r. Cooper. Italy has a very large army and is preparing for

mization of very large military forces. r. Robbins. That is discussing international politics. The genopinion is that Mussolini has some ideas and feels that they ld have a large army.

r. Cooper. Do you think that the adoption of this resolution by

gress would in any way affect his attitude?

r. Robbins. No, sir.

r. Cooper. Do you think the adoption of this resolution would in way affect the attitude of France?

r. Robbins. The attitude toward what?

r. Cooper. On the general subject of military preparedness?

r. Robbins. No. sir.

r. Cooper. Can you specify any nation whose military policy or se attitude toward war would be in any way affected by the tion of this resolution in a time of peace by the United States? r. Robbins. The nations most directly affected by the prohibiof export of arms, in my opinion, would be the South American

Mr. Cooper. In that connection I wish to ask a question or two. Section 2 of the resolution provides as follows: "Whenever the President recognizes the existence of war between foreign nations by making proclamation of the neutrality of the United States, it shall be unlawful, except by the consent of Congress"—I repeat, "the existence of war between foreign nations."

The letter which the Secretary of the Navy had published attack-

ing this resolution quotes at the very outset the act of January 31,

1922, which reads as follows:

"Whenever the President finds that in any American country"that is, South American countries of which you have just spoken-"or in any country in which the United States exercises extraterritorial jurisdiction"—that would be China—"conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress."

Can you conceive what relevancy by way of argument in attacking this resolution that reference at the very outset of the letter of the

Secretary of the Navy has?

Mr. Robbins. I am not familiar with the letter of the Secretary of the Navy, and I would have to take the letter and the resolution and study them both before I could answer that intelligently.

Mr. Cooper. The Burton resolution, in lines. 7 and 8, section 2, reads: "Whenever the President recognizes the existence of war be-tween foreign nations"—and the act of January 31, 1922, refers exclusively to cases of domestic violence in American countries or any other countries in which the United States of America exercises extraterritorial jurisdiction. So the quotation by that letter of the 1922 act at the very outset was exceedingly misleading to the ordinary reader, was it not?

Mr. Robbins. I would rather Secretary Wilbur would answer that

question. He is here this morning.

Mr. HULL. You can not get the War Department fighting the Navy Department, naturally. Ask him what he means when he says that it affected the South American countries.

Mr. Cooper. What do you mean when you say it would affect the

South American countries?

Mr. Robbins. Because they would be dependent on the United States largely for their import of munitions to defend themselves.

Mr. Burron. To what extent have we exported arms and munitions to South American countries at war?

Mr. Robbins. Not a great deal.

Mr. Burton. Do you know from what foreign countries they have

imported arms and munitions?

Mr. Robbins. It depends on what standards they have adopted: I think that probably there are more of French manufacture. That

Mr. Burton. In Bolivia they are trained by German officers and would they not import arms and munitions from Germany?

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Mr. Bloom. How much?

Mr. Robbins. Billions of dollars.

The CHAIRMAN. I am not clear as to your answer on the effect of this resolution on the South American countries. As I read the resolution it means this, that in case of war between sovereign States of South America this embargo would be effective, provided Congress did not lift it.

Mr. Robbins. Yes.

The CHAIRMAN. That is a fair construction.

Mr. Robbins. Between any of the South American countries.

The CHAIRMAN. Sovereign States?

Mr. Robbins. Yes.

The CHAIRMAN. In case of domestic trouble in any of these South American Republics, the resolution would not interfere with the shipment of arms, at the discretion of the President, to those countries; I am correct in that?

Mr. Robbins. Yes.

STATEMENT OF HON. CURTIS D. WILBUR, SECRETARY OF THE NAVY-Resumed

Mr. Moore of Virginia. Getting back to your letter which has been incorporated in the record here, what is the date of it?

Secretary Wilbur. I believe the printed copy you have is not dated. I have forgotten the date the letter was signed. I can give you that. I think it was stated here at the time the chairman of the House Nava! Affairs Committee was here. If there is any importance attached to it, I will be glad to advise you.

Mr. Moore of Virginia. Your letter itself shows that it is in respect to a request made on March 15. By whom was that request

made and in what form?

Mr. Burton. The letter is dated March 16.

Secretary Wilbur. That letter was written in response to a letter from the chairman of the House Naval Affairs Committee. I think I made that clear when I was here before, that a similar letter in substance and effect, aside from this preliminary statement, had been addressed to Mr. Andrew before that.

Mr. Burton. On what date?

Secretary Wilbur. The letter was dated March 7.

Mr. Cooper. Was it not published in the New York Times on the 16th, Friday, of last week? If so, it was published on the day it was dated.

Secretary Wilbur. Before I take up that, let me say that this letter was held by me after it was dated-I mean the letter to Andrews-a number of days before it was signed, so it was not dated the day it was sent. I will give you the exact information on all

this if you want it.

Mr. Moore of Virginia. I am interested in the genesis of this communication, which is a formidable attack upon the resolution. The Burton resolution was reported to the House on January 30, and there passed the month of February and then considerable time in March. You, of course, knew of the Burton resolution. You must have known, or your adviser, of the Burton resolution, if they keep up with the proceedings in Congress or read the newspapers, some

Mr. Robbins. They might now. They did not during the war, cernly, and in the period after the war German munitions manufac-

ers were not permitted to manufacture, as you recall.

Mr. Cooper. In subsection 14, line 13, page 3 of the resolution, the guage is "component parts of the articles enumerated above if bable of being used in the assembly or repair of the said articles as spare parts."

Do I understand the witness to say that that would or would not lude cotton?

Mr. Robbins. It would include cotton. It would include starch I steel, in my opinion.

Ir. Cooper. Analyze that—component parts capable of being used he assembly-you say that would include cotton?

Ir. ROBBINS. Yes.

fr. Martin. Do you realize what the solicitor of the Department Agriculture said?

fr. Robbins. Yes; I heard what he said. He is entitled to his

nion. I am entitled to mine. I think it certainly would.

Ir. Cooper. Mr. Ford, by way of illustration, and other manufacters, have assembly plants. The General Motors has an assembly it in my district. It ships parts of its own motors there and mbles them, puts them together.

o you think that there is any difference between the expressions

sembly of parts" and "manufacture of articles"?
r. Robbins. I think there is a difference between assembling a ber of manufactured materials and assembly of two raw maals to make another material; yes.

r. Cooper. But a material is not a part.

r. Robbins. I would say it was.

r. Cooper. Component parts capable of being used in the assemor as spare parts. That shows plainly it does not mean cotton. on is not a spare part of anything.

r. Robbins. No; but it is a component of gun cotton, and starch component of nitrate of starch.

r. Cooper. The resolution says "spare parts"—a component part

ble of being used in the assembly or as spare parts. n that, by any possible, fair, rational construction, especially

you are construing a criminal law, which always requires construction, be held to include a material which is used in the facture of an article?

Robbins. I would certainly construe it so. I would construe apply to cotton, starch, and other raw materials that are used sembly of gun cotton.

Cooper. I am confining my question to cotton.

Maas. Yesterday, in answering one of my questions, you I that the United States is not now prepared to defend itself st sudden, concerted action by other powers. ROBBINS. Right.

Maas. Can that be corrected by action of your department, or,

ir opinion, will it take additional legislation?

ROBBINS. It will take money first of all, and Congress holds ocketbook; but it takes so much money I do not think Congress ever do it-that is, to be prepared for what we call a major ency.

s prepared. Is that true? Secretary Wilbur. If you are asking me a question, I will say it Admiral Hughes refreshed my recollection shortly after the rton resolution appeared in some form, I do not know whether introduction in the House or where; he asked me whether we ould make any appearance or invite any correspondence in con-tion with it, and he tells me that my reply was that we would it until the matter was brought to our attention formally.

Mr. Moore of Virginia. You did not address any communication

the chairman of this committee?

Secretary Wilbur. No communication of any kind.

Mr. Moore of Virginia. You did not when you were in corresponde with the Naval Affairs Committee or any member of that comtee, indicate that fact to the chairman of this committee?

Secretary Wilbur. No. I will give you the genesis of it. We had uestion from Mr. Andrew. I sent it as a matter of routine to the neral Board, and, while they were considering the matter, and, haps, after the letter had been prepared, Senator Burton teleoned in regard to the matter, and that time was the first time my ention was forcibly drawn to the matter involved in his resolun. As I said before, I had it drawn to my attention by the Chief Naval Operations, Admiral Hughes, and, of course, by the letter Mr. Andrew. Senator Burton raised the question of propriety a letter addressed to a single Member of Congress.

Mr. HULL. That was after this request from Mr. Andrew had

Secretary WILBUR. Yes. Mr. Moore of Virginia. You did not, when this letter was prered, send a copy of it to the chairman of this committee?

Secretary Wilbur. No. I talked about it to Senator Burton. I talked about it to Mr. Porter and I had planned to furnish a

by and did furnish a copy to the chairman, but it was the mornof the hearings here.

Ir. Moore of Virginia. It was after the letter had been sent to Naval Affairs Committee and gotten in different newspapers. Secretary Wilbur. It is true that it was after it had been sent to Naval Affairs Committee, and it is also true that it was after it into the newspapers or, at least, one newspaper, the New York nes, and I will repeat what I said, in view of Mr. Cooper's statent, that we had nothing to do with the publication of the letter,

I ask Mr. Cooper to withdraw the statement in the question. Ir. Cooper. In questioning Mr. Robbins, you stated that after the vy Department had published the letter-had not published the er in the newspapers and had nothing to do with it-perhaps directly, but you handed it out for publication under the injuncof secrecy, and with the very thought that it was to be, of course. secretary Wilbur. I deny that.

Ir. Moore of Virginia. Did you mark your letter "personal," to committee or the individual to whom it was sent, or write any e, showing that it would be equivalent to flouting the Foreign

airs Committee if it was given out without being brought to the ntion of that committee?

Secretary Wilbur. Not at all. I understood the matter was coming up on the floor of the House in a matter of a few hours. Mr. Moore of Virginia. Who did you get that understanding

from-Mr. Porter?

Secretary Wilbur. I assumed that Mr. Andrew desired it for

that purpose. Now, what is your question?

Mr. Moore of Virginia. Your reason for not doing the things that were not done seems to be that you thought in a few hours the matter would be under discussion in the House. Did you get that information from Mr. Porter, chairman of this committee?

Secretary Wilbur. No.

Mr. Moore of Virginia. Or from Senator Burton? Secretary Wilbur. No. I got it from Mr. Andrew.

Mr. Moore of Virginia. Why were you depending on Mr. Andrew with reference to this whole matter in disregard of this committee? Secretary Wilbur. It seemed to me that ought to be perfectly plain. The matter had been brought to our attention with the request for an answer by Mr. Andrew, and we answered him as he requested us to do. That is all there is to it.

Mr. Moore of Virginia. I understood you, and you can tell me whether I am correct or not, that this document was prepared not

by you but otherwise. By whom was it prepared?

Secretary Wilbur. By the General Board on my direction. Mr. Moore of Virginia. You directed the General Board to prepare a statement of views. You did not tell them what views to

indicate? Secretary WILBUR. Not at all.

Mr. Moore of Virginia. How much time elapsed after this brief was fixed up by the General Board before it was brought to you for consideration

Secretary Wilbur. I presume it was brought to me immediately. Mr. Moore of Virginia. How long did you take to consider it?

How many hours?

Secretary Wilbur. I think I can ask with propriety what is the

purpose of this line of questions?

Mr. Moore of Virginia. I will tell you what the purpose is, to be entirely frank, and I want to be entirely respectful—the purpose is to show that you yourself, not having told the General Board what your views were, got the views of the board in this letter, and took almost no time to consider those views as embraced in the letter. Secretary Wilbur. If that is a proper subject of inquiry-

Mr. Moore of Virginia (interposing). That is a proper subject of inquiry, in my humble judgment.

Secretary Wilbur. I may say, if it is a proper subject of inquiry. I am perfectly willing to answer the question. After this letter was prepared it was taken up in the Cabinet and it was submitted to the Secretary of State and read by him and taken by him to his office and gone over very carefully. It was returned to me, and I had read it before it was submitted to the Secretary of State, if I remember correctly, and afterwards the letter seemed to me to be sound and I signed it and sent it to Mr. Andrew, and subsequently asked him to withhold the letter, as I have already stated.

Mr. Hull. You asked Mr. Andrew to withhold the letter?

Secretary . Wilbur. I asked Mr. Andrew to withhold the letter d then made the reply to the chairman of the House Naval Affairs

Mr. Moore of Virginia. How much time was occupied in all of

Secretary Wilbur. To answer with the utmost exactness would reire me to check it over. It was a matter of a few days; perhaps

days altogether. Mr. Moore of Virginia. This board that you spoke of is called

Secretary Wilbur. The General Board of the Navy.

Mr. Moore of Virginia. It is the same board that recommended

struction of 71 vessels to Congress?

Secretary Wilbur. Yes; it is the board organized for the purpose advising the Secretary of the Navy on technical questions in ard to the development of the Navy.

Mr. Moore of Virginia. You accepted views of the General Board respect to this matter as you did in respect to the construction of

naval vessels?

Secretary Wilbur. I will not answer that question.

Mr. Linthicum. Do I understand that this letter was submitted to Secretary of State and approved by him?

Ir. Moore of Virginia. He says so.

The CHAIRMAN. He did not say it was approved.

Ir. LINTHICUM. It was not disapproved.

Ir. Moore of Virginia. We want all the facts. Now, I come to letter itself. It contains a summary at the end. The letter

umming up the situation----

fr. Bloom. What page? fr. Moore of Virginia. Page 1825. Two conclusions are reached. they are numbered 1 and 2. The second conclusion is as follows:

he annulment of the present freedom of action and exercise of discretion reposing in the President to meet future conditions is contrary to sound inistration and invites embarrassing and difficult situations.

hat apparently has reference, has it not, to the discretion vested he President, which is the only discretion he has, by the act of uary 31, 1922. Is that correct?

ecretary Wilbur. I think it is intended to be broader than that. ink it primarily refers to that.

Ir. Hull. Primarily?

ecretary Wilbur. Yes.

r. Moore of Virginia. What specifically does it refer to? What retion does the President have?

ecretary Wilbur. Of course, that is a rather difficult question to

r. Moore of Virginia. It is very important though.

ecretary Wilbur. The President can recommend to Congress now hing consistent with his views of the rights and duties and oblions of the United States in reference to any individual contest ny particular contest that may be going on between nations. If gress forecloses it by declaring in advance that there will be an argo or that there is an embargo, the President would not have freedom of action.

Mr. Moore of Virginia. Does not the Constitution give the President the right to make recommendations to Congress on anything pertaining to the state of the Union?

Secretary Wilbur. Certainly.

Mr. Moore of Virginia. Without reference to statutes that may be in effect or prospective statutes?

Secretary WILBUR. Yes.

Mr. Moore of Virginia. I come again to ask you what statute is in effect save the one mentioned, the act of 1922, which vests, with respect to this subject which we are considering, freedom of action, a discretion in the President of the United States? Do you know of any such statute?

Secretary Wilbur. I have in mind no other statute than the one

we have before us, and the proposed resolution.

Mr. Moore of Virginia. There is not any such statute. Therefore, is it not fair to say that that second conclusion is absolutely error?

Secretary Wilbur. No; I think it is absolutely right.

Mr. Moore of Virginia. In spite of the fact that the statute on which it is predicated is admitted by practically everybody who has been here to be irrelevant to this discussion, you still say it is absolutely right?

Secretary Wilbur. I think the statement there is a fair statement and a just one. I would not hesitate to make the statement again. I concede there may be differences of opinion, and I do not question your right and your judgment in arriving at a different conclusion.

Mr. Moore of Virginia. It is not my judgment alone but it is the judgment of this entire committee, including the very distinguished gentleman who sponsors this resolution, who knows more about it

Secretary Wilbur. I do not criticize the committee and have no desire to do so. I stand by the letter written. It might have been

written in different terms and expressed better.

Mr. Moore of Virginia. We differ then on that. The committee thinks that the second conclusion is without foundation, because there is but one statute that gives the President any freedom of action in the exercise of discretion relative to this matter that we are talking

Secretary Wilbur. What I am pointing out is that the President has the right to be untrammeled by such considerations in making recommendations to Congress as Thomas Jefferson did in regard to the embargo which resulted in four days in action by Congress.

Mr. Mocre of Virginia. Do you mean to assert that by this resolution he would be trammeled in making any recommendation to Congress he might think fit, or that he would not violate his oath of office if he failed to make recommendations to Congress that ought to be made?

Secretary Wilbur. My judgment is that it would have a hampering effect upon the President in that you are interfering with a situation that is crystallized into law, and that he would not have the same freedom that he now has in the absence of this legislation. That is a matter of opinion. I do not want to be obstinate about it. but I would adhere to that, not simply because it is written down.

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it that is my judgment and you gentlemen have it for what it is

Mr. Moore of Virginia. Let us take the first conclusion:

Summing up the situation, the Navy Department can see no useful result ich would come from legislation binding by municipal law this country to special burden forbidding international trade in arms permitted by intertional law, and punishing its citizens for international trade permitted by

Am I to assume from that, that if this subject could be dealt with international agreement that you would have no objection?

Secretary WILBUR. I think that is a fair assumption. It is our idea at these matters should be dealt with by international agreement. think that is the purpose of this Geneva conference to work out mething on which all the nations could agree.

Mr. Moore of Virginia. I will concur in that view with great easure. As a matter of fact, has not our whole neutrality policy. which this resolution is designed to be an expansion, been a matter domestic and not international action from the time of George

ashington's administration?

Secretary Wilbur. I do not think I am competent to answer that estion. My idea is that the American Government has always been remost among the nations of the world in advocating and attemptto protect the rights of neutrals, if that answers your question.

Mr. Moore, of Virginia. No; not quite. Is not this true, that at the zinning of the Government, in George Washington's first adminration, it was found that governments themselves had been the st reluctant and most irregular in assuming an attitude of neulity in case of war going on between other nations, and that neral Washington, according to all the historians who have written the subject, determined that the United States of America would ve its own policy without regard to the attitude of other nations: d did he not, through his Secretary of State, Mr. Jefferson, take position that the Government of the United States would remain itral where other nations with which it was at peace engaged in r, not as an international policy, but as a domestic or municipal icy, and that was policy he proposed and inaugurated for us? Secretary Wilbur. That, of course, is a very long and somewhat olved question. I do not mean it is not clear. I do not know that ould answer it categorically. Of course, we all know that Washton's policy of neutrality in connection with hostilities between ance and Great Britain was one of his outstanding policies. That what you have in mind, I think.

Ir. Moore, of Virginia. You remember perfectly well that Mr. net, minister of France to this country, protested against the ited States going its own gait in inaugurating a definite policy governmental neutrality, and that General Washington said, enet, we are going to do this because we think it is the right ag for the United States to do." You recall that?

ecretary Wilbur. I remember the situation has been given us history along those lines. That was a very critical time in our

Ir. Moore of Virginia. We are assuming, at least I am assuming, ther correctly or incorrectly, that the policy of governmental trality as inaugurated by General Washington was a domestic

and, as you might say, a municipal policy. Following that did we not extend that policy by statutes, without regard to the action of other nations, so as to make certain greater neutrality?

Secretary Wilbur. I do not believe I will be of any assistance to you along the line of your questions involving a study of the statutes and history that I have not made. I know what you are stating now is absolutely true, but I do not believe I will be very helpful to you

in that line of investigation.

Mr. Moore, of Virginia. I would respectfully call your attention to the importance of the statutes, the importance of considering the statutes which are set out at length in the Code of Laws of the United States, title 18, page 460, where there are quite a number of statutes containing prohibitions against citizens of this country doing unneutral acts. For instance, take an example: Supplying cannon to the vessels of any or either of the belligerents engaged in war; organizing on our soil expeditions to aid either one or the other of the belligerents engaged in war where we were at peace with both belligerents, and so forth—quite a number of statutes.

I may tell you, it is a matter of interest and you may know it already, that in 1818 this body of statutes was under consideration in the House of Representatives and they were debated by such men of distinction as Henry Clay, Lowndes, of South Carolina, and Tucker, of Virginia, and in substance they were not objected to by anybody. Those gentlemen all apparently thought it was desirable for the United States, mark you, without international action, to extend the doctrine of neutrality as proposed by those statutes.

The point I am making is that we ought not to think, when we are considering neutrality, that we can not act without international

agreement.

Secretary Wilbur. I agree to that absolutely.

Mr. Moore of Virginia. We ought to think that it is proper for us to act alone where we think we ought to act as conscience demands, without waiting on other nations.

Secretary Wilbur. I agree to that. Under the embargo act of 1807 American commerce was forbidden to leave the ports in order to keep out of harm-one of Jefferson's laws that passed the Senate one day and both Houses in four days.

Mr. Cooper. That would be sustained as constitutional?

Secretary WILBUR. Undoubtedly.

Mr. Cooper. But it never went to the Supreme Court; it was in the lower court.

Secretary Wilbur. I have not raised any question of constitu-

tional law here. Mr. Moore of Virginia. Evene though you and I may differ about this resolution, Mr. Secretary, I think I am obliged to say that the Government of the United States has done a great many things with a view of preserving neutrality without waiting on other nations to concur.

Secretary Wilbur. I am very happy to agree with you on that. Mr. Moore of Virginia. We are trying now to do one thing more, to take one other step. Let us say that we take this step and then look at the matter not in an academic way, but in a practical way. Let us assume that this resolution is adopted, and then that a war takes place. How would this resolution operate to embarrass the

nited States in preparing for war and carrying on war in case it ot into a war itself?

Secretary Wilbur. I think it would. Was the question, in what

ay would it embarrass the United States?

Mr. Moore of Virginia. I do not want to be understood, in the se I am supposing, that two other nations are at war. I am suposing a case where the United States happens to be, unfortunately, gaged in a war with another power; would this resolution opere, if it should be in effect, to embarrass the United States?

Secretary WILBUR. This Nation is at war with another nation, and e question is whether this resolution would embarrass this

untry?

Mr. Moore of Virginia. Yes.

Secretary Wilbur. As I see it, speaking offhand, that embarrassent would be entirely in the question of mechanical equipment, nich we would be deprived of by reason of our inability in the ars preceding the war to utilize those facilities for the production arms by exportation.

In other words, the embarrassment would not be diplomatic: it ould be simply the result of our own inefficiency in war-producing chinery and material. That is the only embarrassment I see in

Mr. Korell. In that connection I asked the Secretary of War

other day this question:

Suppose we continue with the policy of relying upon privatens and munitions factories, and they in turn are dependent upon continuance of foreign wars in order to keep their plants in edition to meet an emergency in the event we get into another r. Suppose all foreign wars were to terminate and our private tories were forced out of business as a consequence, what would ome of our plans for national defense if we were to have a wara couple of years after that? Would they disappear or would re be anything left of our preparedness?" ecretary Wilbur. What was his answer?

Ir. Korell. What is your answer?

ecretary Wilbur. I have not any answer to that question. There so many hypotheses in it. I am not saying that in a critical way, can not see very far in advance in a war. We can realize that thing that tends to deprive us of the ability to manufacture arms the capacity to produce them will be harmful to us in case of . I do not think in my personal view of this matter that we

e relying upon foreign wars to make us prepared.

e had that situation, of course, previous to the World War. thought was more with relation to the situation in time of e, what you might call the routine development of our industrial vities, by which there has seemed not to be a great deal of arms orted. The talent would be in existence in this country that ld enable us to produce larger quantities at any time. The situn when we had an enormous output going to belligerents in the ld War was unique and unusual.

r. Korell. You have in mind that this resolution simply relates n embargo against the exportation to belligerent nations with h we are at peace.

Secretary Wilbur. True. Will you gentlemen give me the opportunity of considering any question you have specially in mind by studying the material?

Mr. KORELL. I would like very much to have you consider the question that I have just asked because I think, with all respect, that you did not give a direct answer to it. You depended on different hypotheses than were included in my question and those I mention are the ones that are actually at issue in this hearing.

Secretary Wilbur. I will consider that further. I think I gave

you, perhaps, the view of the department.

The Chairman. The Burton resolution was introduced on December 5, 1927, and reported out January 31, 1927. The records in the committee show that no one asked for a hearing on the resolution. This first letter that you wrote Mr. Andrew was of the date of March 7. That you say was not mailed until a few days later.
Secretary Wilbur. It was not mailed. It was handed to him.

The Chairman. The letter to the Naval Affairs Committee was dated March 16. That was the letter to Chairman Butler.

Secretary Wilbur. They were practically identical, with the exception of the opening statement.

The Chairman. There was no copy of that letter sent to this com-

mittee which had this bill under consideration.

Secretary Wilbur. The committee did not have it under consideration. It was on the floor of the House at that time. If there is any discourtesy there, I am willing to shoulder the burden of it.

The CHAIRMAN. I am not raising the question of discourtesy at all. I am satisfied it was a mistake. I heard of that letter; in fact, I could not understand where all this propaganda was coming from on the floor. Last Saturday I asked you for a copy of that letter, which you furnished Monday morning when you appeared to testify. Is that a fact?

Secretary Wilbur. I think we met the day before.

The CHAIRMAN. Was it Saturday afternoon we met or the next morning? At any rate, Admiral Hughes said he would have somebody work late that night and copy the letter for me.

Secretary Wilbur. Exactly.

The CHAIRMAN. Those are the facts in regard to the letter. Admiral Hughes. It was Friday night we met with you.

Secretary Wilbur. I will give you the exact sequence, the exact

hours, if you want it, all along the line.

The CHAIRMAN. What I want to call your attention to is this: It seems the Naval Affairs Committee did exactly the same thing. They did not send us a copy, and up to the present date I have not even read that letter.

Note the situation in which you placed this committee which was directly in charge of the bill. Your statement goes out. We do not hear of it for four or five days, and the War Department statement goes out. I have never seen a copy of that. The result is that a great many men on the floor have been misled by this statement.

Secretary Wilbur. I will give you the details of that.

Mr. Hull. He said he told Mr. Andrew to withhold that letter. Mr. Fish. You have not the record quite straight in regard to dates. The Secretary made a statement that it was only in the New York Times. That is not the fact. It was in the New York

EXPORTATION OF ARMS TO BELLIGERENT NATIONS

ribune on the morning of the 16th, which was Friday morning, d therefore must have been written on the 15th.

The Chairman. It is 10 minutes to 12, and I suggest we go into ecutive session.

(Thereupon, at 12 o'clock noon, the committee adjourned to meet ain at 10.30 o'clock a. m., Thursday, March 22, 1928.)

> House of Representatives. COMMITTEE ON FOREIGN AFFAIRS. March 22, 1928.

The committee this day met, Hon. Stephen D. Porter (chairman) esiding.

The CHAIRMAN. The committee will be in order.

ATEMENT OF HON. CURTIS D. WILBUR, SECRETARY OF THE

Mr. Moore of Virginia. May I ask you just one question with refence to your statement of yesterday? I notice in the United ates Daily of this morning there is a report of the proceedings yesterday headed, Cabinet Considered Opposition to Restricn of Arms Exports, and then in the text there is this said:

rior to its submission to the members of the committee, the naval Secrey stated the letter was placed before a meeting of the Cabinet and dis-

All I am trying to get at is, whatever the fact might be with erence to that point, whether this letter was read in the Cabinet l discussed by the Cabinet, and the conclusion reached on it. Secretary Wilbur. I would not want to go into that any further n I have. Perhaps I should not have said anything about it.

that matter was brought up, as I said.

did make one mistake in my statement of yesterday, when I I copy of a letter furnished to Mr. Andrew was exactly the same h the exception of the first paragraph as the copy sent to Chair-n Butler of the House Naval Affairs Committee. There was one erence. There was a sentence eliminated from the second draft ch is before you.

he Chairman. I notice in your testimony of yesterday this

stion and answer:

r. Moore. That is a proper subject of inquiry, in my humble judgment. scretary Wilbur. I may say, if it is a proper subject of inquiry, I am ecly willing to answer the question. After this letter was prepared it taken up in the Cabinet, and it was submitted to the Secretary of State read by him and taken by him to his office and gone over very care. It was returned to me, and I had read it before it was submitted to

Secretary of State, if I remember correctly, and afterwards the letter sed to me to be sound and I signed it and sent it to Mr. Andrew, and equently asked him to withhold the letter, as I have already stated.

notice in your testimony you were careful to avoid stating that Secretary of State had approved the letter. As a matter of , did you not hand him the letter merely for the purpose of oing him informed of the position the Navy Department was

Secretary Wilbur. No. I do not know how far I ought to have gone in discussing a conversation with another Cabinet officer. The CHAIRMAN. I do not want to get you into any controversy

Secretary Wilbur. I would not be:

The Chairman. I notice you were careful in your testimony to avoid saying that he approved or disapproved of your position, and I assumed that your purpose in handing the letter to him was to keep him informed as to the attitude of the Navy Department on this question.

Secretary Wilbur. No; my primary purpose in handing it to him was to ascertain whether or not the communication which is quoted there from the conferees at Geneva was a confidential matter.

The CHAIRMAN. That was the primary object?

Secretary Wilbur. That was the primary object. He examined it and said he wanted to go over the whole letter and I let him take it and he reported that that matter had already been reported to

The CHAIRMAN. But you do not say now that the Secretary of

State approved this letter except in that manner?

Secretary Wilbur. No; I have not said anything about it. I think it would be better for him to say whether he approved it or not.

The Chairman. You conveyed that impression to me in your testi-

mony. That is the reason I got the exact wording.

Secretary Wilbur. He did approve it, very emphatically. The CHAIRMAN. There are statements in the letter that I doubt very much the Secretary of State would approve, especially the statement on page 1825:

Finally, the very important principle of freedom of action by the Executive to meet any condition arising in the future, if sacrified, and the Government becomes bound by legislative action permitting no initiative or discretion on the part of the executive department of the Government. Moreover, any attempt to change such legislation by the United States as a neutral might well be considered as an unneutral act and therefore prohibited.

As a matter of fact, we have the opinion here from the Secretary of State that the placing of an embargo or the removal of it was not an unneutral act.

Secretary Wilhur. That is the first letter you received from the

Secretary?

The CHAIRMAN. Yes.

Secretary Wilbur. I had already read that letter.

The CHAIRMAN. The point I make is this: It do not want it to appear in the record that the Secretary approved of the statement in your letter when it was squarely in conflict with the views he expressed in his letter to the committee.

Secretary Wilbur. I do not think there is any conflict in it at all, but that question was not discussed and I do not want to say that the Secretary specifically approved any given language in this letter.

The CHAIRMAN. Do you say there is no conflict between that statement-" Moreover, any attempt to change such legislation by the United States as a neutral might well be considered as an unneutral act and therefore prohibited "-is there any conflict between that statement and the statement by the Secretary of State that to lay an embargo or remove it was not an unneutral act?

Secretary Wilbur. I would want to compare the two together with the before passing on it. I do not think that is a matter for me to so on. We presented for you in that letter, which is perfectly derstandable, that the removal of such an embargo during a war ght very well be considered as unfriendly by the side as to which removal applied. Whether that would be technically an untral act is another question and, after all, an act of that kind is ely to be characterized as an unneutral act whether it is in fact or . In other words, an injured party in a fight usually claims that a favoritism shown the other side is wrongful as well as unneutral. The Charrana. I am not disputing your right to your opinion.

The Chairman. What I am doing is trying to avoid putting in the ord statements that would indicate the Secretary of State had pressed conflicting views.

Secretary Wilbur. Suppose we strike out all this last testimony

n; how will that do?

The CHAIRMAN. No.

Mr. EATON. How would it do for the Secretary of State to come
e and tell us what his views are?

The CHAIRMAN. We have his views here in a written communica-

Secretary Wilbur. I think he would be very glad to give you his ws.

The CHAIRMAN. How do you know that?
Secretary Wilbur. He told me so. He did not tell me in just those
see or four words, but he gave me the impression that he would

The CHAIRMAN. Would you have any objection to deleting some the statements in this letter of yours that are obviously incorrect? take this request because this letter will appear in the record to read by thousands of people.

fr. Hull. Instead of saying objection, say, do you not want to

ete?
decretary Wilbur. Let me answer you in this way: This letter was pared for another committee. It was not in response to a request me this committee. I thought and still think that it is a fair ement and easily understandable. I have no objection to framing tter in which you may, perhaps, eliminate some of the suggestions gentlemen have in mind. You see what I mean? I do not not to make a statement that is not correct or that is susceptible of

interpretation.
The difficulty about doing that is that this par-

lar letter runs all through the testimony.

ecretary WILBUR. I can see that.

The Chairman. If you put in another letter it would create greater fusion. Now, on the first page, second paragraph, you say:

ne United States is an arms-producing country. There are numerous small tries, particularly on the American Continent, that are not arms-producing stries. It is accepted as a legitimate right and need that those countries to be supplied with arms, munitions, and implements of war for administrapolicing, and safeguarding the country.

stop there and omit the words "and for their defense during

Now, this resolution which forbids only the shipment of arms to sovereign states at war could not, under any possible circumstances, interfere with the securing of arms by those countries for administration, policing, and safeguarding the country.

Your statement is quite misleading to a man not familiar with the resolution of 1922. Would you have any objection to deleting this

part of the letter?

Secretary Wilbur. I think I understand you, but I am not absolutely certain. As I understand the drift of this letter it is this: This resolution 183 does not expressly prohibit the furnishing of arms, munitions, and implements of war for administration, policing, and safeguarding the country during time of peace, but the theory on which this letter is written is that as you favor absolutely prohibiting the exportation of arms to those countries in time of war, that in time of peace the munitions they secure would be secured from other nations from whom they could purchase arms and ammunition in time of war. That is a very vital proposition.

The Chairman. That may be the theory, but it does not so state.

Secretary Wilbur. This part of it is purely introductory to the discussion of the bill. You are quite right, and there is not question about it, that the resolution does not prohibit directly any such exportation.

The Chairman. In other words, at any time during peace or war this bill would not prohibit the shipment of arms and munitions to these countries for administration, policing, and safeguarding the country?

Secretary Wilbur. Would you say that was true also in time of

war

The Chairman. Yes. There would be no sovereign State at war, if it were a domestic matter.

Secretary Wilbur. You are thinking of a revolutionary affair.

The Chairman. That is what it has in mind, policing a revolution, and administration.

Secretary Wilbur. I should say beyond question that you are correct in your statement that the law you propose does not directly prohibit exportation of arms for the purposes indicated, in time of peace or in time of internal revolution.

The Chairman. Now, passing to the fourth paragraph, after reciting the act of 1922, which is clearly limited to domestic troubles or domestic violence in any American country, I find this statement:

This act, originating in 1898 and extended in 1922, to cover extraterritoriality, particularly in China, gives the President freedom of action in cases where there seems to be an abuse arising from the special nature of commerce in arms and the power to remedy the evil which might be arising therefrom.

Do you not think that statement should be limited to any American country where domestic violence occurs? Otherwise one in reading would infer that it gives the President power to exercise this control all over the world.

Secretary Wilbur. As I understand your statement, you are absolutely correct. This relates back to the law concerning American countries.

The CHAIRMAN. Do you not think the statement in the conclusion of the letter should be qualified so as to prevent conveying the im-

ession that the resolution gives the President the right to exere this power all over the world?

Secretary Wilbur. That should be stated undoubtedly. I believe

to be the truth.

Mr. Moore of Virginia. Do you think it is a little unfortunate, Mr. cretary, that so much weight in discussing this matter should have en placed on this act of 1922 which relates to internal troubles d not to war between nations?

Secretary Wilbur. I think the letter was prepared in the utmost od faith. It could have been omitted and referred to more briefly.

e two laws are distinct. There is no doubt about that.

The CHAIRMAN. On page 1825, the paragraph I referred to a

ment ago, reads as follows:

Pinally the very important principle of freedom of action by the Executive meet any condition arising in the future if sacrificed and the Government omes bound by legislative action permitting no initiative or discretion on part of the executive department of the Government.

Now, I think you will agree with me that this paragraph conveys impression that the Executive has control over embargos, when, a matter of fact, the exclusive control over embargoes is in Coness. Would you have any objection to striking that out?

Secretary Wilbur. I would bear in mind what you say with refer-ce to a supplementary or modified statement. I will bear that in nd. I do not want to answer categorically that particular quesn. I think we discussed that matter yesterday and our opinions re at one that the embargo power laid primarily in Congress.

The CHAIRMAN. The reason I am taking it up with you is this: is document has apparently been printed by somebody in the office the Public Printer, and no doubt will be freely distributed over United States, and we, as officials, should correct any inaccura-

Secretary WILBUR. I agree with you entirely on that.

The CHAIRMAN. In the next sentence—" Moreover, any attempt to ange such legislation by the United States as a neutral might well considered as an unneutral act and therefore prohibited "-you se the position that it is an unneutral act and the Secretary of ate, whom I think is our proper adviser in such matters, says it ould not be an unneutral act.

Secretary Wilbur. Do you mind my reading that letter? I read

The Chairman. We are in this situation: The Navy Department ys it is unneutral and the State Department says it is neutral.

Mr. Cooper. That is one of the most misleading sentences in this ry misleading letter. You can, by a mere suggestion, mislead a rson, without making a positive statement.

Secretary WILBUR. That is true.

Mr. Cooper. The power of suggestion can mislead a reader. Here

the point to this misleading sentence in the letter:

"Moreover, any attempt to change such legislation"-that is, to ange general international law which now permits private sale by utrals of munitions of war—"to change such legislation by the nited States as a neutral might well be considered as an unneutral and therefore prohibited."

"To change such legislation by the United States as a neutral"but the United States is not-can not be-a neutral until after a war has begun between other nations. The Burton resolution does not propose to change anything "as a neutral" after war has begun. It proposes to change it now in a time of peace, and so give all nations notice before they go to war.

The CHAIRMAN. Yes.

Mr. Cooper. The resolution proposes that we enact this, not as a neutral, because there is nobody fighting, but as a sovereign nation in time of peace to help preserve peace. The sentence I have quoted

from the letter is very deceptive.

Secretary Wilbur. You are interpreting that letter entirely erroneously. I have read the clause in the letter at the bottom of the page, and it does say that removal of an embargo applied equally to both powers could not be regarded—" provided that such action by Congress applied equally to all parties at war, it would not be unneutral."

The Chairman. It would not be unneutral.

Secretary Wilbur. What was stated in my letter was that such an act might be regarded as an unneutral act. It does not assert that there would be an unneutral act, and I think what we had in mind there was that the belligerents might regard it as an unneutral act and probably would.

The CHAIRMAN. Do you say that the laying of an embargo by a

neutral power is a neutral or an unneutral act?

Secretary Wilbur. I would not want to say that. Do you mean

in time of peace or war? The CHAIRMAN. Either.

Secretary Wilbur. I would not want to be drawn into that discus-

sion because I am not especially well posted on that.

The CHAIRMAN. Would you say that the lifting of an embargo by a neutral, as the Secretary of State has said, if that action applied equally to all parties at war, would be an unneutral act?

Secretry Wilbur. I am willing to accept the conclusion of the

Secretary of State on that.

The CHAIRMAN. That it is not an unneutral act?

Secretary Wilbur. Exactly.

The Chairman. This letter of yours was apparently written on the theory that while it would not be unneutral to raise or lift an embargo one or more of the belligerents might claim that it was an unneutral act.

Secretary WILBUR. I think that was what was in mind of the

Admiral who drafted this.

The Chairman. It does not say so. It makes the positive statement that it would be unneutral.

Secretary Wilbur. "Might well be considered as an unneutral

Mr. Cole. There was a dispute yesterday as to what was done in act. taking this letter to the Cabinet. Senator Burton and I contended that you did take this letter along with you to a Cabinet meeting but you did it for the purpose of turning it over to Secretary Kellogg and did not take it along for presenting to the Cabinet and that it was not presented to the Cabinet as such. Is that interpretation which Senator Burton and I placed on that matter correct?

Secretary Wilbur. Neither one of you is exactly correct. I do t want to discuss that further. I injected that statement to cover point suggested here that the matter had not been considered. lo not want to drag into this discussions occurring in the Cabinet. to not wish to give the impression that the letter was formally d expressly approved by the Cabinet.

Mr. Cole. I realize your position in that matter but, unfortunately, has become a matter of dispute based on your statement whether s document was submitted to the Cabinet and passed upon by

Cabinet.

Secretary Wilbur. It naturally would be because I did not intend say, but Mr. Hull asked a question and I made that reply. Mr. Moore of Virginia. That is the reason I propounded an inry to the Secretary a while ago because it seems to me to be a tter of tremendous importance if the Cabinet has taken up this ter and passed upon it and approved it.

Secretary WILBUR. No.

Mr. Moore of Virginia. We want to know, in other words, whether President of the United States is for or against the policy pressed in this resolution.

The CHAIRMAN. I think that the Cabinet meetings are of such a

fidential nature that we ought not to go into them.

Ir. Moore of Virginia. We did not start it.

Secretary WILBUR. That is true.

The CHAIRMAN. The testimony conveyed a false impression to mind when I heard it and after reading it I saw that the Secrey carefully avoided saying that Mr. Kellogg had approved it. Ir. Cole. In the membership of this committee, as far as I know, re are only two of us that believe that this matter has not been h the Cabinet. All the others assume it was to the Cabinet.

Ir. Moore of Virginia. Just as I predicted yesterday at the consion of the hearing, the newspapers this morning have paraded fact that this issue has been passed upon by the Cabinet and we at this moment in the attitude of it being assumed by the newspers and the reading public that the President of the United tes has taken this position, and if that is true, I think we ought to

fr. Fish. Just to start out by correcting the witness, I think you

e under the impression originally that the New York Times was only paper that published your letter?

ecretary Wilbur. I really do not know.

Ir. Fish. You made a statement. For the purpose of correcting I will state that the New York Tribune last Friday also had letter which we are not discussing. The New York Tribune of ay has an article in rather large headlines, as follows: "Kellogg arms ban note, Wilbur reveals. Navy's opposition to embargo ussed by Cabinet, Secretary tells House.

hat is in rather large type in the New York Tribune of to-day.

rsday, March 22, 1928.

Te realize very well that it is not proper for you or any other iber of the Cabinet to state what goes on in Cabinet meetings, but is a fact, as you stated here, that this particular letter was dis-ed in a Cabinet meeting, I think it would be perfectly proper this committee to consider the advisability of communicating

with the President, because, as you must be aware by now, the membership of this committee believe this report to be most misleading as to facts-hearsay.

Secretary WILBUR. Which report?

Mr. Fish. I call it the report. It is really a letter. It is called a document. It is of considerable length and, of course, you must be aware that the views of this committee are almost unanimously that this is a very misleading report which was considered by the Cabinet, and it may become necessary for us to call the attention of the President to the fact that this committee is unanimous in its belief that this is utterly misleading as to the Burton resolution 183.

Now, Mr. Secretary, do you know what the policy of the neutral nations was toward Germany during the war as to the exportation of

arms and munitions and implements of war?

Secretary Wilbur. I am not prepared to discuss those questions. The knowledge I have of them is the knowledge of a newspaper reader interested during the war in those things, less than any member of this committee, probably, who was charged with some responsibility at that time. We have facilities for examining this question and making proper report on them, and I think for me to answer questions offhand about that would be of no value to the committee.

Mr. Fish. You would not want to venture an opinion?

Secretary Wilbur, No.

Mr. Fish. On page 1823 it says:

Finally, in the World War, waged "for a considerable time" and "on a large scale," the Central Powers did not find it necessary to use implements of warfare obtained from neutral nations.

Do you happen to know why the Central Powers did not find it necessary to use implements of warfare obtained from neutral

Secretary Wilbur. I can give you in a moment my authority for

that statement. I have asked the Admiral to look it up.

Mr. Cooper. They could not get them because England had command of the sea.

Secretary WILBUR. Falkenhayn says:

Particular stress was laid upon the promotion of the production of munitions and the manufacture of long-range guns, the elaboration of the trench mortar into a serviceable weapon, the increase of the machine-gun supply and of the air services, as well as the development of gas as a means of war-fare. * * * Although the Entente was able gradually to avail itself of the munitions supply of the whole world, excluding the central powers, Germany was not only thrown back upon her own resources but was also forced to guarantee her allies ample assistance in this matter as well as in every other province of war material. It was only the requirements during the simultaneous battles on the Meuse, on the Somme, in Galicia, and in Italy in August, 1916, that, exceeding as they did all anticipations, brought about a critical period in the supply of ammunition for a time. However, the program of production which had been drawn up continued to supply such increasingly enormous quantities of munitions that it was very quickly possible to remove the deficiency which had occurred.

Mr. Fish. There were, as you know, a number of neutral nations touching Germany within that region, Norway, Sweden, Switzerland, Holland, and Denmark, and is it not a fact that those nations, neutral nations adjoining Germany and within its spheres, issued

an embargo against the exportation of arms, munitions and implements of war and that is the reason Germany could not get them from any other nation? Of course, they could not get them from us because England controlled the seas, and I want to point out a very vital thing that those neutral nations in Europe did the proper thing, the thing that we propose to do by this resolution.

Mr. Cooper. In time of peace.

Mr. Fish. In time of war. We put it through now, but it only

enters into effect in time of war.

I am giving you precedent for this action and you know why it kept them out of war. That is why they did not ship munitions and arms and that is what this committee is trying to do, to keep us out of war because we know very well that when we ship munitions we will get into the next European war. You make the statement here about Germany. The reason is, you imply, they did not need any. The reason is that they could not buy any from these neutral nations.

The CHAIRMAN. Will you limit yourself to questions?

Mr. Fish. I will call attention to your reading for about an hour. The Chairman. We should have some of these questions answered. Secretary Wilbur. You have other witnesses here.

Mr. Fish. I am reading you for information just what Sweden

Immediately after the outbreak of the World War the Swedish Government ssued an export prohibition for war material. These export prohibitions were naintained until the end of the war and no export licenses were granted to any f the belligerent powers. The same refers to the prohibition of transit war naterial in force from January, 1915, to the end of the war.

They went further than this prohibition and prohibited war maerial from any other country going through in transit. They went urther than we have asked them to do here. We do not need to proide a prohibition against transit. I will show you how I obtained ne document, for the benefit of the committee, and they can get it so from the State Department, but I discussed the matter with the wedish minister and he cabled to his own Government because I was nder the impression, and I am making this statement because most mericans are under the impression, and members of this committee, at Sweden and other countries supplied the Germans with arms durg the war. I discussed that with the Swedish minister and he absotely denied that they shipped arms and munitions to Germany and nt to his own Government and got this statement and I gave it to e State Department, and this is a matter of record. There is no arsay about it. It is a fact I will put into the record and a most aterial fact to the developments in regard to this resolution. Mr. Hull. Is that document from the State Department?

Mr. Fish. The Swedish Minister told me he did not give this to State Department. I have also taken occasion to ask other nisters of these neutral countries and they tell me the same thing, hough I have not it in writing.

Secretary Wilbur. If you call upon them and cross-examine them long as you have me you would find out.

Mr. Fish. I had to get it from other sources because evidently the vy Department did not know the facts.

We will proceed to the first paragraph of this letter where it says:

It is accepted as a legitimate right and need that those countries must be supplied with arms, munitions, and implements of war for administration, policing, and safeguarding the country.

Do you still believe that this resolution affects policing and ad-

ministration of countries in time of peace?

Secretary Wilbur. Yes; in the indirect way that I have stated it, not directly. The language of this joint resolution does not apply. Our proposition is that the practical effect of it would be that the United States would be deprived of the advantage of buying munitions when they want them in case of war and would be deprived in time of peace from a supply in time of war for building up the supply in time of war. I think that is very tangible and very real but there is no disposition here to convey the impression that this embargo resolution expressly prohibits that very thing. It does not.

Mr. Fish. That is practically the premise of your entire statement and we believe it is utterly misleading as to this resolution. You build the whole argument on this false premise. That is a matter of difference of opinion between the Secretary and the committee and

that is the feeling.

Secretary Wilbur. This letter was addressed to a Member of Congress. It was not intended for publication or to provoke public feeling one way or the other.

Mr. Fish. This was discussed in the Cabinet—and that is part of

this particular letter.

Secretary Wilbur. That particular phase of the discussion in which the Cabinet is affected. I do not want to go into what was discussed in the Cabinet, but what I have just said is that this letter was prepared for a committee of Congress, not for publication.

Mr. Fish. As long as you raised the question about it being sent

to a Member of Congress

Secretary Wilbur. I have said all I wish to say.

Mr. Fish. Did the Representative have anything to do with drawing up that letter directly or indirectly?

Secretary WILBUR. I think that is an impertinent question.

Mr. Fish. I will not press it any further.

Mr. Cooper. I would like to have a ruling on that. In what respect is it?

The Chairman. That question is perfectly proper.

Secretary Wilbur. To ask whether a Member of Congress assisted in drafting that letter?

Mr. Fish. Indirectly or directly connected with the drafting of it

and getting up this letter?

Secretary Wilbur. If the committee wishes me to answer that after what I have said I will answer it. As far as I know he had absolutely nothing to do with it. I have spoken to every member of the General Board that it was prepared by, and it was referred by me to them, and the members of the board are here and if you think it is of sufficient importance you can ask them. As far as I know he had absolutely nothing to do with it.

The CHAIRMAN. It would not be an impropriety if he did. If it

is I have been guilty of it a thousand times.

Secretary Wilbur. I do not think that is a matter for the committee. This letter is that of the Secretary of the Navy who is responsible; whether he had a Member of Congress assist or not is entirely aside the question. As long as you are interested in this I have no objection to telling you.

Mr. Cole. I want to say that the Secretary has a right to get his

information from any source he wants to.

Mr. Fish. I agree with the chairman that I have a perfect right to ask it. I agree with the chairman there is no reason why it should not be answered.

We have here on page 1822, article 8-

The seizing of these arsenals by revolutionists would add to the turbulence in such countries.

It is not such an important matter I am going to develop here, but is it not a cardinal principle of the American people, the right to revolt against tyrannical forms of government? Is it not one of the fundamentals of American ideals and traditions that people where a government is tyrannical have a right to revolt? In the same line I will add for the record that there are certain South American governments that, at least in my opinion, without naming them, are the worst kind of tyrannies and dictatorships. I did not think that this has any place at all, so far as the argument is concerned, in a letter of this kind.

The Chairman. I insist that you ask the Secretary questions because these are merely statements of your own which are very valua-

ble to go into the record later.

Mr. Moore of Virginia. He did ask him a question, if he does not realize that has been the traditional attitude of this Government.

Mr. Eaton. To assist them in revolutions?

Mr. Fish. No.

Mr. EATON. It is an academic question.

Mr. Fish. It is purely an academic question and I will ask the Secretary if he agrees with me that it is a cardinal principle of the American people?

Secretary Wilbur. No. I go as far as the Declaration of Inde-

pendence and that is where I stop.

Mr. Fish. I agree with you and I think that covers the whole thing.

The next article on page 1822, article 9, reads:

Such countries, being unable to procure arms and munitions when belligerents, might feel the necessity of accumulating large reserves for possible war.

Is not that misleading? Is it not a fact that these governments can buy, if they can not buy from us, from other countries, such as England, France, and Italy?

Secretary Wilbur. I hardly know how to answer that.

Mr. Fish. That is No. 9.

Secretary Wilbur (reading):

Such countries, being unable to procure arms and munitions when belligerents, might feel the necessity of accumulating large reserves for possible war.

I think this letter visualizes the possibility that other nations would follow the example of the United States. I think Mr. Burton suggests here, and perhaps your chairman, that one of the purposes

was to take an advanced step in international law which other nations would follow. If that is done by all the nations then the only recourse these peoples would have would be to accumulate supplies.

Mr. Fish. Is not this an utterly misleading statement to put into

this letter with regard to House Joint Resolution 183?

Secretary Wilbur. No; I think it is a perfectly straightforward statement of the situation for anybody to understand.

Mr. Fish. We are not discussing a general embargo by all nations. Secretary Wilbur. That is what you are seeking to bring about by this resolution.

Mr. Fish. Are you opposed to a general embargo?

Secretary Wilbur. I can not answer that. Mr. Eaton. Under what circumstances?

Mr. Fish. A general embargo on buying munitions.

*Mr. Moore of Virginia. He said yesterday if there was an interna-

tional agreement it would be very satisfactory.

Secretary Wilbur. I am here in an official capacity as Secretary of the Navy, at your invitation to assist as far as I can. My personal views are not very important. I do not care to inject them.

Mr. Moore of Virginia. Your name is attached to this. Secretary Wilbur. I stand by that statement. But you are asking me a question about whether I am in favor of a general embargo by all the countries of the world.

Mr. Fish. You answered it yesterday and now you are refusing to

answer.

Secretary Wilbur. No.

Mr. Fish. Mr. Moore said you answered it by saying you were in favor of a general treaty to place an embargo by all nations.

Mr. Cole. I do not think we ought to put the Secretary of the

Navy through a high-school examination.

The CHAIRMAN. The chairman has been trying to limit it to an examination by questions and answers but so far has not succeeded.

Secretary Wilbur. Let me call attention to the difference between Mr. Fish's question and Mr. Moore's. Mr. Moore asked, if there was a general agreement to bring about an embargo, if I would favor it, and my answer is yes. Mr. Fish asked me whether I personally favor a general embargo. The difference between those is this: If there is a general agreement reached between nations, that presupposes careful and intelligent consideration of the whole thing and an agreement could not be reached in any other way. I would unhesitatingly acquiesce in that. But when you ask me if I am personally in favor of a general embargo I could not tell you.

Mr. Fish. I am satisfied with the former answer. I would not

quibble about it.

Secretary Wilbur. I realize that.

Mr. Cole. I sympathize with the attitude taken by the Secretary. I think' some of the questions that have been put here ought to be transferred to a civil-service examination sheet, and we all know that the questions on those sheets are many of them preposterous.

Mr. Fish. Getting back to article 9—" such countries, being unable

to procure arms and munitions when belligerents, might feel the

necessity of accumulating large reserves for possible war."

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Is it not a fact that if we place an embargo under this resolution time of war that they can buy from these other countries, such as rance, England, and Italy?

Secretary Wilbur. That is the very question you asked me a

oment ago and that is what I answered.

Mr. Fish. Is it a fact?

Secretary Wilbur. Unless they put similar embargoes on.

Mr. Fish. Unless they put similar embargoes on. That is the

oint I wanted to bring out by the other question.

Secretary WILBUR. I understood you.

Mr. Fish. Is there any one in the Navy Department who can find it definitely as to the attitude, and bring the information in when ey appear here, as to the attitude of neutral nations in shipping unitions, in not shipping them to the Central Powers?

Secretary Wilbur. I should think the State Department would be

e one to furnish information on that subject.

Mr. Fish. You have discussed here at length this particular resotion and the Act of January, 1922, which applies to the powers of e President to apply an embargo in civil disturbances.

Do you think this resolution is going to interfere with the right

the President now existing to place that embargo?

The Chairman. The Secretary has been asked that question at st three times.

Secretary Wilbur. Yes, sir, I think so.

The CHAIRMAN. And once this morning before you came in. The

cord is full and complete.

Mr. Fish. I have heard the answer once. Do you feel that it is e concern of this country if foreign nations build their own muni-

on plants?

Secretary Wilbur. I'do not think I ought to answer that. It is vious that if the Central and South American countries start up ge munition plants it would make a very considerable change in whole situation in the Western Hemisphere and I do not want to ter into a discussion of that.

Mr. Fish. Of course, those countries can buy munitions from any

ner countries besides ourselves?

Secretary Wilbur. They have to have the money.

Mr. Fish. There is nothing under the law to stop them.

Secretary Wilbur. I do not believe I am going to help you on that

e. I think you had better take some other line.

Mr. Fish. I will not press it further except it covers No. 4 of this regard to the manufacture of arms and munitions. I am trying develop these different numbered points, nine of them, that you ve raised and some of them are rather misleading.

Secretary Wilbur. I have heard you say that several times but I

not think they are. If they have misled you I am sorry.

Mr. Fish. They are misleading and that is why we feel strongly out this letter of yours that has gone out to the public. I am not ing to convince you. We have an honest difference of opinion. I believe half of these articles you have enumerated here are fair and convey the wrong impression, not that they are erroous in fact but convey the wrong impression. As far as I am con-

ned I am through asking questions.

Mr. Eaton. Yesterday I was unfortunate enough to be detained in one of the departments. I have not been able to get a clear idea of the purpose of this meeting but I want to have it so that I can understand it. As I understand it, we have reported out a resolution which then becomes the property of the House. On that resolution a letter comes from the Navy Department to another committee, and the object of this meeting is to attempt a revision of that letter?

The CHAIRMAN. Could not we defer that point later so as not

detain him?

Mr. Eaton. I want to get clear in my mind the purpose of this

particular inquisition.

The Chairman. There is one point I overlooked in my examination, or rather in my suggestion, and that is on page 1823, at the foot of the page, item No. 1:

In the war of 1870 neither Germany nor France found it necessary to obtain implements of warfare from neutral nations,

It will be conceded that is historically incorrect. Doctor Temple suggested one of the debates in the Senate would cover that question.

Secretary Wilbur. We have made some research on that since this matter was here before, and that war was practically concluded in six weeks. The subsequent operations against Paris were more in the nature of a surrounding of a civil city. There was some discussion in the Congress here. We have it here in regard to supplies of munitions and arms. I think those statements will pass muster historically.

The Chairman. You do not care to disturb it?

Secretary Wilbur. It might be elaborated several pages, but the upshoot of it would be that so far as the effect goes of an embargo on obtaining arms from neutrals I think that did not figure in the case. It is true that there was a discussion about the sale of arms accumulated during the Civil War to aliens who were apparently transferring them to France.

The CHAIRMAN. The fact is, however, that the French Army was largely equipped with munitions that were left over as the result of

our Civil War?

Secretary Wilbur. The information I have leads me to believe that is wholly incorrect.

The CHARMAN. That is all.

Mr. Cooper. Mr. Secretary, the Burton resolution relates specifically and only to times when there is a war between foreign nations-lines 7 and 8 of the resolution. It relates not at all, I think you will admit, to cases of domestic violence in a country. And yet that law of 1922, though totally irrelevant to the discussion of the Burton resolution, was so quoted and referred to in your letter that the letter misleads, does it not, anybody who reads it?

Secretary Wilbur. I do not think so. I have had lawyers before me for 20 years, and each lawyer seems unable to understand the position of the other side, and sometimes I can not understand either

Mr. Cooper. You were a judge on the bench?

Secretary Wilbur. Twenty-one years.

Mr. Cooper. Let me call your attention to the act of 1922. I do not take that for an answer.

Secretary Wilbur. I have not answered you.

Mr. Cooper. The Burton resolution relates only to a time when there is war between foreign nations. But this act of 1922 has nothing to do with wars between nations. It relates only to "conditions of domestic violence in certain American countries or in China." I read from it: "Whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction "—that means China—"conditions of domestic violence exist, which are or may be promoted by the use of arms " then he may prevent the exporting of arms to that country from the United States.

What has that to do with the Burton resolution? The Burton resolution does not relate at all to conditions of domestic violence. Now, I will ask you if it is not true that the only impression that any reader who did not have the Burton resolution before him could get from reading your letter, would be that the Burton resolution undertook in some way to modify that law of 1922.

Secretary Wilbur. I can not undertake to tell about the mental operation of other people, but as far as I know you are absolutely wrong.

Mr. Cooper. I am unable to understand how you stayed for 21 years on the bench if that is your interpretation of language as plain

Secretary Wilbur. I will not try to explain that.

Mr. Eaton. That does not come under the purview of this inquiry.

Mr. Cooper. That is the Burton resolution.

Secretary Wilbur. I concede that it deals with a different subject.

There is no question about that.

Mr. Cooper. You know as a good lawyer and a good judge that the power of suggestion to many readers is a great thing, and if you begin to discuss something that is not included in the Burton resolution at all the impression on the reader is that it is included in the Burton resolution, and therefore he is misled.

Secretary Wilbur. That might happen. Mr. Coofer. It would happen, of course.

Secretary Wilbur. This was directed to a Member of Congress

who was supposed to read it with some care.

Mr. Cooper. And it was published in newspapers and is now ediorially and otherwise commented upon very severely by way of omment upon the action of this committee in doing a thing so foolish when it did not do it at all. This committee did not report a resoution that modified the law of 1922, did it?

Secretary Wilbur. I think we have exhausted that in what we

ave already said.

Mr. Cooper. Answer yes or no. We did not report a resolution hat related to the law of 1922 or in anywise modified it.

Secretary Wilbur. As a law, no; but as a practical thing. Mr. Cooper. Why was that put on the front page and so early in our letter and commented on in this way: "This act, originating in 898 and extended in 1922"—the one I have just read, which relates xclusively to cases of domestic violence in American countries or in hina, where we exercise extraterritorial power—"to cover extraerritoriality, particularly in China "-this is the comment-" gives ne President freedom of action in cases where there seems to be an

abuse arising from the special nature of commerce in arms and the power to remedy the evil which might be arising therefrom."

It gives him no power at all except in case of domestic violence in American countries or in China, but that comment, to the average reader without the Burton resolution before him, would convey the impression that that resolution took that power entirely away from the President, would it not?

Secretary Wilbur. My impression is that the average reader would

not read that sort of a letter.

Mr. Cooper. The people who are in Congress would read it and editors of great newspapers have read it.

Secretary Wilbur. Certainly; we hope so.

Mr. Cooper. And they have commented upon it in the way I have mentioned, and ridiculed this committee for doing what it has not done at all. Let me call your attention to the last clause in this letter.

Secretary Wilbur. I would like to have five minutes after questions

are over to make a statement.

Mr. Cooper. Then after that discussion in the letter, which is not relevant at all, after the inference in the mistaken suggestion that some powers would be taken from the President which he now has under the act of 1922, we come to this:

Finally, the very important principle of freedom of action by the Executive to meet any condition arising in the future is sacrificed and the Government becomes bound by legislative action permitting no initiative or discretion on the part of the executive department of the Government.

That conveys the impression that the power of initiative and discretion of the Executive was removed entirely, or greatly limited, although, as a matter of fact, the law of 1922 is neither referred to nor affected in any way by the Burton resolution, and no power of initiative is taken from the Executive or proposed to be taken from him. Is that true?

Secretary Wilbur. No.

Mr. Cooper. We read it with this difference: You are a judge and

I am a Representative in Congress.

Secretary Wilbur. I am not speaking as a judge; I am speaking of the practical effect. I think I have made it clear to the committee.

Do you not think so, Mr. Moore?

Mr. Moore of Virginia. I can understand your views fully. I am going to make a remark that you will not consider disrespectful: I can perfectly understand how you as a practicing lawyer somewhere might have prepared this brief to support one side of the case. As a matter of fact you did not prepare it, as you said frankly. It is inconceivable to me that as a judge you could have ever prepared that paper as an opinion.

Secretary Wilbur. I will answer you briefly, Mr. Moore. I think the difference between the committee and myself, if I may express it to Mr. Cooper as well as to others, has been in, shall I say, confusing legal questions with the practical effect of legislation. I do not think we would disagree as to the legal effect of this legislation or the legal effect of the law of 1922. The question is what would be the practical effect in the administration of the law and in our relations with other nations of the introduction into the international situation of a law of this kind. There would be no disagreement between us as to the interpretation of the language used.

Mr. Moore of Virginia. I quite understand that your view is very different from ours as to the practical consequences that might ensue, yet I can not help believing that you must have some sympathy with the efforts of people here to enact some legislation—the very first legislation that has been proposed since the armistice-in the direction of trying to reduce the possibility and horrors of war. We have not heard from your department or the War Department or any other department a suggestion of any legislation whatever that would carry out the hope-the fervent hope that was entertained particularly by those gentlemen sitting around the table who participated in that war and who know what it meant-that we should do something to bring about a more peaceful condition. I believe and I have believed all along, in spite of all you have said in expressing your views of the possible practical effect of the passage of this resolution might have, that the time has arrived for us not to look at this situation in a perfectly academic and abstract way but to go forward as a Nation able to go forward, not controlled by fear or apprehension unduly

believe you are sympathetic with that desire of the committee. Secretary Wilbur. Absolutely.

Mr. Moore of Virginia. And what I could wish is that you give the benefit of the doubts to the committee and to Congress, if the Congress believes with this committee, rather than look at this matter n too entirely an old-fashioned and academic manner. That is the

and do something in the way that we are all anxious to move. I

fault I find in the letter or the brief, whatever you call it.

Secretary Wilbur. Here is the situation: The Navy Department and officers of the Navy and of the Army are called upon always to neet practical situations, and the only reasons for asking the advice or the opinion of those two departments would be to advise Congress of reactions and effects of proposed legislation which may not readily occur to Members of Congress. This has been treated by the departnent as a problem to be answered to the Members of Congress who ave asked the question. This committee has not directly asked a uestion about the matter. I confess entire sympathy with the views xpressed in this letter as to the probable effect upon international elations and upon future wars. I do not want to go into the matter, out we are having a number of these problems on our hands now,

Mr. Cooper. From the discussion that I have heard here in the ommittee, no one of its members is actuated in the support of this Burton resolution by any other thought than this, that for private ndividuals or corporations in this country to make fortunes out of he manufacture of munitions of war used in fighting battles between ations with which we are at peace is wrong morally, fundamentally rong. As Judge Moore said the other day, nothing could induce im to engage in a business of that kind and make money out of it, f the United States of America, the most powerful of nations, hould by adopting the Burton resolution put a stop to this traffic nd thus in effect declare that it is morally wrong for us to help surder people with whom we are at peace, would not that have a emendous effect upon public opinion throughout the world?

Secretary Wilbur. I do not really know. I appreciate what you y and I never had any doubts about the motives of the committee.

Mr. Cooper. I want to ask one more question of the Secretary as this is the last opportunity to examine him. This principle of international law is set forth in your letter:

A neutral government is bound to prevent the sending out of any armed vessel in its jurisdiction which it has reason to believe is intended for hostile operations against a power with which it is at peace.

Now, England with her powerful navy has always strongly contended for that proposition in international conferences. England wants that and has stood by it vigorously, but can you point out any difference in principle between the law of nations which now prohibits the sending out of cannon and shot and shell on armed ships from the harbors of our country to be used in war against a nation with which we are at peace, and the Burton resolution, which would stop the sending of rifles and powder and shot and shell on merchant vessels to be used for exactly the same purpose? Is not the Burton resolution simply an attempt to extend the principle of long-established law which I have just read?

Secretary Wilbur. Undoubtedly.

Mr. Cooper. If it is simply extending that principle, how is it wrong in any way? How does it deprive any American citizens of

Secretary Wilbur. You are taking me a little further in that direction than I want to go. I said undoubtedly to that recital of principle. The questions of the rights of neutrals has been argued for hundreds of years and there are court decisions. I do not want to go into them. You gentlemen are familiar with them. I certainly hope the committee will not get the impression that the Secretary of the Navy is trying to impose his judgment upon this committee in a legislative matter. That is for the committee and for Congress.

STATEMENT OF HON. THEODORE E. BURTON IN REVIEW OF TESTIMONY IN HEARINGS ON H. J. RES. 183, TO PROHIBIT THE EXPORTATION OF ARMS, MUNITIONS, OR IMPLEMENTS OF WAR TO BELLIGERENT NATIONS

In the hearings upon this resolution, a great variety of interests have been represented, and prominent officials in the War and Navy Departments have been called upon to express their views. The objections to the resolution may be grouped under several classes:

First. Those who emphasize the profits from domestic manufacture of the articles, the exportation of which the resolution seeks to

It certainly is the sentiment of the committee that this argument should not have weight. Our country can not afford to enjoy profits from the manufacture of death-dealing implements, or promote an industrial or business interest which depends for its success upon foreign wars.

Second. The cessation of shipments to belligerents in time of war would very much hamper private manufacture of arms, and so forth; manufacturers and dealers in this country, in order to have a sufficient volume of business, must rely on the demands of foreign

belligerents.

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It is to be noted that the resolution places no restriction upon exportations in time of peace. Indeed, in case the popular opinion of the country should favor one belligerent as against another or favor the removal of all restrictions upon both belligerents, Congress might give its consent for the exportation of the munitions and implements described in the measure. The answer to the argument set forth under the first heading applies here as well. It is unworthy of the United States that profits should be derived from the calamities of war.

Third. A third argument is that if we should forbid the selling of arms, and so forth, to belligerents, neutral nations and, of course, belligerents as well would forbid the selling to us of necessary implements of warfare, and thus we should be disabled in case of war.

There is perhaps more plausibility in this argument than in either of the other two; but, in the first place, it is altogether improbable that a neutral nation, in case we should adopt the principles embodied in this resolution, having military or naval supplies for sale, would refuse to sell to us. Again, our Nation is becoming more and more self-sufficient in all supplies which would be needed both in peace and in war.

Still further, if regulations such as are provided in this resolution should be adopted by other countries as well—and it would be hoped that the adoption of this resolution would be an entering wedge for such course—war would become practically impossible. Of course, in time of war there are unusual demands for food supplies from other countries. It was not thought best in this resolution to prohibit the exportation of food or articles used alike by the civil population as well as in the prosecution of war.

Since this resolution was introduced nearly a year ago, great progress has been made looking toward peace, in which our own country has taken a leading part. The multilateral pact for the renunciation of war, as an instrument of policy and declaring that the signers expected to resort to peaceful means for the settlement of their controversies was signed by a number of nations last August, and already practically 60 countries have, through their duly constituted authorities, expressed the purpose to agree upon the terms of this treaty.

Newly framed treaties of conciliation and arbitration have been signed by the United States in large numbers, and a conference is contemplated at Washington in which practically all of the nations of the Western Hemisphere will join which gives great promise for the future.

It may be said, without fear of contradiction, that there is an increasing sentiment, having its foundation in the moral and intellectual qualities of various peoples, for the outlawing of war.

As the United States has taken a leading part in these great movements for peace, and it is especially desirable that the outlawry of war be made effective, there are added reasons for adopting the policy embodied in this resolution. I have no pride of opinion, and any other resolution or statute which may embody the same ideas would be entirely satisfactory to me.

(Thereupon, at 12 o'clock noon the committee adjourned to meet again at the call of the chairman.)

PSF: Disarmament Conference

TREATY PROVISIONS GOVERNING GERMAN MILITARY OBLIGATIONS TOWARD THE UNITED STATES

1. Article I of the Treaty between the United States and Germany of August 25, 1921 reads as follows:

"Germany undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations or advantages specified in the aforesaid Joint Resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the Treaty of Versailles which the United States shall fully enjoy notwithstanding the fact that such Treaty has not been ratified by the United States."

- 2. Article II of this Treaty defines the obligations referred to in Article I more specifically by stating that the rights and advantages stipulated in the Treaty of Versailles "for the benefit of the United States, which it is intended the United States shall have and enjoy, are those defined in . . . Part V" (among other Parts).
- 3. Part V of the Treaty of Versailles is headed "Military, Naval and Air Clauses," and contains the articles which govern Germany's disarmament. The preamble to Part V reads as follows:

"In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow."

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past three years in discussions and negotiations bearing on a reduction and limitation in armaments, I am persuaded that there is no subject on which it is quite so difficult and yet so necessary and important to get general agreement. There is, indeed, no problem that involves more intricate technical and political questions affecting national pride and ambition or national policy and security.

Nations will not discard their arms or limit their sovereign right to arm unless, or until, they are convinced that it is safe and in their interest to do so. And yet, in spite of all the delays - due to the difficulties inherent in the problem itself and to the opposition of those who do not believe in disarmament or who have a selfish interest in opposing it - progress has been made. The conviction is growing that it is a practical problem which can and must be solved. Such a vital issue will not down.

The regulation of armaments by international agreement is a comparatively new question. There were, it is true, the restricted agreements relating to armaments between

two adjoining countries, such as that between the United States and Canada, over a century ago based on a political understanding not to maintain naval forces on the Great Lakes, which has promoted benefits and confidence on both sides. But, for the first time in history, a reduction and limitation of armaments by general international agreement began to be a pressing and vital issue about fifteen years ago as a result of the World War which nearly wrecked civilization and from which the world has not yet recovered. Whereas in former times wars were fought out between the armed forces of the nations involved, modern warfare is fought by a whole nation and waged against helpless women, children and non-combatants with a view of breaking down the morale of an enemy country, and inflicting every possible destruction upon the people as a whole. Out of the horrible experience of the World War there grew an overwhelming conviction that positive steps must be taken to prevent another such calamity and, since the policies which were expressed in the suicidal armaments race during the preceding decades had been a cause of that war, a new conception and policy regarding armaments were incorporated

as a fundamental part of the settlement at the Paris Peace Conference.

with a view of preventing a future race in armaments it was then, in effect, agreed that armaments had ceased to be a question of purely national concern and that measures should be taken for their general limitation. As a first step in this direction the armaments of the defeated powers were reduced to a basis which would render aggression on their part impossible and would suffice only for the maintenance of internal order. As a further move looking towards multilateral disarmament, the victorious powers voluntarily assumed the unprecedented obligation to take steps to reduce their own armies and armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations. For various reasons few of these contemplated steps for the reduction of land and air armaments have been taken. Nevertheless, they have been a subject of almost continuous study and negotiation, particularly during the past three years, in the Disarmament Conference at Geneva. This Conference has not yet achieved the results hoped for

but it is the only agency that exists for securing or exhausting every possibility of agreement. Failure to make greater progress has been at times discouraging but it is a significant fact that the nations still desire to keep the Conference going and to avoid the alternative of its failure.

And I may also say that one of the very important phases of the armaments question will be discussed in Geneva in the near future. The appropriate Commissions of the Disarmament Conference have been summoned to work out a Treaty, to enter into effect with the least possible delay, which will provide for the treatment of the Manufacture of and Traffic in Arms, Budgetary publicity, and the setting up of a permanent central body to oversee the functioning of the Treaty. The American Delegation has presented a dreft which it is hoped will form the basis of this treaty, and the attitude of the various powers, already expressed, justifies the hope that real accomplishment in this field may be expected. Let no one think that in dealing with the Wanufacture of and Traffic in Arms, one is dealing with a secondary question. Indeed, I know

of no one problem, the solution of which would do so much to bring about a general agreement on disarmament, or which would so far alleviate the apprehensions of the various Powers with respect to each other.

Although no agreements on air and land disarmament have been reached as yet at Geneva, very definite and far-reaching steps in naval disarmament were taken at the Washington Conference in 1922, when the five principal naval Powers agreed to reduce and limit battleships and sircraft carriers, and subsequently at the London Naval Conference in 1930, when Great Britain, Japan and the United States agreed to extend limitation to all other categories of naval craft.

Disarmament, like most other problems, is a continuous one, not susceptible of quick or permanent settlement. Haval disarmament, which had been settled for
a period and largely quiescent since the conclusion of
the London Treaty in 1930, once more necessarily became
active in the course of last year because the provisions
of that Treaty called for a new conference in 1935 to
frame a Treaty to replace and to carry out the purposes

of the existing one, following its automatic expiration at the end of 1936. To this end preliminary conversetions were held in London last summer and autumn at the initiative of the British Government. These were formally adjourned on the 19th of last December and Japan's notification ten days later of her intention to terminate the Washington Treaty, brought to a conclusion the first phase of the renewed consideration of naval limitation. It would be a great mistake, however, to treat either of these two events as setting a definite period to all navel discussion. On the contrary, the London talks were specifically suspended "in order that the Delegates may resume personal contact with the Covernments and the resulting situation can be fully analyzed and further considered". Moreover, the participating Governments agreed to keep in close touch with each other and with the other Governments parties to the London and Washington Treaties, with the hope that "the situation will so develop as to justify a subsequent meeting as soon as the opportune moment arrives in which case the British Government would

again take the appropriate steps". Finally, the denunciation of the Washington Treaty, by formally reopening the entire problem of naval limitation and of the basic principles and methods by which it had been achieved in the past, has greatly increased the actuality and inmediacy of the subject for each naval Power.

While diplomatic exchanges and negotiations are thus for the time being in abeyance, the issues with which they have dealt and must again deal in the future are now in a state of intra-governmental consideration. So much so is this the case that I do not feel at liberty to discuss publicly the present situation in any detail. It is indeed the better part of responsible statesmanship to avoid at this juncture any statements which might create ill-will or misunderstanding and thus affect ultimate. agreement. As you will realize, it is not merely or even primarily, a technical naval question which is now involved; for while each of the Governments concerned is now considering the questions raised with regard to naval limitation, they are also in the process of examining and formulating policies and principles which have a

vital bearing on that whole complex problem commonly known as the "Far Eastern problem". And I may here point out that, while the United States has important interests and treaty rights in the Pacific and the Far East, the so-called Far Eastern problem is not an American-Japanese problem. Neither is it an Anglo-Japanese, a Franco-Japanese, a Russo-Japanese, or a Sino-Japanese problem. It is not an exclusive but a common problem of all the nations with possessions and treaty rights in that area and it is in the interests of such nations to cooperate in the most friendly and constructive way. My hope and belief is that a solution through cooperation and common agreement can and will be ultimately found, but, for the present I feel that I must confine my remarks to a rather general analysis of recent developments and of the basic policy of the United States.

Although last year's conversations, as I have stated, were initiated under the London Maval Treaty and remained largely circumscribed by its provisions during the first stage, lasting from the middle of June until the end of July, they became broadened in scope after their

resumption in October, as a result of suggestions and proposals submitted by the Japanese Delegation (which then actively participated for the first time) covering the entire field of naval limitation as embodied not only in the London Treaty but also in that of Fashington. The result was that every aspect of the neval problem was fully and frankly considered. It was not, however, the ourpose of these preliminary conversations to reach definite conclusions. The talks had no purpose other than to explore and prepare the ground for future negotiation and agreement. Moreover, while the French and Italian Governments, as parties to the Washington Treaty and signatories to that of London, were kept currently informed of developments, they did not actively join in the conversations but would, of course, become full participants in any later negotiations intended to reach final solutions.

It would be idle to maintain that important differences of opinion did not develop in the course of the talks or that it was possible to reconcile all of them. I can assure you, nevertheless, that the frequent rumors

of sharp clashes and frayed nerves were idle speculation. I have attended many an international discussion during the past few years and none was more amicable than that from which I have just returned. All three participating Governments were in accord in advocating continued naval limitation by international treaty; all three recognized the need for bringing about as large a reduction in total tonnages as could be agreed upon; each one was profoundly aware of the dangers involved in arms competition and anxious to avoid a recurrence of a naval race. They were at variance, however, as to the methods of achieving this common end, partly as a result of divergent views on fundamental principles. Questions of principle, indeed, were at all times in the forefront, and technical problems. to the extent that they arose at all, were always subordinate. Then I consider the long and futile wrangling over purely technical questions, which often occurred at the Disarmament Conference at Geneva largely because of failure boldly to face an underlying conflict of theory, I find, in looking back on the recent London talks, that perhaps one of their most valuable aspects was the frank

and realistic manner in which the Delegates recognized
the importance of tackling at once the basic difficulties
of principle and policy. There was a general absence of
haggling over points of detail and a continued facing of
rock bottom issues.

The dominant issue involved was that of "equality of security" versus "equality of armaments". I have already analyzed this question in a speech which I made in London on December 6th, but it may not be amiss for me briefly to take it up again since it is the crux of the navel problem. I should like to state with all the emphasis of which I am capable, that I regard, and I know the President regards, equality of security as the fundamental sovereign right of each power. If arms equality were the only means of making that right effective, I would be the first to advocate it. It is evident, however, that equality of navel armament not only fails to give equal security, but it is, on the contrary, utterly incompatible with equal security. A moment's consideration of the widely varying defensive needs of iadividual nations due to such factors as geographical

location, coast lines, distribution of outlying territory, commerce on the sea, combined strength of land, sea, and air forces, et cetera, makes this clear. It is just because equal security was the guiding concept underlying the proceedings of the Mashington Conference that the latter was a success and that it was able to achieve not only limitation but also a drastic reduction of naval armaments.

Although the word "ratio" is not mentioned in either the "ashington or London navel treaties, the relative naval strength fixed by the "ashington Treaty for the United States, Great Britain and Japan resulted in a ratio of 5-5-3 or 10-10-6. The significance of this has been somewhat misunderstood. It has been erroneously considered by some to mean or to imply a different degree of national prestige or sovereign right, whereas it means nothing of the kind. As a matter of fact, military power consists of a navy, an army and an air force, and the combined strength of Japan in these three branches of arms is greater than that of the United States, yet even so, I do not consider that this affects the national prestige of America.

The simple truth is that at the Washington Conference

it was recognized by all that much harm and no good could come from the naval race which was then in progress, that the only way to stop it was to stop it where it was, and that to do so, it was necessary to settle certain political questions which were the underlying cause, and to readjust and fix naval strength on a basis which would give mutual confidence and security. On such a basis the United States, which had a potential lead in the race which would shortly have given it naval primacy, willingly agreed to give up its dominant position and to reduce and limit its navy in the interest of peace and cooperation. It was recognized that while there was a difference in total naval strength or tonnage, which was due in the first instance to the difference in actual needs, each power was entitled to equal security, and it was at the time admitted by the representatives of the United States, Great Britain and Japan that the naval treaty, together with the other agreements made, established equal security.

Once there had been established a definite equilibrium through mutual agreement providing all-around security, any further proportionate reduction in armaments could not

disturb this balance but, on the contrary, tended to increase the sense of security of each country in equal measure. Thus it was only on the foundation of the equal security created at Washington in 1922 that a further limitation and reduction of naval armaments could be achieved at London in 1930. On the same basis, the proposals which I recently made at London on behalf of the United States, for a substantial all-around reduction in navel armaments in such manner as not to change the relative strength of the nations concerned, could in no sense jeopardize the security of any one of these states. In all my long association with the disarmament problem, I have been able to discover no alternative method of arms reduction which does not alter the delicate equilibrium on which equal security rests.

In using the term "equilibrium", I am not thinking exclusively or even primarily of relative strengths in armament. The balance which was established at the mashington Conference was not in the first instance one of naval tennage. The work of the Conference was an integrated whole which had as its purpose, and which in

fact accomplished, a political appearement through
removing the causes for suspicion and aggression by setting
up a collective system of cooperation for the maintenance
of peace in the Pacific and the Far East and for
mutually beneficial economic development in the Far East.
On this foundation of security in the policial, economic
and psychological spheres was built the naval agreement
which offers to each security, also, in the sphere of
mayal armaments.

I have dealt thus far only with the main principle at issue, that of equal security versus equal armaments; a secondary one is that relating to aggressive weapons. The idea has been advanced that aggression can be prevented solely by abolishing so-called aggressive weapons. That is a fallacy. In land warfare certain armaments are used almost exclusively for initial attack and invasion but in naval warfare it is not possible to make such a distinction between offensive and defensive armaments. In fact, in case of war, any naval vessel may become aggressive as well as defensive once it gets beyond the three mile limit.

Powers not to attack one another are not sufficient, however, to prevent aggression. As experience hes proven, peace is disturbed less often by the attack of one strong nation upon another strong nation than by the attack of a strong nation upon a weak and help-less one.

no territorial ambitions anywhere. If we had had any other design in the Far East we would not have agreed to surrender naval predominance and to withdraw from the Philippines and we would not have entered in 1922 into the Maval Treaty by which we agreed not to increase our fortifications in that area. The ais to which the United States is dedicated is to be a good neighbor, respecting the rights of all nations both weak and strong, and to cooperate in the promotion of world peace and progress. So other country need fear any serious disagreement with us unless it disregards the rights or obligations of treaties to which we are a party.

As a result of my official service in the cause of disarmament, I as convinced that the method of the Washington Conference is the prototype for every effective effort to solve the armaments problem, whether on the sea, on land, or in the air. I do not imply that the reduction of armments is not in itself a vital factor in promoting and strengthening peace. From the beginning of the international dispresent movement, the United States Government, irrespective of the party in power, has been a consistent advocate of the thesis that the limitation of armaents, followed by their proportionate reduction, generates a sense of security and fosters sutual trust and friendship. The primary purpose and advantage of disarmoment is to increase confidence and security and to put a curb on aggression. The effect is more peace, less taxation and more economic progress. Nevertheless, it is equally true that, without a foundation of international cooperation to remove the causes

and assist in the settlement of political and economic conflicts in an orderly way, no nation is willing to limit its armaments, not to speak of reducing them. Political and economic instability is the nourishing ground of every armaments race.

The meagre results to date of the General Disarmament Conference at Geneva can be traced directly to the international unsettlement that has held the nations of Europe in its grasp during the past years.

There has recently been manifest a definite trend toward finding a solution to the political problems of Europe through international collaboration, and during the past few weeks the tension on the continent has been eased, as you are aware, to a considerable degree by a series of interrelated steps effected through a spirit of mutual accommodation. And already there is a growing indication that the disarmament effort may well be resumed shortly with renewed determination and with greatly improved prospects as a result of this new atmosphere.

Thus, we are witnessing a demonstration in a

different part of the world and under wastly different circumstances, of the essential truth so wisely recognized and effectively applied at the Washington Conference, that there is no other path toward schieving the limitation and reduction of naval or other armaments than by the frank facing of the political and economic problems disturbing the relations and hence the security of States and by the mutual collaboration of all the countries involved. There is nothing essentially incapable of settlement by these means in the Far Eastern situation. I am happy to see this view reciprocated by the Japanese Foreign Minister, who in his speech before the Diet on January 21 stated "there exists no question between the two countries which is intrinsically difficult of amicable solution".

All the greater is the regret in this country
that the Japanese Government should have considered
it necessary or advisable to exercise its unquestionable right to denounce the Washington Naval Treaty.
The cooperation of Japan with the other great naval
powers of the world is highly important to the

maintenance of peace. In fact, to strive through international cooperation to preserve peace and lessen the burden of armaments is in the interest of every power and a worthy mission for any power. The loss of so important a power as Japan from a general accord would naturally be depleted. But we should not be unduly disturbed by the present apparent deadlock. Any loose talk of an impending naval race cannot be sufficiently deplored. fleets of the principal Naval Powers remain strictly limited by the present treaties;until January lat, 1937. The London Treaty has, in fact, run only twothirds of its course. If each people sincerely rules out of its consciousness all thought of aggression, and through its actions gives its partners in the treaty system convincing evidence of its pacific purposes, - then there is no reason why, during the period which remains, an accommodation which maintains and even strengthens the sense of security of all connot become an accomplished fact.

[March 15, 1933]

VICE ADMIRAL OSAMI NAGANO

Vice Admiral Nagano is the Chief Japanese Naval
Delegate to the Geneva Disarmament Conference. He was
Naval Attaché at Washington from 1920 to 1923 and during
the Washington Conference was aide to the Naval Delegates.

In 1930 he was Vice Chief of the Japanese Naval General Staff and he is now attached to the General Staff.

He is a descendant of a Samurai family and is now 52 years old.

It is believed that one of the reasons for his selection as delegate to the Geneva Disarmament Conference is his moral courage and reputation for speaking fearlessly.

PSF: Disarmament Conference

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This telegram must be closely naraphrased before being communicated to anyone (A)

Secretary of State

Washington

101, March 20, 5 pm.
My 98, March 18th.

When Daladier received me this afternoon he said that he wanted to talk over a little the situation in Geneva since the presentation of the MacDonald plan and the efforts of Aussolini as indicated in the project

presented by the British Prize Minister at Rome.

He said that affairs in Geneva had reached an impasse in which Italy and Germany were together opposing all progress and that the MacDonald plan was an effort to save the situation; that it was based on elements from all the plans hitherto presented and thus contained certain ideas acceptable to each nation but that as it was presented without any previous consultation there was no possibility for France or any other nation to say without profound study exactly what it would mean in detail in the working out. He did not think even that the three days debate, schedule on the plan beginning Thursday at Geneva, would suffice for a proper apprecia-

tion of it but he felt definitely that it could not be

PARIS
Dated March 20, 1933

accepted

Rec'd 3:10 pm

mam

accepted in any way it was.

I gathered that on the side of security he folt that progress at Geneva might have permitted a broader treatment of accountie. With respect to the disarmament provisions themselves it seemed to be his opinion that the rearmament of Germany thus permitted was not compensated for by sufficient guarantees or assurances to France. He likewise pointed out that in allowing Russia five hundred thousand men and Rumania and Poland respectively one hundred and lifty thousand and two hundred thousand, acceptance by the two latter powers was made impossible.

of roduction suggested in the American plan presented last year, namely, percentage reductions on requested bases.

He then turned to the conversations in Roms, and said that the proposal of Mussolini for a kind of pact of the four principal European powers while it negatived the principles at the base of the League of Nations, namely, equality of nations and contained nothing now, nevertheless, at the present moment had a valuable psychological effect since it indicated clearly that Mussolini had no intention of tying himself up too closely with Germany alone and he added that he felt and childs that the fear of any possible ausobluse with Austria played

mam

3- #101 from Paris

played a considerable part in this attitude. He folt that the four great powers however, would have to recken with a new element in Europe, namely, the association of groups of small powers such for example as the recent agreement among the Little Entente which seemed to be working very well at Geneva where their solidarity had been remarked at the recent meetings and such groups as the Scandinavian powers.

Although he did not tell me himself I learned from an intimate friend of his that it was possible that France might make the progestion that

(MID SECTIONS OND, TWO AND THREE)

MARRINER

KLP CSB

mam

This telegram must be closely paraphrased before being communicated to anyone (a)

Secretary of State

Washington

PARIS

Dated March 20, 1933

Rec'd 5:10 pm

101, March 20, 5 pm (SECTION FOUR)

instead of a Four Power agreement along the lines Mussolini suggested the agreement should provide for the four powers plus a representative of each of the associated groups and powers such as Scandinavia and the Little Entente and possibly two other powers to be chosen along the basis of the non-permanent seats of the League of Nations. This idea has as yet not been clarified or put into any definite form.

444

The Prime Minister realizes that France at the present moment is in a difficult situation with the evident hostility in Cermany, an unfriendly attitude in Italy, no strong backing in England and the difficulties with American public opinion engendered by the debt question. He felt that this last question could be regulated and that some progress had been made recently toward changing the opinions of the Chamber but it was his opinion that France could not possibly risk another failure on this subject and it was necessary at present to persuade the Socialists to change their votes in order to make possible a success. He said that the question had (END SECTION FOUR) CSB MARRINER

HSM

This tolegram must be closely paraphrased before being communicated to anyone.(a).

Paris

Dated March 20, 1933 Rec'd 6:22 p. m.

Secretary of State,

Washington.

101, March 20, 5 p. m. (SECTION FIVE).

unfortunately become a political issue and that the Right parties which would certainly, if in power, vote immediately for payment were opposed to it when a Left Government was in power. He said that he had welcomed very much the kind initiative of President Roosevelt in talking with the French Ambassador and felt that patience was the only means to bring about the change which he most ardently desired.

He inquired when Norman Davis would reach Faris and I told him probably in the early days of April.

(END MESSAGE).

MARRINER

PSF: Disarmament Conferen

April 5, 1933

CONFIDENTIAL

My dear Mr. Cumming.

In accordance with the President's instruction, I am returning cablegram which was forwarded to the President this morning directing your attention to the notation written in pencil by the President on this dispatch, Number 130, approving the suggestion that the press release be given out only for Thursday morning papers.

Yours sincerely,

Louis McH. Howe Secretary to the President

Hugh S. Cu. ing, Jr.
Acting Essistant to the Secretary
Department of State
Nashington, D. C.



DEPARTMENT OF STATE OFFICE OF THE SECRETARY WASHINGTON

April 5, 1933.

Confidential

My dear Mr. Howe:

In accordance with the Secretary's instructions,

I am enclosing for the information of the President
copies of confidential telegrams, Nos. 130, April 5,

2 p.m.; 131, April 5, 3 p.m., and 132, April 5, 3 p.m.,
from Mr. Norman Davis.

As the telegrams were transmitted in one of the department's most confidential codes, it would be appreciated if the telegrams could be returned to the department at the President's convenience.

Sincerely yours,

Hugh S. Cumije

Hugh S. Cumming, Jr., Acting Assistant to the Secretary.

Enclosure: Telegrams.

Hon. Louis McH. Howe,

to the Broaddent

DELEGATION OF THE UNITED STATES OF AMERICA

Paris, April 12, 1933.

CONFIDENTIAL

My dear Mr. President:

M. Laval sent me word that he would like very much to see me and would appreciate it if I would fix a time at which he could call. He said, however, that if I would prefer to call on him at his home so as to be sure of avoiding any publicity he would be glad to have me do that. I decided to do the latter.

As you perhaps know, Laval has made a combination with Caillaux and some others and is now the leader of the so-called Center Bloc which puts him in a rather strategic position when the time comes to form a National government.

After considerable talk on disarmament, Laval let
it be known that the principal reason for his wanting
to see me was to explain why he had opposed and was still
opposed to France making the December 15th payment, and
to ask me to convey this to you. I accordingly asked
Robert Pell, who acted as interpreter, to dictate a
memorandum

The Honorable
Franklin D. Roosevelt,
The White House,
Washington.

Casarmanit Conf. 23

memorandum of the portion of the conversation dealing with this, which I transmit to you herewith.

the State Department that it is decidedly preferable for M. Herriot to sail on the 19th as originally contemplated instead of moving it up a couple of days so as not to overlap too much with MacDonald's visit, which I can well understand. It seems that the French Government does not now see how it can undo the arrangements which have been announced partly because Herriot really wants to be there at the same time as MacDonald and they had some difficulty in keeping him from taking the same boat as MacDonald. Had I known in advance what your desires were with regard to Herriot's visit I could no doubt have arranged it so as to avoid this embarassment.

With best wishes, I am,

Faithfully yours,

Manual Hours

Enclosure.

April 11, 1933.

17

MEMORANDUM OF A CONVERSATION BETWEEN A NORMAN H. DAVIS AND SENATOR PIERRE LAVAL, PARIS, APRIL 112 1933. MR. PELL INTERPRETED.

Upon Mr. Laval's invitation, Mr. Davis called at his home and reviewed informally and in some detail the status and possibilities of the disarmament negotiation.

Towards the close of the conversation, Mr. Laval asked Mr. Davis whether he would object to a word or two with regard to debts.

Mr. Davis replied that he had no objection to listening although he wished Mr. Laval to understand that he had no authority to discuss this subject.

Mr. Laval then stated flatly that were the proposal to pay the installment on war debts due on December 15th to the United States to come before the Senate he would feel obliged to vote against payment. He proceeded to give his reasons and said he would appreciate it highly if Mr. Davis would convey his viewpoint to President Roosevelt.

In the first place, Mr. Laval explained, that as the man who negotiated the Hoover moratorium agreement with Secretary Mellon and Ambassador Edge in July 1931, he felt bound to state that this accord established once and for all a definite liason between debts and reparations. That was the significance of the terms "intergovernmental payments" which could have no other meaning.

It established the priority of reparations over debts.

Mr. Laval reminded Mr. Davis that the crux of the negotiations from the French standpoint was his insistence on the payment of the unconditional portion of the amounts due from Germany into the Bank for International Settlements.

This arrangement the American negotiators at first refused to accept and actually threatened on instructions from Washington to break off negotiations if France maintained its view and publish a statement over the signature of President Hoover laying the blame for the world financial collapse at France's door.

Despite the threat M. Laval held his ground. The American negotiators left to telephone Washington. That evening they returned to announce that the American Government conceded the French thesis that the continuity of unconditional payments by Germany should be maintained. As a consequence, the American Government was a party to the agreement establishing the principle of priority of reparations.

In October Mr. Laval went to the United States to confer with President Hoover. The purpose of his conversation was to determine what action should take place with regard to intergovernmental payments at the close of the moratorium year. The conversation dealt largely with the necessity of a further moratorium. The result was set forth in a communique which was accepted by both parties.

Mr. Laval thereupon recited the essential paragraph of

"Insofar as intergovernmental obligations are concerned we recognize that prior to the expiration of the Hoover year of postponement some agreement regarding them may be necessary covering the period of business depression, as to the terms and conditions of which, the two governments make all reservations. The initiative in this matter should be taken at an early date by the European powers principally concerned within the framework of the agreements existing prior to July 1, 1931."

that "intergovernmental obligations" meant reparations and war debts. It was therefore understood that some agreement with regard to war debts and reparations might be necessary. It was understood, moreover, that this agreement should cover the period of business depression, that is to say, it should be a moratorium. The term "may be necessary" was used instead of "must be made" because it was understood by both parties that according to the procedure outlined in the Young Plan the final decision had to be taken by the Experts' Committee and it was improper to prejudge their recommendation.

In short, Mr. Laval left the United States confident that the Hoover Administration was morally obligated to extend the moratorium should the experts so recommend and charged with the task of inviting Germany to call the experts' meeting.

As a consequence, immediately upon his return to Paris,
M. Laval conferred with Ambas ador von Hoesch of Germany and
suggested to him that his government should take the initiative
leading to a further arrangement regarding intergousemmental

After overcoming many difficulties it was finally agreed that the Committee should be created strictly in accordance with the procedure laid down in the young Plan. The Committee met with representatives of all the interested powers present including an American and eventually concluded that in the year beginning July, 1932, Germany would be unable to transfer its conditional reparations payments.

Evidently, therefore, it was necessary to hold a conference. The British Government proposed January, 1932.

Mr. Laval was prepared to participate on that date but after discussing the program with M. Herriot, at that time leader of the Opposition, was obliged to bow to the latter's demand for postponement of the Conference until after the French elections.

In June the Conference met at Lausanne and although
M. Laval could not look with equanimity on the decision
reached as the result of British pressure to terminate the
Young Plan and Hague accords before an agreement had been
reached with the United States in regard to debts, insofar
as it provided for a moratorium it fell within the terms
of the Washington communique and was therefore a fulfillment
of the European half of the understanding. It was consequently incumbent upon the American Government to fulfill
its half of the moral agreement and extend the adjournment
of debt payments beyond the time limit imposed by the Hoover

No further payment should be expected from France, according to M. Laval, until the United States agreed to this moratorium and he for one would vote against any proposal to pay the installment suspended on December 15th pending the negotiation of this moratorium.

Replying, Mr. Davis pointed out that subsequent to the Premier's conversations in Washington the American Congress had repudiated President Hoover's policy and refused to agree to a moratorium. He remarked that assuming President Hoover had made a moral commitment, evidently Congress had refused to accept it - even before the Lausanne settlement. It would therefore be as unreasonable to insist now that the United States was bound by the Treaty of Versailles because President Wilson signed it. He also explained that American opinion resented the placing of debts in the same category as reparations.

M. Laval reiterated that France owed the money and stressed that he was not claiming that the United States was obligated to cancel or reduce debts, but was solely committed to an extension of the moratorium.

Mr. Davis told M. Laval finally that nothing could be gained by further arguing over a past occurrence as to which there was an honest difference of opinion and said that in his view it was distinctly to the interest of France to pay up. The failure of France to pay the December 15th installment had added to the intransigence of Congress and

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made the task of the Roosevelt Administration which sincerely seeks a solution of the debt problem more difficult.

M. Laval admitted that the action of Congress had intervened but said that in the event that its attitude was unchanged there would be nothing for France to do but go back of Lausanne and invite the Germans to return to a reconsideration of the whole problem. In any case, he sincerely regretted that the instrument of reparations which might have served a useful purpose in general negotiations with Germany had been abandoned and especially deplored that the surrender of the Young Plan had taken place without anadvance agreement with the United States.

Throughout his conversation M. Laval underscored his belief in the necessity for an agreement between France and Germany in the political field and repeatedly stressed that the hub of his policy had been the idea of a ten-year Franco-German truce, a breathing spell, during which negotiations would take place for the settlement of problems such as that of the Polish Corridor and the education of public opinion to the idea of discussion and agreement between the two governments by means of the Franco-German economic committee which he founded during his visit with M. Briand to Berlin in September 1931.

P.F: Disangament Conference

DELEGATION OF THE UNITED STATES OF AMERICA

Paris, April 13, 1933.

Dear Mr. President:

When I left home I promised to look into the proposed Four-Power Pact and report to you. I have not communicated about this sconer because it is not possible to tell just what the Pact will be or what will become of it until the negotiations are concluded between the four Powers. Furthermore, I wanted to get the German point of view.

The four Powers have, of course, looked at the proposed Pact from different angles:

In substance, the British look upon it as the best means to prevent Germany from rearming in case the Disarmament Conference should break down and Germany should as a result thereof renounce the military clauses of the Treaty of Versailles on the ground that the other Powers had not carried out their obligation to disarm which they incurred when they disarmed Germany. They also think it would help to insure the success of the Disarmament Conference and furnish a practical means for revising

The Honorable
Franklin D. Roosevelt,
The White House,
Washington.

revising the Treaty of Versailles by composing some of the contentious questions; prevent the division of Europe into two armed camps or, in other words, prevent a balance between rival groupings of powers; and perhaps it would enable Great Britain to act as broker between the three other Powers and even between the four Powers and any other Power outside the Pact.

As to Italy, my impression is that one of the chief motives of Mussolini was to counteract the recent agreement of the Little Entente; to facilitate the revision of the Treaty of Versailles; and to extricate himself from the embarrassment of having to decide whether to tie up with Germany or not. Apparently he became quite concerned about the rise of Hitlerism because of the agitation for the rearmament of Germany and also he feared that the Hitler brand of Facism would discredit the Italian brand. Undoubtedly Mussolini very much wants peace but he is not doing anything to help promote peace in Yugoslavia where the enmity between the Croats and Serbs is creating a more dangerous situation than that between Germany and Poland over the Corridor.

The French, and particularly Daladier, saw certain definite advantages for them in respect of security against Germany but they were suspicious because of the origin of the proposal and also because of the opposition of Poland and the Little Entente. They also feared that it was a

move to supplant the League. Notwithstanding this,
Daladier was quite in favor of amending it in order to
maintain the advantages and to eliminate the chief obstacles
but he has not felt free to follow entirely his own judgment because of the active hostility of Herriot. I am
sending to the Secretary of State a memorandum of a conversation I had with Herriot on the subject. However,
I am satisfied that on his visit to Washington Herriot
will expound his theories to you and that you will get
two very conflicting views from him and MacDonald.

The Germans were willing to accept the Pact as originally proposed, primarily because of the implied promise of a treaty revision and of consideration of their colonial needs and also because it gave them a position of equality and prestige which they do not now enjoy. They no doubt felt that since England and Italy are favorable to revision France would thus be put in a minority and this would put Germany in a better position with regard to Poland. Baron von Neurath told me that while the proposal was satisfactory to them in its original form he doubted very much if Germany would accept it after France gets through amending it.

The strongest argument which Herriot makes against the Pact is that these Four Powers would set themselves up as a hierarchy to impose their will upon Europe and that it would merely be a repetition in effect of something

thing like the Holy Alliance to which our countermove was the promulgation of the Monroe Doctrine. In other words, it would be going counter to the democratic principle of equality as between nations or the basis upon which the League of Nations was founded. My own judgment is that there is not so much danger in this as Herriot seems to think and I suspect that his hostility is influenced somewhat by his pique against MacDonald and Mussolini.

Such a Pact would, of course, be susceptible of degenerating into a hierarchy and into a united front against other nations including ourselves. On the other hand, I do feel that it would be possible to avoid such a danger and that there would be a considerable advantage in an agreement between those four Powers to prevent war in Europe.

way in which the United States could associate itself
with the four Powers even though we would be unwilling to
commit ourselves to the extent that the others might do.
I told them I did not know if this would be practicable;
that while the United States has a vital interest in the
maintenance of peace in any part of the world and would
wish to cooperate to the extent that it could for promoting
peace and composing controversies which threaten peace,
there is an inherent opposition to giving guarantees to
maintain peace or to take specific action against Powers

which break the peace.

We can, and should, in my opinion, cooperate with the four Powers in dealing with questions which would facilitate a general agreement on disarmament, economic recovery and the promotion of peace, but not go so far as to assume any positive commitments as to our policy or action in unpredictable future contingencies.

While I have endeavored to give my views on the proposed Four-Power Pact, it is becoming increasingly probable either that it will not materialize or that it will be so modified that consideration of its present terms would be a waste of time.

M. Daladier has sent me word that next week he would like very much to have some extensive talks on disarmament. I am just a little afraid that Daladier will be somewhat hesitant about taking final decisions on disarmament while Herriot is away since the latter is the leader of the Radical Socialist Party, but I hope that Herriot's absence will not delay us very much in this respect. It would be most helpful for you to impress upon Herriot the fact that the people want disarmament and are getting tired of the delay and of the technical objections offered as an excuse for inaction. I suggest that it would be well for you also to let him know that while we are prepared to cooperate in every reasonable way to get a substantial reduction and limitation of armaments through an agreement

for a controlled disarmament and thus to avoid disaster in Europe, we could not be expected to continue our efforts indefinitely unless there is some more encouraging evidence that Europe wants peace and is prepared to remove some of the chief obstacles to peace.

I may say that I had never known M. Daladier before but I am most favorably impressed by him. He is not so well informed or educated as Herriot but he is able, direct and level headed. MacDonald, who has seen more of him than I have, thinks he is the most satisfactory Frenchman to deal with he has ever known and considers him as more practical than Herriot.

With best wishes, I am,

Very sincerely yours,

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P.S. I am enclosing a copy of this letter so that you may, if you wish, send it to the Secretary of State.

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PSF: Disamament Conference

Paris, April 13, 1933.

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move to supplant the League. Notwithstanding this, Daladier was quite in favor of amending it in order to maintain the advantages and to eliminate the chief obstacles but he has not felt free to follow entirely his own judgment because of the active hostility of Herriot. sending to the Secretary of State a memorandum of a conversation I had with Herriot on the subject. However, I am satisfied that on his visit to Washington Herriot will expound his theories to you and that you will get two wery conflicting views from him and MacDonald.

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thing

thing like the Holy Alliance to which our countermove was the promulgation of the Monroe Doctrine. In other words, it would be going counter to the democratic principle of equality as between nations or the basis upon which the League of Nations was founded. My own judgment is that there is not so much danger in this as Herriot seems to think and I suspect that his hostility is influenced somewhat by his pique against MacDonald and Mussolini.

Such a Pact would, of course, be susceptible of degenerating into a hierarchy and into a united front against other nations including ourselves. On the other hand, I do feel that it would be possible to avoid such a danger and that there would be a considerable advantage in an agreement between those Four Powers to prevent war in Europe.

way in which the United States could associate itself with the four Powers even though we would be unwilling to commit ourselves to the extent that the others might do. I told them I did not know if this would be practicable; that while the United States has a vital interest in the maintenance of peace in any part of the world and would wish to cooperate to the extent that it could for promoting peace and composing controversies which threaten peace, there is an inherent opposition to giving guarantees to maintain peace or to take specific action against Powers

which

which break the peace.

We can, and should, in my opinion, cooperate with the four Powers in dealing with questions which would facilitate a general agreement on disarmament, economic recovery and the promotion of peace, but not go so far as to assume any positive commitments as to our policy or action in unpredictable future ontingencies.

While I have endeavored to give my views on the proposed Four-Power Pact, it is becoming increasingly probable either that it will not materialize or that it will be so modified that consideration of its present terms would be a waste of time.

M. Daladier has sent me word that next week he would like very much to have some extensive talks on disarmament. I am just a little afraid that Daladier will be somewhat hesitant about taking final decisions on disarmament while Herriot is away since the latter is the leader of the Radical Socialist Party, but I hope that Herriot's absence will not delay us very much in this respect. It would be most helpful for you to impress upon Herriot the fact that the people want disarmament and are getting tired of the delay and of the technical objections offered as an excuse for inaction. I suggest that it would be well for you also to let him know that while we are prepared to cooperate in every reasonable way to get a substantial reduction and limitation of armaments through an agreement

for a controlled disarmament and thus to avoid disaster in Europe, we could not be expected to continue our efforts indefinitely unless there is some more encouraging evidence that Europe wants peace and is prepared to remove some of the chief obstacles to peace.

I may say that I had never known M. Daladier before but I am most favorably impressed by him. He is not so well informed or educated as Herriot but he is able, direct and level headed. MacDonald, who has seen more of him than I have, thinks he is the most satisfactory Frenchman to deal with he has ever known and considers him as more practical than Herriot.

With best wishes, I am,

Very sincerely yours,

P.S. I am enclosing a copy of this letter so that you may, if you wish, send it to the Secretary of State.

(TRANSLATION)

CONFIDENTIAL

MEMOR ANDUM

portance of the proposal initiated by the Chief of the Italian Government on the 18th of March. It recognizes the value that the closer cooperation of the four neighboring powers may have for peace and the fact that their character as permanent members of the Council confers upon them peculiar responsibilities toward the League of Nations and its members and those who have jointly signed the Locarno agreements. Having made the reinforcement of the peace of Europe the unalterable goal of its policy, the Government of the Republic is ready, in a spirit of well-disposed frankness, to associate itself actively with every effort which it may legitimately be hoped will contribute effectively to this result.

Such an effort must necessarily take place within the frame-work which the engagements assumed by the four powers have provided for their policies; the Locarno agreement; the pact of Paris; the declaration of non-recourse to force proposed by the declaration of December 11, 1932, and accepted by the political

commission of the Disarmament Conference on March 2nd; finally, and at the foundation of all engagements, the covenant of the League of Nations.

If the strict observance of the covenant is a duty of all the members of the League, it is applicable with peculiar force to the powers who are permanent members of the Council; there can, therefore, be no question of those powers detracting in any way whatever from the methods or the procedures provided for by the charter of the League.

The latter guarantees to all states that no decision concerning them can be taken unless they accept it. There could not be any question of the four powers arriving at decisions which they might subsequently seek to impose upon others. There can only be question of arriving at decisions concerning themselves alone or of seeking in a general manner procedures, improvements, or more exact interpretations (precisions) concerning one or other article of the covenant for submission subsequently to the regular organs of the League of Nations.

choice between articles. The bond which unites them cannot be separated. Article 19 offers the legal means, exclusive of recourse to force, of adapting existing

treaties to international situations, the maintenance of which may be demonstrated as imperilling the peace of the world. This article and these possibilities cannot be contested. But other principles which yield nothing to this one in importance are affirmed by other articles. For example, article 10 stipulates the obligation of maintaining the territorial integrity of the members of the League against all external aggression; article 16 provides for measures of an economic and military nature against states which have recourse to war in violation of their engagements. If one should assign to the collaboration of the powers precise objects within the limits of the covenant, the care to assure the full efficacy of these articles should not be less emphatically required than that of permitting an eventual application of article 19.

The Government of the French Republic, moreover, cannot refrain from emphasizing that by insisting in general terms on the principle of revision there is risk of giving rise to hopes which it would be subsequently impossible to satisfy and to awaken fears, which, even if unjustified, would not fail to present an obstacle to the closer relations of nations. It does not believe especially that, at a moment when there is in progress in a part of Europe an evolution of minds and of in-

stitution of which it is impossible to foresee the end, it is proper to attempt such an experiment.

The Government of the Republic has given testimony by its acts of its desire to see the success of the Disarmament Conference assured. The cooperation of the four powers should have as its first effect to reduce the opposition which has become manifest in their respective conceptions (views). The declaration of December 11, 1932, has provided for the concession to Germany of equality of rights in a regime assuring security to all nations: this declaration retains its full effect. The French Government is, moreover, happy to see that the Italian proposal as well as the British proposal recalls that equality of rights can only be realized by stages and in conformity with agreements which are to be arrived at looking to this end. It is proper to add that these successive stages can only be realized by a progressive disarmament to the exclusion of all rearmament.

In presenting a draft convention which embodies a part of the principles included in other proposals, notably in the French proposal, and on which the general Commission has already expressed itself, the British

Delegation has furnished a practical basis for discussion which should permit the Conference to arrive at a result. The French Government will fully support the efforts which may be made to this end, reserving to itself, however, just as other governments have done and pursuant to the invitation itself of the British representatives at Geneva, the right to propose such amendments or modifications which appear to it to be indispensable.

A policy of cooperation of the four powers would not be limited to questions which fall within the province of the League of Nations. It will apply naturally to all questions which are common to them; it should also lead to consultation on all questions of common interest to Europe, notably those which concern its economic recovery and which are so pressing, it being understood that such a cooperation may not be directed against any state whatever, that it should not exclude any collaboration and that it should be coordinated with the efforts of this kind already attempted by the European Union.

It is with the considerations which are given above in mind, that the Government of the Republic, on the basis of the proposals of the Eritish and the Italian Governments, submits for their examination the draft agreement, the text of which is appended to this memorandum.

DRAFT OF A PACT OF UNDERSTANDING AND COLLABORATION BETWEEN GERMANY, FRANCE, GREAT BRITAIN AND ITALY.

(TRANSLATION)

Conscious of the peculiar responsibilities which their permanent membership in the League of Nations Council imposes upon them toward the League itself and its members, as well as of the responsibilities which result from their common signature of the Lecarno igresmants;

Convinced that the troubled state which reigns in the world can be dissipated only by the strengthening of a solidarity capable of reenforcing in European confidence in peace;

Faithful to the engagements which they have assumed under the Covenant of the League of Nations, the Locarno Treaties, and the Briand-Kellogg Fact, and recalling the Declaration of Non-Recourse to Force, the principle of which was adopted on March 2, 1933 by the Political Commission of the Disarmament Conference:

Anxious to give full effect to all the provisions of the Covenant by confarming to the methods and procedures which it sets up and which they are not disposed to impair;

Recognizing the rights of each State which cannot be infringed without the consent of the interested Powers;

Have agreed to the following provisions:

Article 1.

The High Contracting Parties will consult as to all questions affecting them and will endeavor to apply among themselves within the framework of the Covenant of the League of Nations a policy of effective collaboration with a view to the maintenance of peace.

Article 2.

The High Contracting Parties, bearing in mind the possible application in Europe of the articles of the Covenant, and especially of Articles 10, 16 and 19, resolve to examine jointly, subject to the reservation that mid decisions can only be made by the regular organs of the League of Nations, all proposals designed to give full effect to the methods and procedures provided in its articles.

Article 3.

Henewing, as far as concerns them, their common declaration of December 11, 1932, the High Contracting Parties regard the present British Draft Convention as a practical basis of discussion which must permit the Disarmament Conference to claborate as quickly as possible a convention which will insure a substantial reduction and limitation of armaments with prevision for its subsequent revision with a view to a new reduction. Germany, on her part, recognizes that equality of rights in a system providing security for all nations can only be realized in stages in conformity with article 8 of the Covenant and in accordance with the agreements which will be concluded to this effect.

Article 4.

The High Contracting Parties affirm in a general sense their determination to consult on all questions of common interest in Europe, especially on all questions concerning the recovery of European economy, the regulation of which, without becoming the object of procedure before the League of Nations, can usefully be sought within the framework of the Commission of Enquiry for European Union.

Article 5.

The present Agreement is concluded for a duration of ten years, beginning with the exchange of ratifications. If before the end of the eighth year, none of the High Contracting Parties has notified the others of its intention to terminate the Treaty, it will be regarded as renewed and will remain in force without time limit, the Contracting Parties in this case retaining the power to terminate it by a denunciation with two years notice.

Article 6.

The present Agreement shall be ratified and the ratifications thereof exchanged as soon as possible. It will be registered with the Secretariat of the League of Nations in accordance with the provisions of the Covenant.

MET This telegram must be closely paraphrased before being communicated to anyone. (b)

Paris Dated April 16, 1933 Rec'd 5:52 a. m., 18th

Secretary of State,

Washington.

163, April 16, 8 p. m.

CONFIDENTIAL FOR THE SECRETARY FROM NORMAN DAVIS.

With reference to our conversations in Washington relative to the so-called question of security, I have, after considerable thought and extensive discussions with my associates here, reached definite conclusions as to the position we should take but obviously I have not been able to consult with the delegates in the United States.

As you are aware the primary obstacle to real progress in disarmament has been the inability to agree upon measures of security. For years France has insisted that she cannot afford to effect any substantial reduction in her armaments and thus diminish the security which her armaments now furnish without commitments from other powers, and particularly England and the United States, to assist her in case of attack. This we have definitely refused to consider and they now accept the fact that we will make mo such commitment. Accordingly thought in Europe has now evolved to the

extent of formulating a plan whereby,

- (a), the European states would agree upon measures for mutual assistance to a state in Europe which may be the victim of an aggressor and,
- (b), non-European states would undertake, One, to confer in the case of a violation or threat of violation of the Briand-Kellogg Pact

Two, to determine if possible in such consultation what state is the aggressor and,

Three, in the event that an aggressor is found not to interfere with the collective action which the European states may elect to apply against the aggressor.

In other words such an agreement for us would mean that we would merely (*) the implications of the Briand-Kellogg Peace Pact and the precedents established under it. Aside from any contractual obligation it is our moral duty and in our interests to confer with a view of preserving peace and if, as a result of an investigation of a breach of peace, we should concur in the judgment that a particular power has been the aggressor we could not without stultifying ourselves invoke the rights of neutrality so as to interfere with collective action which might be taken against such power by other nations. (END SECTION ONE)

MET
This telegram must be closely paraphrased before being communicated to anyone. (b)

Paris

Dated April 16, 1933 Rec'd 7:23 a.m., 18th

Secretary of State,

Washington .

163, April 16, 8 p. m. (SECTIONS TWO & THREE)

In dealing with this question of security it is becoming increasingly evident that it is especially European or regional since the nations in Europe are primarily concerned and the nations outside deeply but less directly concerned. With regard to a violation of the Briand-Kellogg Pact in any part of the world outside Europe it is evident that no collective punitive action will be taken without the concurrence of the United States and in fact the others will wait for our lead. This as has been demonstrated is true whether or not we instigate or follow a decision of the Council of the League of Nations.

Part one of the MacDonald disarmament plan was intended to cover the security phase of the problem; it
is so worded as to contain a specific obligation to confer
but a rather indefinite commitment as to the purposes of
such consultation and the action which might be determined
upon as a result thereof. It is, however, loosely drafted
and so indefinite in its implications as to lead to

misunderstanding

misunderstanding and greater risks than if we carefully restrict and define our obligations. Furthermore we do not believe the French will accept it. The French have always maintained that as far as they are concerned the measure of disarmament will be in direct ratio (*) the measure of security. It is theoretically possible, therefore, to write additional article of very restricted objectives embodying only an agreement to consult in the part dealing with security but the very limited scope of the treaty w ould make it totally inacceptable to Germany. Thus it would appear to be in our own interest to assist in bringing about a comprehensive (*) in which a treaty is possible for Continental Europe and which can bring a real measure of appeasement. Especially is this true if as I believe the maximum obligation we would assume would be merely that of non-interference in given circumstances.

In my opinion the machinery which set up for collective punitive action or for mutual assistance in the event of the outbreak of war in Europe would probably broak down if such punitive action should be directed actinst any major power and the courageous course could be to lay more emphasis on measures to

No. 163 from Paris, Apr. 16, 8 .m. SECTIONS T/O AND THREE

provent war and particularly to increase the power (weaken?) of defence and weaden that of offense rather than to roly somuch on punitive measures to be taken against a nation that starts a war. One of the principlos on which we are constantly insisting and which is daily gaining ground is that the best security would be to diminish the power of attack and augment the power of defense. Thile the soundness of this principle is recognized these states which are potentially weaker than their neighbors in industrial resources and population claim that the adoption of the principle must to accompanied with strict sup mytsion of tho noighbors activities and above all by a throat of collective action which would dotor the neighbor from 'a violation of his obligations. Wo should, however, rocognize that if the European powers can get any comfort through sotting up the machinery for collective action limited to the Continent there is no sound roason why we should stand in the way so long as we can cooperate without becoming involved ourselves and furthermore diminish the probability of a European war or of our boing drawn into it.

Fronch policy is, of course, dictated primarily by fear of Germany. For years they were persuaded

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No. 163 from Paris, Apr. 16, 8 p.m. SECTIONS THE AND THREE

that they could keep Germany down and dominate Europe by their own force and that of their alliances. For the past year, however, especially since their last elections,

. MARRINER

HPD

TSB

(:.) Apparent omission

MET
This telegram must be closely paraphrased before being communicated to anyone. (B)

Paris
Dated April 16, 1933
Rec'd 7 a. m., 18th

Secretary of State,

Washington.

163, April 16, 8 p. m. (SECTION FOUR)

their leaders have come to a realization that the French people are becoming restive under the burden of armaments and that neither their armaments nor their alliances give them adequate permanent security and that indeed they are becoming in (?) a source of resentment, uneasiness and political instability. Although still under the fear of Germany, a fear the more acute because of the war state of mind and the recent developments in that country, French leaders are casting about for a way to reduce their armaments, lessen the liabilities of their alliances by giving some appeasement to Germany and, at the same time, build up machinery for the organization of peace and for collective action if Germany runs amuck. Not the least of the difficulties of the French Government in this situation is the problem of allaying the apprehensions of the French people. If they can tell them that effective steps have been taken for the organization of peace in Europe the French people may be satisfied that they can safely accept substantial measures of disarmament by progressive stages. To this end the policy which I am (END SECTION MET
This telegram must be closely paraphrased before being communicated to anyone. (b)

Paris
Dated April 16, 1933

Rec'd 8:25 a. m., 18th

Secretary of State,

Washington.

163, April 16, 8 p. m. (SECTION FIVE) suggesting will be a valuable contribution.

I recognize that Artica 16 of the League Covenant purports to provide for collective punitive action where member states are involved in an act of aggression and that it might be urged that we should adopt the same policy of non-insistence upon neutral rights if any collective action is taken under Article 16 in parts of the world other than Continental Europe. This, however, is a theoretical rather than a practical objection to the policy I have outlined. As I have suggested no collective action will be taken outside of Continental Europe unless we are in agreement. The crux of the question we have before us is the maintenance of European peace and it is (sincere?) effort is being made to only here that a really since provide for the organization of peace and collective action. As a practical matter I see no reason why we should not limit our undertaking to non-interference with collective action resulting from a Continental European agreement assuming, of course, that we concur as to the party

(responsible?)
responsibility

MET

2-#163 from Paris, Apr. 16, 8 p. m. (SECTION FIVE)

(responsible?)
responsibility for the breach of the peace and at the same
time retain complete freedom of action in any
(END SECTION FIVE)

KI-P-WWC

MARRINER

MET
This telegram must be closely paraphrased before being communicated to anyohe. (b)

Paris
Dated April 16, 1933
Rec'd 8:40 a. m., 18th

Secretary of State,

Washington.

163, April 16, 8 p. m. (SECTIONS SIX & SEVEN) situations arising elsewhere.

I have not attempted to put our views in the form of a draft for a treaty but have set forth our ideas extensively in a separate cable, 164, April 16, 9 p. m., the questions really boil down to this.

One. Assuming a general disarmament treaty which represents a substantial achievement are we prepared in connection therewith to agree to consult in case of a threat to the peace.

armament treaty the Continental European powers agree among themselves upon special measures for maintaining or guaranteeing peace in Continental Europe and for determining and taking collective action against a continental state responsible for a breach of peace (or of the Briand-Kellogg Pact) are we prepared to agree to refrain from any action, and to withhold protection from our citizens if engaged in action, which would tend to defeat the collective action which the European states may have decided upon; such action on our part to be

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predicated upon our independent decision that the state in question has in fact been responsible for the breach of the peace.

Since part one of the British plan regarding security will be the first question brought up in Geneva on the reconvening of the conference it is necessary for my guidance to know if the President and you concur in principle to the adoption of such a policy as that outlined and I shall appreciate as early a reply as possible. If you concur in such a general policy I feel that we should consider most carefully when and how it is best to make our position known, determining whether it should be announced at the appropriate time by the President or be held back and disclosed only in the course of our proceedings in such a way as to be used to the best advantage in our negotiations or whether to adopt a combination of both. In any case until definite procedure is decided upon it is important that the effect should not be weakened by premature disclosure. (END OF MESSAGE)

MRDANS DISARMAMENT, DATE OF MORTING OF THE GENERAL COMMISSION.

MET
This telegram must be closely paraphrased before being communicated to anyone. (b)

Secretary of State,

Washington.

165, April 16, 10 p. m. FROM NORMAN DAVIS.

In separate cables, numbers 163 and 164, I have made substantive recommendations regarding our policy in disarmament matters. There remains the question of procedure.

The General Commission will reconvene on April 25. At present no one sees exactly how the Conference can do constructive work immediately upon reconvening and there is very general apprehension that there may be a clash on matters of detail (*) the MacDonald plan which might lead to a rupture. The French have urged upon us the desirability of a postponement but are reluctant to make a move in this direction because of the reaction this would have in Germany. As I reported, Neurath and Bulow both felt that the Hitler Government would be unprepared on April 25 to commit itself on fundamentals and stated that a few weeks' delay was desirable but in the uncertain situation in Germany it is impossible to predict what the German attitude might be a few weeks hence and it is important to keep in mind that they would undoubtedly

Paris

Dated April 16, 1933 Rec'd 9:30 a. m., 18th. oppose any long delay and would probably withdraw from the Conference in the event of a postponement unless a definite date for reconvening in the relatively near future were fixed. MacDonald and Herriot's absence is an added reason for some delay particularly in the case of MacDonald ashis sponsorship of the plan makes his presence here to help push the work along most important.

In the present delicate political situation it is particularly dangerous to attempt todo too many things at the same time. On April 25 and for a week or two thereafter the attention of the world and the activities of the principal foreign offices will be directed mainly toward the discussions in Washington. A set back in the disarmament work during this period would gravely prejudice the success of the economic work you will have in hand.

To create a basis for successful work at Geneva and to use every effort toward the ultimate success of the Economic Conference I am convinced that it is essential to bring about a political appeasement between the European Powers. The recent French memorandum does not seem to me necessarily to close the door to agreement on some such basis as that proposed by Mussolini and MacDonald. If conversations on this subject should be held following the return of MacDonald and Herriot from Washington and are successful in

finding

REP

3-#165 from Paris, April 16,10p.m.

finding any basis for agreement among the four powers it might then be desirable to broaden these conversations to include consideration of the disarmament problem with the United States and later perhaps to include Poland, Czechoslovakia, Japan and Russia in so far as this question alone is concerned. Such conversations should pave the way for the Disarmament Conference to resume its work with some hope of success and the Economic Conference could then meet in an atmosphere which would tend to get the best results.

To carry out this program it would mean that when the General Commission reconvenes on April 25 it should after a few sessions adjourn its work for a definite period, say three or four weeks. (Before adj urnment is proposed it would, of course, be necessary to secure the acquiescence of Germany and Italy as well as England and France.)

Certain of the technical commissions could continue their work and thus avoid an adjournment of the Conference. The interval should then be employed for the conversations suggested above.

If the President and you agree with the foregoing I would throw in my weight for an adjournment or if necessary even propose it if upon reconvening on the 25th there is any indication that the debates are likely to precipitate a

Wang

REP

4-#165 from Paris, Apr. 16,10p.m.

clash between the French and Germans. In the present state of political tension such a clash might terminate the disarmament work, create a situation which would prevent any political agreement between the western European powers and imperil the success of the Economic Conference.

MARRINER

CSB

WSB

(*) Apparent omission

PSF: Disamament conference 19, 1933

QUESTIONS FROM MR. DAVIS'S TELEGRAMS TO WHICH HE REQUESTS ANSWERS.

- 1. Assuming a general disarmament treaty which represents a substantial achievement, are we prepared in connection therewith to agree to consult in case of a threat to the peace?
- 2. Assuming that in connection with such a disarmament treaty the Continental European powers agree among themselves upon special measures for maintaining or guaranteeing peace in Continental Europe and for determining and taking collective action against a continental state responsible for a breach of peace (or of the Briand-Kellogg Pact) are we prepared to agree to refrain from any action, and to withhold protection from our citizens if engaged in action, which would tend to defeat the collective action which the European states may have decided upon; such action on our part to be predicated upon our independent decision that the state in question has in fact been responsible for the breach of the peace?
- 3. Is it our policy to press for a regional treatment of disarmament along the lines suggested by Mr. Davis, with provisions for active disarmament limited in large measure to Europe and leaving the United States and Japan unbound?
- 4. Should Mr. Davis attempt to bring about an adjournment of the Disarmament Conference after it meets on April 25 for a period of three or four weeks, in an endeavor to work out a political appeasement in Europe, leaving the technical commissions to continue their work and thus avoid an adjournment of the conference?
- 5. If the President agrees with Mr. Davis's recommendations, should our policy be announced at the appropriate time by the President in Washington or should it be held back and used as a bargaining point during the actual negotiations at Geneva?

31

DEPARTMENT OF STATE

DIVISION OF WESTERN EUROPEAN AFFAIRS <u>MEMORANDUM</u>.

April 19, 1933.

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Mr. Phillips: -

At your suggestion I went up this morning to call on Mr. Stimson and discussed with him in considerable detail telegrams Nos. 163 and 164 from Norman Davis.

Mr. Stimson was immensely interested and considered that the Davis suggestions were a logical development of this Government's policy of the past few years.

(1) He has from the beginning considered the General Disarmament Conference as in essense a European peace conference. Before it started he warned the European leaders that they should, as a preliminary step, settle the outstanding European questions. As this was not done, he has been foreseeing a breakdown in the conference in some form or other. It has taken a crisis to convince Europe of the necessity of putting its own house in order. Germany, by threatening to bolt the conference and to repudiate the Treaty of Versailles, has precipitated an issue which sooner or later would have had to be faced.

DEPARTMENT OF STATE

DIVISION OF WESTERN EUROPEAN AFFAIRS

- (2) It is obvious that the United States could not enter into the discussion of how Europe should set its house in order. Political and territorial changes or the evolution of a strong peace machinery involve political considerations from which we must disassociate ourselves. The best we can do is to give Europe a sympathetic and helpful understanding.
- (3) On the other hand, if Europe will make this effort, if Europe will set its house in order and build up a machinery of security, we must not be the country to block it. The broadest conception of our policy is that at small risk we should encourage peace in Europe and view it as a big national insurance.
- (4) Two of our wars have been fought on the issue of the maintenance of our neutral rights. If (under given circumstances) we can avoid similar dangers in the future, we stand to be the gainer. This point of view is susceptible of further development.

Mr. Stimson, therefore, thoroughly agrees with the purpose of the Davis suggestion. He queries, however, whether there are not sufficient elements in it which would arouse political opposition to endanger the success of the treaty. In other words, is it necessary to tie up in contractual form the Davis suggestions?

DEPARTMENT OF STATE

DIVISION OF WESTERN EUROPEAN AFFAIRS

Mr. Stimson therefore wonders whether we could not obtain the desired results by making our contribution in the form of a declaration of the President. This would to a large degree meet the preoccupation of Europe and yet would not be used as a political football in the Senate with possible adverse repercussions on any treaty which might be signed. It would also make certain beyond peradventure of doubt that we retained the final right of independent decision. He had tried to persuade President Hoover to issue such a declaration but the latter had been unwilling.

As far as a consultative pact is concerned, he suggested that we look up two telegrams sent from Senator Swanson in Geneva last March to Senator Robinson suggesting that Congress take the initiative and authorize the President to consult with other nations under certain circumstances.

PSF: Disamament Conference

THE UNDER SECRETARY OF STATE WASHINGTON

April 20, 1933.

Dear Mr. President:

In accordance with your request that I keep you advised on disarmament matters, I beg to send you enclosed the draft disarmament convention submitted to the Conference at Geneva by Prime Minister MacDonald on March 16th last.

- 2) A synopsis of the comments on the MacDonald plan by the Departments of State, War and Navy.
- 3) Copies of telegrams from our delegation in Geneva dated March 18th and 20th containing the French delegate's observations on the British plan.

Pait Fully yours, William Phillips

The President

The White House.

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A SYNOPSIS OF THE COMMENTS ON THE MACDONALD PLAN AS GIVEN BY THE DELEGATION, AND BY THE DEPARTMENTS OF STATE, WAR AND NAVY AT WASHINGTON.

PART II. DISARMAMENT.

SECTION 1. EFFECTIVES. Articles 10, 11 and 12 and Section (c) of Article 13 appear incapable of application in the United States and should, in our opinion, be transferred to Chapter II of the plan, which contains specific provisions for the organization of land armed forces stationed in continental Europe.

TABLE I. Inasmuch as this table relates only to continental Europe, the War Department considered it unnecessary to submit any views regarding the figures other than to state that it considered the numerical limitations arrived at by the Hoover formula to be superior to the arbitrary figures used in the British proposal. The former, moreover, more adequately safeguarded the interests of the United States (exclusive of the National Guard, etc.).

The Navy Department, moreover, believes that the primary method of limitation of naval forces (including air forces assigned to the Navy) should be the limitation of materiel, which affords the only reasonable basis for the limitation of personnel.

SECTION 2. The MacDonald proposal fixes the maximum limit for the caliber of mobile land guns for the future at 105 mms. (4.1 inches). Existing mobile land guns up to 155 mms. may be retained, but all replacement or new construction of guns shall be within the maximum limit of 105 mms.

The War Department cannot agree to fixing the maximum caliber for future mobile land guns this low. The 155 mm. gun (that is 6.1 inches) is practically the only type we have in medium artillery for the field forces and is moreover best suited to our purposes.

The MacDonald proposal continues that all mobile land guns above 155 mms. and all tanks above 16 tons shall be destroyed in two stages,

two stages, one-third within twelve months of the coming into force of the convention, two-thirds within the coming into force of the convention. The War Department maintains that there should not in any treaty be an obligation to destroy materiel. It further considers that there should be no time limit for the conversion of heavy mobile artillery in view of the fact that to place them on fixed mounts will require large appropriations which might not be forthcoming within the required period. The purpose of any provisions for the abolition of materiel might, in the War Department's view, be strengthened by an additional agreement that pending a final disposal, such materiel should not be used in war for any prohibited purpose. This statement of the War Department is in contradiction to the speech delivered by the American Delegation on April 11, 1932, wherein we advanced the theory of increasing the power of defense by doing away with heavy mobile land artillery, heavy tanks, bombardment aviation, etc. We introduced a resolution requesting "the Land Commission to draw up and submit to the General Commission a plan for scrapping tanks and mobile guns exceeding 155 mms. in caliber".

The Delegation called attention to the fact that no measures of quantitative limitation of land material are found in the British proposal. In the absence of numerical limitation of guns and tanks and other material, there is always the danger that the chief result of the provisions adopted would be to start a new race in armaments within the maximum limitation allowed and thereby defeat the very purpose of the treaty, not only as regards reduction of armaments, but also reduction of financial burdens.

THE NAVAL SECTION. This follows in large measure the provisions of the Draft Convention of the Preparatory Commission, which were approved by the Navy Department at the time, and also the terms of the proposal submitted by Mr. Norman Davis and Sir John Simon to

the French and Italian Delegates on December 14, 1932, as offering a fair basis for the solution of their naval difficulties.

PART III.

It is in the matter of air armaments that the greatest difficulties are to be found.

The Hoover proposal called for a simple undertaking as follows: "All bombing planes to be abolished. This will do away with the military possession of types of planes capable of attacks upon civil populations and should be coupled with the total prohibition of all bombardment from the air." The MacDonald plan represents a more complicated approach to the problem. Both War and Navy have concurred in their approval of the abolition of bombardment from the air provided it is universal and complete. They oppose the British reservation in Article 34, making exceptions for police purposes in certain outlying regions on the ground that if any exceptions are allowed, numerous countries will insist on the retention of bombardment aviation and an organization for the exercise of bombardment. If it should prove impossible to delete the British exception, the War Department would like to add a further exception permitting bombing in defense of outlying possessions.

Mr. MacDonald's plan aims ultimately at the complete abolition of military and naval aviation. General MacArthur has told us that he would favor this. The Navy Department is opposed, at any rate without such compensatory advantages as do not seem possible at the present time. They regard our superiority in naval air forces as our trump card and as the one factor which, to a certain degree, compensates for our inferiority in ships below the treaty limits.

There are a number of technical objections to the MacDonald air articles, notably opposition to limitation by means of unladen weight, to the use of the expression "capable of use in war", etc.

When it comes to the table for airplanes, however, the situation is more serious. In the first place, our Navy would like to see a division of airplanes into military and naval components, but if this is not possible, they would like to see, within a lump sum allowance of planes to each nation, a definite limitation upon the number of planes which a nation may assign for naval use, this number in the case of the principal navies to follow the ratio agreed upon as to tonnage. Both War and Navy object to the number of planes allotted the United States and claim that the total number of 500 is inadequate under present circumstances for the Navy alone. In this section, the British have gone on the theory that as they have fallen behind in the aviation race, the other Powers should first reduce to their level and then all reduce correspondingly from that point, a thesis which they have been unwilling to consider in the case of navies.

PART IV. CHEMICAL WARFARE.

War and Navy Departments are agreeable, with minor exceptions, to Articles 47 to 51, inclusive, provided (a) it be understood that no set of impracticable conditions on retaliation in kind be agreed to, and (b) provided it be understood that Article 48 does not prohibit the use of tear gas for domestic police purposes.

Both War and Navy Departments believe that Articles 52 and 54 should be omitted on the ground that a prohibition of preparations for chemical warfare is unreal and meaningless, a contention agreed to by all experts, but still disputed by politicians. Article 53, however, they consider should be unconditionally rejected.

MET
This telegram must be closely paraphrased before being communicated to anyone. (b)

Geneva

Dated March 18, 1933 Rec'd 9:17 p. m.

Secretary of State,

Washington.

579, March 18, 8 p. m. STRICTLY CONFIDENTIAL.

We had a talk with Massigli this afternoon who gave us his views on the British plan but warned us that he had not consulted his government and that they were personal.

He said that what struck them most about the plan was its unfairness in that the greatest concessions in land, sea and air were all being demanded of France while the proposers of the plan put in nothing whatever that was unacceptable to the British thesis. He was also distressed at the fact that MacDonald had repeatedly asserted that he would not consent to the re-armament of Germany and then drew his plan that Germany may build any number of tanks up to sixteen tons, any number of guns up to 105 and that part five of the Treaty of Versaille's was disposed of by the simple expedient of Article 96 of the draft convention. In discussing material, Daladier told MacDonald that so long as he retained French superior-

could deal with Germany during the next four years even if she frood herself from the Treaty of Versailles and this without asking help from any other country and that for that reason, unless something better was provided, he considered the retention of material in the interest of peace. He went on to say that the security given in part one was derisive, the control was inadequate; but that the thing that really distressed him was the thought that France was asked to destroy all her heavy guns within a period of five years without any compensating assurance that at the end of five years a new treaty could be negotiated; in other words, there remained the possibility that she would destroy the material which now gives her her margin of superiority over Germany with the possibility that at the end of five years if the provisions were not renewed she would start on an even footing with Gormany in building new material. He made an earnest plea for some arrangement by which this material could be maintained and if necessary the strictest sort of international supervision in order that this means of pressure to induce Germany to enter a new treaty might not be lost. Ho pointed out that there was no limitation by numbers on permitted material. Since this is the first time we have ever heard any Frenchman rogard such limitation as advantageous it may

be worth remembering.

He said that Daladier had been somewhat soothed by the Prime Minister on Thursday morning when he was given a saurances that the disagreeable factors in the treaty would bear equally upon all and that the re-armament of Germany was not permitted. After concurring with the plan on Thursday might Massigli says Daladier returned to Paris greatly incensed.

Just before leaving Geneva MacDonald told Daladier that he would endeaver, on his return from Rome, to stop Tuesday night in Paris in order to confer with him.

We believe that the French press has been restrained by the Government but Massigli expressed apprehension lest there be an outburst which would aggravate feeling between France and England which he considers extremely dangerous at the present time.

Massigli is loaving for Paris tonight and will return Tuesday morning. There is to be a cabinet meeting on Menday to consider how the British proposal is to be handled. As the French Government was only to begin its study of the plan yesterday he has no idea as to (*) they propose to deal with it in the general discussion but said they would no doubt try to deal in a conciliatory way

4-#579 from Geneva, Mar.18, 8 p. m.

MET

with the general conception and deal with objectionable points through amendments in the hope of avoiding public dissension with the British.

Massigli was tomperate and measured in his statements and seemed to be more troubled then irritated.

FW

GIBSON

(*) apparent omission.

PSF: Disama ne Honference

THE UNDER SECRETARY OF STATE WASHINGTON

April 21, 1933.

Dear Mr. President:

There is one further thought in connection with disarmament which you may care to have before you, It deals with the limitation of expenditures and the enclosed memorandum covers three points in this connection.

Faithfully yours,

The President

The White House.

excurrent log - 11

April 21, 1933.

The following are problems connected with disarmament which have not been touched upon in recent discussions.

- 1. Limitation of expenditures. A great many powers have suggested that all nations make a certain percentage reduction in their military and naval budgets. This is known as an indirect limitation of armaments. It has been strongly opposed by this country for several reasons.
- (a) It is almost impossible to avoid disguising by budgetary juggling items which are in effect military or naval items, but which appear under other headings.
- (b) With respect to navies, it is not compatible with the maintenance of ratios and hence would freeze us in our present position of naval inferiority.
- (c) With regard to armies, it works disproportionate sacrifice on an organization which has already been reduced to skeleton strength.

PSF: Disarmament Confinence

DELEGATION OF THE UNITED STATES OF AMERICA

April 23, 1933.

PERSONAL

Honorable Franklin D. Roosevelt, The White House,

Washington, D. C.

Dear Mr. President:

I am sorry to add to the many things with which you now have to deal but a matter of a some-what personal nature has arisen about which I feel I must write to you.

I have been approached by the Chairmen of the Protective Committees for the investors in International Match Company and Kreuger and Toll to act in the nature of an arbiter on their behalf and, if possible, in collaboration with the Swedish Match Company to formulate a plan with a view of salvaging the maximum for the investors of the three companies. During Kreuger's life the three companies were run more or less as a unit but are now pulling in different directions to the detriment of them all. It appears that the conflict of interests and of legal claims as between the three companies, if litigated, would dissipate the assets and that the only hope of avoiding this is for the three groups to agree upon some disinterested person or persons who would look into the whole problem and

propose a plan for united action pending a later determination as to the respective interests of the three companies in the common assets.

I am informed that the securities of the International Match Company and Kreuger and Toll are held largely by investors in the United States and that the Protective Committees which have been formed represent the investors and not the bankers who sold the securities.

As the task which I am asked to undertake would be constructive and of possible benefit to a large group of investors and would only consume a few months of time and also, incidentally, supplement my depleted income, I have come to the conclusion that I should accept provided it can wait until I have completed my present official work. It would be understood, of course, that I would not take on this work until I have terminated the disarmament work or at least until it has reached a point where my services are no longer needed. In order, however, to permit preliminary work to be done by others, mainly Price Waterhouse and Company, in assimilating facts which would serve as a basis for my conclusions and proposals as arbiter, it is necessary, if I am to undertake it, to give an acceptance in principle subject to leaving for later determination the exact time when I can take on the work proposed.

The first phase of my work over here will soon be terminated, namely that of reporting to you and the Secretary of State on the situation in Europe. In the next few weeks Bingham, Straus and other new appointees will be

arriving. While I shall do everything I can to give them the benefit of any knowledge or experience I may have I do not feel that it would be fair or agreeable to them or in the best interests of the conduct of our diplomatic service for me to stay on for any length of time in either London or Paris after their arrival.

It would therefore seem that the most dignified course for me under the circumstances is to devote myself for the time required to the specific tasks relating to disarmament and the Organizing Committee of the Economic Conference and then to return to the United States. The work of the Organizing Committee will probably be terminated with the meeting to be held in London on the 29th of this month, or before you receive this letter.

With regard to disarmament there are two alternative courses. The first is to press for prompt decisions, as soon as possible after the conclusion of your Washington conversations and the return of MacDonald and Herriot, and to try to find a basis of general agreement prior to the Economic Conference, namely within six or eight weeks. The only hope of doing this as I see it is to have meetings between the responsible heads of the four European Powers with ourselves and possibly one or two other countries represented. It is useless to carry on the Disarmament Conference discussions as in the past. It would be undignified for me as your representative to continue to sit around here well into the second year of a discussion of pure theory in

disarmament and I think the time will come in the near future when you can say something which would give the necessary stimulus to put over something worth while and at least to make it known that unless the principal European powers are prepared to come to grips on this problem, which is largely European, we would have to consider the nature of our future representation in the work.

real substance of disarmament are not possible within the next few weeks it might be necessary as a second alternative to frankly face an adjournment until after the Economic Conference because it is futile to discuss disarmament unless we have the attention and collaboration of the competent heads of Government here. On the other hand the idea is gaining ground here that a failure of the Disarmament Conference would be disastrous to Europe; that it is necessary to reach a substantial accord before the Economic Conference; that nothing would so endanger the success of the Economic Conference as a failure of disarmament; and that nothing would so promote the success of the former as that of the latter.

In spite of and partly because of all the difficulties that exist I am still hopeful of real accomplishment in disarmament and I am so deeply interested in it that I would not permit anything to interefere with that until it is finished or so long as it seems possible to accomplish anything. Furthermore, I want to assure you that

I wish to be of the utmost help at any time when you feel that I can render any real service to the country. However, in so far as concerns disarmament, I see no reason why I can not get through with all that it is possible to do at this stage within the next two months.

As regards the new personal task which I am asked to undertake I shall withhold formal acceptance until after you have received this letter which I calculate will be about May 3rd but in any event no announcement of it would be made until after I have terminated my official work.

With warm personal regards and with apologies for bothering you with a matter more or less personal, I am,

Faithfully yours,

DEPARTMENT OF STATE

THE UNDER SECRETARY

April 24, 1933.

MEMORANDUM ON THE MACDONALD PLAN.

From all indications that have reached us, the French are opposed to the MacDonald plan on several counts.

- a) It permits German re-armament to the extent of doubling the number of men allowed her and permitting her to supply herself without quantitative restriction with certain types of weapons.
- b) It leaves Germany free from armaments provisions of the Treaty of Versailles at the conclusion of the term of the MacDonald Treaty and thus faces France with the prospect of seeing Germany able to rearm, starting from a more favorable basis than would be possible today.
- c) The security clauses of the MacDonald plan are vague and would not give France a precise picture of the commitments accepted by the other signatory powers.
- d) It gives Russia more men than Poland and Rumania combined, a provision unacceptable to France's allies.
 - 2. Unless Germany obtains enough disarmament from France

DEPARTMENT OF STATE THE UNDER SECRETARY

2

France she threatens to bolt the conference and declare that the Treaty of Versailles is null and void. However, in view of the definite warnings that Japan has given the conference that she desires an increase in armaments, it is clear that a universal treaty reducing armaments becomes a virtual impossibility.

DISARMAMENT AND SECURITY

Mr. MacDonald will undoubtedly discuss disarmament in its many phases.

On Tuesday, April 25, the Disarmament Conference will reconvene and has agreed to use as a basis of discussion the MacDonald Plan. This plan, which is really a composite of previous suggestions, is designed as a short-term treaty, to consolidate the minimum agreement to which all parties can subscribe. As with all disarmament projects, it is divided into two parts: disarmament proper, and security. With regard to its technical features, it has met some stout criticism from our War and Navy Departments, particularly with reference to its provisions regarding artillery and aviation. The War Department is unwilling to reduce the size of mobile land guns below 155 mms. (6.1 inches), whereas the British Plan calls for the reduction of artillery to 105 mms. (4.1 inches). (Most other countries agree with us in this stand.) With regard to the aviation clauses: (a) we have always favored the complete abolition of bombardment from the air provided it is universal and complete. Mr. MacDonald desires an exception made in favor of outlying districts, such as the Indian Northwest frontier, where bombardment of native tribes can take the place of military expeditions. We have claimed that unless bombardment from the air is entirely and completely abolished without exceptions or conditions, nations will still desire to retain bombardment aviation and an organization for the possible exercise of bombardment. (b) Mr. MacDonald's Plan is based on additional limitation by means of unladen weight which our experts claim would be technically unsound and impracticable. (c) It is based on the lumping together

of planes

of planes for the Army and Navy and establishing one limit to include both. Our Services insist that there should be some means of subdividing military and naval planes and that the treaty ratios for tonnage should be preserved with respect to the limitation of naval planes. (d) Mr. MacDonald suggests that the Great Powers agree to parity in numbers and establishes a limit of 500 for the United States, France, Great Britain, Japan, etc. Great Britain is in effect demanding in the air that because she has fallen behind in the aviation race, the other Powers should first come down to her figures and then all reduce further, a thesis which she has been entirely unwilling to accept in connection with navies.

With respect to the security features, the MacDonald Plan is based on an agreement of the High Contracting Parties to consult in the event of a breach or threat of breach of the Kellogg-Briand Pact. This is in accordance with the terms of the Democratic platform which calls for "a firm foreign policy including: ***** the Pact of Paris abolishing war as an instrument of national policy, to be made effective by provisions for consultation and conference in case of threatened violation of treaties". Unfortunately, the article then goes on to define what shall be the duties of the conferees, which are twofold: (a) to agree upon the steps which could be taken in respect of such threat, and (b) in the event of a breach of the Kellogg-Briand Pact being found to have occurred, to determine which party or parties to the dispute are to be held responsible. Even these provisions for security have seemed to the French Delegation as completely insufficient.

This brings up the whole conception of security as the Frenchman visualizes it. He demands a machinery of peace on the continent for setting up collective action against any

violator

violator of the treaties from and hence disturbance of the status quo. The basic idea behind all French schemes is to make war too much of a risk for any aggressor. To make such collective action effective, British collaboration is essential and French policy has for its constant aim the idea of committing Great Britain to help in the maintenance of the continental order. In the last analysis, France is far more interested in pledges from Great Britain than she is in pledges from the United States. Great Britain, however, is unwilling to make any more commitments on the continent of Europe than she has made to date through the Locarno treaties. She has interpreted the League Covenant as an indefinite obligation rather than a strict contractual undertaking. Her refusal to give France further security pledges is partly due to the natural disinclination of her people to assume any additional risks, but in large measure it is due to a fear that it might complicate relations with the United States, particularly in the matter of neutral rights. Thus French and British interests with respect to any commitments we might make on the political clauses of a treaty resolve themselves more into terms of our views with respect to a League blockade and to neutral rights than they do to affirmative action on our part.

Thus the whole problem of disarmament and security resolves itself into a vicious circle which can only be broken by Great Britain and the United States modifying to some extent their position of disinterestedness on the political clauses. Even this, however, is only a first hurdle, as in her present state of opinion, Japan would hardly accept any provisions for real disarmament and it would be virtually impossible for us to bind ourselves while Japan remained free. The only solution would seem to be the creation of regional agreements of the type

suggested by Mr. Norman Davis and involving the idea of three concentric circles, the first for continental Europe with strict disarmament and pledges of mutual aid and collective action; the second covering all European countries, i.e., the continental countries plus Great Britain and Russia, and the third, the entire world. (See Mr. Davis' telegrams from Paris, No. 163 and 164, April 16.)

PSF: Disarmament Conference

An article reading as follows might be inserted in Part I of the MacDonald Plan following Article V: Article V(a)

The high Contracting Parties agree that the aggressor in an international conflict shall be considered that State which is the first to take any of the following actions:

- (a) Declaration of war against another State;
- (b) the invasion by its armed forces of the territory of another State without declaration of war;
- (c) bombarding the territory of another State by its land, naval or air forces, or knowingly attacking the naval or air forces of another State:
- (d) the landing in or introduction within the frontiers of another State of land, naval or air forces without the permission of the government of such a State, or the infringement of the conditions of such permission, particularly as regards the duration of sojourn or extension of area;
- (e) the establishment of a naval blockade of the coast or ports of another State.

These criteria of aggression shall, however, be regarded as inapplicable in those instances in which the acts listed in clauses (a) to (e) above are taken against a State which has been found, -- in accordance with the procedure set forth in Articles ______ (supervision and control), to have exceeded the armament levels set forth in the present convention."

PSF: Dicaman & Conference

DECLARATION BY THE CONTINENTAL EUROPEAN POWERS.

The undersigned delegates, representing respectively the following European Governments participating in the General Disarmament Conference, solemnly reaffirm the obligations they have assumed to limit and reduce their armaments, and, provided these obligations are faithfully executed by all signatory powers, individually agree that for a period of not less than ten years no armed force of whatever nature shall cross their from with hostile intent.