DRAFT SYLLABUS FOR STUDY OF THE IMPLEMENTATION OF THE PACT OF PARIS

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OF THE IMPLEMENTATION
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I. The Question:
Is it desirable in the interests of world peace to implement the
Pact of Paris? If so, what means should be adopted?

Note: Implementation is understood as including means to
carry out the ideas of the Pact by agreements, new
or newly coordinated, or by employing international
machinery, existent or to be created.

II. Object of Further Implementation:
A. To increase the protection against war by bridging the
gap between an aloof neutral country such as the
United States, and the League of Nations, by:—
1. Perfecting methods for pacific settlement of inter-
national disputes, and
2. Determining the position of the United States in
case violence between states occurs before or during
the application of pacific methods;
3. Determining the position of the United States in
an ultimate crisis occurring after the employ-
ment of pacific methods has totally or partially
failed.

B. Implementation therefore would involve creation of, or
obligations under, a full system of pacific settlement,
and/or agencies for prevention of the disturbance of
order in the international community in the event of
the nonexercise, the interruption or the failure of pacific
settlement.

III. The League and the Pact:
A. Fifty states bound by the Covenant and the Pact.
B. Four states bound by the Covenant but not by the
Pact:—
Argentine Republic, Bolivia, Salvador and Uruguay.
C. Seven states bound by the Pact, but not by the Covenant:
    Afghanistan, Costa Rica, Egypt, Mexico, the Soviet
    Union, Turkey and the United States of America; also
    Danzig and Iceland, which are not formally members
    of the League of Nations.

D. One state bound by neither the Covenant nor the
    Pact—Brazil.

E. The League of Nations Assembly has twice approved
    harmonizing the Covenant with the Pact, and will con-
    sider it again this year.

F. The states which are not in the League, but which have
    signed and ratified the Pact have not taken any steps
    to implement the Pact.

IV. Implementation of Article II of the Pact. Pacific Settlement
    of International Disputes.

    The settlement or solution of all disputes or conflicts of what-
    ever nature or of whatever origin they may be, which may arise
    among them, shall never be sought except by pacific means.
    —Art. 2 of the Pact.

A. The present legal position.

    1. The members of the League of Nations possess
    the following general means of realizing this
    agreement:

    a. The Covenant of the League of Nations:
        (1) Compulsory reference to pacific settle-
            ment of all disputes likely to lead to a
            rupture.
        (2) Obligation to enforce such reference by
            sanction.
        (3) Considerable procedural custom.
        (4) Supplementary resolutions and agree-
            ments, e.g., resolution on good offices
            of the Council and the convention of fi-
            nancial assistance; also proposed con-
            vention on means of preventing war.

b. Compulsory jurisdiction conferred on the
    World Court by the optional clause (37
    states).

c. The General Act for Pacific Settlement of
    International Disputes (15 states).

d. Compromisory clauses in multilateral and
    bilateral conventions (375).

e. Bilateral treaties of pacific settlement
    (400).

2. The United States possesses the following:

    a. Bilateral treaties:
        (1) Arbitration, with exception of four
            categories (30 in force, 4 more signed).
        (2) Conciliation, without exceptions (35
            in force, 3 more signed).

    b. Inter-American treaty to prevent conflicts
        (May 3, 1923) and convention of concilia-
        tion (January 5, 1929).

c. Four-state Pacific treaty.

d. Some compromisory clauses in multilateral
    conventions.

e. Sundry possibilities in aid, such as accession
    to the Permanent Court of International
    Justice, ratification of the Inter-American
    treaty of arbitration and the extension of
    compromisory clause jurisdiction.

B. If an advance clarification of the action which the
United States would take in an emergency is not made,
should the United States agree to define in advance at
least the procedure it would follow at such a time in
determining its subsequent action?

1. Should the United States agree on the method of
    invoking the Pact?

2. Should the United States enter into a so-called
    "Consultative Pact"?

3. Should the United States base its policy upon the
    procedure regarding complaints (Arts. 50–52, 54)
    already agreed to in the Draft Convention for
    the Limitation and Reduction of Armaments?

4. Other possibilities.
C. Problems regarding such an engagement as a Consultative Pact.
   1. To what states should it apply?
      a. Should a Consultative Pact be between all parties to the Pact of Paris since the principles enunciated by that Pact are intended to be universal?
      b. Or should some graduation be followed in negotiating a Consultative Pact, since the negotiation of the Pact of Paris was begun between five great states and completed between them and their immediate dominions and special friends? (It will be remembered that after the signing of the Briand-Kellogg Pact by 15 nations, 49 other nations were invited to adhere.)

   2. When should it apply?
      a. Are there any definitions in international law and practice which would help to determine when the application of a Consultative Pact would become appropriate?
         (1) Art. 11 par. 2, of the Covenant of the League of Nations?
         (2) Art. 12?
         (3) Art. 11, par. 1?
         (4) Art. 17?
         (5) The Treaty of Washington of December 13, 1921?
      b. Should the point at which a dispute is recognized as having got beyond the resources of the diplomacy of the disputants be left to their judgment or should it be appraised by the other parties to the Pact of Paris? And should the latter make their decision singly or as a group?

   3. How should action be begun?
      a. Is some agreement as to initiative necessary?
      b. Is it consistent with present standards of international relations to leave the initiative to a single state or group of states?
      c. Is it desirable to agree upon a channel for communication?

   4. What would be set in motion in case armed conflict had not yet broken out?
      a. What would be the object of the consultation?
         (1) To initiate an inquiry? (President Hoover's Armistice Day address, 1930.)
         (2) To bring the disputants again into a disposition to employ pacific methods of their own choice?
         (3) To manage a solution among the consultants without going into the merits of the respective cases?
         (4) Failing in both of those efforts, to develop a program of action to prevent disorder in the international community?
      b. Would a conference deal with the substance and merits of a dispute?

V. Implementation of Article I of the Pact. Condemnation of Recourse to War, and Renunciation of War.

The High Contracting Parties solemnly declare in the names of their respective peoples that they [a] condemn recourse to war for the solution of international controversies,
[b] and renounce it as an instrument of national policy in their relations with one another.—Paris Pact, Art. 1.

A. Existing gaps in policy.  
1. The functioning of the new international peace machinery seems hampered by  
   a. A lack of confidence in unproved methods.  
   b. A vigorous survival of national feeling.  
   c. The existence of strong states which have not consented to join in the new experiment.  
2. If the group of non-Member states, and particularly the United States, “is willing to give assurances that at least it will not hamper the operation of the new machinery, a definite system of international solidarity can be worked out. . . . Until the League Members know what to expect from this quarter, they are apparently not ready to risk taking categorical decisions.”

B. Should an effort be made to seek an advance clarification of the position of the United States in case of resort to war by a signatory of the Pact?  
1. Should the United States revise its rules of neutrality so that it could, at its sole discretion, discriminate against an aggressor?  
2. Should the United States agree to the abolition of the “institution of war,” which would result in eliminating neutral rights and duties?  
3. Should the United States unilaterally prohibit the export of arms, munitions or other goods and materials?  
   a. To a state which has violated the Pact of Paris:  
      (1) The Capper Resolution?  
      (2) The Korell Resolution?  
   b. To any state which is in armed conflict with another:  
      (1) The Burton Resolution?  
      (2) The Porter Resolution?  
      (3) The Fish Resolution?  
4. Should the United States enter into a so-called Consultative Pact?

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1 Adapted from Phillip C. Jessup, American Neutrality and International Police, p. 107.

C. Problems of a Consultative Pact.


5. If armed conflict had accidentally or impulsively broken out, or if the consultants had failed to prevent such disorder, what would be set in motion?  
   a. Should the object of the consultants be merely to stop the conflict?  
   b. Should the object of the consultants be to stop the conflict and also to effect a solution?  
   c. In endeavoring to stop the conflict, should the consultants decide whether or not sanctions should be applied?  

6. If violence had been deliberately resorted to in violation of the engagement never to seek the solution of disputes except by pacific means, what would follow?  
   a. What is the meaning of this phrase in the Preamble: “Convinced . . . that any signatory power which shall hereafter seek to promote its national interests by resort to war shall be denied the benefits furnished by this treaty”?  
   b. Should that situation be left to the independent appraisal of the states?  
      (1) Is neutrality desirable?  
      (2) Is it feasible?  
      (3) Is “benevolent neutrality” possible?  
   c. Should the propriety of extending financial assistance be considered (convention for financial assistance to states victims of aggression)?  
   d. Should the applicability of sanctions be decided by the consultants?  

7. If it has been determined that sanctions are necessary, what should follow?  
   a. Should the application of sanctions be left to the Members of the League to set in motion through their Council?  
      (1) If so, what should be the position of the United States with reference to the application of those sanctions?  
   b. Is there any other system of sanctions which might be developed?
III. This treaty shall remain in force for ten years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon twelve months' notice.

IV. This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the signatory powers a certified copy of the procès-verbal of the deposit of ratifications.

The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

In faith whereof the above named plenipotentiaries have signed the present treaty.

Done at the City of Washington, the thirteenth day of December, One Thousand Nine Hundred and Twenty-One.

DECLARATION SIGNED SEPARATELY

In signing the treaty this day between the United States of America, the British Empire, France and Japan, it is declared to be the understanding and intent of the signatory powers:

1. That the treaty shall apply to the mandated islands in the Pacific Ocean; provided, however, that the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers respectively in relation to the mandated islands.

2. That the controversies to which the second paragraph of Art. I refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

WASHINGTON, D. C., December 13, 1921.

PROCÈS-VERBAL DE DEPÔT DE RATIFICATIONS,
WASHINGTON, AUGUST 17, 1923

The representative of the United States of America declared that the instrument of ratification of the United States is deposited with the reservation and understanding, recited in the ratification that—
“The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.”

B. AGREEMENT

The United States of America, the British Empire, France and Japan have, through their respective plenipotentiaries, agreed upon the following stipulations supplementary to the quadruple treaty signed at Washington on December 13, 1921:

The term “islands and insular dominions” used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the Southern portion of the island of Sakhalin), Formosa and the Pescadores, and the islands under the mandate of Japan.

The present agreement shall have the same force and effect as the said treaty to which it is supplementary.

The provisions of Art. IV of the aforesaid treaty of December 13, 1921, relating to ratification shall be applicable to the present agreement, which in French and English shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to each of the other contracting powers.

In faith whereof the respective plenipotentiaries have signed the present agreement.

Done at the City of Washington, the sixth day of February, One Thousand Nine Hundred and Twenty-two.

PROCÉS-VERBAL OF DEPOSIT OF RATIFICATIONS, WASHINGTON, AUGUST 17, 1923

The representative of the United States of America declared that the instrument of ratification of the United States is deposited with the reservation and understanding recited in the ratification, and which repeats the declaration of intent and understanding signed on December 13, 1921, by the plenipotentiaries of the four powers signatories of the treaty of December 13, 1921, as follows:

1. That the four power treaty relating to Pacific possessions shall apply to the mandated islands in the Pacific Ocean; provided, however, that the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers respectively in relation to the mandated islands.

2. That the controversies to which the second paragraph of Art. I of the four power treaty relating to Pacific possessions refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.”

3. Treaty for Limitation of Naval Armament, Washington, February 6, 1922

In force from August 17, 1923, terminable December 31, 1936, or thereafter on two years’ prior notice.

Art. XXI. If during the term of the present treaty the requirements of the national security of any contracting power in respect of naval defence are, in the opinion of that power, materially affected by any change of circumstances, the contracting powers will, at the request of such power, meet in conference with a view to the reconsideration of the provisions of the treaty and its amendment by mutual agreement.

In view of possible technical and scientific developments, the United States, after consultation with the other contracting powers, shall arrange for a conference of all the contracting powers which shall convene as soon as possible after the expiration of eight years from the coming into force of the present treaty to consider what changes, if any, in the treaty may be necessary to meet such developments.

Art. XXII. Whenever any contracting power shall become engaged in a war which in its opinion affects the naval defence of its national security, such power may, after notice to the other contracting powers suspend for the period of hostilities its obligations under the present treaty other than those under Arts. XIII and XVII, provided that such power shall notify the other contracting powers that the emergency is of such a character as to require such suspension.

The remaining contracting powers shall in such case consult together with a view to agreement as to what temporary modifications if any should be made in the treaty as between themselves. Should such consultation not produce agreement, duly made in accordance with the constitutional methods of the respective powers, any one of said contracting powers may, by giving notice to the other contracting powers, suspend for the period of hostilities its obligations under the present treaty, other than those under Arts. XIII and XVII.

On the cessation of hostilities the contracting powers will meet in conference to consider what modifications, if any, should be made in the provisions of the present treaty.

4. Treaty for Renunciation of War, Paris, August 27, 1928

In force from July 24, 1929, without time limit or faculty of denunciation.

The President of the German Reich, (etc.),

Deeply sensible of their solemn duty to promote the welfare of mankind;

1 U. S. Treaty Series No. 614; League of Nations Registration No. 690; Treaty Series, XXV, 201.
2 U. S. Treaty Series No. 793; League of Nations Registration No. 1137; Treaty Series, XCV, 53.
Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a treaty and for that purpose have appointed as their respective plenipotentiaries:

Who, having communicated to one another their full powers found in good and due form have agreed upon the following articles:

Art. 1. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Art. 2. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

Art. 3. The present treaty shall be ratified by the high contracting parties in the preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at Washington.

This treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other powers of the world. Every instrument evidencing the adherence of a power shall be deposited at Washington and the treaty shall immediately upon such deposit become effective as between the power thus adhering and the other powers parties hereto.

5. London Naval Treaty, April 22, 1930

In force between the British Commonwealth of Nations, Japan and the United States from December 31, 1930, to December 31, 1936, signed also by France and Italy.

Art. 21. If, during the term of the present treaty, the requirements of the national security of any high contracting party in respect of vessels of war limited by Part III of the present treaty are in the opinion of that party materially affected by new construction of any power other than those who have joined in Part III of this treaty, that high contracting party will notify the other parties to Part III as to the increase required to be made in its own tonnages within one or more of the categories of such vessels of war, specifying particularly the proposed increases and the reasons therefor, and shall be entitled to make such increase. Thereupon the other parties to Part III of this treaty shall be entitled to make a proportionate increase in the category or categories specified; and the said other parties shall promptly advise with each other through diplomatic channels as to the situation thus presented.

Art. 23. Unless the high contracting parties should agree otherwise by reason of a more general agreement limiting naval armaments, to which they all become parties, they shall meet in conference in 1935 to frame a new treaty to replace and to carry out the purposes of the present treaty, it being understood that none of the provisions of the present treaty shall prejudice the attitude of any of the high contracting parties at the conference agreed to.

6. Draft convention of the Preparatory Commission for the Disarmament Conference, December 9, 1930

Not in force; at present with all Governments for study in connection with the report of the commission as the basis of preparation for the Disarmament Conference, February 2, 1932.

The United States fully participated in elaborating the draft convention.

Art. 50. If, during the term of the present convention, a change of circumstances constitutes, in the opinion of any High Contracting Party, a menace to its national security such High Contracting Party may suspend temporarily, in so far as concerns itself, any provision or provisions of the present convention, other than those expressly designed to apply in the event of war, provided:

(a) That such Contracting Party shall immediately notify the other Contracting Parties and at the same time the Permanent Disarmament Commission, through the Secretary-General of the League of Nations, of such temporary suspension, and of the extent thereof.

(b) That simultaneously with the said notification, the Contracting Party shall communicate to the other Contracting Parties, and at the same time, to the Permanent Disarmament Commission through the Secretary-General, a full explanation of the change of circumstances referred to above.
Thereupon the other High Contracting Parties shall promptly advise as to the situation thus presented.

When the reasons for such temporary suspension have ceased to exist the said High Contracting Party shall reduce its armaments to the level agreed upon in the Convention, and shall make immediate notification to the other Contracting Parties.

Art. 51. The High Contracting Parties recognize that any violation of the provisions of the present convention is a matter of concern to all the parties.

Art. 52. If, during the term of the present convention, a High Contracting Party is of opinion that another party to the convention is maintaining armaments in excess of the figures agreed upon or is in any way violating or endeavoring to violate the provisions of the present convention, such party may lay the matter, through the Secretary-General of the League of Nations, before the Permanent Disarmament Commission.

The Commission, after hearing a representative of the High Contracting Party whose action is questioned, should such party so desire, and the representative of any other party which may be specially concerned in the matter and which asks to be heard, shall, as soon as possible, present a report thereon to the High Contracting Parties and to the Council of the League. The report and any proceedings thereon shall be published as soon as possible.

The High Contracting Parties shall promptly advise as to the conclusions of the report.

If the High Contracting Parties directly concerned are Members of the League of Nations, the Council shall exercise the rights devolving upon it in such circumstances in virtue of the Covenant with a view to insuring the observance of the present convention and to safeguarding the peace of nations.

Art. 54. If a dispute arises between two or more of the High Contracting Parties concerning the interpretation or application of the provisions of the present convention, and cannot be settled either directly between the parties or by some other method of friendly settlement, the parties will, at the request of any one of them, submit such dispute to the decision of the Permanent Court of International Justice or to an arbitral tribunal chosen by them.

II. UNITED STATES PROPOSALS

1. Capper Resolution

(On December 9, 1927, Senator Arthur Capper introduced into the Senate a resolution (S. J. Res. 14, 70th Cong., 1st sess.) to define policy in the sense of the proposed treaty for renunciation of war. One paragraph read:

"II. By formal declaration to accept the definition of aggressor nation as one which, having agreed to submit international differences to conciliation, arbitration, or judicial settlement, begins hostilities without having done so.")

[Senator Capper on February 11, 1929, introduced S. J. Res. 215, 70th Cong., 2d sess., which was reintroduced as S. R. Res. 28, 71st Cong., 1st sess., on May 2, 1929, and was pending in Senate Committee on Foreign Relations until March 4, 1931.]

J OINT RESOLUTION (S. J. Res. 28, 71st Cong., 1st Sess.)

Providing that it shall be unlawful, unless otherwise provided by Congress or by proclamation of the President, to export arms, munitions, implements, or other articles for use in war to any country violating the provisions of the multilateral treaty for the renunciation of war, and declaring it to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of said treaty.

Whereas the Congress of the United States on August 29, 1916, solemnly declared it "to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration to the end that war may be honorably avoided;" and

Whereas the United States in pursuance of this policy has concluded with a number of countries and is negotiating with many others a treaty of arbitration and conciliation in a new form, under which the parties agree to submit to arbitration all differences relating to international matters in which they are concerned by virtue of a claim of right made by one against the other and to submit to a permanent international commission for conciliation any disputes not submitted to arbitration, and has thus shown its intention to carry out on its part the policy of the United States; and

Whereas the United States has taken a further step in advancing its policy by ratifying the multilateral treaty for the renunciation of war, in which it is declared that the contracting powers are—

"Pursued that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;"

"Convinced that all changes in their relations with one another should be sought only by peaceful means and be the result of a peaceful and orderly process, and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty"; and

Whereas it is a breach of its obligations with the United States for any country which is a party to the multilateral treaty for the renunciation of
war to have recourse to war as an instrument of national policy in its relations with any other party to the treaty; and

Whereas the governments which have associated themselves by the treaty "to the end that peaceful and friendly relations between their peoples be perpetuated" should not permit their nationals to encourage a breach of the obligations of the treaty by exporting to a government which has committed such breach, arms, munitions, or implements of war or other articles for the support of such government; and

Whereas the declaration of its policy by the United States to prevent such encouragement by its nationals of a breach of the treaty would have a great effect in accomplishing the object of the treaty, that war may be honorably avoided: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war it shall be unlawful, unless otherwise provided by Act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues.

Sec. 2. It is declared to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty.

Sec. 3. The President is hereby requested to enter into negotiations with other governments which ratify or adhere to the said treaty to secure agreement that the nationals of the contracting governments should not be protected by their governments in giving aid and comfort to a nation which has committed a breach of the said treaty.

Sec. 4. The policy of the United States as expressed in section 2 hereof shall apply only in case of a breach of the said treaty by war against a government which has declared its adherence to a similar policy.

2. Burton Resolution

[On January 18, 1928, Congressman Theodore E. Burton of Ohio introduced into the House of Representatives H. J. Res. 171, 70th Cong., 1st sess., "to prohibit the exportation of arms, munitions or implements of war to certain foreign countries." In a revised form it was reintroduced as H.J. Res 183 on January 25 and referred to the House Calendar for the Committee on Foreign Affairs on January 30. Hearings were held on H.J. Res 183, March 15-22, 1928.]

JOINT RESOLUTION (H.J.Res. 183, 70th Cong., 1st Sess.)

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, munitions, 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 implements 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 numbers 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 centimeters); (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 number 5 above.
7. Apparatus for the discharge of bombs, torpedoes, depth charges, and other kinds of projectiles.
8. (a) Grenades; (b) bombs; (c) land mines, submarine mines, fixed or floating; depth charges; (d) torpedoes.
9. Appliances for use with the above arms and apparatus.
11. Tanks and armored cars; aircraft designed for purposes of warfare.
12. Arms and ammunition not specified in the above enumeration prepared for use in warfare.
13. Poisonous gases, acids, or any other articles or inventions prepared for use 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 implements of war in violation of the provisions of this resolution shall, upon conviction thereof, be punished by a fine not exceeding $10,000, and by imprisonment 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 to have been committed.

3. Korell Resolution

(On January 16, 1929, Congressman Franklin F. Korell of Oregon introduced into the House of Representatives H.J. Res. 381, 70th Cong., 2d sess., "to prohibit the exportation of arms, munitions, or implements of war to nations violating the pact of Paris"). It was referred to the Committee on the Judiciary. As H.J. Res. 422, 70th Cong., 2d sess., it was reintroduced on February 12, 1929, and referred to the Committee on Foreign Affairs.

Joint Resolution (H.J.Res. 422, 70th Cong., 2d Sess.)

Whereas the United States of America having heretofore manifested its support of the cause of peace throughout the world by having concluded a treaty with practically all of the civilized powers of the world in which the signatory parties have condemned recourse to war for the solution of international controversies and renounced it as an instrument of national policy in their relation with one another and have also agreed that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise among them shall never be sought except by pacific means, said treaty being dated the 27th day of August, 1928, and universally known as "The Pact of Paris"; and

Whereas the conclusion of said treaty having imposed no legal obligation upon the United States of America or any other power to join in police action against a cosignatory which shall hereafter violate the same except to place upon each party the moral duty to refrain from giving aid or comfort to such cosignatory; and

Whereas it appearing to the Congress of the United States of America that in the event of the violation of said treaty by a cosignatory that the act of supplying the offending party with the resources of war would be tantamount and equivalent to making the state doing so an accomplice to the aggression of such offender and a breach of good faith; and that it should therefore be the policy of the United States of America, without recognizing or assuming any obligations to join in positive measures of suppression, to manifest its disapproval of any violation of the covenants and provisions of The Pact of Paris: Therefore be it

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 state which shall violate any of the covenants and provisions of the multilateral treaty concluded on August 27, 1928, known as "The Pact of Paris."

Sec. 2. Whenever the President shall recognize the act of a cosignatory party as constituting a violation of the covenants of "The Pact of Paris" by proclamation it shall be unlawful, except by the consent of Congress, to export, or attempt to export, any arms, munitions, or implements of war from any place in the United States, or any possessions thereof, to the territory of such offending state or to any place outside of the United States if the ultimate destination of such arms, munitions, or implements of war is within the jurisdiction of such offending state, or in control of either its military or naval forces.

Sec. 3. As used in this joint resolution the term "arms, munitions, or implements 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 numbers 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 centimeters); (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 number 5 above.
7. Apparatus for the discharge of bombs, torpedoes, depth charges, and other kinds of projectiles.
8. (a) Grenades; (b) bombs; (c) land mines, submarine mines, fixed or floating; depth charges; (d) torpedoes.
9. Appliances for use with the above arms and apparatus.
11. Tanks and armored cars; aircraft designed for purposes of warfare.
12. Arms and ammunition not specified in the above enumeration prepared for use in warfare.
15. Poisonous gases, acids, or any other articles or inventions prepared for use 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 implements of war in violation of the provisions of this resolution, shall, upon conviction thereof, be punished by a fine of not exceeding $10,000, and by imprisonment 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 to have been committed.

4. Porter Resolution

(On February 12, 1929, Congressman Stephen G. Porter of Pennsylvania chairman of the House Committee on Foreign Affairs, introduced H. J. Res. 416, 70th Cong., 2d sess., to amend the joint resolution passed January 31, 1922. (U. S. Code, Title 22, sec. 236.) The 1922 resolution authorizes the prohibition of exportation of arms, etc., to American and extraterritorial countries only. The Secretary of State was heard by the committee on February 16, 1929. In a perfected form the resolution was reintroduced on April 15, 1929, as H. J. Res. 15, 71st Cong., 1st sess., and referred to the committee.)

JOINT RESOLUTION (H. J. Res. 15, 71st Cong., 1st sess.)
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, munitions, 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. Nothing contained in this joint resolution shall be construed to interfere with the sale and shipment of foodstuffs, oil, coal, cotton, wool, leather, copper, lead, zinc, iron, lumber, automobiles, or other manufactured articles not commonly or commercially known as arms, munitions, or implements of war. For the purposes of this joint resolution the term "arms, munitions, or implements of war" means—

1. Rifles, carbines, pistols.
2. (a) Machine guns, automatic rifles, and machine pistols of all calibers; (b) mountings for machine guns; (c) interrupter gears.
3. Gun-sighting apparatus, including aerial gun sights, bomb sights, and fire-control apparatus.
4. Cannon, howitzers, mortars of all kinds; gun carriages, mountings, recuperators, and accessories for mountings.
5. Projectiles and ammunition for the arms enumerated in paragraphs 1, 2, and 4 above.
6. (a) Grenades; (b) bombs; (c) land mines, submarine mines fixed or floating; depth charges; (d) torpedoes; (e) flamethrowers.
7. Apparatus and appliances for the discharge of grenades, bombs, torpedoes, depth charges, and other kinds of projectiles.
8. Bayonets, swords, trench knives, or similar arms.
9. Tanks and armored cars; aircraft designed for purposes of warfare.
10. Arms and ammunition not specified in the above enumeration or any other articles or inventions prepared for use in warfare.
11. 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.
12. Poisonous gases, acids, or chemical compounds prepared for use in warfare.

Sec. 4. Whoever exports or attempts to export any arms, munitions, or implements of war in violation of the provisions of this resolution shall, upon conviction thereof, be punished by a fine not exceeding $10,000 and by imprisonment 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 to have been committed.

6. Stimson Statement

(Secretary of State Stimson during the London Naval Conference explored with the other delegations the idea of a consultative pact, which had been proposed in connection with the limitation of naval armament. On March 11, 1930, it was announced that the United States delegation was of the unanimous opinion that it would not take part in any such pact in conjunction with the prospective treaty. On March 26, the Secretary of State issued a communiqué on the subject.)

STATEMENT OF MARCH 26, 1930

A rumor was current last evening to the effect that the American delegation had made a change in their attitude toward consultative pacts and were willing to enter into such a pact for the purpose of saving the conference. It is authoritatively denied at the headquarters of the American delegation that any change has taken place in the attitude of the American delegation, and its attitude remains as its spokesmen gave it out several weeks ago.

At that time it was made clear that America had no objection to entering into a consultative pact as such. On the contrary, the United States already is a party to a number of treaties involving the obligation of consulting with other powers.

It will not, however, enter into any treaty, whether consultative or otherwise, where there is danger of its obligation being misunderstood as involving a promise to render military assistance or guaranteeing protection by military force to another nation.

Such a misunderstanding might arise if the United States entered into such a treaty as a quid pro quo for the reduction of the naval forces of another power. That danger has hitherto inhered in the present situation, where France has been demanding mutual military security as a condition of naval reduction, as appears from her original statement of her case last December.

If, however, this demand for security could be satisfied in some other way, then the danger of a misunderstanding of a consultative pact would be eliminated, and in such case the question would be approached from an entirely different standpoint. In such case the American delegation would consider the matter with an entirely open mind.

7. President Hoover’s Armistice Day Address, November 11, 1930

[Excerpt]

A solemn obligation lies upon us to press forward in our pursuit of those things for which they died. Our duty is to seek ever new and widening opportunities to insure the world against the horror and irretrievable wastage of war. Much has been done, but we must wage peace continuously, with the same energy as they waged war.

This year 1930 has been rendered notable in peace annals in the achievement of the London naval treaty. It has disposed of one of those major frictions among the great naval powers—that is, competition in naval construction—and it has made a sensible advance in the reduction of armaments.

The promotion of peace and prevention of war, however, can not rest upon the accomplishments of any one year. The outlook for peace is happier than for half a century, yet we can not overlook the fact that nations in many ways are always potentially in conflict. There are not only the accumulated age-old controversies and ambitions which are alive with prejudice, emotion and passion, but you may be assured that there will always be an unceasing crop of new controversies between nations.

Every shift in power, every advance in communications, in trade and finance daily increases the points of contact of one nation with another. The diffusion of their citizens and their property abroad increasingly penetrates and overlaps into the four corners of the earth. The many inventions of these citizens, their ceaseless energies, bring an hourly grist to our foreign offices of contested right or grievance. It is true that many of these contacts make for understanding and good will; it is indeed of the first importance to peace that these happy influences be cultivated and that the unhappy ones be disposed of with justice and good will.

The Kellogg-Briand pact, signed a little over two years ago to further safeguard against the dangers from these conflicts, has already become a powerful influence in international affairs. Several further states have adhered to it since last November, bringing the total number of nations up to fifty-eight which have renounced war as an instrument of national policy and have agreed to settle conflicts of whatever nature by pacific means. Five other states have expressed an intention to adhere, which will bring the total to sixty-three, a figure comprising all but two nations.
By the recognition of this fundamental principle of peace and from the moral restraint that the covenant itself presents, this agreement has become one of the most potent instruments for peace which the world has ever forged for itself.

There has been much discussion as to the desirability of some further extension of the pact so as to effect a double purpose of assuring methodical development of this machinery of peaceful settlement, and to insure at least the mobilization of world opinion against those who fail when strain comes. I do not say that some such further step may not some day come about.

Such a formula would be stimulative and would appeal to the dramatic sense of the world as a mark in the progress of peace. But less dramatic and possibly even more sure is the day-to-day strengthening and buttressing of the pact by extension from one nation to another of treaties which, in times of friction, assure resort to well-tried processes of competent negotiation, of conciliation, and of arbitration.

And we can in our own relations record great advancement in these fundamental but less dramatic supports to the pact during the two years since its signature. Up to the signature of the pact our country was bound by arbitration treaties to seven other nations. It was bound to twenty-six nations by conciliation treaties, both bilateral and multilateral. Since that time we have completed treaties with fifteen more countries, and in addition we have signed further arbitration and conciliation treaties with forty-five nations, of which twenty-six have been ratified and the others are either before the Senate or in course of presentation to it.

By these treaties of arbitration we pledge ourselves to the acceptance of the judgment of a disinterested third party in all controversies of a justiciable character. By treaties of conciliation we pledge ourselves to submit all other types of controversy to negotiations or the mediation of commissions which embrace representatives of disinterested nations.

It is our purpose to develop in every way the use of arbitration and conciliation agreements in our relations with foreign nations.

Other nations of the world have likewise been engaged over years in the building up of the machinery for pacific settlement of controversies. There are hundreds of arbitration and conciliation treaties existing directly between them. Indeed the covenant of the League of Nations provides for arbitration and conciliation amongst fifty-four nations of the world.

It is my belief that the world will have become firmly interlocked with such agreements within a very few years, and that it will become an accepted principle of international law that disputes between nations which it has not been possible to determine through the ordinary channels of diplomacy shall in future be submitted to arbitration, or to international conciliation commissions.

8. Address of Secretary of State Stimson, May 9, 1931.

(Except from remarks in the National Radio Forum, over the Columbia Broadcasting System.)

When Mr. Hoover came into office, the Kellogg-Briand Pact renouncing war and undertaking thereafter the settlement of all controversies solely by peaceful means had just been agreed to by 50 nations. This Pact for its effectiveness depended solely upon the public opinion of the world. Many critics therefore said that the Pact was nothing better than a gesture and that it never would be come an effective international policy. Mr. Hoover thought differently and early in his administration joined with Mr. MacDonald, the Premier of Great Britain, in a historic statement after the Rapidian Conference saying, on behalf of the American and British Governments:

Both our Governments resolve to accept the Peace Pact not only as a declaration of good intentions, but as a positive obligation to direct national policy in accordance with its pledge.

A test of this view soon came in a very difficult quarter, namely, Manchuria, in the shape of a controversy between Russia and China, two of the signatories of the Pact. These two nations having become involved in a dispute over the Chinese Eastern Railway, some of the military forces of Russia crossed the Manchurian boundary and attacked the forces of China. The State Department acted promptly to mobilize the public opinion of the world against such hostilities. A message was sent by our Government to each of the 50 nations who were parties to the Kellogg-Briand Pact, requesting them to urge upon Russia and China a peaceful solution of the controversy between them. A great majority of these nations at once approved this suggestion, thus concentrating public opinion in a most dramatic way. When we acted, Russian airplanes were flying over Manchuria, dropping bombs on the Chinese forces, and Russian infantry and cavalry were in armed conflict with the forces of China. Within a few days thereafter, the Russian forces were withdrawn and Russia was protesting that she did not intend war but instead was in negotiation with China. The incipient invasion of Manchuria had ended.

I believe that in the perspective of history this incident will loom large as one of the landmarks on the road which the nations of the world have traveled towards the elimination of war as an instrument of national policy.