

DID YOU KNOW

That the President's call for "freedom of the seas" was really a demand for the right to help one country at war defeat another?

That the right to ship arms and other contraband to one belligerent without interference from its enemy is not recognized under international law, and has been rejected by both England and the United States?

That England has opposed, and would oppose now, genuine "freedom of the seas", since England's power to keep all supplies from reaching her enemy is her strongest weapon?

"FREEDOM OF THE SEAS"

Our own Secretary of State admitted during the World War that "freedom of the seas" in wartime was determined by the belligerents:

"The fact that the commerce of the United States is interrupted by Great Britain is consequent upon the superiority of her Navy on the high seas. History shows that whenever a country has possessed that superiority our trade has been interrupted and that few articles essential to the prosecution of the war have been allowed to reach its enemy from this country." (Secretary of State Bryan to Chairman of Senate Committee on Foreign Relations on January 20, 1915; quoted in Report of Special Senate Committee on Investigation of the Munitions Industry, 74th Congress, Part 5, page 163).

Winston Churchill has pointed out that, at the close of the World War, the representatives of the Allies refused to accept "freedom of the seas" as proposed by President Wilson:

"The second Point was then read.

'Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.'

"This point about what is called the 'Freedom of the Seas' naturally aroused British concern.....Mr. Lloyd George said he could not accept this clause under any condition. If it had been in operation at the present time we should have lost the power of imposing a blockade. Germany had broken down almost as much from the effects of the blockade as from that of the military operations....Clemenceau and Sonnino agreed with Lloyd George." ("The Aftermath"-1929, pages 103-104, report of a meeting of representatives of the Allies in the World War to discuss Woodrow Wilson's "Fourteen Points" as the basis for an armistice with Germany).

THE PRESIDENT DEMANDS
FREEDOM OF THE SEAS

In his "unlimited emergency" speech of May 27, 1941, President Roosevelt stated that "we reassert the ancient American doctrine of freedom of the seas". His characterization of the doctrine for which he contended was inaccurate on at least two counts. First, the doctrine he asserted was neither ancient nor "American" in the sense of representing American foreign policy. Second, the doctrine he asserted cannot be called the "freedom of the seas"; what he asked in reality was the "freedom to aid at will one belligerent nation without danger of interference by the other belligerent"—a freedom which our own government and the British government have denied on past occasions, and which the British would be the first to reject now, if it were to their advantage.

The sinking of the Robin Moor, an American ship, in the South Atlantic, afforded the President another opportunity to raise indirectly the question of the "freedom of the seas", in an oratorical message to Congress on June 20, 1941. Of course, the manner in which the ship was sunk and the crew and passengers treated was unjustified and ruthless, but the President failed to mention the Robin Moor was carrying to a belligerent state (the Union of South Africa) a cargo of goods of which 70 per cent was banned as contraband of war by both Britain and Germany (see DID YOU KNOW, #1).

REPEAL THE
NEUTRALITY ACT?

The Neutrality Act is a substantial barrier to the President's conception of "freedom of the seas". Despite earlier demands for repeal of the Neutrality Act and return to "freedom of the seas" by Secretary of the Navy Knox (New York Times, May 22, 1941) and Secretary of War Stimson (New York Times, May 23, 1941), the President stated at his press conference following the "unlimited emergency" speech, that he was not then considering a request asking for repeal or amendment of the Neutrality Act (New York Times, May 29, 1941).

The President's attitude therefore indicates three possibilities: 1) he may have used the phrase "freedom of the seas" merely as a glittering oratorical attraction; or 2) he may plan to seek repeal or amendment of the Neutrality Act later; or 3) his concept of "freedom of the seas" may involve a course of action designed to prevent German warships from interfering with American aid to Great Britain, which may not conflict with the Neutrality Act. In view of the history in American foreign policy of "freedom of the seas", and of the background of the President's remarks, the latter course seems the most likely.

"THE ANCIENT AMERICAN
DOCTRINE".

In his "unlimited emergency" speech, the President referred to a few historical examples to prove America's devotion to "freedom of the seas". The irrelevance of those examples to the present situation is matched only by the omission from his speech of other and much more important historical instances. He cited our difficulties with the French in 1799, our war against the Barbary pirates a few years later, the War of 1812, and our assistance in ousting the French from Mexico, none of which was analogous to our present claim to the right to supply one belligerent with arms and contraband without interference from the other belligerent. Much more important is the fact that the President failed to mention the Civil War and the World War—not to mention the Neutrality Act and the current war.

In the Civil War, the Union seized British ships which sought to run the Union blockade and to carry goods to the South. (Borchard and Lage, "Neutrality for the United States" (1937), page 15). In the World War, despite merely formal protests made for the sake of the record, the Wilson Administration actually acquiesced in the British blockade and the all-embracing contraband list adopted by the British, which exposed American trade with the neutrals of Europe and even South America to the complete control of Britain and the Allies (Borchard and Lage, pages 34, 36, 39, 43, 61-62, 65, 72). The Neutrality Act, of course, limits our freedom of trade in time of war, and was adopted as an indication of strength, not weakness, in our desire to keep out of war.

In the current war, despite another mild protest made for the sake of the record, we have again acquiesced in the British blockade and an even more-embracing contraband list. We have acquiesced in the British system of "navicerts", under which our shippers must submit their cargo lists to British agents—even if the cargo is destined for a neutral country—in order to minimize interference with a voyage by British warships. Now, we face a British system of "mailcerts", which amounts to a tax on American mail and operates on the same principle as the "navicerts" (New York Times, June 24, 1941).

FREEDOM TO AID
A BELLIGERENT.

The President's remarks showed clearly that what he means by "freedom of the seas" is freedom to send arms and other contraband to Britain and her Allies. This is not the "freedom of the seas" recognized under international law, which means the freedom of American shippers to trade freely with all belligerents. What he means by "freedom of the seas" is shown by his statement that we must help "cut down the losses on the high seas", although at the time of his speech no American ship was known to have been sunk. He is primarily concerned with ousting German ships from Atlantic waters. Whether or not that is wise cannot be determined unless the issue is presented for what it really is.

There is a war in progress. Naturally, Germany will seek to sink or capture British ships carrying arms or contraband, even if the cargoes come from the United States. If American ships carry contraband to ports belonging to part of the British Empire (belligerent territory) it is to be expected that German ships will seek to block such voyages. American ships on such voyages cannot claim exemption from visit and search, or even capture, by German ships, because they can be held liable to capture under the accepted rules of international law, which American courts helped to formulate. (Borchard and Lage, pages 16-17, 118-119)

BRITAIN OPPOSES
FREEDOM OF THE SEAS.

Obviously, "freedom of the seas" is not the policy of the British government, which rejected it in the World War, and which rejects it in the current war. The British must always reject it, since their strongest weapon is the naval blockade, by which they seek to prevent any supplies from reaching their enemies. No President can profess to seek "freedom of the seas" if he accepts unreservedly the British policy.