

6. Revision/Repeal Neutrality Act

PRESIDENT'S ROOSEVELT'S ADDRESS

21 SEPTEMBER 1939

Address before a joint session of the Senate and House of Representatives recommending revision of the Neutrality Law, the Capitol, September 21, 1939

Mr. President, Mr. Speaker, Members of the Senate and House of Representatives:

I have asked the Congress to reassemble in extraordinary session in order that it may consider and act on the amendment of certain legislation, which, in my best judgment, so alters the historic foreign policy of the United States that it impairs the peaceful relations of the United States with foreign nations.

At the outset I proceed on the assumption that every member of the Senate and of the House of Representatives, and every member of the Executive Branch of the Government, including the President and his associates, personally and officially, are equally and without reservation in favor of such measures as will protect the neutrality, the safety and the integrity of our country and at the same time keep us out of war.

Because I am wholly willing to ascribe an honorable desire for peace to those who hold different views from my own as to what those measures should be, I trust that these gentlemen will be sufficiently generous to ascribe equally lofty purposes to those with whom they disagree. Let no man or group in any walk of life assume exclusive protectorate over the future well being of America, because I conceive that regardless of party or section the mantle of peace and of patriotism is wide enough to cover us all. Let no group assume the exclusive label of the "peace bloc." We all belong to it.

I have at all times kept the Congress and the American people informed of events and trends in foreign affairs. I now review them in a spirit of understatement.

Since 1931 the use of force instead of the council table has constantly increased in disputes between nations except in the Western Hemisphere where in all those years there has been only one war, now happily terminated.

During those years also the building up of vast armies and navies and storehouses of war has proceeded abroad with growing speed and intensity. But, during these years, and extending back even to the days of the Kellogg-Briand Pact, the United States has constantly, consistently and conscientiously done all in its power to encourage peaceful settlements, to bring about reduction of armaments, and to avert threatened wars. We have done this not only because any war anywhere necessarily hurts American security and American prosperity, but because of the more important fact that any war anywhere retards the progress of morality and religion, and impairs the security of civilization itself.

For many years the primary purpose of our foreign policy has been that this nation and this Government should strive to the utmost to aid in avoiding war among nations. But if and when war unhappily comes, the Government and the nation must exert every possible effort to avoid being drawn into the war.

The Executive Branch of the Government did its utmost, within our traditional policy of non-involvement, to aid in averting the present appalling war. Having thus striven and failed, this Government must lose no time or effort to keep our nation from being drawn into the war.

In my candid judgment we shall succeed in those efforts.

We are proud of the historical record of the United States and of all the Americans during all these years, because we have thrown every ounce of our influence for peace into the scale of peace.

I note in passing what you will all remember—the long debates of the past on the subject of what constitutes aggression, on the methods of determining who the aggressor might be and on who the aggressors in past wars had been. Academically this may have been instructive, as it may have been of interest to historians to discuss the pros and cons and the rights and wrongs of the World War during the decade that followed it.

But in the light of problems of today and tomorrow, responsibility for acts of aggression is not concealed, and the writing of the record can safely be left to future historians.

There has been sufficient realism in the United States to see how close to our own shores came dangerous paths which were being followed on other continents.

Last January I told the Congress that “a war which threatened to envelop the world in flames has been averted, but it has become increasingly clear that peace is not assured.”

By April new tensions had developed; a new crisis was in the making. Several nations with whom we had had friendly, diplomatic and commercial relations had lost, or were in the process of losing, their independent identity and their very sovereignty.

During the spring and summer the trend was definitely toward further acts of military conquest and away from peace. As late as the end of July I spoke to members of the Congress about the definite possibility of war. I should have called it the probability of war.

Last January, also, I spoke to this Congress of the need for further warning of new threats of conquest, military and economic; of challenge to religion, to democracy and to international good faith. I said:

“An ordering of society which relegates religion, democracy and good faith among nations to the background can find no place within it for the ideals of the Prince of Peace. The United States rejects such an ordering and retains its ancient faith. . . .”

And I said:

“We know what might happen to us of the United States if the new philosophies of force were to encompass the other continents and invade our own. We, no more than other nations, can afford to be surrounded by the enemies of our faith and our humanity. Fortunate it is, therefore, that in this Western Hemisphere, we have, under a common ideal of democratic Government, a rich diversity of resources and of peoples functioning together in mutual respect and peace.”

Last January, in the same message, I also said:

“We have learned that when we deliberately try to legislate neutrality, our neutrality laws may operate unevenly and unfairly may actually give aid to an aggressor and deny it to the victim. The instinct of self preservation should warn us that we ought not to let that happen any more.”

It was because of what I foresaw last January from watching the trend of foreign affairs and their probable effect upon us that I recommended to the Congress in July of this year that changes be enacted in our neutrality law.

The essentials for American peace in this war torn world have not changed since last January or since last July. That is why I ask you again to re examine our own legislation.

Beginning with the foundation of our constitutional Government in the year 1789, the American policy in respect to belligerent nations, with one notable exception, has been based on international law. Be it remembered that what we call international law has always had as its primary objectives the avoidance of causes of war and the prevention of the extension of war.

The single exception to which I refer was the policy adopted by this nation during the Napoleonic Wars, when, seeking to avoid involvement, we acted for some years under the so called Embargo and Non Intercourse Acts. That policy turned out to be a disastrous failure first, because it brought our own nation close to ruin, and, secondly, because it was the major cause of bringing us into active participation in European wars in our own War of 1812. It is merely reciting history to recall to you that one of the results of the policy of embargo and non intercourse was the burning in 1814 of part of this Capitol in which we are assembled today.

Our next deviation by statute from the sound principles of neutrality, and peace through international law did not come for one hundred and thirty years. It was the so called Neutrality Act of 1935 only four years ago an Act continued in force by the Joint Resolution of May 1, 1937, despite grave doubts expressed as to its wisdom by many Senators and Representatives and by officials charged with the conduct of our foreign relations, including myself.

I regret that the Congress passed that Act. I regret equally that I signed that Act.

On July fourteenth of this year, I asked the Congress in the cause of peace and in the interest of real American neutrality and security, to take action to change that Act.

I now ask again that such action be taken in respect to that part of the Act which is wholly inconsistent with ancient precepts of the law of nations the embargo provisions. I ask it because they are, in my opinion, most vitally dangerous to American neutrality, American security and, above all, American peace.

These embargo provisions, as they exist today, prevent the sale to a belligerent by an American factory of any completed implements of war, but they allow the sale of many types of uncompleted implements of war, as well as all kinds of general material and supplies. They furthermore, allow such products of industry and agriculture to be taken in American flag ships to belligerent nations. There in itself-under the present law lies definite danger to our neutrality and our peace.

From a purely material point of view what is the advantage to us in sending all manner of articles across the ocean for final processing there when we can give employment to thousands by doing it here? Incidentally, and again from the material point of view, by such employment here we automatically aid in building up our own national defense. And if abnormal profits appear in our midst even in time of peace, as a result of such an increase of our industry, I feel certain that the subject will be adequately dealt with at the coming regular session of the Congress.

Let me set forth the present paradox of the existing legislation in its simplest terms: If, prior to 1935, a general war had broken out in Europe, the United States would have sold to, and bought from, belligerent nations such goods and products of all kinds as the belligerent nations, with their existing facilities and geographical situations, were able to buy from us or sell to us. This would have been the normal practice under the age old doctrines of international law.

Our prior position accepted the facts of geography and of conditions of land power and sea power and air power alike, as they existed in all parts of the world.

If a war had broken out in Europe prior to 1935, there would have been no difference, for example, between our exports of sheets of aluminium and airplane wings; today there is an artificial legal difference.

Before 1935 there would have been no difference between the export of cotton and the export of gun cotton. Today there is.

Before 1935 there would have been no difference between the shipment of brass tubing in pipe form and brass tubing in shell form. Today there is.

Before 1935 there would have been no difference between the export of a motor truck and an armored motor truck. Today there is.

Let us be factual, let us recognize that a belligerent nation often needs wheat and lard and cotton for the survival of its population just as much as it needs anti aircraft guns and anti-submarine depth charges. Let those who seek to retain the present embargo position be wholly consistent. Let them seek new legislation to cut off cotton and cloth and copper and meat and wheat and a thousand other articles from all of the nations at war.

I seek a greater consistency through the repeal of the embargo provisions, and a return to international law. I seek re-enactment of the historic and traditional American policy which, except for the disastrous interlude of the Embargo and Non Intercourse Acts, has served us well from the very beginning of our Constitutional existence.

It has been erroneously said that return to that policy might bring us nearer to war. I give to you my deep and unalterable conviction,. Based on years of experience as a worker in the field of international peace, that by the repeal of the embargo the United States will more probably remain at peace than if the law remains as it stands today. I say this because with the repeal of the embargo, this Government clearly and definitely will insist that American citizens and American ships keep away from the immediate perils of the actual zones of conflict

Repeal of the embargo and a return to international law are the crux of the issue that faces us.

The enactment of the embargo provisions did more than merely reverse our traditional policy. It had the effect of putting land powers on the same footing as naval powers, so far as sea borne commerce was concerned. A land power which threatened war could thus feel assured in advance that any prospective sea power antagonist would be weakened through denial of its ancient right to buy anything anywhere. This, four years ago, began to give a definite advantage to one belligerent as against another, not through his own strength or geographical position, but through an affirmative act on the part of the United States. Removal of the embargo is merely reverting to the sounder. International practice, and pursuing in time of war as in time of peace our ordinary trade policies. This will be liked by some and disliked by others, depending on the view they take of the present war; but that is not the issue. The step I recommend is to put this country back on the solid footing of real and traditional neutrality.

When and if I do not like even to mention the word "it," I would rather say "when"-repeal of the embargo is accomplished, certain other phases of policy reinforcing American safety should be considered. While nearly all of us are in agreement on their objectives, the only questions relate to method.

I believe that American merchant vessels should, as far as possible, be restricted from entering war zones. But, war zones may change so swiftly and so frequently in the days to come, that it is impossible to fix them permanently by act of Congress; specific legislation may prevent adjustment to constant and quick change. It seems, therefore, more practical to delimit the actual geography of the war zones through action of the State Department and administrative agencies. The objective of restricting American ships from entering such zones may be attained by prohibiting such entry by the Congress; or the result can be substantially achieved by executive proclamation that all such voyages are solely at the risk of the American owners themselves.

The second objective is to prevent American citizens from travelling on belligerent vessels, or in danger areas. This can also be accomplished either by legislation, through continuance in force of certain provisions of existing law, or by proclamation making it clear to all Americans that any such travel is at their own risk.

The third objective, requiring the foreign buyer to take transfer of title in this country to commodities purchased by belligerents, is also a result that can be attained by legislation or substantially achieved through due notice by proclamation.

The fourth objective is the preventing of war credits to belligerents. This can be accomplished by maintaining in force existing provisions of law, or by proclamation making it clear that if credits are granted by American citizens to belligerents, our Government will take no steps in the future to relieve them of risk or loss.

The result of these last two objectives will be to require all purchases to be made in cash, and all cargoes to be carried in the purchasers' own ships, at the purchasers' own risk.

Two other objectives have been amply attained by existing law namely, regulating collection of funds in this country for belligerents, and the maintenance of a license system covering import and export of arms, ammunition and implements of war. Under present

enactments, such arms cannot be carried to belligerent countries on American vessels, and this provision should not be disturbed.

The Congress, of course, should make its own choice of the method by which these safeguards are to be attained, so long as the method chosen will meet the needs of new and changing day to day situations and dangers.

To those who say that this program would involve a step toward war on our part, I reply that it offers far greater safeguards than we now possess or have ever possessed, to protect American lives and property from danger. It is a positive program for giving safety. This means less likelihood of incidents and controversies which tend to draw us into conflict, as they unhappily did in the last World War. There lies the road to peace!

The position of the Executive Branch of the Government is that the age-old and time-honored doctrine of international law, coupled with these positive safeguards, is better calculated than any other means to keep us out of war.

In respect to our own defense, you are aware that I have issued a proclamation setting forth "A National Emergency in Connection with Observance, Safeguarding, and Enforcement of Neutrality and the Strengthening of the National Defense within the Limits of Peace-Time Authorization." This was done solely to make wholly constitutional and legal certain obviously necessary measures. I have authorized increases in the personnel of the Army, the Navy, the Marine Corps and the Coast Guard, which will bring all four of them to a total still below peace-time strength as authorized by the Congress.

I have authorized the State Department to use, for the repatriation of Americans caught in the war zone, the sum of \$500,000 already authorized by the Congress.

I have authorized the addition of one hundred and fifty persons to the Department of Justice to be used in the protection of the United States against subversive foreign activities within our borders.

At this time I ask for no further authority from the Congress. At this time I see no need for further executive action under the proclamation of limited national emergency.

Therefore, I see no impelling reason for the consideration of other legislation at this extraordinary session of the Congress.

It is, of course, possible that in the months to come unforeseen needs for further legislation may develop but they are not imperative today.

These perilous days demand cooperation among us without trace of partisanship. Our acts must be guided by one single hard-headed thought keeping America out of this war. In that spirit, I am asking the leaders of the two major parties in the Senate and the House of Representatives to remain in Washington between the close of this extraordinary session and the beginning of the regular session on January third, 1940. They have assured me that they will do so; and I expect to consult with them at frequent intervals on the course of events in foreign affairs and on the need for future action in this field, whether it be executive or legislative action.

Further, in the event of any future danger to the security of the United States or in the event of need for any new legislation of importance, I will immediately reconvene the Congress in another extraordinary session.

I should like to be able to offer the hope that the shadow over the world might swiftly pass. I cannot. The facts compel my stating, with candor, that darker periods may lie ahead. The disaster is not of our making; no act of ours engendered the forces which assault the foundations of civilization. Yet we find ourselves affected to the core; our currents of commerce are changing, our minds are filled with new problems, our position in world affairs has already been altered.

In such circumstances our policy must be to appreciate in the deepest sense the true American interest. Rightly considered, this interest is not selfish. Destiny first made us, with our sister nations on this Hemisphere, joint heirs of European culture. Fate seems now to compel us to assume the task of helping to maintain in the Western world a citadel wherein that civilization may be kept alive. The peace, the integrity, and the safety of the Americas- these must be kept firm and serene.

In a period when it is sometimes said that free discussion is no longer compatible with national safety, may you by your deeds show the world that we of the United States are one people, of one mind, one spirit, one clear resolution, walking before God in the light of the living.
