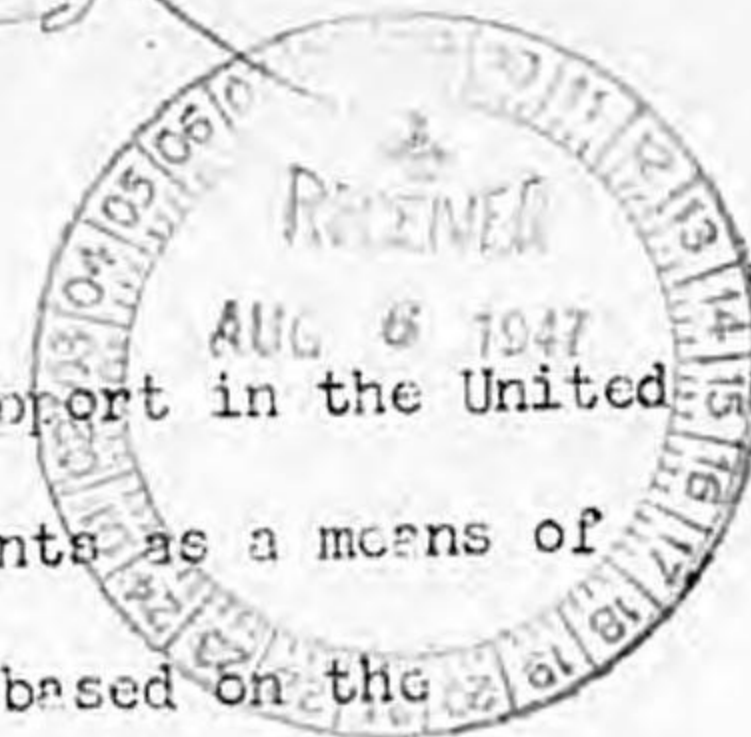


NEUTRALITY LEGISLATION



In 1935 there developed considerable public support in the United States for an embargo on the export of arms to belligerents as a means of keeping the United States out of war. This support was based on the fallacious concept that the entrance of the United States into the World War in 1917 had been brought about by the sale of arms to belligerents. Under the influence of this concept and with the shadow of a new European war on the horizon the Congress passed a joint resolution in August 1935 providing that upon the outbreak or during the progress of war between or among two or more foreign states "the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war" from the United States to any belligerent country. This legislation also contained provisions for the licensing of arms exports, the prohibition of the carriage by United States vessels of arms to belligerent states, and the restriction of travel by United States citizens on vessels of belligerent states. This joint resolution, known as the Neutrality Act, was signed by President Roosevelt on August 31, 1935. In signing it the President said he had done so "because it was intended as an expression of the fixed desire of the Government and the people of the United States to avoid any action which might involve us in war". However, he said that the "inflexible" arms-embargo provisions "might drag us into war instead of keeping us out"; that no Congress and no Executive could foresee all possible future situations.

A few months later Secretary Hull, in referring to the Neutrality Act, warned that to assume that by placing an embargo on arms we were making ourselves secure from dangers of conflict with belligerent countries was "to close our eyes to manifold dangers in other directions". He said further that every war presented different circumstances and conditions which might have to be dealt with differently; that, therefore, there were apparent difficulties inherent in any effort to lay down by legislative enactment "inelastic rules or regulations to be applied to every situation that may arise"; that the Executive should not be unduly or unreasonably handicapped; that discretion could wisely be given the President.

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中立方法

一九三五年米國に於ては米國が戦争に捲き込まれない様にする一手段として、交戦國への武器轉出禁止に對し注目すべき一般の支持があつた。此の實成論は米國の一九一七年の世界戦争参加は交戦國への武器賣渡から齎らされたと云ふ誤つた考へに基いてゐる。此の考への影響を受け又今や正に勃發せんとしつゝある新歐洲戦争の影をおびて、議會は一九三五年八月に共同決議を通過させ、之に依り二國若くはそれ以上の外國間の戦争の勃發に當り若くは戦争進展中に「大統領は右事實を宣言するであらうし、從つて」米國から如何なる交戦國に對しても「武器、軍需品若くは戦争用具を轉出することは非合法となるであらう」と規定した。此立法は亦武器轉出の認可、米國商船による交戦國家に對する武器積出の禁止、並に交戦國の船舶による米國市民の旅行制限に關する規定を含んでゐた。此共同決議は中立法として知られてゐるが、一九三五年八月三十一日ルーズベルト大統領に依り署名された。



数日后ハル長官は中立法に言及して武器禁輸をなすことに依り我々が交戦國との戦争の危険から我々自身を保障してゐると考へることは、「他の諸方面に於ける種々の危険に對し我々の目を蓋ふこと」であると言告した。彼は更に曰く、凡ゆる戦争は夫々異つた環境と状態を呈し、夫等は各異つた取扱ひを受けねばならないかもしれない。従つて起りうべき凡ての状況に適用するためには弾力性のない規則若くは法規を制定しよとすることには必ず明白なる困難が伴つた。行政府は不正不當に拘束せらるべきでない。決定權は須く大統領に與へられるであらう。と。

米國國務省公刊

「平和と戦争」抜萃（二四頁）