

Lat. Bonded Mechanism

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U. S. MAY NEXT CURB ARMED CARGO SHIPS

Hull Says Policy on Subject Is Under Study in Connection With Submarine Ban

LEGAL WEDGE IS HELD AIM

Washington Believed Trying to Have Undersea Craft Put in Special Class by Nations

Special to THE NEW YORK TIMES
WASHINGTON, Oct. 19—Following the barring by Presidential proclamation of belligerent submarines from United States ports and territorial waters, Secretary of State Cordell Hull said today that attention was being given to the question of armed merchantmen of the belligerents with a view to developing at a suitable stage a permanent policy in relation to it.

President Roosevelt, in issuing his submarine proclamation yesterday, acted under the existing neutrality legislation, which permits him to impose restrictions on both submarines and armed merchantmen. He did nothing concerning the latter. Moreover, notwithstanding Secretary Hull's statement today, which was made orally and in response to questions at his press conference, and notwithstanding arguments of international lawyers that armed merchantmen are ships of war under international law, there were many in the capital who believed no ban would be placed on such merchant ships.

Defines Territorial Waters

Secretary Hull did make clear at his press conference that the territorial waters, as meant in the submarine proclamation, were those within the three-mile limit. Within that limit active efforts will be exerted to prevent the appearance of belligerent submarines unless they are forced into these waters by natural disasters. The activities of American patrol ships within the so-called safety zone of 300 miles drawn at the recent Panama Conference will be limited to gathering information concerning belligerent ships, it was said.

Many of the questions directed at Secretary Hull in his press conference concerned the special restrictions placed around submarines by the proclamation in contrast to surface vessels of belligerents. Submarines may not now enter United States waters to refuel, obtain emergency medical, food or other supplies, or to escape from superior enemy forces, whereas surface vessels of belligerents, under international law, may enter to obtain vital supplies and for other emergency purposes, but may not remain more than twenty-four hours.

References were made in the press conference to these rules as laid down in the Hague convention of 1907. They make no distinction between surface and sub-surface craft; nor do much later international agreements, such as the London naval limitation treaty of 1935. Moreover, the President's neutrality proclamation of Sept. 5, 1939, made no distinction between surface and sub-surface craft in its regulations for belligerent naval vessels in United States territorial waters.

Legal Distinction Sought

It appeared to the questioners at the press conference that the United States was now seeking to drive a wedge in international law between submarines and surface craft.

A submarine, Secretary Hull said, is not supposed to have in its power the ability to create conditions that would justify its coming into a harbor, and it is that situation that the proclamation intends to cover. He was not disturbed over the prospect of a submarine's running out of food; he said that was something it was supposed to look out for.

Asked about the bearing on the question of the Hague convention of 1907, Mr. Hull replied that the proclamation was not necessarily tied in with each regulation that had been discussed or agreed upon in that or other conventions in regard to surface craft.

The present situation, he added, has grown up since submarines were invented and the restriction on their rights to come into United States ports as belligerents is among the first regulations prepared on the subject. The submarine phases, he declared, are visualized apart from any other phases of sea-going vessels and are dealt with independently of surface ships.

There were no particular considerations that called for issuance of the proclamation, Secretary Hull said, except that a state of war exists and is continuing on an increasing scale.

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