

CURRENT NOTES

MESSAGE OF THE PRESIDENT OF THE UNITED STATES TO THE SENATE RECOMMENDING PARTICIPATION OF THE UNITED STATES IN THE PERMANENT COURT OF INTERNATIONAL JUSTICE AT THE HAGUE ¹

February 24, 1923

TO THE SENATE:

There has been established at The Hague a Permanent Court of International Justice for the trial and decision of international causes by judicial methods, now effective through the ratification by the signatory Powers of a special protocol. It is organized and functioning. The United States is a competent suitor in the Court, through provision of the statute creating it, but that relation is not sufficient for a nation long committed to the peaceful settlement of international controversies. Indeed, our nation had a conspicuous place in the advocacy of such an agency of peace and international adjustment, and our deliberate public opinion of today is overwhelmingly in favor of our participation, and the attending obligations of maintenance and the furtherance of its prestige. It is for this reason that I am now asking for the consent of the Senate to our adhesion to the protocol.

With this request I am sending to the Senate a copy of the letter addressed to me by the Secretary of State, in which he presents in detail the history of the establishment of the Court, takes note of the objection to our adherence because of the Court's organization under the auspices of the League of Nations, and its relation thereto, and indicates how, with certain reservations, we may fully adhere and participate, and remain wholly free from any legal relations to the League or assumption of obligation under the Covenant of the League.

I forbear repeating the presentation made by the Secretary of State, but there is one phase of the matter not covered in his letter with which I choose frankly to acquaint the Senate. For a long period, indeed ever since the International Conference on the Limitation of Armament, the consideration of plans under which we might adhere to the protocol has been under way. We were unwilling to adhere unless we could participate in the selection of judges, we could not hope to participate with an American accord if adherence involved any legal relation to the League.

These conditions, there is good reason to believe, will be acceptable to the signatory Powers, though nothing definitely can be done until the United States tenders adhesion with these reservations. Manifestly, the Executive

¹ *Congressional Record*, 67th Cong., 4th sess., Vol. 64, No. 74, p. 4508.

cannot make this tender until the Senate has spoken its approval. Therefore, I most earnestly urge your favorable advice and consent. I would rejoice if some action could be taken, even in the short period which remains of the present session.

It is not a new problem in international relationship; it is wholly a question of accepting an established institution of high character, and making effective all the fine things which have been said by us in favor of such an agency of advanced civilization. It would be well worth the while of the Senate to make such special effort as is becoming to record its approval. Such action would add to our own consciousness of participation in the fortunate advancement of international relationship, and remind the world anew that we are ready for our proper part in furthering peace and adding to stability in world affairs.

WARREN G. HARDING.

LETTER OF THE SECRETARY OF STATE TO THE PRESIDENT OF THE UNITED STATES RECOMMENDING THE PARTICIPATION OF THE UNITED STATES IN THE PERMANENT COURT OF INTERNATIONAL JUSTICE AT THE HAGUE ¹

February 17, 1923

My Dear Mr. President: Referring to our interviews with respect to the advisability of action by this Government in order to give its adhesion, upon appropriate conditions, to the protocol establishing the Permanent Court of International Justice, I beg leave to submit the following considerations:

From its foundation, this Government has taken a leading part in promoting the judicial settlement of international disputes. Prior to the first peace conference at The Hague in 1899, the United States had participated in fifty-seven arbitrations, twenty of which were with Great Britain. The President of the United States had acted as arbitrator between other nations in five cases and ministers of the United States, or other persons designated by this Government, had acted as arbitrator or umpire in seven cases. In 1890 the Congress adopted a concurrent resolution providing:

That the President be, and is hereby, requested to invite, from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means.²

In his instructions to the delegates of this Government to the first peace conference at The Hague, Secretary Hay said:

¹ *Congressional Record*, 67th Cong., 4th sess., Vol. 64, No. 74, p. 4508.

² *Ibid.*, 51st Cong., 1st sess., pt. 3, Vol. 21, p. 2986.