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Year 1910
No. 158

Author Commander N.E. McCully, U.S.N.,
Contents The Question of Fortifying the Panama Canal from a Naval Point of View.

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NEWPORT, RHODE ISLAND

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December 8, 1910.

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MEMORANDUM FOR THE PRESIDENT, ARMY WAR COLLEGE:

Subject: Fortification of the Panama Canal.

1. Under present conditions, by treaty agreement with Great Britain, the United States guarantees the neutralization of the Canal. To make this guarantee effective it is difficult to avoid the conclusion that the Canal must be fortified. On completion of the Suez Canal in 1856 the Khedive of Egypt announced that "We solemnly declare for us and our successors subject to ratification of His Imperial Majesty the Sultan, the Grand Maritime Canal from Suez to Pelusium, and its dependent ports open forever, as neutral passages to all ships of commerce, etc." This declaration was supported in 1866 by a firman of the Sultan, and was enforced with approval of the great European Powers during the Franco-German War of 1870, and the Russo-Turkish War of 1876-77. At one time during the War of 1870 a French and a German war-of-war were in Lake Timsah, and both vessels dressed ship in honor of a French holiday, upon which the Khedive congratulated M. de Lesseps, saying: "We have made it a real neutrality."

In 1877, M. de Lesseps proposed to neutralize the Suez Canal by international agreement giving complete liberty of passage to all ships, public or private, even those of belligerents. This proposition was opposed by Great Britain as "open to so many objections" that Her Majesty's Government declined to make it the subject of negotiations. Great Britain further announced her own position at the same time through Lord Derby that "Her Majesty's Government is firmly determined not to permit the Canal to be made the scene of any combat or other warlike operation."

2. The above described the status of the Canal in 1882.

Its neutrality had been declared by the only two Powers having the right to make any declaration regarding it, but no precautions had been taken by them to make their guarantee effective. In that year Arabi Pasha became the head of the de facto Government of Egypt. Without request of any Egyptian authorities, or of the Sultan, Great Britain, actuated by interests that she considered vital,

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sent an expedition to Egypt, seized the Canal, made Ismail ~~a place~~ on the Canal her war base, and in direct contravention of the neutrality declaration stopped, for a certain definite period, all movement of neutral commerce in the Canal. Arabi Pasha could easily have blockaded the Canal by sinking ships in it, but relied on the recognized assurance of its neutrality, and as a consequence of his confidence in international agreement was taken in rear by the British forces and his army destroyed.

3. The next declaration concerning the Suez Canal was that contained in the Convention of Constantinople of 1888 signed and ratified by the six great Powers of Europe, and also by Turkey, Spain and the Netherlands. This Convention declared in essence that "The High Contracting Parties agree not in any way to interfere with the free use of the Canal, in time of war as in time of peace," Article I, Par. 2.

Also, in Article IV, that "The High Contracting Parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the Canal and its ports of access, as well as within a radius of three marine miles from these ports, even though the Ottoman Empire should be one of the belligerent powers." This would seem to cover the case very thoroughly, yet it is significant that in the formulation of this declaration, Great Britain expressly refused to agree to the use of the word "guarantee", and in 1898 authorized the statement in the House of Commons by Mr. Curzon that "the terms of this Convention have not been brought into practical application."

4. From an examination of these facts, it would appear that the neutralization of the Suez Canal at present is guaranteed by international agreement, as long as the vital interests of Great Britain are not affected. Further than that the guarantee depends on Great Britain, who makes the guarantee effective not by fortifications at Suez Canal, but by those at Gibraltar, Malta and Aden, which, in cooperation with the fleet, will be quite as effective.

5. The conclusions that may be drawn are that the United States at Panama, and Great Britain at Suez are proceeding on similar lines, and that in guaranteeing openly the neutralization of the Panama ^{Canal}, the United States are doing precisely what Great Britain has accomplished but not so openly and directly in reference to the Suez Canal. The United States should make her guarantee effective by fortifications at Panama as Great Britain has done by those at Gibraltar,

Malta and Aden. No fortifications at those places would immobilize the fleet of Great Britain at Suez as ours would be immobilized at Panama. Guantanamo (and Galapagos if obtained) would not correspond to Gibraltar and Aden from physical geographic reasons.

6. In Essays on International Law, 2d Edition, page 144, Lawrence says: "In ordinary neutrality there are two elements, the element of abstention from acts of war, and the element of freedom to abstain or not to abstain at pleasure." The policy of both the United States and Great Britain has inclined toward the latter view, and these are the only two nations of the first rank that have any agreement bearing on what should be done in regard to the neutralization of the Panama Canal.

7. No consideration of International Law can affect the right of self-preservation of a nation, which like that of self-defense by the individual is pre-eminent. International Law is not law in the sense that there is a force compelling obedience, - each nation must guard its own vital interests, and each nation is the judge of what these vital interests may be. There are other weaknesses of International Law or international agreement not perhaps very well known. Great Britain has never ratified the Hague Convention of 1907, and probably will not. ^{*} France has never ratified any Convention of the Hague. There are certain provisions not ratified by the United States. ^{IP}

From the history of international conventions and agreements, it does not seem probable that a satisfactory one can be reached in regard to the Panama Canal. If one should be reached it would only be after a considerable lapse of time during which the United States might be in the position of having the Canal open, and ^{responsibility for} its neutralization forced on us, without the means of making it effective. Necessary measures must be taken immediately in order not to find ourselves in this position.

It does not seem probable that the United States if a belligerent could guarantee against the enemy its own neutrality in certain respects without the use of force, nor does it seem more probable that the enemy will respect such guarantee or fail to attack such force, when it might well be in the case of either, a practical matter of self-preservation. It would not be more possible than to guarantee the neutrality of the Hawaiian Islands, and an international guarantee of the Canal would be quite analogous to an international guarantee

* Conference N. W. C. 1910, Rear Admiral Sperry. *No such statement was made by Mr. C. V. Sperry*
P. Conference N. W. C. 1910, Professor G. C. Wilson

of these islands. In either case we would yield without compensation an advantage to our possible enemy, and ~~be~~ offering nothing more to our friends or to the rest of the world than we now assure them by a fair and just treatment of their commerce in relation to the Canal.

8. The right and necessity of fortifications under present conditions, are sufficiently covered by General Davis, Captain H. S. Knapp, and in the memorandum submitted by Lieut. Commander Turpin. The arguments on the other side against fortification have been ably presented by General Hains.

9. The next question would be the advisability of guaranteeing the neutralization of the Canal by international agreement.

Undoubtedly one of the conditions of such an agreement would be that, in case of war to which the United States might be a party, the control of the Canal should be in the hands of representatives of the guaranters. It is extremely unlikely that any power would sign an international agreement allowing United States authorities to remain in control of the Canal during a war in which the United States would be one of the belligerents. Certainly provision would be made in such a case for control by a mixed commission of the signatory powers. Control of the Canal would imply administration, - and the personnel of the administration would have to be very thoroughly neutralized. No nation would feel secure in passing its fleet through the Canal if the administration were in the hands of its enemy. It would be very probable that ^{employees} citizens of both belligerent countries would be discharged on the declaration of war. Then in war we would have the Canal under the absolute control and administration of foreign powers.

If, in time of war, the control and administration of the Canal are to be assumed by neutral powers, it would be logical to assume that this control would also be necessary in peace, since on the outbreak of war it would cause too great a disorganization and disruption of traffic, to make so radical and complete a change, and as it might be, so very suddenly. Following this course of reasoning we might have reason to hope that control and administration so organized would not make any discrimination against our commerce in peace, nor against our fleet in war. We know that no such discrimination will be made as long as we control. So why yield this advantage which when yielded is of value only to our enemy, while without yielding anything we can still assure to our friends and all the rest of the world all the rights and privileges which might be given

them by international agreement and control. The power to refuse the Canal to an enemy is in itself a deterrent to any nation that might otherwise find it expedient to go to war with us.

In peace with the control under international agreement, the majority of the control would be with the Powers of Europe, by whatever system of representation that might be adopted, short of control by the United States alone. These Powers, if united on any question affecting American interests, would be found united in opposition to one of our cardinal principles, the Monroe Doctrine, with the application of which the Panama Canal would be an important agent.

10. Assume that the neutralization of the Canal is guaranteed by International Agreement; that the control and administration are also neutralized; that this control and administration is administered with perfect fairness, both in peace and war, toward us as toward all other powers:

(a) Is it then to our advantage or disadvantage?

(b) Might such an arrangement threaten our vital interests?

In answering these questions the principles of the Monroe Doctrine are not considered affected since the neutralized control administers with perfect fairness. A supposititious case will be made use of, the possibility or probability of which each must decide for himself.

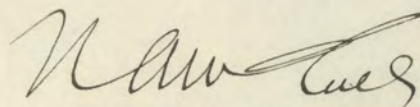
In view of the present and growing importance of the Caribbean, and its great strategic value, Germany, who has no possessions in that vicinity, is ardently desirous of obtaining a position there, for commercial as well as strategic reasons. We have no technical right, even by Monroe Doctrine, to prevent the Netherlands disposing of Curacao, nor the Danes from disposing of St. Thomas. Our right to prevent Venezuela disposing of Margarita Island, rests on the assertions of the Monroe Doctrine which are without value unless backed by force. Germany insists on the acquirement of a base in the Caribbean, and by our policy we must resist this demand. In expectation of possible hostilities our fleet will be concentrated in the Atlantic. During the period of strained relations with Germany, Japan in the Pacific, considers the occasion favorable, and whether by an understanding with Germany or not, begins to press for a settlement of the irritating question whether her subjects shall be accorded similar privileges and treatment as may have been granted other Powers, and which by a strict construction of the "favored nation" clause in our treaty with that country, it may

be that she is legally entitled. The German fleet concentrates at Wilhelmshafen, the Japanese sails for an unknown destination, but which may very possibly be the Galapagos, because her fleet may go there and remain isolated for an indefinite time, and still in communication by wireless with Tokio. The United States would be in an exceedingly embarrassing position. One solution might be a declaration of war on our part against either, or a declaration on the part of either or both of the other powers against the United States. A fleet engagement with one of these powers would follow, and immediately after our fleet must be prepared to meet the other which can freely pass through the Canal and be on our backs at either end. If either of these fleets should be compelled to pass Cape Horn we would probably have time to refit and meet it if not on equal terms, at least on much better terms than if the second conflict should follow immediately after the first. To meet such a condition our fleet should be superior to these two fleets combined. With the Canal under our control, and fortified, it would only be necessary that our fleet should be superior to either one of the two.

11. There are other supposititious cases involving receipt by the enemy of reinforcements, as purchased South American battle-ships from one side or the other, supplies, and fuel, which we could hope to prevent only by retaining control of the Canal and making that control effective.

It is believed that sufficient has been shown to make it reasonably clear that neutralization by international agreement would be improbable, impracticable, and for the United States inadvisable. Under certain conditions that might obtain, our vital interests and even our national self-preservation might be imperiled. We have the precedent, the right, and it would be our duty to retain control of the Canal under all circumstances, and to do this we must possess means to make this control effective. Fortifications at the Canal would form an indispensable part of this force.

Respectfully submitted:


Commander, U. S. Navy.

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19 Dec. 1910

Comments on a Memorandum
on Fortifications of the Panama Canal.

p. 1. The Suez Canal was completed in 1869.

The Company for digging it was
formed in 1856.

Is it a fact that "Arabi Pasha became the
head of the de facto Government of
Egypt?" What does Lord Cromer say?

p. 2. Was England's action "in direct contravention
of the neutrality declaration"? If the de-
clarations of the Sultan and the Khedive
are meant, did they extend to forbidding
the use of the Suez Canal in the suppression
of internal disorders in Egypt?

The English expedition was sent "in support
of the authority of the Khedive .. to suppress a
military revolt." (See Lord Cromer's Modern
Egypt. Chapters XVII and XLVII.)

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p. 2. Did Arabi Pasha "rely on the recognized assurance of its neutrality"? What "international agreement" was there in 1882?

p. 2. par. 3. & 4. The Convention of Constantinople was not ratified by Great Britain without reserve until 1904, when the reserve (except on a minor point) was withdrawn, which last fact is not mentioned in the memorandum.

p. 3, par. 5. Is it wise to mention the Galapagos?

p. 3, par. 6. Lawrence, in the passage quoted, is pointing out the distinction between neutrality and neutralization. The two elements of neutrality are not alternative views, toward one or other of which a nation can incline.

par. 7. Stress laid on the "weaknesses" of international law, etc.

p. 3. par. 7. — "Great Britain has never ratified the Hague Convention of 1907, and probably will not."

There were fourteen Hague Conventions of 1907, of which Great Britain had ratified ^{before December 1909} all except Nos. I, V, X, XII and XIII. Admiral Sperry does not remember expressing the opinion that she ^{probably} would not ratify those.

"France has never ratified any Convention of the Hague."

France of course ratified all the Conventions of ~~17~~ 1899; and she has, since Prof. Wilson's lectures of last summer, ratified all the Conventions of 1907, except No. XII ^(Prize Court) which has not been ratified by any Power

