
DISSERTATION

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By

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ABSTRACT

On 7 December 1941, the U.S. Navy began unrestricted warfare against Japan, attacking "noncombatant" Japanese merchant ships. The decision violated international law and directly cost the lives of thousands of civilian Japanese sailors as well as possibly hundreds of thousands of Japanese civilians on shore.

The conditions for unrestricted warfare were created during the interwar period by impractical naval treaties that did not prohibit armed merchant ships that could easily sink surfaced submarines attempting to conduct search-and-seizure operations. Many U.S. naval officers understood the importance of commerce warfare and they suggested changes like prohibiting armed merchant ships in order to permit legitimate submarine warfare.

However, the U.S. Navy’s fleet submarine was designed not as a commerce raider but as a warship that could operate in support of the battle fleet in the Pacific Ocean. Fortunately, the abilities required for such a difficult mission gave U.S. submarines the versatility to shift from naval warfare to commerce warfare when the time came.

The decision to conduct unrestricted warfare began to coalesce with the acceptance of Plan Dog as the United States’ national military strategy in December 1940. By late September 1941, Chief of Naval Operations Admiral Harold R. Stark and
his Director of War Plans, Rear Admiral Richmond K. Turner, had decided to commence unrestricted warfare almost immediately upon the outbreak of hostilities. They did so with no documented approval from their civilian chain-of-command and in contravention of repeated public statements by President Franklin D. Roosevelt, who urged defense of absolute freedom-of-the-seas.

Stark, Turner, and other naval leaders had a number of reasons for conducting unrestricted warfare. Chief among these was a pragmatic strategic objective: to economically strangle Japan by completely cutting off the shipping lanes. The American strategy was also influenced by decades of naval training, as well as culturally inculcated Eurocentricism and racism.

Although there were a number of ramifications of U.S. unrestricted warfare, the most important and lasting ramification was the end of previous paradigms of freedom-of-the-seas and the introduction of a new and more pragmatic freedom-of-the-seas that classified merchant sailors as combatants and their cargoes as legitimate military targets. This study is the story of that transition.
Dedicated to my family:
My mother, Dr. Dara S. Holwitt;
My father, Dr. Eric A. Holwitt;
And my brother, Greg S. Holwitt
I was very fortunate to have three outstanding scholars on both my dissertation and thesis defense committee:

- Dr. John F. Guilmartin: As another service academy graduate, a military officer, and a military historian who has devoted his life to public service, Dr. Guilmartin set a terrific example for me and he proved to be a wonderful mentor and advisor. While giving me plenty of freedom to pursue my project in the way I wanted, he also set a high academic standard and remained a steady voice of encouragement and constructive criticism.

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- Dr. Kevin Boyle: Although not a military historian, Dr. Boyle set a tremendous example as a professional academic historian who loves his work. Despite his achievements, Dr. Boyle remains a paragon of humility
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A number of people aided me in my project. No historical work, based heavily on archival sources, can succeed without the help of the talented archivists at numerous archives around the country. In particular, the following archivists helped me greatly:

- Barry Zerby, Archivist, Modern Military Records, National Archives and Records Administration, College Park, MD
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I am also truly grateful to a number of people who let me stay at their home while I was researching for my thesis, including my Naval Academy sponsor family, the Fitzgeraldf Dr. Jeff, Mrs. Lynda, Matt, Danny, and Buddy; one of my Naval Academy roommates, Peter Buryk and his wife, Missy; my aunt, Elisa Holwitt Duch and her family; and my grandmother, Beverly Holwitt.

Historical projects also need some sort of inspiration. Part of that inspiration came in October 2001, when I met Captain Slade Cutter and his wife, Ruth, by sheer chance after having read the Captain’s oral history. In a sign of his genuine modesty, Captain Cutter was the only person more surprised than I was, because he was amazed that I knew about him. Afterward, I had the opportunity to meet the Captain and his wife a number of times at their home in Ginger Cove, before Captain Cutter passed
away in June 2005. I am very grateful to both of them for being a great inspiration to me.

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- My mother, Dr. Dara Holwitt, DDS, who served as a vital source of “encouragement” whenever I attempted to procrastinate. Although not always in a pleasant manner, Mom knows how to get things done!
- My father, Dr. Eric Holwitt, PhD. Dad may be a combat biochemist, but he knows enough about naval history to give most naval historians a run for their money. He conceived of this project soon after I graduated from the U.S. Naval Academy, while we sat in a blacked-out restaurant in Maryland during a thunderstorm. He continued to encourage me as I read through secondary literature and then worked my way through numerous archives. He read every major draft of the paper, even while serving a tour as a U.S. government weapons inspector in Iraq in the fall of 2004. Dad is a paragon of what a scholar and an officer should be.

One final note: despite the laudable attempts of *The Chicago Manual of Style* to impose a uniform system of citations, the sad fact remains that citations from work-to-work are quite different. Even research archives recommend different formats.

In my view, citations should serve to provide unimpeachable factual support for a historical argument and they should also serve as an easy guide for future researchers. The citations in this study reflect these two purposes.
Because of my desire that researchers in the future should be able use my study as a springboard for their own, I have followed the example of the National Archives citation guide and separated the various levels within a primary source citation with semi-colons to prevent confusion.

The breakdown of a citation will normally be:

- Document title (normally author to recipient, subject, and date);
- Folder title (in the case of the State Department records, sometimes just the decimal file number of the document);
- Box number and title (if any);
- Subseries;
- Series title;
- Subgroup;
- Record Group or Personal Paper collection;
- Archives name and location.

In order that researchers will not have to sift through hundreds of footnotes to find the first citation of a certain source, each chapter stands alone in terms of citations. A researcher need only turn to the beginning of a chapter, not the entire study, to find the full citation for a certain source.
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1 USS Wahoo arriving at Pearl Harbor, 7 February 1943, after her highly successful third war patrol. Note the broom lashed the periscope, signifying a “clean sweep,” as well as the pennant aft of the broom with the words “SHOOT THE SUNZA BITCHES” stitched on it. (U.S. Naval Historical Center Photographic Section) ........................................................................................................... 279
INTRODUCTION

At 1752 Eastern Standard Time on 7 December 1941, about four-and-a-half hours after the initial chaos unleashed by the Japanese attack on Pearl Harbor, the U.S. Navy’s Chief of Naval Operations released a simple but dramatic message:

EXECUTE AGAINST JAPAN UNRESTRICTED AIR AND SUBMARINE WARFARE.¹

It was 0652 on the 8th of December in Manila. It was 1222 on the 7th of December in Pearl Harbor.²

Unrestricted warfare meant that U.S. naval officers could consider all Japanese shipping, from fishing trawlers to freighters to tankers, to be valid targets. Unrestricted warfare also meant that the civilians manning the Japanese merchant ships were also

¹ This dispatch has often been misquoted as “Execute unrestricted air and submarine warfare against Japan.” The correct wording of the dispatch can be seen on two copies of the dispatch, both preserved on microfilm: CNO to CinCPac, Com Panam, CinCAF, Pacific Northern, Pacific Southern, Hawaiian Naval Coastal Frontiers, 072252 December 7, 1941; Operation Orders, December 7, 1941-April 2, 1942; Operations Orders; Box 37; Reel 2; Military Files Series 1; Map Room Army and Navy Messages, December 1941-May 1942; Map Room Files of President Roosevelt, 1939-1945; available on microfilm.

² Until 8 June 1947, Hawaii was in its own time zone, which was offset from Greenwich Meantime by ten-and-a-half hours, except for two periods, once in 1933 and again from 1942 to 1945, when Hawaii switched to daylight savings time or war time. Washington, DC during this time period was 5 hours offset from Greenwich Mean Time. For further information, see Thomas G. Shanks, The American Atlas: Expanded Fifth Edition, U.S. Longitudes & Latitudes, Time Changes and Time Zones (San Diego: ACS Publications, Inc., 1990), inside front cover, 77, and 107. Similarly, Manila was offset from Greenwich Mean Time by 8 hours from 1937 until 1 May 1942, see: Thomas G. Shanks, The International Atlas: Revised Third Edition, World Longitudes & Latitudes, Time Changes and Time Zones (San Diego: ACS Publications, Inc., 1991), 294. Oddly enough, this meant that Pearl Harbor was off from Washington by five-and-a-half hours in 1941, as opposed to only 5 hours in present day. Manila was offset from Washington by 13 hours.
targets, not innocent noncombatants whose lives were to be spared at all costs. Not only did unrestricted warfare directly target civilians at sea, it also indirectly targeted millions of civilians in Japan, who suffered starvation and privation.

This was a major and dramatic change to the American attitude towards unrestricted warfare. After all, German unrestricted submarine warfare against noncombatant merchant ships had been at the center of the U.S. decision to enter World War I in 1917. Furthermore, it directly challenged the Wilsonian notion of freedom-of-the-seas, which meant that private property and noncombatant lives on the high seas were to be protected. In 1917, President Woodrow Wilson declared: “The present German submarine warfare against commerce is a warfare against mankind.”

His successor, Franklin D. Roosevelt, was no less impassioned, stating: “Our policy [of freedom-of-the-seas] has applied from time immemorial – and still applies – not merely to the Atlantic but to the Pacific and to all other oceans as well. Unrestricted submarine warfare in 1941 constitutes a defiance – an act of aggression – against that historic American policy.”

By abruptly ordering unrestricted warfare in December 1941, the United States effectively turned away from the notion of Wilsonian freedom-of-the-seas for which it had fought in the First World War. The decision was such a significant volte-face that

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4 Russell D. Buhite and David W. Levy, ed., FDR’s Fireside Chats (Norman: University of Oklahoma Press, 1992), 193. See also: President Franklin D. Roosevelt, quoted in: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1; 700.00112 Freedom of the Seas/100 – 700.00116/447; Box 1770, From: 700:00112 Freedom of the Seas, To: 700.00116 M.E./203; Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD, 14.
diplomatic historian Samuel Flagg Bemis wrote: “Thus did the United States forswear and throw overboard its ancient birthright, the Freedom of the Seas, for which it went to war with Germany in 1917 and collected adjudicated indemnities, after the victory, for torts against its own citizens by illegal German submarine warfare, 1914-1918.”

Another historian, Janet M. Manson, asserted even more dramatically: “no other foreign policy reversal in U.S. history quite matches in magnitude [this] decision.” Had unrestricted warfare not been clearly essential to the U.S. victory over Japan, it might well have become as hotly debated a topic as the use of the atomic bombs in 1945.

The decision of 7 December 1941 was the conclusion of an era of transition from the idealistic Wilsonian notion of absolute freedom-of-the-seas to a more pragmatic and modern concept of freedom-of-the-seas. Wilson’s paradigm of freedom-of-the-seas was a romantic notion grounded in the 19th century: by ignoring the developments in technology and warfare, it sought to protect private property and merchant sailors at all times on the high seas. In contrast, the postwar freedom-of-the-seas was based in reality: merchant ships and merchant sailors in the service of a belligerent power are generally engaged in furthering the aims of their war effort and are therefore legitimate military targets. In short, the idealism of Wilson gave way to the brutal reality of 20th century warfare. This study is the story of that transition.

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Although many authors and historians have mentioned or discussed the U.S. decision to conduct unrestricted warfare, often tangentially, none have comprehensively described the chain of events leading to U.S. unrestricted warfare. Only historians Samuel Flagg Bemis, Janet Manson, and J.E. Talbott have deeply investigated the background of the process that led to unrestricted warfare. For a number of reasons, however, these works are not comprehensive and contain crucial errors of detail. These previous studies are discussed in greater detail in the bibliographic essay at the end of this history.

This work builds off the previous studies by Bemis, Manson, and Talbott, and clarifies and revises a number of their conclusions through the extensive use of archival sources from the National Archives, the Naval Historical Center, the Naval War College, Yale University, and the Franklin D. Roosevelt Presidential Library, as well as numerous published primary and secondary sources.

This study examines the sequence of errors at international conferences from the Paris Peace Conference of 1919 to the Second London Naval Conference of 1936 that essentially ensured that unrestricted submarine warfare would occur in a future war. This work also highlights the importance of U.S. neutrality legislation, which inherently legitimized unrestricted warfare. Additionally, this study briefly discusses the interwar development of the U.S. fleet submarine, which became the perfect commerce raider. This work also examines the chain of events from November 1940 to December 1941 that led to American unrestricted warfare. Finally, this study will describe the broad causes and consequences of the U.S. decision to conduct unrestricted warfare in the Second World War.
Students of U.S. naval history will recognize many familiar faces as this history unfolds, including a number of young naval officers who had not yet made a name for themselves, such as Harry E. Yarnell, Emory S. Land, and even a very young lieutenant named Hyman G. Rickover. Such naval legends as William S. Sims, William V. Pratt, and Joseph M. Reeves make brief appearances. Although less well known, William Ledyard Rodgers became a prominent naval historian in the 1930s, after playing a key role in this history in the 1920s. Some of the great heroes of the U.S. submarine force also played important parts, including Charles A. Lockwood, Dudley W. “Mush” Morton, and Slade D. Cutter. Finally, Admirals Thomas C. Hart, Harold R. Stark, and Richmond Kelly Turner were pivotal to the decision to conduct unrestricted warfare. In particular, Stark and Turner’s foresight and decisiveness may prove a surprise to those who have one-dimensionally pictured those two officers as failures for their roles in the Pearl Harbor fiasco.

The story of unrestricted warfare and the end of the Wilsonian paradigm of absolute freedom-of-the-seas begins at the moment of Wilson’s greatest triumph and unrestricted warfare’s lowest ebb: the Allied victory in the First World War. The United States had entered the war over absolute freedom-of-the-seas and the Allied victory cemented the American claim that unrestricted warfare was completely uncivilized. As a result, the existence of the submarine itself was at stake. Some nations, particularly Great Britain, favored abolishing the submarine after the First World War, but weaker nations, especially France, saw the submarine’s value as a strategic deterrent and persisted in submarine construction. The United States Navy opposed unrestricted submarine warfare but simultaneously recognized the submarine’s
value as a naval warship and a commerce raider, particularly against powerful island
empires such as Great Britain and Japan, and consequently the U.S. Navy stood at the
forefront of opposition to the abolition of the submarine.

Stymied in their attempts at abolition, the powerful naval nations signed treaties
that forced submarines to conform to traditional rules of cruiser warfare, which required
submarines to surface and search a merchant ship for contraband and prohibited
submarines from sinking merchant ships except under specified circumstances.
Ultimately, the rules of cruiser warfare for submarines were encapsulated in Article 22
of the London Naval Treaty of 1930. Although the rest of the London Naval Treaty
expired in 1936, this portion of the treaty was reaffirmed by a multitude of countries,
including the United States, Great Britain, Nazi Germany, and Imperial Japan,
becoming known as the London Submarine Agreement of 1936. However, these
treaties sowed the seeds for their very failure by failing to prohibit armed merchant
ships, which could easily sink a surfaced and vulnerable submarine. A few naval
officers and civilians, including a young Hyman G. Rickover, presciently predicted the
failure of these treaties and a return to unrestricted warfare in the next major maritime
conflict.

U.S. neutrality legislation also helped pave the way for American unrestricted
warfare. Although the neutrality legislation of the 1930s succeeded in its immediate
goal to keep the United States out of war, this success came at a great cost. Unrestricted
warfare, which had once been denounced by President Wilson as warfare against
humanity, was inherently legitimized by the U.S. neutrality legislation. Within the
American combat area, the German U-boats could sink any ship at any time without
warning and without any fear of adverse consequences. Although the Germans initially attempted to abide by cruiser warfare, they steadily escalated up to \textit{de facto} unrestricted warfare because it was clear that the United States would not stop them. The implicit message of the neutrality legislation could not have been clearer: the United States would neither stand up for freedom-of-the-seas nor stand against unrestricted warfare.

As previously noted, the United States Navy strongly condemned unrestricted warfare, but many naval officers still felt there was an important role for the submarine that included scouting, naval combat, and cruiser warfare. To maximize the effectiveness of the submarine in support of the Navy’s ORANGE war plan, naval officers designed submarines that had long range, high speed, heavy weapons load-out, and advanced technology to allow for extended patrols. As a result, the fleet submarine that the United States entered the war with was perfectly suited to a role as a fleet scout, naval combatant, and, unintentionally but most importantly, a commerce raider. Unfortunately, the submarine force deliberately hamstrung itself with overly cautious training before World War II began. In fact, some American submariners were as surprised by the order to conduct unrestricted submarine warfare as they were by the Pearl Harbor attack.

The actual decision to conduct unrestricted submarine warfare occurred well before Pearl Harbor, with the acceptance of Plan Dog as the national military strategy in December 1940 and the subsequent redrafting of the ORANGE war plan into War Plans RAINBOW 3 and 5. Because Plan Dog required an immediate campaign of economic strangulation, it implicitly required unrestricted warfare by U.S. submarines, which could decimate the Japanese merchant marine while evading the Japanese surface fleet.
A debate by the U.S. Naval War College over unrestricted warfare proved to be very important because it freed the Chief of Naval Operations, Admiral Harold R. Stark, his Director of War Plans, Rear Admiral Richmond K. Turner, and the Commander-in-Chief of the U.S. Asiatic Fleet, Admiral Thomas C. Hart, to explicitly consider unrestricted warfare in the event of war. By late September 1941, with no documented approval from their civilian chain-of-command, these senior naval officers had decided to commence unrestricted warfare almost immediately upon the inevitable outbreak of hostilities.

Admirals Stark, Turner, and Hart had a number of reasons for conducting unrestricted warfare. Chief among these was a pragmatic strategic objective: to impair Japan’s ability to fight by cutting off Japan’s economic supply lanes. The American strategy was also dictated by decades of naval training, as well as culturally inculcated Eurocentricism and racism. Ultimately, however, the decision to conduct unrestricted warfare hinged mostly upon the strategic realities of the Pacific.

The decision to abrogate the London Submarine Protocol of 1936 had numerous implications. By the end of the war, Japan’s merchant marine and navy were at the bottom of the Pacific Ocean, due in no small measure to the U.S. Navy’s fleet submarines. Although unrestricted warfare freed the submarine force to economically strangle Japan, it remained morally ambiguous, and its logic helped justify one of the few war crimes to which U.S. submariners are linked. Although it is interesting to speculate about unrestricted warfare’s influence on U.S. strategic bombing and Hitler’s decision to declare war, there is no scholarship to truly support such ideas. Unrestricted warfare’s most important consequence was to finally end the Wilsonian paradigm of
absolute freedom-of-the-seas and usher in a new and more pragmatic conceptualization of freedom-of-the-seas that classified merchant sailors as combatants and their cargoes as legitimate military targets.

This study does not examine in any detail the actions of the maritime enemies of the United States: Germany and Japan. The German path to unrestricted warfare in both wars has been detailed by a number of historians, particularly Janet M. Manson, and this study did not need to repeat their work. While the warlike actions of Germany and Japan set in motion the events that led to the American decision, the decision to conduct unrestricted warfare, and the technological and legal considerations that made the decision possible, all took place within the relatively isolated purview of the United States Navy. Outside influences only impinged upon this process a few times, such as the deliberations of international delegates at the Washington Naval Conference and the London Naval Conference.

This is not a story of villainous naval officers plotting to undermine the Constitution and law they were sworn to uphold. Although the officers discussed in this study chose to violate international law in favor of military necessity, they did not make this decision quickly or rashly. Instead, this is a story of naval professionals, faced with a difficult and unenviable decision that forced them to weigh the evils of a type of warfare they despised against the terrifying specter of an Axis victory. It is a story of educated naval officers who understood the rules and limitations of international law, while also recognizing the new technological and strategic realities sweeping the world.

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7 Manson, Diplomatic Ramifications of Unrestricted Submarine Warfare, 6-13, 103-126.
CHAPTER 1


Freedom-of-the-Seas

Freedom-of-the-seas is an old and important concept that has played a pivotal role in peace and war, particularly in the history of the United States of America. The distinguished American diplomatic historian Samuel Flagg Bemis indicated the importance of freedom-of-the-seas in U.S. history when he claimed that freedom-of-the-seas was the “ancient birthright” of the United States.1 Despite its importance, however, the exact definition and history of freedom-of-the-seas are both generally unknown and misunderstood, mostly because freedom-of-the-seas encompasses a broad range of subjects like blockades, war contraband, territorial waters, and more. In addition, freedom-of-the-seas has meant different things at different times to different countries.

The term “freedom-of-the-seas” means precisely what it sounds: the right of nations to be able to use the seas in time of peace, and with some logical restraints, in time of war. Freedom-of-the-seas stipulates that no country or person can control the

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high seas. Instead, the seas should serve as a common mercantile highway to all. For jurisdictional and defensive purposes, nations can establish territorial waters, and send armed warships to patrol the high seas to defend friendly trade from pirates, but otherwise, the seas are free for all in time of peace. In time of war, on the other hand, the situation changes considerably. In the past, although the seas remained open, certain ports could be easily sealed through blockades. Enemy nations could also seize cargoes meant for military purposes and destined for enemy ports.

The legality of blockades was never seriously questioned. But because of the random and potentially devastating costs of losing whole cargoes as “contraband” on the high seas, some nations began to question the belligerent right of search-and-seizure. This led to explicit “contraband lists,” different types of contraband, explicit rules regarding the ultimate destination of different types of contraband, and ultimately a proposal to protect private property at all times. No matter what, however, everyone agreed that merchant ship sailors and passengers were noncombatants whose lives were to be safeguarded.

This paradigm could not last, unfortunately. With the 20th century and the advent of new technologies, the old practice of search-and-seizure became increasingly impractical and the noncombatant status of merchant sailors and their ships came into serious doubt.

Hugo Grotius and Freedom-of-the-Seas

Although the concept of freedom-of-the-seas undoubtedly dates back millennia, it was not seriously defined and intellectually defended until the 17th century. In 1609,
Dutch philosopher Hugo Grotius anonymously published a small but important book, *Mare Liberum, or The Free Sea*. Grotius’s work set the conceptual boundaries of the concept of the freedom-of-the-seas, starting with the very first paragraph of the first chapter, which declared:

> We will lay this certain rule of the law of nations (which they call primary) as the foundation, the reason whereof is clear and immutable: *that it is lawful for any nation to go to any other and to trade with it.*

Grotius was specifically writing to explain why The Netherlands had the right to expand its burgeoning commercial empire into the East Indies, nominally controlled by Spanish Portugal. As a result, he devoted most of his work to explaining why Spanish Portugal did not have the right to prevent the Dutch from trading with its so-called “possessions”. However, the importance of his work lay in his theoretical explanation for why the sea was free for the use of all.

Grotius asserted that the seas were different from land because while solid land could be owned as property, the ever-shifting liquid seas could not be possessed. Furthermore, unlike land, which could be garrisoned and guarded, no nation could ever maintain a permanent presence in one stretch of water. Although Grotius believed that a kingdom could rightly tax its own sailors and fishermen, he did not believe a kingdom could attempt to extend that sort of control to the ships and sailors of other nations just because they supposedly sailed in waters that were claimed by that kingdom. In short,

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because of its fluid nature, “the sea is incomprehensible, no less than the air, [and] it can be added to the goods of no nation.”

Understandably, Grotius’s ideas drew a great deal of debate and controversy. Because of his detailed denials of the Catholic Church’s right to apportion territory or the seas, the Church banned his book. Additionally, a number of other people in many nations, including Scotland, England, Portugal, and Spain, all wrote detailed critiques and rebuttals. These rebuttals added important heft and nuance to the concept, establishing the justification for territorial waters and other caveats to freedom-of-the-seas. Grotius’s argument became so well known and important that he even suffered the ignominy of having his own book used to undermine his negotiating position in a fishing dispute with the English in 1613. The legal underpinnings of freedom-of-the-seas had been laid and were being adopted, with some stipulations, around the world.

Grotius’s ideas did not just contribute to the concept of freedom-of-the-seas in peacetime. They also contributed to a growing debate about the ability to search and seize ships of other nations on the high seas. Grotius’s *Mare Liberum* actually served as the twelfth chapter of a much larger philosophical work, not fully published until 1864, *De Jure Praedae Commentaris*, or *Commentary on the Law of Prize and Booty*. Within the larger context of *De Jure Praedae Commentaris*, Grotius’s explanation did not just

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touch upon trade disputes in peacetime, but also upon the rights of neutral and belligerent merchant ships in time of war.\(^6\)

Grotius confirmed that by natural law, private property was usually inviolable and to seize it was an act of theft. However, the concept of justice demanded that wrongful actions be punished and virtuous actions rewarded. In a just war, therefore, private property could be legitimately seized to recompense the virtuous side while depriving the wicked side of vitally needed supplies. Although Grotius never published the entire *De Jure Praedae*, he often referred to it in other texts and his ideas were in accord with previous “just war” concepts. Consequently, from the very beginning, freedom-of-the-seas was implicitly and intricately tied up with the belligerent right of search-and-seizure on the high seas.\(^7\) Search-and-seizure was a right that was generally only permitted in wartime, and it took on three different forms: the *Consolato del Mare* rules, the doctrine of “free ships, free goods,” and concept of the immunity of all private property on the high seas.

**Freedom-of-the-Seas in Wartime**

The rules of the *Consolato del Mare* predated Grotius’s *Mare Liberum* by at least a hundred years if not more. Perhaps the first work solely devoted to maritime law, the *Consolato del Mare* was essentially a compendium of legal opinions and precedents regarding the sea. In 1494, an edition of the *Consolato del Mare* included the opinion that enemy cargo could always be seized, but neutral cargo should not be

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\(^7\) Armitage, introduction to Grotius, *The Free Sea*, xiii-xiv.
seized even if found on board an enemy ship. Because the *Consolato del Mare* was only a compendium of opinions and precedents, it was not actually binding upon any nation, however. Consequently, the French and the British often chose to confiscate any neutral ship carrying even the slightest amount of enemy cargo. Resentment over these actions resulted in a number of nations advocating the “free ships, free goods” concept.  

The idea of “free ships, free goods” maintained that a neutral ship’s cargo was exempt at all times from seizure. In short, the idea was to protect neutral vessels and their cargoes from the ravages of other peoples’ wars. The idea came to prominence in the 17th century, and underlay a number of the wars between the British and the Dutch. The British wanted to continue seizing neutral ships if enemy cargo of any sort was found on board, while the Dutch wanted to protect their commercial empire. To obtain protection for their ships, the Dutch were willing to agree that belligerent ships with neutral cargo could be captured. After a number of years of frustration and conflict, The Netherlands succeeded in wringing Free Ships treaties from France, Spain, and Great Britain, eventually culminating in the Treaties of Utrecht that ended the War of Spanish Succession in 1713. Despite this, however, even the Dutch were not above waiving their own rules in wartime, sometimes attempting to completely prohibit neutral traffic to an enemy country. 

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A more practical version of the “free ships, free goods” doctrine admitted that any cargo on board any ship could be confiscated if it was contraband material needed for the war effort and ultimately bound for an enemy country. However, this required common agreement as to what type of material constituted contraband supplies and proof as to whether it was ultimately destined for the enemy’s war effort, both of which were unlikely. In terms of agreement as to contraband: should clothing, which could possibly be used for uniforms, or wood or rubber, which could be used for ships and vehicles, be prohibited or not? In short, the list of potential contraband could eventually cover every possible item that could be shipped. Furthermore, there was also the problem of “continuous voyage”: what if a cargo bound for a neutral country would then be shipped overland or by waterway to an enemy nation? Clearly this concept of “free ships, free goods” was also problematic.¹⁰

Finally, there was a more radical form of the “free ships, free goods” concept mostly espoused by American diplomats and legalists: why not simply make all private property on board ships exempt from seizure? In its ultimate form, this doctrine feasibly meant that most cargoes shipped by sea would be immune from capture and confiscation. This concept was first enacted in a 1785 treaty with Prussia by the United States. The 1785 U.S.-Prussia treaty exempted all property from capture at sea, no matter where it was destined or what purpose it served. Although other more “practical” treaties quickly superseded this treaty, which was not renewed when the

¹⁰ Neff, The Rights and Duties of Neutrals, 32-34. See also: Arnold-Foster, The New Freedom of the Seas, 36-37, 41-43.
time came, the concept of immunity of private property eventually became a fixture of American policy.\textsuperscript{11}

\section*{The United States and the First Armed Neutrality}

As noted previously, thanks to Dutch influence, a number of treaties in the 17\textsuperscript{th} and early 18\textsuperscript{th} centuries dealt with the issues of the freedom-of-the-seas and neutral rights, the most famous of which were the “free ships, free goods” rules enshrined in the maritime sections in the Treaties of Utrecht. However, it was not until the late 18\textsuperscript{th} century that a large number of world powers chose to formally codify these principles. In no small measure was this due to the influence of the newly formed United States of America.\textsuperscript{12}

With the beginning of the American Revolution, the Second Continental Congress quickly moved to establish ties with friendly powers. To guide the diplomats sent abroad, a congressional committee created what became known as the “Plan of 1776.” In terms of maritime law, the Plan of 1776 adopted many of the principles of previous treaties:

\begin{quote}
free ships free goods, freedom of neutrals to trade in non-contraband between port and port of a belligerent (this a repudiation of the novel British Rule of 1756 evoked in the last war), restricted and carefully defined lists of contraband not including foodstuffs or naval stores, and generally liberal and considerate treatment of neutral shipping.\textsuperscript{13}
\end{quote}

\textsuperscript{11}Arnold-Foster, \textit{The New Freedom of the Seas}, 22-23, 33-35.


\textsuperscript{13}Bemis, \textit{A Diplomatic History of the United States}, 25-26. The congressional committee included such notable Americans as John Adams, John Dickinson, Benjamin Franklin, Benjamin Harrison, and Robert Morris.
The first diplomatic mission sent to France dutifully followed these instructions and secured these rights in the first Franco-American Treaty of 1778.\(^4\)

Two years and several treaties later, Catherine the Great of Russia took up the initiative of freedom-of-the-seas and neutral rights in response to the seizure of a number of her ships and the lack of an overarching code of maritime law. Catherine used virtually all of the principles in the Plan of 1776 in what became known as the Armed Neutrality of 1780, or the First Armed Neutrality.\(^5\)

The First Armed Neutrality set specifications on close blockade, contraband, and neutral shipping. According to Samuel Flagg Bemis, the five important principles of the First Armed Neutrality were:

1. That neutral vessels may navigate freely from port to port and along the coasts of nations at war...
2. That the effects belonging to subjects of the said Powers at war shall be free on board neutral vessels, with the exception of contraband merchandise...
3. That, as to the specification of the above-mentioned merchandise [contraband], the Empress holds to what is enumerated in the 10\(^{th}\) and 11\(^{th}\) articles of her treaty of commerce of [of 1766] with Great Britain, extending her obligations to all the Powers at war...


\(^{15}\) Bemis, *A Diplomatic History of the United States*, 38-41. See also: Captain G.J. Meyers, Maritime Rights in Time of War (ONI) Sea Supremacy vs. Freedom of the Sea, from Monthly Information Bulletin, Office of Naval Intelligence, Jan. 1929; XLAI, 1930-1934; Box 88, XLAI-XLFG; Intelligence and Technical Archives, Record Group 8; Archival Records, U.S. Naval War College, Newport, RI, 26. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1; 700.00112 Freedom of the Seas/100 – 700.00116/447; Box 1770, From: 700.00112 Freedom of the Seas, To: 700.00116 M.E./203; Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD, 1. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2; 700.00112 Freedom of the Seas/100 – 700.00116/447; Box 1770, From: 700.00112 Freedom of the Seas, To: 700.00116 M.E./203; Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD, 1.
(4) That to determine what constitutes a blockaded port, this designation shall apply only to a port where the attacking Power has stationed its vessels sufficiently near and in such a way as to render access thereto clearly dangerous…
(5) That these principles shall serve as a rule for proceedings and judgments as to the legality of prizes.¹⁶

The similarity with the Plan of 1776 was striking, although Catherine was also hearkening back to a number of older treaties that contained similar rules. The first principle, like the Plan of 1776, struck down the British Rule of 1756, which attempted to ban neutral traffic between belligerent ports. The second principle was a statement of "free ships, free goods," with a practical proviso providing for contraband. The third principle set the contraband list to that of the British-Russian commerce treaty of 1766, which excluded naval stores, just like the Plan of 1776. The rules of blockade, embodied in the fourth principle, were also in agreement with the Plan of 1776. Although Catherine and her advisors may have used older treaties for templates, the Armed Neutrality of 1780 was still an enactment of what had become American diplomatic policy.¹⁷

Although some mocked the Armed Neutrality of 1780 for being a hollow and poorly enforced treaty, a large number of nations agreed to its principles, including the United States, France, Spain, The Netherlands, Denmark, Sweden, Prussia, Portugal, and Naples. Great Britain refused to sign the First Armed Neutrality, but respected

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¹⁶Bemis, A Diplomatic History of the United States, 39-40. For a briefer but similar paraphrasing of these principles, see also: Neff, The Rights and Duties of Neutrals, 71. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 1. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 1.

¹⁷Bemis, A Diplomatic History of the United States, 39-40.
many of its principles. The principles of the First Armed Neutrality would become increasingly important over the next 70 years, gaining acceptance and credibility from all world powers. Moreover, the United States had established itself as a national power that placed great priority on the freedom-of-the-seas.  

The United States and the Declaration of Paris

The ideas of the First Armed Neutrality held sway well into the 19th century. During the Napoleonic War, numerous nations discarded the principles of the First Armed Neutrality as they saw fit, including a short-lived “Second Armed Neutrality” that was only dedicated to excluding British supplies from European ports. By the end of the war, however, most nations ended up returning to the ideas of “free ships, free goods” and the other principles expressed by the First Armed Neutrality. After the Napoleonic Wars ended, virtually all treaties dealing with commerce adopted the rules of the First Armed Neutrality. During the Crimean War, even Great Britain and France agreed to adopt the principles that had been enumerated in the First Armed Neutrality almost 70 years previously. When the Crimean War ended, these principles were codified in the Declaration of Paris of 1856, including “free ships, free goods,” contraband law, blockade law, and even an article that abolished privateering. However, even as the Declaration of Paris codified the paradigm of the First Armed Neutrality, the principles of the First Armed Neutrality continued to be influential, as evidenced by the United States’ support for the principles in the Declaration of Paris.

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18 Neff, The Rights and Duties of Neutrals, 71-72. See also: Bemis, A Diplomatic History of the United States, 40-41. See also: Arnold-Foster, The New Freedom of the Seas, 19-20. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 2. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 2.
Neutrality, a new paradigm was rising to challenge the old paradigm, and it was coming from the United States.\(^{19}\)

As previously mentioned, the United States had supported a vigorous concept of freedom-of-the-seas from its very inception. One of the first treaties signed by the new nation, after all, was the 1785 treaty with Prussia that attempted to exempt all property from seizure on the high seas. In 1798, in response to predations by French privateers and warships on neutral U.S. merchantmen in the Caribbean, President John Adams ordered U.S. Navy warships and privateers to retaliate against armed French vessels. Similarly, in 1803, President Thomas Jefferson sent a U.S. Navy squadron to the Mediterranean to end extortion and piracy by the Barbary corsairs located on the North African coast. Jefferson’s subsequent trade embargoes and James Madison’s War of 1812 were similarly grounded in an attempt to defend the right of American ships to freely and peacefully trade at all times and in all oceans. In fact, many portions of the Declaration of Paris mirrored similar clauses that American negotiators had attempted to place without success in the Treaty of Ghent that ended the War of 1812!\(^{20}\)

The U.S. president in 1856 was Franklin Pierce, probably one of the strongest American proponents of freedom-of-the-seas. Although most historians have derided Pierce for being incompetent and inept, President Pierce and his administration actively advocated for freedom-of-the-seas and the respect of noncombatant rights at sea. With the vigorous prodding of Secretary of State William L. Marcy, the Pierce administration

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helped force Denmark to end the extortion of merchant ships coming through the
Danish Sound. The Pierce administration also helped to force open the River Plate in
South America for trade. Although Secretary Marcy failed to similarly open the
Amazon River for trade, his efforts laid the groundwork for the eventual treaty that
opened the Amazon for all shipping. The Pierce Administration was clearly not a
slouch when it came to enforcing and expanding the freedom-of-the-seas.\footnote{Bemis, \textit{A Diplomatic History of the United States}, 336-337. See also: Larry Gara, \textit{The Presidency of Franklin Pierce}, American Presidency Series, ed. Donald R. McCoy, Clifford S. Griffin, and Homer E. Socolofsky (Lawrence: University Press of Kansas, 1991), 135-136. To state that historians have generally derided Pierce’s administration is to put it mildly. Even other presidents scorned him. Historian Nathan Miller ranked Pierce as the fourth worst president, after Nixon, Harding, and Buchanan, and just ahead of Andrew Johnson, for lacking “the character, the broad vision, and the political skills to meet [the] challenge [of his times].” See: Nathan Miller, \textit{Star-Spangled Men: America’s Ten Worst Presidents} (New York: Scribner, 1998), 151-172.}

Unlike previous administrations, however, which had settled for the principles embodied by the First Armed Neutrality, the Pierce Administration pushed for the concept of immunity of private property on the high seas. Consequently, Pierce and his diplomats refused to sign the Declaration of Paris unless the prohibition of privateering was linked with the immunity of private property, except for war contraband. After all, despite some naval successes, the United States remained a relatively weak naval power \textit{vis-à-vis} other countries like Great Britain and therefore privateers served as a cheap substitute for a powerful navy. Under such conditions, the United States was unwilling to throw away its greatest and cheapest weapon against enemy commerce unless the great naval powers promised to enforce rules that would protect American commerce. The other powers at the Declaration of Paris refused to add in the proposed clause and
consequently, although the United States generally abided by the Declaration of Paris, it
never signed or ratified the document.22

**Final Changes before the First World War**

The U.S. Civil War only reinforced the American desire to protect private
property at sea. Confederate raiders, such as CSS *Alabama*, decimated the U.S.
merchant marine, and caused many American ship-owners to transfer their ships to a
foreign registry. Although a small number of ships remained of what had been the U.S.
merchant marine to struggle through the rest of the 19th century, “for fifty years, until
the eve of World War I, the U.S. deep-sea merchant marine was as dead as the [sunk]
*Alabama*.”23 Understandably leery of losing what was left of the U.S. merchant fleet,
American diplomats hardened their policy over the immunity of private property at sea.
The U.S. government instructed American diplomats sent to The Hague Conferences of
1899 and 1907 to press for immunity of private property on the high seas.

Unfortunately, just like the Declaration of Paris, the great powers refused to
countenance the proposal.24

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22 Bemis, *A Diplomatic History of the United States*, 335-336. See also: Gara, *The Presidency of


24 For a brief discussion of the catastrophic effect of Confederate raiders like *Alabama* on the
U.S. merchant marine, see: Felknor, *The U.S. Merchant Marine at War, 1775-1945*, 101. For the
Among the great powers that voted against the American proposal at the Second Hague Conference were
Great Britain, France, Russia, and Japan. See also: Bemis, *A Diplomatic History of the United States*,
431, 596.
However, the Second Hague Conference led diplomats to attempt the creation of an international prize court as well as an international body of maritime law. In 1909, the diplomats met in London, where they attempted to clarify definitions of contraband and the concept of continuous voyage. As noted previously, most countries had traditionally found it difficult to define what items should be war contraband. Similarly, the concept of continuous voyage, regarding the possibility that goods going to a neutral country might be ultimately destined for a belligerent country, had become extremely important during the Napoleonic Wars and the Civil War. The Declaration of London hoped to resolve these issues once and for all by creating comprehensive contraband lists and prescribing different treatments for different types of contraband depending on their ultimate destination. Unfortunately, all this effort was for nothing: the British refused to ratify the Declaration. 25

As a result, on the eve of the First World War, accepted international law about neutral rights at sea was a little difficult to ascertain: after all, the United States had never signed or ratified the Declaration of Paris and the British refused to ratify the Declaration of London, leading all other nations to decline ratification as well. 26 However, most powers accepted the broad principles embodied in the Declaration of London, so that, according to Samuel Flagg Bemis, in 1914, international sea law could theoretically be summarized as the following:

1. “Paper” blockades are illegal. A blockade to be binding must be effectively maintained by an “adequate” naval force.


26 Neff, The Rights and Duties of Neutrals, 141-142. See also: Bemis, A Diplomatic History of the United States, 596-597.
2. Even enemy goods are safe on a neutral ship, if they are not contraband and if they are not destined for a blockaded port: “Free ships make free goods.”
3. Neutral goods are safe even on an enemy ship, if they are not contraband and if they are not destined for a blockaded port.
4. A fortiori, neutral goods are safe on a neutral ship but only if they are not contraband and if they are not destined for a blockaded port.
5. Contraband goods are divided into two categories: absolute and conditional.
6. Absolute contraband consists of goods exclusively used for war and destined for an enemy country, even if passing through a neutral country en route; the rule of “continuous voyage” applies.
7. Conditional contraband consists of goods which may have a peaceful use but which are also susceptible of use in war and which are destined for the armed forces or a government department of a belligerent state; the rule of “continuous voyage” does not apply.  

Sadly, these principles were quickly abandoned after the First World War stalemated on the Western Front. Faced with a quagmire on land, both the British and the Germans vied to cut off each other’s economic lifelines at sea. The opposing belligerents hoped that without supplies, the massive war industries in the heart of both countries, as well as the entrenched armies in the field, would collapse. This naturally meant, of course, that the belligerents would infringe upon each other’s rights at sea in order to best gain an advantage. The paradigm of the Declaration of Paris and the Declaration of London was coming to an end.  

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Freedom-of-the-Seas, the Submarine, and the First World War

When the war began, the British quickly clamped down a massive long-range blockade on Germany. Instead of maintaining ships in a close blockade off the German coast, where they could be sunk by mines or coastal submarines, the British kept their fleet out on the high seas, intercepting any ships bound for Europe and forcing them to detour to British ports for search and potential seizure. The long-range blockade, consequently, affected many neutral countries, but it was particularly effective against Germany, which quickly lost most of its imports. The British made no effort to conceal that the point of the long-range blockade was to starve Germany into submission.\(^{29}\)

In reciprocity for the British starvation blockade, Germany established its own long-range blockade around the British Isles. With the German surface fleet effectively blockaded by the Royal Navy, however, the Germans turned to the fledgling U-boat force instead. The Germans had realized the potential effectiveness of the submarine shortly after the war began, when a small German U-boat sank three British cruisers within an hour in September 1914. Now, to enforce the war zone, the Germans intended to use the submarine without any restrictions. The Germans declared that all belligerent merchant ships within the war zone were subject to destruction without warning. Because the Germans had no room to take survivors on board their submarines, the noncombatant merchant crews and passengers were left to the ocean. Neither the British starvation blockade nor the German war zone were legal according to international law, but there was a qualitative difference: the German unrestricted

\(^{29}\) Devlin, Too Proud to Fight, 180-186, 191-198. See also: Neff, The Rights and Duties of Neutrals, 146-159. See also: Bemis, A Diplomatic History of the United States, 598-603. See also: Arnold-Foster, The New Freedom of the Seas, 44-51.
submarine campaign left noncombatants to possible death, while the British starvation blockade did not.\textsuperscript{30}

During the first three years of the war, the effectiveness of the opposing blockades was largely checked by the influence of the United States. The belligerents recognized that if the United States felt its neutral rights were sufficiently violated to merit war, it could potentially tip the balance of war. Consequently, the Germans and the British attempted to placate the American president, Woodrow Wilson. However, the efforts of the belligerents to ply Wilson were upset by Wilson’s paradigm of the freedom-of-the-seas. Bred in the relatively recent tradition of immunity for private property, President Wilson believed that the United States had the right to trade with belligerents at all times, except in the case of a close blockade, the only legally recognized form of blockade, which required a belligerent to maintain ships in active proximity of a port. As a result, Wilson was as offended by the British practice of intercepting American ships on the high seas and detouring them to British ports as he was by the German practice of sinking ships and leaving survivors to their fate. Unfortunately, Wilson’s paradigm could not endure under modern methods of warfare.\textsuperscript{31}

\textsuperscript{30} Devlin, Too Proud to Fight, 188-191, 198-216. See also: Neff, The Rights and Duties of Neutrals, 159-161. See also: Bemis, A Diplomatic History of the United States, 601-604. See also: Arnold-Foster, The New Freedom of the Seas, 51-59.

\textsuperscript{31} Devlin, Too Proud to Fight, 156-172. See also: Arnold-Foster, The New Freedom of the Seas, 61-64. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 5-8. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 5-7.
The British could not impose a close blockade because their warships would be easy prey for submarines and minefields. By standing out to sea, the British could maintain a modicum of safety while imposing an effective long-range blockade. The Germans were in the same situation: with their fleet bottled up within the North Sea, the Germans could not hope to contest the British control of the sea with a few raiders and cruisers. The Germans had to rely on the submarine, which could not observe cruiser rules of warfare by its very nature.32

Cruiser rules of warfare were the practical application of the Declarations of Paris and London. They stipulated that a belligerent warship could stop a merchant ship on the high seas and search it for contraband cargo. If some contraband was found, it could be legally seized. If enough cargo was found, the merchant ship itself could be seized. If, under extraordinary circumstances, the warship commander found it necessary to sink the merchant ship, he had to take the crew on board as prisoners.33

A submarine, because of its small size, could do none of these things. Certainly, a submarine could stop and search a merchant ship, but it couldn’t take aboard any seized cargo, nor could it supply a prize crew to sail off the merchant ship, and nor could it take on any more people, particularly as prisoners. Although some termed the German practice of stopping, searching, and sinking merchant ships, leaving crew and passengers to the ocean, as “warfare in accordance with cruiser rules,” others justifiably considered the practice to be just as illegal as simply sinking a ship without warning.

32 Devlin, Too Proud to Fight, 170-172. See also: Neff, The Rights and Duties of Neutrals, 146-162.

33 Devlin, Too Proud to Fight, 158-159. See also: Neff, The Rights and Duties of Neutrals, 36-37.
from submergence. In 1915, the sinking of the passenger liners *Lusitania* and *Arabic*, both with American passengers on board, led to strenuous protests by President Wilson’s administration, and caused the German Government to act with far more caution regarding passenger liners. The sinking of another unarmed ship carrying Americans, *Sussex*, in March 1916, forced the Germans to suspend submerged unrestricted warfare, in favor of surface warfare “in compliance with cruiser rules of warfare.” This was not as great a sacrifice as it might have seemed, since most German submarines usually tried to attack on the surface with their deck gun in order to conserve their few torpedoes and also to prolong their patrol.\(^{34}\)

Even the “*Sussex Pledge*” would not last for long, however. There were two reasons: armed merchant ships and unrestricted warfare’s potentially enormous influence on victory. Both reasons would haunt the naval powers long after the First World War.

Armed merchant ships dated from the beginning of the war, when the British Admiralty under Winston S. Churchill had begun arming merchant ships and ordered them to use their armament to sink U-boats or at least fight them off. Although the armed British merchant ships rarely sank German submarines with their small-caliber weapons, they almost always deterred attacks. Moreover, the few cases that armed merchant ships succeeded in actually sinking a U-boat were psychologically scarring.

In particular, the Germans pointed to the case of the Baralong, a British Q-ship, which shelled and sank a German U-boat and then mercilessly murdered the German survivors. Such cases were enough to convince any submarine commander to not risk a surface confrontation with a clearly armed or potentially armed merchant ship.\(^{35}\)

Even without the motivation of armed merchant ships, the Germans believed that unrestricted warfare could bring victory. Encapsulated within a memorandum by Admiral Henning von Holtzendorff, the German Navy argued that if the U-boats began unrestricted warfare on 1 February 1917, they could sink enough British shipping to force the British to surrender by 1 July 1917. Although the memorandum’s logic and statistics were questionable, the German High Command unthinkingly reached out for this solution like a lifeline. Overriding the concerns of the German chancellor, Theobald von Bethmann Hollweg, the German war leaders pushed their vision of unrestricted warfare through. Although they believed that the practice of unrestricted warfare might draw the United States into the war, they did not believe that the United States would have either the time or the will to make a decisive difference.\(^{36}\)

It was a costly misjudgment, and one that might have been avoided if the Germans had merely gone with another one of the options that the Holtzendorff memorandum mentioned: unrestricted warfare only against armed merchant ships.

\(^{35}\) Devlin, Too Proud to Fight, 410-418. Notably, of the 175 German submarines sunk by the British, merchant ships sank only 5. See also: Bemis, A Diplomatic History of the United States, 606. For more sources on why armed merchant ships made it impossible for submarines to conduct even “warfare in accordance with cruiser rules,” see: Planning Section Memorandum No. 68, Subject: Submarine Warfare, 3-4. See also: Rickover, “International Law and the Submarine”, 1218-1219.

\(^{36}\) Janet M. Manson, Diplomatic Ramifications of Unrestricted Submarine Warfare, 1939-1941, Contributions in Military Studies, No. 104 (New York: Greenwood Press, 1990), 7-13. See also: Devlin, Too Proud to Fight, 618-622, 626-635. See also: Neff, The Rights and Duties of Neutrals, 162. See also: Bemis, A Diplomatic History of the United States, 609-610.
Despite his paradigm, President Wilson pragmatically recognized the problem of armed merchant ships, and even quietly supported a *modus vivendi* by which the British would abolish their armed merchant ships and the Germans would end all submerged unrestricted warfare. However, the British rejected the *modus vivendi*, unwilling to give up any advantage over the U-boats they could have without drawing the United States into war. For all his indignation over illegalities, Wilson was not willing to go to war over British armed merchant ships. On the other hand, the German unrestricted warfare against all ships, armed and unarmed, neutral and belligerent, combined with the inflammatory Zimmermann telegram, were enough to draw the United States into the war. On 3 February 1917, Wilson broke off relations with Germany and sent the German ambassador back home. On 2 April 1917, he went before Congress and asked for a declaration of war.37

In his address to Congress on 2 April 1917, Wilson utterly condemned unrestricted submarine warfare as entirely antithetical to any paradigm of freedom-of-the-seas that treated merchant ships sailors and passengers as noncombatants:

> International law had its origin in the attempt to set up some law which would be respected and observed upon the seas, where no nation had right of dominion and where lay the free highways of the world... I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wanton and wholesale destruction of the lives of non-combatants, men, women, and children, engaged in pursuits which have always, even in the darkest periods of modern history, been deemed innocent and legitimate. Property can be paid for; the lives of peaceful and innocent people cannot be. *The present German submarine warfare against commerce is a warfare against mankind.***38

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Without doubt, the overriding factor that led to Wilson’s condemnation of unrestricted warfare was the deaths of noncombatants, which included merchant ship sailors engaged in their livelihood. For Wilson, however, freedom-of-the-seas did not just entail the right to travel without fear of being attacked, but also without fear of being stopped by a long-range blockade. It was this paradigm of freedom-of-the-seas that would ultimately be enshrined in the second of his Fourteen Points:

Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.\(^3^9\)

In short, Wilson’s paradigm was essentially one of absolute freedom-of-the-seas, which could be curtailed only under extraordinary circumstances.

Once in the war, Wilson accepted some limits on freedom-of-the-seas in order to win the war against Germany. For instance, he no longer protested the British blockade and U.S. naval forces assisted in laying a mine barrage across the northern entrance to the North Sea in order to stop submarines. The U.S. contraband list even expanded to be as large as the British contraband list. However, U.S. naval forces did not enforce the British long-range blockade. Instead Wilson used domestic embargoes, blacklists, and other sovereign coercive measures on U.S. ships and allies to cut off supplies to the Central Powers.\(^4^0\)

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\(^4^0\) Bemis, *A Diplomatic History of the United States*, 618, 875. See also: Neff, *The Rights and Duties of Neutrals*, 164. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 6-8. Notably, references to the double standard of the United States in time of peace and war in the First World War were deleted from the final and approved draft of
Because the Allied victory hinged so greatly on American intervention, the victory arguably legitimized Wilson’s paradigm of freedom-of-the-seas. Consequently, the Paris Peace Conference of 1919 was seen as a great opportunity to enact the Wilsonian paradigm of absolute freedom-of-the-seas, which would deal simultaneously with the problems of long-range blockade and the difficulties posed by the submarine as a commerce raider.

The British Challenge to Absolute Freedom-of-the-Seas

The Wilsonian paradigm of freedom-of-the-seas was the final straw over which the United States entered the war on the side of the Allies. That hardly meant that the rest of Allies were willing to accept it, however. For instance, just as the United States had once refused to give up privateers, France and Italy both decided that submarines were a cheap deterrent force and refused to consider abolition. Similarly, the British refused to give in to Wilson regarding absolute freedom-of-the-seas, since they had no desire to give up the ability to conduct long-range blockades.  

The British view on absolute freedom-of-the-seas was epitomized in a contemporary pamphlet by Julian S. Corbett, a naval historian who had already left his mark on history by writing one of the great works on naval strategy, Some Principles of Maritime Strategy, published in 1911. In his 1918 pamphlet, The League of Nations

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Savage’s memorandum. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 6-7.

and Freedom of the Seas, Corbett showed that he was under no illusions regarding the definition of absolute freedom-of-the-seas, writing:

As used by its most pronounced advocates, Freedom of the Seas denotes the abolition of the right of capturing private property afloat. They would deny to belligerents not only the admitted right to capture neutral property under the law of blockade and contraband, but would also make the trade of the belligerents equally immune, either altogether or in so far as it was not contraband—that is to say, that no matter how fiercely navies contend peaceful merchants and fishermen shall be free to go about their business as though no war were in progress.  

Corbett may have been exaggerating how immune belligerent shipping would be in war, but he correctly identified President Wilson’s paradigm. The Wilsonian paradigm was an evolution of the older paradigms, but at its core it still championed the immunity of private property at sea, a right that had never been admitted in common international law.

Over the space of ten pages, Corbett proceeded to smash the absolute paradigm of freedom-of-the-seas as utterly impractical. Most importantly, Corbett stated:

It comes then to this—that if Freedom of Seas is pushed to its logical conclusion of forbidding altogether the capture and destruction of private property at sea, it will in practice go far to rob fleets of all power of exerting pressure on an enemy, while armies would be left in full enjoyment of that power… the voice of the Naval Powers would sink to a whisper beside that of the Military Powers.  

In short, without an ability to coerce enemy commerce, there was simply no point in even having a fleet, besides coastal defense. For countries whose power derived from the sea, the ability to enforce their will would completely disappear with absolute freedom-of-the-seas. For Great Britain, that was clearly unacceptable.

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Corbett had other practical reasons for decrying absolute freedom-of-the-seas. For instance, if all private property afloat was immune, how would the League of Nations enforce economic sanctions or a blockade? After all, Germany’s surrender in the First World War had as much to do with the brutal effectiveness of the British starvation blockade as the turn of the tide of military success in 1918. Consequently, absolute freedom-of-the-seas was clearly impossible. Importantly, Corbett still believed in the need for a powerful League of Nations, capable of enforcing peace and maintaining justice. But, no matter what, he did not want a League of Nations that allowed freedom of trade at all times in all oceans.\footnote{Corbett, \textit{The League of Nations and Freedom of the Seas}, 9-15.}

Although the British fundamentally disagreed with Wilson’s view that all ships should be able to travel the seas freely in time of peace and war, they agreed that sailors and passengers on board merchant ships were noncombatants. So while the British posed an important challenge to the Wilsonian paradigm of freedom-of-the-seas, the submarine posed an even more radical and lethal challenge. Not only could submarines not observe the traditional paradigm of freedom-of-the-seas, but also their most effective employment, as unrestricted commerce raiders, directly conflicted with the notion of noncombatant status for merchant ship sailors and passengers. As a result, the submarine problem assumed a foremost place of importance in creating a new freedom-of-the-seas.
The Submarine Question Before the First World War

Although it took the First World War to launch submarines to both strategic importance and universal outrage, many nations looked unfavorably upon submarines long before the war began. Even before the U.S. Navy or the Royal Navy had their first commissioned submarines, the issue of banning submarine construction had already been discussed at The Hague Conference of 1899. The nations of Great Britain, Germany, Russia, Japan, Italy, and Denmark all announced their desire to ban submarines, but only if all the attending nations agreed.\textsuperscript{45}

Based on subsequent statements, the desire to ban submarines at this early date probably stemmed from the fear that a submarine force could possibly negate the advantage of a powerful surface navy. Such a motivation could have driven the delegates of Great Britain, Germany, and Japan, all of whom were working to build the most powerful surface fleets they could.

Whatever the motivations of powerful nations like Great Britain and Germany, weaker naval powers such as France were quick to see the potential of a submarine fleet as a force that could deny the control of the sea. By virtue of their experience with the Napoleonic Wars, among others, the French had discovered the advantage of a powerful navy like the Royal Navy, which allowed a naval power to blockade and attack a land power. While control of the sea did not and could not win a war alone, the French had learned that it made an important difference. Even if the French had not learned the

\textsuperscript{45}“The Submarine in Trade Warfare: Staff Presentation,” Naval War College, Newport, Rhode Island, August 4, 1941; Submarine in Trade Warfare 8/4/41; Box 34, Study – Utilization; NWC Presentations, Studies, etc. (Series II-B); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 14.
lesson the hard way, by 1899, the French and virtually all other naval powers had accepted as gospel the famous work of Alfred Thayer Mahan, *The Influence of Sea Power Upon History* (1890). Mahan’s thesis was charmingly simple: without control of the sea, no power could win a war. While Mahan’s theory was far too simple to be comprehensive, it won many adherents and it became the standard reference for people who desired a strong navy. Hence, a submarine fleet had its attractions for a weak naval power, because it could feasibly sink a powerful enemy’s surface navy, denying control of the sea to the enemy while also destroying the shipping lanes that supplied a maritime power. Best of all, submarines were cheap and could be built *en masse* by nations in place of massive battle fleets. It was, ironically, the same rationale that the United States had once used to defend its decision to retain privateers after the Declaration of Paris.

The idea of submarines as a cheap substitute for capital ships enjoyed an early period of intellectual dominance in the late 19th century, particularly in France. A group of French naval officers, known as the *Jeune Ecole*, advocated for the use of submarines as a cheap deterrent that could sink enemy battleships, and more importantly, strike directly at an enemy’s economic lifelines. The *Jeune Ecole* presciently called for the use of submarines as unrestricted commerce raiders, claiming that other nations would undoubtedly do the same. By doing so, the *Jeune Ecole* hoped that submarines, as privateers had done in the past, would so raise insurance costs and threaten commercial

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trade that an enemy nation would sue for peace. The Jeune Ecole’s high point came in 1886, when its most influential member, Admiral Theophile Aube, became Minister of Marine and suspended battleship construction in favor of submarine and torpedo boat development. Eventually, however, France returned to the Mahanian school of thought and resumed construction of battleships and a large fleet.47

The Jeune Ecole’s rationale that submarines served as a strategic deterrent against powerful naval powers would be continually revisited until the mid-twentieth century. Throughout the interwar period, for instance, France clearly believed that a submarine force would guarantee that their traditional enemy, Great Britain, would not be willing to risk war, and if the British did risk war, the French believed they could not only sink most of the Royal Navy’s capital ships, but they could also tear into the British merchant marine.48

For the most part, however, naval leaders before the First World War generally ignored the submarine’s potential. By the end of the war, however, submarines would not only threaten Great Britain’s very existence but they would also be responsible for dragging the United States into the conflict. With the end of the war in November 1918, the world’s naval leaders and legalists turned once again to the question of the submarine.


48 For instance, see the naval intelligence summary about France in 1926: U.S. Naval Attaché, American Embassy, 5, Rue de Chaillot, Paris, France, to the Director of Naval Intelligence, Subject: Disarmament Conference, trend of thought on, 8 March 1926; 438-1 1925-1926; Box 171; Subject File 438-1; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 3.
December 1918: The London Planning Section Memorandum

As soon as the First World War ended, numerous nations brought up the call for abolition of the submarine. Having suffered greatly, Great Britain naturally favored abolishing submarines, but other countries, like France and Japan, had different ideas. The idea of abolishing submarines proved controversial within the United States, driving a wedge between American politicians who favored doing so and U.S. naval officers who put their trust in the deterrent value of weaponry, not treaties. Unlike other nations, however, the United States was placed in a peculiar position because it was not dependent upon maritime trade like Great Britain but it was also not a weak naval power like France.

Of all the major powers, Great Britain was the most vulnerable to submarine warfare. As an island nation, Great Britain relied on the vast importation of supplies for food, war supplies and even raw materials. Consequently, any nation that could successfully blockade Great Britain with a submarine fleet could feasibly force Great Britain to sue for peace. As the Germans had discovered, a powerful submarine force could negate the powerful Royal Navy. By the end of the First World War, British foreign policy aimed to abolish all submarines.49

Great Britain’s traditional enemy, France, on the other hand, had everything to gain by building up a submarine fleet. Situated just across the English Channel, the French could easily flank the British trade routes with a fleet of submarines. The French poured money into their submarine force, explaining to their exasperated British

neighbors that submarines were “an essential means of preserving [French] independence which she could not give up.”

Japan was the only other maritime empire with a situation roughly analogous to Great Britain, but Japan’s view about the abolition of submarines was vastly different from Great Britain’s. Except for the Soviet Union, the Japanese had no close enemies with any naval strength. Although the Japanese recognized that they were just as vulnerable as the British, they favored a strong submarine force because they perceived that their greatest threat, the United States, would have to make a long Pacific crossing before attacking Japan. During such a crossing, the U.S. fleet would be a tempting target for a submarine force.

The position of the United States was not as easily as discerned. The United States was not dependent upon maritime trade, so submarine raiding could not bring the United States to its knees like Great Britain. However, the United States had gone to war for absolute freedom-of-the-seas. Furthermore, the United States also possessed a powerful surface fleet, which it was not willing to lose to submarine attack. But on the other hand, against a major maritime enemy like Great Britain or Japan, submarine warfare might be vital. The conflicted American position became clear in a series of memoranda from late 1918 to early 1919 that discussed the potential abolition of the submarine.

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After the war ended, the U.S. Naval Forces in Europe Planning Section, based in London, prepared a memorandum calling for the abolition of submarines and the absolute freedom-of-the-seas. The Planning Section began by admitting that most weapons could be turned to illegal purposes, such as artillery cannon that could fire poison gas shells. However, the Planning Section felt that all countries would eventually choose to use submarines at their greatest effectiveness, which meant that international law would always be abandoned in favor of military necessity.\(^*\)

The Planning Section supported their contention by pointing out the impossibility of cruiser warfare by submarines against armed merchant ships. According to the Planning Section, all ships had the right to arm themselves for self-defense, a tradition that dated back to the days of widespread piracy. Although armed, the merchant ships were still to be considered “non-combatants,” and they were protected by traditional rules of warfare. However, the Planning Section concluded that it would be only natural for a merchant ship commander to take advantage of the rules. This would initiate a naturally escalating set of circumstances that would eventually lead to the destruction of neutral as well as belligerent shipping.\(^*\) Consequently, the Planning Section declared: “Submarine operations in the present war may be considered as typical of what may be expected in future wars, when success is dependent on the result of a war on commerce.”\(^*\)

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\(^*\) Planning Section Memorandum No. 68, Subject: Submarine Warfare, 1.

\(^*\) Planning Section Memorandum No. 68, Subject: Submarine Warfare, 1-4.

\(^*\) Planning Section Memorandum No. 68, Subject: Submarine Warfare, 5.
Although some countries would protest the ban on submarines, the Planning Section felt that most powerful nations had more to lose to submarine warfare than to gain from it, particularly island empires like Great Britain and Japan. The Planning Section also concluded that the United States did not need submarine warfare. Under absolute freedom-of-the-seas, after all, the only legal uses for U.S. Navy submarines would be naval combat or coastal protection, missions that could already be accomplished by the powerful surface fleet or the U.S. Army’s coastal batteries. No matter what, the Planning Section foresaw no way that the citizens of the United States would ever accept unrestricted commerce warfare. Unfortunately, other countries could not be counted to be as scrupulous. If submarines existed, then the United States would suffer from unrestricted warfare by its unprincipled enemies. The United States, the Planning Section concluded, had nothing to gain from submarines and everything to lose if its enemies were allowed to make them.

The Planning Section also offered a compelling economic argument in favor of absolute freedom-of-the-seas. As a result of unrestricted submarine warfare, the world economy had been devastated, with millions of tons of cargo, fuel oil, food, and other important supplies scattered at the bottom of the Atlantic Ocean. The Planning Section did not believe the world could afford another such costly war. Like President Wilson, the Planning Section believed that “the destruction of any merchant ships employed as common carriers is contrary to a sound world policy and should be forbidden…” The

55 Planning Section Memorandum No. 68, Subject: Submarine Warfare, 6-8. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 5-8. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 5-7.
loss of cargoes has impoverished the world and subjected many of the neutrals to hardships greater than those endured by some of the belligerents. The tonnage sunk represents a direct economic loss falling upon the people of the whole world, whether belligerent or neutral.”

The Planning Section offered a final reason to abolish submarines and establish absolute freedom-of-the-seas: it would spur international arms reductions. By eliminating submarines, countries would no longer need anti-submarine vessels as well as mine-laying craft and minesweepers. In short, virtually all small vessels could be converted to razor blades, leaving only the capital ships to be dispensed with.

The Planning Section’s conclusions were audacious:

1. That an international agreement be concluded to abolish submarine warfare.
2. That to insure against violations of this agreement, all sub-surface vessels of every class whatsoever, now built or building be destroyed; and that none hereafter be constructed.
3. That no merchant vessel shall hereafter be destroyed by belligerent action.
4. That merchant vessels which under present rules would be subject to destruction, may be sent into a neutral port and interned in the same manner as combatant vessels.

Although brave and entirely in accord with absolute freedom-of-the-seas, the Planning Section’s conclusions also illustrated why absolute freedom-of-the-seas and abolition of the submarine were impossible. Absolute freedom-of-the-seas would mean giving up the ability to coerce enemy trade in time of war, which meant that a naval power would have essentially no means to coerce a land power. Abolishing the

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56 Planning Section Memorandum No. 68, Subject: Submarine Warfare, 9.
57 Planning Section Memorandum No. 68, Subject: Submarine Warfare, 9-11.
58 Planning Section Memorandum No. 68, Subject: Submarine Warfare, 11.
A submarine would require an international monitoring and verification agency with the power to intrude upon any country’s shipyards and navies at any time, something that few powerful nations would be willing to allow and weaker nations would deeply resent.

Unsurprisingly, Admiral William Sowden Sims, the Commander of U.S. Naval Forces Operating in European Waters, rejected the Planning Section’s conclusions. Sims looked over the Planning Section’s long memorandum and tersely dismissed it: “The Force Commander does not consider that the arguments put forward by the Planning Section in this paper are logical, nor that they support the conclusions reached. The paper is, therefore, forwarded without approval for consideration by the Department.”

January 1919: The Three Captains

In response to the London Planning Section’s memorandum and Sims’s dismissive recommendation, three U.S. Navy captains, W. Evans, Harry E. Yarnell, and Thomas C. Hart, studied the memorandum and then issued a rebuttal that agreed with Sims. The three captains believed that submarines were around to stay and they needed to be properly constrained by international law. The memorandum also noted the importance of the submarine in a possible war with Japan, perhaps the earliest time that the U.S. Navy seriously entertained a submarine war against Japan. The concept would

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59 Force Commander, U.S. Naval Forces Operating in European Waters, to the Secretary of the Navy (Operations), Subject: Submarine Warfare – Planning Section Memorandum concerning, 9 December 1918; 420-15 1919; Box 108; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.
have far-reaching consequences, since Harry E. Yarnell would play a pivotal role in submarine development over the next twenty years and Thomas C. Hart’s involvement with unrestricted submarine warfare was hardly at an end.

The captains came directly to the point at the beginning of their memorandum. They agreed with the London Planning Section that submarines were susceptible to illegal use, as were a number of weapons. Unlike the Planning Section, however, the captains believed that submarines held a vital role outside of commerce raiding. Additionally, it was plainly ridiculous to assume that weaker powers would choose to honor a treaty that placed them at a disadvantage by banning submarines. Furthermore, there were a number of areas where submarines could potentially be of great use to the United States. In a point that would later prove unfortunately ironic for then-Captain Thomas Hart, the planners specifically pointed out that a fleet of submarines could defend the Philippines.\(^6\)

As a naval warship, the submarine had proven itself as a first-rate weapon. The captains pointed out that U-boats had accounted for almost a third of the total losses of British surface warships. Although the captains were not willing to cast aside the battleship paradigm that defined the naval profession of the first half of the twentieth century, they clearly recognized the value of the submarine as a weapon against an enemy fleet.\(^6\)

\(^6\)Planning Committee to the Chief of Naval Operations, Subject: Abolition of Submarines, 18 January 1919; 420-15 1919; Box 108; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 1-2.

\(^6\)Planning Committee to the Chief of Naval Operations, Subject: Abolition of Submarines, 18 January 1919, 2. “Out of 189 surface naval vessels lost by Great Britain during the war, 62 were due to
The captains also pointed out how effective submarines were as commerce raiders. Unlike the London Planning Section, the captains saw no problem with destroying commerce that supplied the enemy, ignoring the cost to the world economy and neutrals. The captains credited the U-boat campaign with 12,000,000 gross registered tons of shipping and killing between 10,000 to 15,000 people. Although the loss of life paled against the losses at the Somme or the trenches of Verdun, in terms of noncombatants who had been deliberately targeted, it was certainly a staggering cost for the First World War. Importantly, the captains explicitly condemned unrestricted warfare, writing: “The loss of life from the German submarine campaign was partly due to the disregard of elementary principles of humanity, which cannot be too strongly condemned.”

Although the captains decried the horrors of unrestricted warfare, they still recognized that commerce warfare would be advantageous to the United States in a war, particularly a war with the nation that the captains viewed as their next enemy: Japan. The captains wrote:

(g) On the other hand, sea commerce is vitally necessary to most European countries and to Japan.

(h) It is dangerous to evade the fact that Japan is our most probable enemy at the present time.

(i) In a war between the United States and Japan, the submarine will be an extremely valuable weapon for
   (1) defense of the Philippines,
   (2) operations against Japanese commerce.

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62 Planning Committee to the Chief of Naval Operations, Subject: Abolition of Submarines, 18 January 1919, 2.
There is no quicker or more effective method of defeating Japan than the cutting of her sea communication.\textsuperscript{63}

Although the captains might not have spoken for all naval officers, their memorandum clearly showed that they understood the potential for submarine warfare against Japanese commerce. The fact that one of the writers of this memorandum was Thomas C. Hart, who would be the Commander-in-Chief of the U.S. Asiatic Fleet in 1941, makes it all the more remarkable. In 1941, as war clouds began to gather, Hart would show that he had not forgotten this 1919 memorandum.

The captains also rebutted the London Planning Section’s memorandum with legal aid from Professor George Grafton Wilson, a Harvard University professor and an assistant professor for international law at the U.S. Naval War College, who had played a key role in drafting the U.S. Navy’s 1917 \textit{Instructions for the Navy of the United States Governing Maritime Warfare}. Professor Wilson offered a number of legal points that pointed to the shallowness of the London Planning Section’s memorandum.\textsuperscript{64}

While the London Planning Section had stated that arming merchant ships was a traditional right of all ships, analogous to the U.S. Constitutional right to keep and bear arms, Wilson noted that the right as practiced in the First World War was hardly traditional and quite open to a legal challenge. Previous to the First World War, merchant ships had been armed to defend themselves against piracy, but during the First World War that armament had been used to obstruct the right of belligerents to conduct

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\textsuperscript{63} Planning Committee to the Chief of Naval Operations, Subject: Abolition of Submarines, 18 January 1919, 2.
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\textsuperscript{64} Orientation Lecture on International Law, issued 16 December, 1938; Orientation Lecture on International Law, 16 Dec., 1938; Box 86, Nos. 2197-IL2-2201; Publications, Record Group 4; Archival Records, U.S. Naval War College, Newport, RI, 18-19. Professor Wilson had been teaching at the Naval War College since 1900.
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visit-and-search. In short, the practice of armed merchant ships in the First World War had clearly abused the right of noncombatant armament. Wilson also countered the London Planning Section’s assertion that destroying neutral ships was illegal at all times. Finally, Wilson also felt that the London Planning Section’s belief that submarines were inherently inhumane also could be questioned.\footnote{Planning Committee to the Chief of Naval Operations, Subject: Abolition of Submarines, 18 January 1919, 3-4.}

Wilson stressed that legalists needed to maintain focus on the question of armed merchant ships, something that the London Planning Section had quickly dismissed with their claim of armament as a traditional right of noncombatant self-defense. Wilson also noted that by abolishing submarines, states might reduce armaments, but they would also shift the balance of power towards rich and powerful states that could afford capital ships as opposed to states that could not. Wilson continued by citing numerous examples of ideas by the London Planning Section that were not supported by existing international law or even contradicted by existing law. The professor concluded that abolishing submarines was impractical. Instead the solution was to regulate both armed merchant ships and submarines. By prohibiting armed merchant ships, Wilson felt submarines could be legally held to cruiser warfare.\footnote{Planning Committee to the Chief of Naval Operations, Subject: Abolition of Submarines, 18 January 1919, 3-4.}

With Professor Wilson’s input squarely on their side, the Navy captains concluded with a succinct paragraph that entirely rejected the London Planning Section’s memorandum:

In conclusion, the committee strongly recommends that, in view of the great value of the submarine as a legitimate weapon of naval warfare,
and its value to us in a future war for coast defense, scouting, and attack on enemy communication, the United States should resist any effort to abolish submarines.  

January 1919: Emory S. Land and the Royal Navy

As the three captains were scuttling the London Planning Section’s memorandum, another exceptional naval officer was also writing a memorandum regarding the abolition of the submarines. Commander Emory S. Land, Naval Construction Corps, was one of the senior officers in the Bureau of Construction and Repair and he had been heavily involved with the U.S. naval forces in Europe during the war. After the war, he was able to inspect numerous German U-boats to confirm that they were far superior to American submarines.  

When Land heard about the discussions regarding abolishing submarines, he felt compelled to write the chain-of-command. He was also spurred to action by a document that he acquired from the Royal Navy’s Admiralty regarding the arguments for and against submarines. Land reported the views of the Royal Navy before offering his own caustic commentary on why he believed submarines should not be abolished.

The Royal Navy document that Land enclosed with his memorandum was prepared by pro-submarine Royal Navy officers after a Conference of Admiralty Department Heads had voted in favor of prohibiting submarine construction. The paper apparently had the desired effect, because after being promulgated around the

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67 Planning Committee to the Chief of Naval Operations, Subject: Abolition of Submarines, 18 January 1919, 4.

Admiralty, most of the Admiralty Department Heads had changed their minds and continued submarine construction.\footnote{Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction of Submarines, 6 January 1919; 420-15 1919; Box 108; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.}

The Royal Navy document had a very simple point: “Prohibition of the building of submarines by International Law is considered impractical.”\footnote{Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction of Submarines, 6 January 1919, Enclosure (a); 420-15 1919; Box 108; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, [1].} The Royal Navy officers who had prepared the paper noted that submarines, unlike capital ships or even some other types of smaller vessels, were relatively easy and quick to make, as based upon the German experience. In order to definitely ensure that no nation was making submarines would require an international agency with the authority to inspect all factories, workshops, and shipyards around the world. The Royal Navy officers, with admirable understatement, commented: “Such a procedure would be resented by all Nations.”\footnote{Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction of Submarines, 6 January 1919, Enclosure (a), [1].}

The Royal Navy officers listed a number of additional reasons why prohibiting submarine construction would be difficult if not impossible. For one thing, based upon Germany’s success with submarines as commerce raiders, any nation that went to war with Great Britain would immediately start making submarines, so prohibiting submarine construction would only be effective for a short duration.\footnote{Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction of Submarines, 6 January 1919, Enclosure (a), [1-2].} Furthermore, the
advent of airplanes had changed the balance of power at sea. In a paragraph that
illustrated that some naval officers, if not most, understood the dangers and potential of
aircraft, the Royal Navy officers declared that given the vulnerability of surface ships to
aircraft, either ships would need exponentially more deck armor or the Navy needed to
invest more money in submarines. In any event, the officers declared, aircraft might be
able to drop more explosives than a submarine torpedo could deliver, which would
make prohibiting aircraft far more imperative than submarines. Since the probability of
prohibiting aircraft was minimal, the officers stated: “The development of aircraft,
therefore, as an arm of warfare will tend to the increase of the submersible ship.”73

The problem with submarines had been their illegal use by the German Navy for
unrestricted warfare. The answer, the Royal Navy officers decided, like the three U.S.
Navy captains and Professor George Wilson, was to intelligently regulate submarine
warfare. After all, the Royal Navy’s submarine force had successfully obeyed the rules
of cruiser warfare in the North Sea, the Adriatic Sea, and the Sea of Marmora. The
Royal Navy officers concluded: “There appears to be therefore a necessity for the
formulation of definite laws and rules to regulate the warlike operations of Submarines
rather than the prohibition of their building.”74

Finally, although the Royal Navy was arguably the most powerful Navy in
existence, the Royal Navy officers were able to recognize the lure of the submarine to
poorer nations unable to afford large capital ships. The Royal Navy officers saw

73 Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction
of Submarines, 6 January 1919, Enclosure (a), [3].

74 Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction
of Submarines, 6 January 1919, Enclosure (a), [4].
nothing wrong with this sort of situation. Instead, the Royal Navy officers stated, almost idealistically: “Any arm of warfare which by its development tends to make war more risky to a likely breaker of the peace, should be encouraged in its development, not prohibited.”

Emory Land completely agreed with his Royal Navy contemporaries. He commented that not only were submarines easy to make, but they could also be easily concealed, making their construction almost a total secret if a nation chose to do so. Land also pointed out that the Germans had not used submarines to their full potential. As he pointed out, had the Germans chosen to wage unrestricted warfare earlier, or perhaps succeeded in sinking more American troopships, the war might have turned out quite differently.

Like the Royal Navy officers, Land showed that he was not a mindless defender of the battleship paradigm, stating that the future of naval warfare might well lie with a combination of airpower and submarines, a prediction that he would help see through to fruition in his years with the Construction Corps.

Land concluded by reiterating the call for regulating submarine warfare, not prohibiting it. Indeed, Land felt that all the laws of warfare needed to be revamped, since the Germans had not just broken the rules regarding submarine warfare but

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75 Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction of Submarines, 6 January 1919, Enclosure (a), [5].

76 Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction of Submarines, 6 January 1919, Enclosure (b); 420-15 1919; Box 108; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, [1].

77 Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction of Submarines, 6 January 1919, Enclosure (b), [1].
virtually all rules of warfare. No matter what, however, Land absolutely refused to
countenance any sort of attempt to prohibit submarines, which he felt was doomed to
failure. Land caustically concluded his memorandum with his pragmatic appraisal of
the chances of any country honoring such an agreement:

From the crumbs of information that I have been able to gather from
various conferences of the Allies during the past two months, I am
forced to admit that the horizons of many of the representatives of the
Allies do not appear to have been greatly widened or broadened by the
terrible experiences of the last 4 \(\frac{1}{2}\) years. It therefore appears to be folly
to believe that the Nations of the World are suddenly going to reach an
ideal state of Government for all mankind.

March 1919: The General Board Weighs In

In March 1919, the General Board of the Navy generally agreed with the
conclusions of both the three captains and Naval Constructor Land. The General Board
of the Navy held a great deal of importance within the Navy, since it usually consisted
of several of the Navy’s senior admirals and it was charged with oversight regarding
war planning; naval policy, organization, and administration; and naval design and
construction. 

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78 Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction
of Submarines, 6 January 1919, Enclosure (b), [1-2].

79 Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction
of Submarines, 6 January 1919, Enclosure (b), [2].

80 William M. McBride, Technological Change and the United States Navy, 1865-1945
(Baltimore: The Johns Hopkins University Press, 2000), 47. At one point, the General Board usually
included the President of the Naval War College, the Chief of the Bureau of Navigation, and the Director
of Naval Intelligence. As time went on, this was not always the case. By the early 1920s, the common
practice was for most of the work of the Board to be carried out by an Executive Committee, headed up
by the board’s senior member. When the full General Board did meet, it included the Chief of Naval
Operations, the Commandant of the Marine Corps, the President of the Naval War College, the Director
of Naval Intelligence, and other senior officers of the naval service. For more information about the
General Board in this time period see: Gerald E. Wheeler, Admiral William Veazie Pratt, U.S. Navy: A
In response to a request by Josephus Daniels concerning the changes in maritime warfare during World War I, the General Board wrote a long memorandum with their opinion about what the Navy needed to do in the wake of the First World War’s changes. The General Board described the British decision to arm merchant ships and then the concurrent German decision to conduct unrestricted submarine warfare. Although the Board felt strongly about the illegality of unrestricted warfare, they also were unwilling to ban submarines.81

The General Board shared the same mindset as Captains Evans, Hart, and Yarnell. Their points were similar to the captains’ memorandum: Submarines could defend overseas assets that could not be easily protected by the concentrated force of the U.S. Fleet. Submarines had been used illegally, but so had a number of other weapons, particularly artillery that had delivered poison gas shells. The real problem regarding submarines was armed merchant ships.82

The General Board clearly saw the connection between unrestricted warfare and armed merchant ships, directly tying the two together as the root of the problems in the First World War:

The simple fact remains that a situation developed, (a), in which defensive batteries of armed merchant vessels were used offensively against submarines, having the effect of making it impossible for them to exercise the right of search; and, (b), in which submarines sank merchant

81 Rear Admiral Charles J. Badger, Senior Member Present, General Board, to the Secretary of the Navy, Subject: Rights of neutral merchant vessels in the light of developments during this war, March 27, 1919; 438 1915-1921; Box 168; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 3-6.

82 Rear Admiral Charles J. Badger to the Secretary of the Navy, Subject: Rights of neutral merchant vessels in the light of developments during this war, March 27, 1919, 3-6.
ships without warning and without attempting to use the right of search.  

Like virtually everyone else, however, the General Board still condemned the Germans for conducting unrestricted warfare: “This phase of submarine warfare was justly condemned as a flagrant violation of neutral rights and of the laws of humanity. It presented a backward step in the progress of conducting war humanely amongst civilized nations.”

Although the British Admiralty justified armed merchant ships with the excuse that the armament was “defensive” in nature only, the admirals on the General Board were not convinced. Any armament, the admirals felt, could be turned to offensive purposes and often the best defense was a strong offense. In short, an armed merchant ship was little different from a man-of-war, except that an enemy had to guess whether or not his opponent would choose to be a non-combatant or a combatant.

Unsurprisingly, the General Board called for changes to international law that would outlaw armed merchant ships, prohibit the ruse de guerre of flying false colors by belligerent merchant ships, and order submarines to obey the same rules of visit and search as any surface ship. By accepting such rules, neutral vessels would not be terrorized by unseen submerged enemies or unduly delayed by cumbersome detours to belligerent ports to be inspected for contraband. Instead, for the most part, the routine

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83 Rear Admiral Charles J. Badger to the Secretary of the Navy, Subject: Rights of neutral merchant vessels in the light of developments during this war, March 27, 1919, 4.

84 Rear Admiral Charles J. Badger to the Secretary of the Navy, Subject: Rights of neutral merchant vessels in the light of developments during this war, March 27, 1919, 5.

85 Rear Admiral Charles J. Badger to the Secretary of the Navy, Subject: Rights of neutral merchant vessels in the light of developments during this war, March 27, 1919, 5.
of visit and search would go on as it had before the war. In short, the changes favored by the General Board would recreate antebellum conditions as near as possible while attempting to acknowledge new technologies like the submarine.\textsuperscript{86}

With the conclusions of the General Board, the U.S. Navy settled into a position that it would generally repeat for the next twenty years: Absolute freedom-of-the-seas was impossible. Unrestricted warfare was morally reprehensible. The solution lay between these two extremes of freedom-of-the-seas and was only possible through pragmatic rules of cruiser warfare. Submarines should act like surface ships, but for the safety of submarine crews, armed merchant ships had to be prohibited. Although such a turn of events might have seemed as improbable as banning submarines, the Navy obviously seemed to believe it was more practical. More importantly, it shifted the onus away from the Navy and to the civilian commercial shipping sector.

Unfortunately, for the next twenty years, virtually all naval treaties would focus on the role of the submarine to the exclusion of the armed merchant ship, thereby guaranteeing that unrestricted warfare would begin with the next war.

\textsuperscript{86}Rear Admiral Charles J. Badger to the Secretary of the Navy, Subject: Rights of neutral merchant vessels in the light of developments during this war, March 27, 1919, 6.
CHAPTER 2

THE FAILURE OF INTERNATIONAL LAW IN THE INTERWAR PERIOD,
1919-1937

High Point of a Failed System

It had only been twenty years since the Germans began unrestricted warfare, but it appeared to be the same chain of events all over again. This time, however, it seemed even worse. Without regard for nationality or destination, unidentified submarines sank belligerent and neutral merchant ships without warning. An unidentified submarine even chased a French passenger liner from the Aegean Sea into the Dardanelles Straits. Most of the Mediterranean nations, including the new country of Turkey, were unable to protect their own shipping, let alone foreign shipping. With every sinking, the situation seemed to be slipping further out of control.¹

The date was September 1937. Over a year before, in July 1936, the Spanish Civil War had broken out between the Nationalists under General Francisco Franco and the Republicans, who were loyal to the incumbent government. Various nations had immediately declared their complete neutrality in the war, including France, Great Britain, Turkey, and the United States. The Germans and the Italians, however, aided

the Nationalists, while the Soviet Union funneled supplies, including tanks, aircraft, and other weapons, to the Loyalist Republicans. After the war had dragged on for over a year, General Franco requested that Italy prevent the Soviets from shipping supplies from the Black Sea to the Mediterranean. Benito Mussolini eagerly agreed, turning his aircraft and navy loose. The month of August 1937 “was marked by indiscriminate attacks upon merchant ships using the Mediterranean as a highway, without warning or inquiry and without regard to the nationality of the vessel attacked, the nature of its cargo, or its port of destination.”

Although identifiable aircraft and surface ships conducted many attacks, submarines made some of the attacks and their identity was almost impossible to establish. The attacks ranged from the coast of Spain all the way to the straits leading into the Black Sea. Despite warnings by the French and the British, the number of attacks only increased throughout August. By the beginning of September, it was clear that the great naval powers would have to act if they wanted to protect their shipping.

After informal discussions, the French and the British called for a meeting of the Mediterranean countries, as well as Germany and the Soviet Union. Although Albania, Italy, and Germany refused to attend, the conference still went ahead in Nyon.

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3 Güçlü, “The Nyon Arrangement of 1937 and Turkey”, 55-59. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1; 700.00112 Freedom of the Seas/100 – 700.00116/447; Box 1770, From: 700.00112 Freedom of the Seas, To: 700.00116 M.E./203; Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD, 9. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2; 700.00112 Freedom of the Seas/100 – 700.00116/447; Box 1770, From: 700:00112 Freedom of the Seas, To: 700.00116 M.E./203; Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD, 8
Switzerland, on 10 September 1937. By the following day, 11 September 1937, the parties reached an agreement, which was signed after waiting for the approval of all involved governments, on 14 September 1937.4

The Nyon Agreement stated that submarine attacks on merchant ships were acts of piracy and would be met with lethal force. Signatories were authorized to destroy submarines suspected of making attacks. France and Great Britain were authorized to patrol in the Dardanelles Straits and other territorial waters at the request of the signatory powers. The Soviet Union patrolled the Black Sea.5

The effect of the Nyon Agreement was almost immediate. Even before British and French ships officially began their patrols, Mussolini ordered his forces to end their attacks. By the end of September, Italy knuckled under to international pressure and joined the Nyon Agreement, patrolling the Adriatic Sea. Ultimately, over 60 ships and aircraft patrolled the Mediterranean. The submarine attacks ended.6

“The Nyon Conference,” wrote Winston S. Churchill an eventful decade later, “although an incident, is a proof of how powerful the combined influence of Britain and

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4 Güçlü, “The Nyon Arrangement of 1937 and Turkey”, 59-61. Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 9. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 8.

5 Güçlü, “The Nyon Arrangement of 1937 and Turkey”, 61-63. Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 9-10. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 8-9.

France, if expressed with conviction and a readiness to use force, would have been upon
the mood and policy of the Dictators.”

The Nyon Agreement was also the highpoint of interwar submarine diplomacy, which focused on forcing submarines to abide by the old paradigm of freedom-of-the-seas embodied in the Declarations of Paris and London. Unfortunately, while international agreements like the Nyon Agreement managed to successfully legislate submarine warfare, they utterly ignored the problem of the armed merchant ship. As a result, the interwar submarine treaties were ultimately doomed to failure.

The Washington Naval Conference: The Root Treaty

The Nyon Agreement was the culmination of a number of treaties that ignored the reality of the submarine problem, as well as the thornier issues related to freedom-of-the-seas, starting with the Treaty of Versailles in 1919.

Despite all of the attention focused on freedom-of-the-seas and submarines during the First World War, the Treaty of Versailles did not address either. This was not because they were no longer major issues. The Americans, after all, had gone to war over absolute freedom-of-the-seas. As for the submarine, both the British and American delegates agreed that the submarine was akin to poison gas and should be eliminated. However, just as the United States had once refused to give up privateers, France and Italy both decided that submarines were a cheap deterrent force and refused

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to consider abolition. Furthermore, the British refused to give up the ability to conduct long-range blockades.\(^8\)

President Wilson was forced to reckon with this when dealing with the Allies at the Paris Peace Conference of 1919. Faced with British refusal to give up long-range blockades, as well as the refusal by smaller powers like France to give up a cheap naval weapon like the submarine, Wilson tactically retreated from overtly pushing for his paradigm of freedom-of-the-seas.\(^9\) Instead, Wilson hoped that the League of Nations would be able to enforce his vision, as he stated upon his return to the United States:

One of the principles that I went to Paris most insisting on was the freedom of the seas. Now, the freedom of the seas means the definition of the right of neutrals to use the seas when other nations are at war, but under the League of Nations there are no neutrals, and, therefore, what I have called the practical joke on myself was that by the very thing that I was advocating it became unnecessary to define the freedom of the seas. All nations are engaged to maintain the right, and in that sense no nation can be neutral when the right is invaded, and, all being comrades and partners in a common cause, we all have an equal right to use the seas.\(^10\)

Wilson’s convoluted answer reflected his ability as a politician to warp semantics to his liking, as well as probably the intense mental strain that the peace conference had inflicted upon him. Within months of this reply, he would be bed-ridden and nearly dead from a severe stroke. However, it was clear that Wilson expected the League of Nations for...

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\(^10\) Woodrow Wilson quoted in: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 8. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 7. Based on this answer, under the logic that all nations in the League of Nations were obligated to “maintain the right” without resort to neutrality, Senator Henry Cabot Lodge and his Republican colleagues had every reason to believe that the League of Nations would deprive Congress of its power to declare war.
Nations to enforce his paradigm of freedom-of-the-seas in time of peace and war, with some practical curtailments to bring unruly nations into line.

Unfortunately, the United States never joined the League of Nations and the concept of freedom-of-the-seas remained open to debate: should freedom-of-the-seas be relatively absolute in time of peace and war, or should international law attempt to restore the principles embodied in the Declarations of London and Paris, while explicitly prohibiting the unrestricted warfare that had been made possible by the new technologies of war? These questions would be addressed, to a degree, at the next major international conference.

At the invitation of Wilson’s successor, Warren G. Harding, a number of powerful nations sent representatives to Washington, DC, for an international conference on arms limitations starting on the third anniversary of the Great War’s Armistice, 11 November 1921. To the astonishment of most diplomats, the Secretary of State of the United States, Charles Evans Hughes, proposed sweeping naval reductions. The resulting treaty established a 5:5:3:1.75:1.75 ratio of capital ship tonnage between Great Britain, the United States, Japan, France, and Italy, respectively. The treaty set restrictions upon capital ships that caused the wholesale scrapping of numerous battleships. Perhaps one of the earliest, most effective, and sweeping arms limitation treaties ever signed and honored, the Washington Naval Treaty, also known as the Five-Power Naval Limitation Treaty, was signed on 6 February 1922 and subsequently ratified by the U.S. Senate. As a result of both the Washington Naval Treaty and the
subsequent London Naval Treaty of 1930, the United States would not build any new types of battleships until 1936.\textsuperscript{11}

The five naval powers also negotiated another treaty, known as the Five-Power Supplemental Treaty or the Washington Submarine Treaty, which set out to emasculate the submarine as a viable warship. The treaty originated from Elihu Root, an American statesman who had served as Secretary of War for President McKinley, and Secretary of State under President Theodore Roosevelt. Even though he was 76 years old when he attended the Washington Naval Conference, Root was still one of the premier American jurists regarding international law and his opinion carried great weight not only with his own countrymen but also with other countries.\textsuperscript{12}

Root’s suggestions stemmed from Great Britain’s initial attempts to abolish submarines at the conference. The British delegates claimed that submarines were truly useful only against commerce shipping, with limited utility as a defensive weapon. The British dramatically described the submarine as “a weapon of murder and piracy, involving the drowning of noncombatants,” and pressed for immediate abolition. However, the other four naval powers were unwilling to accede to the British request. Instead, Elihu Root delivered a counter-proposal, which aimed at ensuring that the practices of the First World War would not be repeated. His proposal, however,


emasculated the submarine as a viable warship and was implicitly a step towards international abolition.  

Root’s biographer, Philip C. Jessup, explained that Root’s intent at Washington had been to “achieve the objective which the British had mind… since no British subject had a more ardent horror for the German method of submarine warfare or condemned it on grounds of law and morals more heartily than he.”  

Unlike the British, however, who tried to eliminate the submarine entirely, Root believed that he could virtually eliminate the submarine as a viable warship by imposing criminal sanctions on submarine commanders who sank merchant ships. Root proposed to treat submarine commanders as pirates, ignoring that most nations usually defined piracy as an act without government approval.

Root proposed a resolution that had at least three important parts, which became Articles I, III, and IV of the eventual Five-Power Supplemental Treaty. Article I reiterated the rules of cruiser warfare for submarines. All warships, including submarines, had to first stop and search a merchant ship before declaring it or its cargo to be contraband. Submarines would not be allowed to attack any merchant ships unless they refused to stop for visit and search. Finally, the submarine could not sink any merchant ship unless the ship’s crew and passengers were off the ship and “in safety.”  

As Root noted, this part of the resolution merely repeated existing law, but it

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14 Jessup, Elihu Root, Volume II, 453.

15 Jessup, Elihu Root, Volume II, 454-455.

16 Goldman, Sunken Treaties, 293-294.
clearly and plainly stated the rules to be formally agreed to once again so there could be no question in future conflicts.\textsuperscript{17}

Article III of the treaty carried the enforcement policy for Root’s proposals. If any person in the service of any Power who shall violate any of these rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.\textsuperscript{18}

Unwritten was the normal penalty for piracy: hanging. Article III was a major leap for an international treaty regarding war, because it essentially surrendered a nation’s right to try its own military personnel for possible war crimes. Furthermore, it placed the interpretation and enforcement of the treaty in the hands of an aggrieved neutral or belligerent, a situation that would hardly have pleased any submarine commander taken prisoner.

The third relevant portion of the treaty, Article IV, stated that all signatories would recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.\textsuperscript{19}

\textsuperscript{17} Rickover, “International Law and the Submarine”, 1219-1220.

\textsuperscript{18} Goldman, \textit{Sunken Treaties}, 294.

\textsuperscript{19} Goldman, \textit{Sunken Treaties}, 294.
At this point, Root’s treaty became very confusing. While the first article laid out rules that would allow submarines to capture or sink commerce, the fourth article would have prohibited submarines to sink any commerce at any time. Root probably meant to only prohibit unrestricted warfare, but if he did, then the first part of his resolution should have been sufficient for that purpose. Naval jurists would subsequently harp upon the ambiguous wording of Root’s treaty.

Root’s treaty reaffirmed cruiser rules of warfare while outlawing unrestricted warfare with the harshest possible penalty. Any submarine commander ordered to conduct unrestricted warfare surely would have thought twice about such orders given the threat of hanging. But the ulterior motive behind Root’s treaty was also clear. The resolution would serve as the first stage towards abolishing the submarine entirely. It also represented an unprecedented encroachment on a naval service’s jurisdiction over its personnel.

The other nations’ delegates generally agreed with the treaty, but they pointed towards problems with the ambiguous wording and the uncertain intent of certain portions of the treaty, particularly the part that outlawed the “use of submariners as commerce destroyers”, a phrase that the delegates could not decide meant unrestricted warfare or the destruction of all merchant ships under any circumstances, which would have contradicted the first part of Root’s treaty. Apparently impatient, Root told the delegates that whatever the flaws in his resolution, its meaning was clear to the people of the world. Instead of agreeing to a treaty that would only be understood by
“diplomats or foreign offices or governments,” he felt that if his treaty was accepted as it was then it would be approved and enforced by the power of world opinion.\(^2^0\)

The U.S. Navy’s General Board, standing on the sidelines for most of the treaty, was aghast with Root’s treaty. Unlike the naval ratio system, which the Navy could at least use to maintain parity with the Royal Navy and supremacy over every other world navy, the Root treaty clearly aimed to emasculate the submarine and prepare it for abolition. Such an aim was at odds with the Navy’s position and soon the Navy was forced to take up the gauntlet on behalf of the beleaguered submarine.

**Rear Admiral William L. Rodgers, Maritime Strategy, and International Law**

At the center of the Navy’s fight to save the submarine was the senior member of the General Board of the Navy, Rear Admiral William Ledyard Rodgers. A former president of the U.S. Naval War College, Rodgers was known as an aggressive sailor and a highly skilled scholar who eventually published two highly praised histories about oared warfare. Rodgers’ views toward naval warfare were nuanced and reflected years of study and thought. Unlike Alfred Thayer Mahan, who believed that naval power alone could be decisive, Rodgers stressed that naval warfare ultimately served to support war on land: “Mankind lives on the land and draws its supplies from the land… the operations and consequences of war are primarily upon the land.”\(^2^1\) Because he emphasized that the focus of war dealt with objectives found on land, Rodgers fully

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\(^2^0\) Rickover, “International Law and the Submarine”, 1220.


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understood the link between naval commerce and economic attrition. He wrote: “All war upon the sea, therefore, has for its ultimate objective the control of sea-borne commerce, in which transportation may be either for civil or military purposes… thus a navy’s strategic role in major warfare is limited to the secondary one of facilitating supplies to one’s own people and denying them to the enemy.”

Rodgers’s views regarding freedom-of-the-seas in 1922 can be best discerned from an article printed in January 1923 in the *American Journal of International Law*. In the article, Rodgers stood out against absolute freedom-of-the-seas, while voicing support for immunity of certain private property, the retention of the submarine, and most importantly a willingness to expand belligerent rights at sea in accordance with the changes in warfare.

Rodgers definitely did not believe in the Wilsonian paradigm of absolute freedom-of-the-seas. Instead, he believed that commerce warfare was a necessary evil in order to subdue an enemy. According to Rodgers:

> Wars in general are national efforts to establish economic international advantage… The usual objective of war is then to reduce the enemy to a tributary status to the advantage of the victor. This may take many different political and economic forms useless here to discuss, but the combative effort to overcome the enemy and reduce him to some form of economic subjection may be directed along either or both of two lines.

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22 Rodgers, *Greek and Roman Naval Warfare*, 5-6.

23 Rear Admiral William L. Rodgers, “Suggestions as to Changes in the International Law for Maritime War,” reprinted from the *American Journal of International Law* XVII, No. 1, 2 January, 1923; 438 1923 to 30 March; Box 168; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 2.
Consequently, deliberately targeting areas of production and routes of commerce was not only legitimate, but also vital. Hence, naval strategy needed to focus not on enemy battle fleets but upon controlling an enemy’s trade.\textsuperscript{24}

Although Rodgers accepted that commerce warfare was valid, he still upheld a distinctly American idea of immunity for private property. Rodgers broke shipping into two types: “producer’s goods” and “consumer’s goods.” “Producer’s goods” were generally produced for public efforts such as war and were consequently legitimate targets for destruction while “consumer’s goods” were private property and not a legitimate target for destruction.\textsuperscript{25}

Immunity for consumer’s goods was one thing, but the traditional concept of blanket neutral immunity, or “free ships, free goods,” was clearly impossible. To Rodgers, attempting to be neutral while supplying either side of a conflict was morally wrong. Even though a nation might not wish to become involved in conflict, by supplying either side of a conflict a nation would become a party to conflict. In a clear rejection of the Wilsonian sense of neutrality, which called for absolute freedom-of-the-seas at all times, Rodgers flatly stated that governmental neutrality should override the greed of free trade: “Wars should not be prolonged by neutral nations taking the part of private business of their nationals anxious to furnish supplies to either or both sides.”\textsuperscript{26}

\textsuperscript{24} Rodgers, “Suggestions as to Changes in the International Law for Maritime War”, 3.

\textsuperscript{25} Rodgers, “Suggestions as to Changes in the International Law for Maritime War”, 4-5.

\textsuperscript{26} Rodgers, “Suggestions as to Changes in the International Law for Maritime War”, 7.
Having established his legal groundwork, Rodgers then laid out his principles for how war should be waged in the future and how international law needed to view future war:

(a) That the war effort is to be directed against the organized national strength of the enemy, while sparing non-combatants who do not directly assist the hostile national effort.
(b) That persons and private property (consumer’s goods) of non-combatants be protected by international law in the interests of both opponents.
(c) That the organized forces for the state properly subject to attack under the rules of war should be in the future include all that class of goods and service known as “public utilities” and the personnel attached thereto.
(d) That the doctrine of “unneutral service”, now applicable to private persons and corporations, be coupled with the subject of “public utilities” and the doctrine extended to recognize the principle of national unneutral service. Thus belligerents would be permitted to deal with it as in the last war without lying open to the charge of having committed a belligerent act against the neutral power.  

Interestingly, by accepting the notion of “unneutral service” and the legitimacy of targeting “public utilities,” Rodgers eliminated the United States’ primary grievances with Germany in the First World War. Had such a system existed in 1917, Germany could have sunk U.S. ships because of their unneutral service and the public utilities they carried and President Wilson would not have had the right to complain.

Although Rodgers did not advocate unrestricted warfare, he also did not believe in attempting to ban new technologies like the submarine. Instead he also called for intelligently regulating new weapons through international agreements. Since it was impossible to successfully ban new technologies like the submarine, the solution was to change international law to legitimize some of the actions of the submarine while

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outlawing other actions that should be kept illegal, such as unrestricted warfare on “consumer’s goods” and non-combatants on passenger liners.  

Rodgers also believed that the old paradigm of freedom-of-the-seas, which favored neutral rights over belligerent rights, was inherently flawed. The United States needed to make a number of important policy changes in order to prepare for the next major maritime war. Rodgers wrote:

[T]he world position and the interests of the United States require that, in any revision and codification of international law, the United States should reconsider its old stand for a rule favoring neutral commerce and lean rather towards one favoring the allied practices in the late war, because the United States needs and will develop a great merchant fleet to secure and extend her economic world position in all parts of the world. On this triple basis of economic strength backed by a navy and suitable code of international law as indicated above, the United States need not fear that advantage may be taken of her when neutral, for she will be too strong in her economic position and naval position. The belligerents will hesitate long before offending the United States when the latter is neutral. They will not push their belligerent rights to the utmost unless the United States is too weak in her navy to make a serious protest. Moreover, this economic reply is the proper one to make to those nations who see in our renunciation of superior naval strength an opportunity for their own political expansion for the purposes of economic and preferential trade. A strong American Navy and Merchant Service with a law of war favoring belligerent control of international trade tends to prevent wars, and also to secure American rights and privileges during war in which we remain neutral and free to pursue diplomatic methods to gain our national ends in peace and war.  

As envisioned by Rodgers, an expanded code of belligerent rights would give the United States extraordinary legal freedom to sever an enemy’s economic lifelines. Under Rodgers’s concept, by developing the world’s largest merchant service, the United States could feasibly deter conflicts just by threatening to cut off trade. If a war

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did occur, and the United States remained neutral, its neutral rights would be respected because no country would dare to provoke the world’s most powerful navy and merchant marine. Finally, if drawn into war, the United States and its allies would remain well supplied, while an enemy would be choked to death by American economic long-range blockade on “public utilities.”

In short, Rodgers’s article explained his philosophy of war as a commercial enterprise, focused on cutting off an enemy’s supplies of “public utilities.” While he decried unrestricted submarine warfare, Rodgers’s revised code of international law would have dramatically expanded belligerent rights at sea. Having legitimized the destruction of an entire category of goods, the Rodgers paradigm could have logically progressed towards unrestricted submarine warfare. However, such a notion must remain speculation: Rodgers and the Navy remained publicly opposed to unrestricted warfare.

The Washington Naval Conference: The Navy’s Stand

Before the Washington Naval Conference began, the General Board under Admiral Rodgers reviewed its policy regarding submarines. The policy remained the same from the end of the First World War. Because of its great potential, the U.S. Navy wanted to retain the submarine, eliminate the armed merchant ship, and strengthen international law. Faced with Elihu Root’s treaty, Admiral Rodgers responded with

30 General Board Memorandum for the Record, Subject: Extracts from reports of the General Board bearing upon naval policy, September 12, 1921; G.B. Study No. 438 – September 12, 1921 Limitation of Armament-Naval Policy; Box 167; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.
three considered reports that attempted to illustrate how fundamentally flawed Root’s ideas were as well as highlight the legitimate potential for the submarine.

The first report was not released by the Navy, but by a government Advisory Committee on Submarines. The one naval officer on the committee, Rear Admiral Rodgers, however, heavily influenced the Committee, and the report of the Advisory Committee plainly reflected Rodgers’s mindset. The Committee agreed that the submarine was a valuable weapon of war, impractical to abolish, and the real cause of unrestricted warfare lay with armed merchant ships, which needed to be abolished instead. The report also supported the battleship paradigm by focusing on the submarine’s potential as a fleet scout and naval skirmisher. At first, Elihu Root disregarded the Committee’s initial December 1921 report. In deference to the aged statesman, the Committee heard additional witnesses while following the ongoing negotiations of the Washington Naval Conference. After a month of deliberations, they reaffirmed their initial report.31

As the Advisory Committee was submitting its final report that fundamentally disagreed with the Root treaty, Rear Admiral Rodgers and the General Board submitted another report that directly attacked Root’s treaty. In a report that he wrote on behalf of the General Board, Rodgers first pointed out that Root’s attempt to ban “commerce destroyers” seemed ambiguous and open to a number of interpretations. It also seemed contradictory to the first article of the treaty. As long as the two contradictory sections

31 Minutes of the Tenth Meeting of the Advisory Committee, January 6, 1922; 438-1 1921-1922; Box 170; Subject File 438-1; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 1-16. See also: Rickover, “International Law and the Submarine”, 1223.
remained in the resolution, the General Board felt a number of fairly important questions were left open entirely to speculation, such as:

(a) May a submarine visit and search a merchant vessel, as provided in I (1)[?]
(b) May a submarine seize or capture a merchant vessel, as provided in I (1)[?]
(c) May a submarine escort a seized merchant vessel into port[?]
(d) May a submarine participate in a commercial blockade[?]
(e) Is a submarine denied the right to participate in a military and commercial blockade[?]
(f) What may a submarine do on sighting a
   (1) An enemy merchant vessel[?]
   (2) A neutral merchant vessel[?]
(g) Does the article simply deny to the submarine any authorization to sink merchant vessels[?]

Rodgers and the General Board probably thought that between the Advisory Committee’s report and the questions raised about the wording of the Treaty by the General Board, Elihu Root’s treaty suggestions would be revised or perhaps even dropped. Instead, and probably to Rear Admiral Rodgers and the General Board’s great shock and dismay, the Root treaty was accepted as written. After being signed at the conclusion of the Washington Naval Conference on 6 February 1922, the Five-Power Supplemental Treaty was forwarded to the U.S. Senate for ratification.

The General Board then wrote one of its more remarkable documents, a long memorandum that asked rhetorical questions that might be asked by a civilian and to which the General Board then answered, often caustically. The General Board memorandum, dated only a week after the treaty was signed, comprehensively

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32 Admiral W.L. Rodgers, Senior Member Present, General Board, to the Secretary of the Navy, Subject: Limitation of Armaments. Part IV: Draft of relating to war on commerce, 7 January 1922; 420-15 1923-1924; Box 109; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 2.
debunked the Submarine Treaty by showing how the treaty was inherently
ccontradictory, potentially open to a great deal of interpretation and abuse, as well as
fundamentally opposed to existing international law. The memorandum also proposed
how the U.S. Navy believed it could wage a legitimate war with submarines, as long as
there were no armed merchant ships.

The document was probably written with a degree of anger on the part of Rear
Admiral Rodgers and the General Board. They had been consistently ignored on this
issue, as they noted at one point:

QUESTION 34: When the Treaty was first proposed, were any
objections raised to it?
ANSWER: Yes. On January 7, 1922, the General Board submitted
certain adverse comments.
QUESTION 35: Were these comments accepted?
ANSWER: Apparently not.
QUESTION 36: Were any American technical naval advisors consulted
when these articles were drafted?
ANSWER: No.33

The admirals clearly hoped that their long memorandum would have the effect that their
earlier pleas had not.

Rodgers and the General Board began by noting that the Submarine Treaty was
an ill-conceived attempt at absolute freedom-of-the-seas that favored a powerful naval
power over a weak one. In short, “The commerce saving clause works only against that

33 “An Attempt to Interpret the Treaty entered into to make more effective the Rules adopted by
Civilized Nations for the Protection of the Lives of Neutrals and Noncombatants at Sea in time of war,”
February 13, 1922; 438 22; Box 168; Subject File 438; General Board, Subject File 1900-1947; General
Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 10.
belligerent forced to use submarines. It is a trade restriction made in peace, which openly favors one belligerent in war.\textsuperscript{34}

The main problem with the treaty was the direct contradiction of Article I of the Treaty, the cruiser warfare clause, by Article IV, which prohibited the use of submarines for commerce destruction. Consequently, the Treaty did not clear up the existing problems with international law but exacerbated them.\textsuperscript{35}

For instance, the General Board asked, what if a submarine sank a neutral merchant ship in accordance with Article I of the Treaty, having taken off the crew and passengers in the same manner as a surface ship? Since the submarine had sunk the merchant ship, would it be guilty of violating Article IV of the treaty, which labeled commerce destruction an act of piracy? If so, would the submarine commander be liable to be hanged as a pirate under Article III of the treaty? The General Board hardly disguised their disgust with the treaty:

\begin{quote}
The Articles of the Treaty are ambiguous. According to Article I, a submarine may act in the same manner that any other surface war craft may act. Under Article IV, the use of submarines as commerce destroyers is prohibited. There is, therefore, the grave doubt as to what the rights of submarines are and as to what submarines may or may not do… Does the fact that a vessel has been built as a submarine preclude her from the rights which are vested in all war craft provided she acts in the same manner that other war craft act[?]\textsuperscript{36}
\end{quote}

From this point of departure, Rear Admiral Rodgers and the General Board listed a litany of increasingly wild but possible situations that would stress the treaty’s ambiguity and inherent contradictory nature. All the examples plainly demonstrated

\textsuperscript{34} “An Attempt to Interpret the Treaty,” February 13, 1922, 1.

\textsuperscript{35} “An Attempt to Interpret the Treaty,” February 13, 1922, 1-2.

\textsuperscript{36} “An Attempt to Interpret the Treaty,” February 13, 1922, 3.
that as long as Article I and Article IV remained as they were, the treaty was impossible to apply to the real world.\textsuperscript{37}

Furthermore, Rodgers and the General Board alleged, the Root treaty missed the real root of the submarine problem: the armed merchant ship. Presuming that Article IV of the treaty did not mean that submarines were never to attack merchant ships, and assuming that submarines abided by Article I of the treaty, which forced submarines to act like surface ships, they would still be an easy target for a duplicitous merchant ship carrying even light or medium armament. The scholars on the General Board, probably Rear Admiral Rodgers, noted that merchant ships had once been armed for self-defense against pirates or to be placed into service as a naval auxiliary. However, privateers and piracy both had essentially vanished in the Atlantic and Mediterranean. In the First World War, ships had taken on armament for the sole purpose of fighting off submarines. In short, the purpose of the armament was inherently illegal.\textsuperscript{38}

While Rodgers and the General Board might have sympathized with merchant ship sailors, unlike the idealistic diplomats at the Washington Naval Conference, they were unwilling to eliminate a form of naval warfare that had been traditionally legitimate:

\begin{quote}
There are two recognized legitimate ways of waging war by sea against an enemy:

(a) Against the armed forces;
(b) Against the supply lines.

Both methods are legitimate. The latter is the more effective. It was this pressure which finally brought Germany to terms. That nation which controls the sea surface can enforce surface blockade. That nation
\end{quote}

\textsuperscript{37} “An Attempt to Interpret the Treaty,” February 13, 1922, 11-14.

\textsuperscript{38} “An Attempt to Interpret the Treaty,” February 13, 1922, 4-6, 8.
which does not control the sea surface can only hope to enforce
economic pressure by its undersea forces. Both aims and practices are
legitimate war aims and practices, provided humanitarian rules
regulating war are not violated.  

Although perhaps not in keeping with Mahan, the conclusion reflected the U.S. Navy’s
proud tradition of *guerre de course* and Rear Admiral Rodgers’s understanding of the
primacy of economic warfare.

Moreover, the Submarine Treaty would legally secure Great Britain’s
supremacy at sea. Despite the losses of the First World War, Great Britain still
possessed arguably the most powerful surface navy in the world, control of a massive
merchant marine that would answer to the British government in time of war, and
dozens of imperial supply depots. Although Japan did not hold the same maritime
hegemony as Great Britain, the commercial protection clauses in the treaty provided the
same sort of legal edge in a potential war.  

Having explained why the Treaty would favor Great Britain and Japan, Rodgers
and the General Board then explained why the Submarine Treaty would also pose a
definite danger to the United States in a paragraph that bespoke the potential for war
with an island empire like Great Britain or Japan:

Suppose that any other country with an equal or superior navy should
also have a very superior merchant fleet. This second nation has really
more sea power than the United States has. As an offset, and to secure
fair play in sea transportation, the United States naturally turns to a
policy of pressure through submarines, knowing that the threat of
submarine operations against an island empire’s lines of
communications, where all lanes focus, will probably be sufficient to
bring that nation to terms without resort to war in case of controversies.

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Without this asset through the limiting of submarines to operations against war craft solely, the tendency of that nation having superior sea control will be to continue on her way as she chooses. There is now no power back of any argument save that of understanding. If understanding fails, there must still be the resort to arms and in that case the United States is seriously handicapped in the effort to enforce her wishes because she has agreed not to use her most potent weapon, the submarine, against lanes of communication. Or if she does not use them even legitimately, the terms of the Treaty are so ambiguous that more controversies are apt to arise under the present arrangement than under the arrangement previously in existence.⁴¹

Although Rodgers and the General Board were writing in generalities, they were probably writing about Great Britain, which would be equal with the United States under the terms of the treaty and possessed the world’s largest merchant marine. Should the interests of the two nations collide, the United States would have essentially hobbled itself by ratifying a treaty that eliminated a potential deterrent to war or, in the event of war, a decisive weapon.

The General Board was not suggesting unrestricted submarine warfare, however. For instance, the General Board accepted that convoys were entirely legitimate and that convoy escorts had proven quite effective against German U-boats. However, an escorted convoy did not give a submarine the right to conduct unrestricted warfare. Instead, Rodgers and the General Board wrote, the submarine had to “attack without warning the belligerent convoying ship and to sink and destroy her if possible, and to search and to seize or to sink convoyed ships according to legitimate methods if it is possible for her to do so.”⁴² While this might have been easier said than done, the General Board apparently believed it was possible.

Having discussed the problems of the Treaty at length, the General Board concisely listed their objections with the articles of the Submarine Treaty:

(a) They are ambiguous.
(b) They probably give rise to more controversies than the older, simpler rulings.
(c) They prescribe drastic punishment, even though the legality of the act may be clearly established from one point of view, or at least be open to argument.
(d) The rules drawn up consider only one side of the case. They are entirely one-sided. Their effect is to prohibit, not to solve the problems arising from the arming of merchantmen versus the submarine.
(e) From the reasons given in (a) and (d), and from the naval point of view, this Treaty is not practical and it is believed that it will not work. 43

Furthermore, the limited number of nations signing it fundamentally flawed the Treaty. Although the five nations signing the treaty were the world’s principal naval powers, many other countries possessed submarines and could potentially use them. Unless every country in the world signed the treaty, the General Board did not believe it could actually be enforced. 44 To illustrate this point, the General Board compared the Treaty to an analogous U.S. domestic policy of the time: “Why is this Treaty like the Prohibition Law? ANSWER: It is forcing something on the majority of nations which they do not or will not want in war. It is made to be broken, and this in itself leads to a disregard for the law, which is a bad thing.” 45

Having dismissed the treaty, the General Board offered a number of solutions. They began by accepting Article I of the treaty, which reiterated accepted international law. All warships, whether surface ships or submarines, should obey the same laws of

warfare to all shipping, regardless of whether those ships were neutral or belligerent. In order to protect submarines and to also maintain a clear-cut line between belligerent and non-combatant, no merchant ship that was not also a naval auxiliary should be armed. Only that sort of arrangement would be fair to all parties. Furthermore, if a nation did order unrestricted warfare, the General Board did not believe that subordinate submarine commanders should be hanged for the actions of their governments. Instead, the government officials who ordered the illegal actions should bear the burden, a concept that would be revisited over two decades later at Nuremberg. Until such a treaty could be worked out, the General Board recommended that the United States strike out Articles III and IV of the Submarine Treaty, which called for submarine commanders to be hanged as pirates for unrestricted warfare and outlawed the use of submarines as commerce raiders. Having done so, the United States could then enact the suggestions of the General Board at another international conference.

The Washington Naval Treaty in Retrospect

Unfortunately, the Senate ignored the General Board and ratified both the naval treaty that scrapped dozens of warships as well as the Submarine Treaty. Fortunately, the Submarine Treaty never went into effect, since it was contingent upon the ratification of all the signatories, and the French wisely chose not to ratify it. Most naval officers heaved a sigh of relief because virtually everyone believed that the treaty

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was fatally flawed by ambiguous wording that made it impossible to carry out in wartime. 49

Over a decade later, a young U.S. naval officer who had graduated from the U.S. Naval Academy in the same year as the Washington Naval Treaty dismissed the treaty in no uncertain terms. In an essay published in the September 1935 U.S. Naval Institute Proceedings about international law and the submarine since the First World War, Lieutenant Hyman G. Rickover condemned the Washington Submarine Treaty as emotional, ineffective, and illogical. Rickover scornfully wrote:

…it is difficult to escape the conviction that the delegates were still influenced by the “spirit of Versailles.” No attempt was made to consider the submarine problem calmly and realistically. Everyone denounced the horror of the practices of the late enemy with becoming fervor; questions concerning the legality or practicality of the rules of the resolution were swept aside.

… An excellent critique of this treaty will be found in an article in this journal by Captain W.S. Anderson, U.S. Navy. He says:

“The most comprehensive rights of life and death over their naval personnel are conceded by the signatories to the officials of any country, in the heat of war, under the authority of a treaty containing inconsistent and ambiguous articles, and defying interpretation even by the eminent statesmen who signed it.”50

Even Elihu Root’s biographer, Philip C. Jessup, could not defend the Root treaty in his laudatory biography, published only a year after Root’s death. Like the naval officers who had recognized the inseparable link between unrestricted warfare and

49 “The Submarine in Trade Warfare: Staff Presentation,” Naval War College, Newport, Rhode Island, August 4, 1941; Submarine in Trade Warfare 8/4/41; Box 34, Study – Utilization; NWC Presentations, Studies, etc. (Series II-B); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 14-15.

50 Rickover, “International Law and the Submarine”, 1220.
armed merchant ships, Jessup pointed out that Root’s refusal to deal with this problem essentially doomed the treaty to irrelevance:

> Merchant vessels have a right to arm, as Root insisted, but he failed to recognize that by so doing they lose their immunities as merchantmen. No final solution of the controversy over submarine warfare is possible without agreement upon the status of the armed merchantman.  

Jessup concluded his description of Root and the submarine treaty by noting that Root’s idea of imposing criminal sanctions on individual submarine commanders was dropped by subsequent naval conferences. Although innovative, Jessup dismissed Root’s treaty as “an evidence of war-time zeal rather than as a monument to his ability as a jurist or statesman.” However, the treaty did “serve to crystallize shortly after the war the sound proposition that submarines were bound by the rules of international law governing surface ships in their operations against merchant vessels.” It was an important concept, and it was not forgotten even when the Washington Submarine Treaty had long since faded from popular consciousness.

**New Code for Maritime Warfare**

In mid-1922, Rear Admiral Rodgers, with the help of Lieutenant Colonel L.C. Lucas, a retired Marine Corps officer attached to the General Board, wrote up several drafts of a new code for maritime warfare that would have explicitly sanctioned commerce warfare and raiding. Rodgers and Lucas worked from a preliminary code for maritime warfare written by the U.S. Naval War College, which was to have been

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submitted at the Third Hague Conference in 1915. Unfortunately, the First World War ensured that there would be no conference and the code was never used. Rodgers and Lucas used the unused code, updating it with provisions that Rodgers felt the First World War ushered in.\textsuperscript{54} Afterwards, two drafts were archived in the General Board’s files. One draft may have been the Naval War College draft, but both drafts showed evidence that they were written after the war. The first draft, entitled “Proposed Code of Laws of Maritime War” included some phrases that Rodgers used in his 1923 article, such as describing some cargoes as “public utility.” The second draft, entitled “Proposed Code for Naval Warfare,” included provisions for illegal actions that had occurred during the First World War, such as the use of poison gas and unrestricted warfare.

The first draft of the proposed code clearly recognized that commerce warfare was a legitimate form of warfare. Indeed, one of the objectives of maritime warfare was, “with the least expenditure of life and property, …[t]o capture or destroy… maritime commerce and communications…”\textsuperscript{55} However, Rodgers and Lucas stressed that “the destruction of neutral prizes is an offense to the world at large as it involves the destruction of an international public utility,” and they repeated the 1909 Declaration of London, which laid down explicit rules for the seizure of neutral vessels. As per the Declaration of London, the two authors stressed that only if the safety of the

\begin{footnotesize}
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\item \textsuperscript{54}“Proposed Code of Laws of Maritime War,” July 15, 1922; G.B. Study No. 438 – July 15, 1922 Proposed Code of Laws of Maritime War; Box 168; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 1.
\item \textsuperscript{55}“Proposed Code of Laws of Maritime War,” July 15, 1922, 3.
\end{itemize}
\end{footnotesize}
capturing warship was in danger could a belligerent destroy a neutral merchant ship.\textsuperscript{56} The proposed code also allowed a belligerent to create strategic areas that would prevent neutral ships from coming near a belligerent’s fleet, though generally not through the capricious destruction of enemy shipping.\textsuperscript{57} The rules for blockades remained the same, with a blockade being limited to “the ports and coasts belonging to or occupied by the enemy.”\textsuperscript{58}

The second draft, “Proposed Code for Naval Warfare,” specifically addressed several changes in warfare ushered in by the First World War. Unlike the “Proposed Code of Laws of Maritime War,” the “Proposed Code for Naval Warfare” specifically addressed submarine warfare and other new forms of warfare. The new code would have implicitly outlawed armed merchant ships by defining noncombatant vessels as “unarmed vessels not under military control and not intended for nor employed in military operations.”\textsuperscript{59} The code specifically stated: “A non-combatant vessel may not carry mounted guns or be provided with any weapons of defense or offense, except such as may be afforded by the presence of a convoying vessel of war.”\textsuperscript{60} Noncombatant sailors who attempted to resist visit, search, or capture would be treated as combatants, and hence lose the protections of noncombatant status. By prohibiting “noncombatant

\begin{footnotes}
\item[57]“Proposed Code of Laws of Maritime War,” July 15, 1922, 34-35.
\item[58]“Proposed Code of Laws of Maritime War,” July 15, 1922, 45.
\item[59]“Proposed Code for Naval Warfare,” n.d.; G.B. Study No. 438 – July 15, 1922 Proposed Code of Laws of Maritime War; Box 168; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 4.
\item[60]“Proposed Code for Naval Warfare,” n.d., 5.
\end{footnotes}
armed merchant ships”, submarines could be fairly restricted to the same rules as surface ships. Additionally, the rules of visit and search in the Code for Naval Warfare were very strict, explicit, and left little to risk.  

The code also specifically outlawed a number of other new forms of warfare that had occurred during the First World War:

> The belligerents have not an unlimited right in the choice of means for injuring the enemy.
> In addition to prohibition established by conventions, it is especially forbidden:
> (1) To employ poison or poisoned arms.
> (2) To employ arms, projectiles or materials that cause unnecessary suffering. In this category are included bullets which expand or flatten easily in the human body, or which are designed to cause unnecessary suffering, and projectiles of a weight less than 400 grams which are explosive, except projectiles used against aircraft.
> (3) To kill or wound the enemy who having surrendered and thrown down his arms has no longer the means to defend himself.
> (4) To kill or wound treacherously individuals belonging to the enemy forces.
> (5) To declare that no quarter will be given.
> (6) To use means which involve perfidy such as the conventional emblem of the Red Cross, flag of truce, or similar flags for warlike purposes.
> (7) To destroy a vessel that has surrendered before removing therefrom the personnel and, so far as possible, the papers.

Many of these provisions would be incorporated in subsequent Geneva Conventions, which sought to diminish inhumane forms of warfare or unnecessary suffering. The Proposed Code for Naval Warfare, as envisioned, would have concisely outlawed a number of forms of warfare that had become common practice, including unrestricted warfare and the abuse of the right of armed merchant ships.

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Like Rear Admiral Rodgers’s suggestions at the Washington Naval Conference, these codes for naval warfare were not acted upon, ending any attempt to pragmatically solve the submarine problem during the immediate years following the First World War. Despite the attempts of British diplomats and American statesmen like Elihu Root, the submarine had survived attempts at abolition and emasculation. Importantly, virtually everyone opposed unrestricted warfare. However, international conferences had not been bold enough to act upon the core of the submarine problem: the armed merchant ship. Moreover, although few realized it, the opportunity to enact realistic and pragmatic legislation regarding the submarine was fast disappearing.

**Between Washington and London, 1925 to 1930**

By October 1925, it was clear that the Submarine Treaty signed in February 1922 was a dead letter. A chart prepared for the General Board in that month visually showed that the rules regulating visit and search and related to submarines had not changed since the First World War. As the General Board’s chart explained, U.S. Navy submarines were still guided by the 1917 *Instructions for the Navy of the United States* and the prewar Hague conventions.63

Although the Washington Submarine Treaty had not been placed in effect, that did not mean that the drive to abolish submarines or legally emasculate them had ended. In preparation for the Geneva Naval Conference of 1927, the General Board sent a memorandum to the Secretary of the Navy, reiterating the Navy’s policy towards

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63 “Visit and Search, New Methods of Warfare, Index of References,” October 19, 1925; 438 1924-1925; Box 168; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.
submarines. The Navy said nothing new, other than to emphasize how poorly suited
submarines were for the restricted type of commerce warfare they were expected to
carry out. After all, submarines did not have enough personnel for prize crews and not
enough room on board for prisoners. All the same, the General Board and the Navy
refused to countenance any type of warfare other than cruiser warfare, principally
because the Navy expected that the American people would not brook the deliberate
and direct targeting of civilians on the high seas, a la German practice in the World
War. Consequently, although submarines were inherently ill-equipped for cruiser
warfare, the “United States is opposed to the unrestricted sinking of merchant ships.”64
As it was, because the Geneva Conference became mired in controversy over cruiser
 tonnage, it did not address the controversial issue of submarines.65

A year later, however, the Habana Convention on Maritime Neutrality of
American States reinforced the rules of cruiser warfare prohibiting unrestricted
submarine warfare. The Convention reiterated the traditional belligerent right of visit
and search in international waters of any merchant ship at any time. As always, a
merchant ship could not be sunk unless the crew and passengers were in a place of
safety.66 The Convention specifically addressed submarines, stating:

64 Rear Admiral E.M. Eller to Samuel Flagg Bemis, 9 June 1961; Folder 780, U.S. Navy - Naval
War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II:
Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74;
Manuscripts and Archives, Yale University Library, 1.

65 For a brief discussion on the failed 1927 Geneva Naval Conference, see: William F. Trimble,
“Admiral Hilary P. Jones and The 1927 Geneva Naval Conference,” Military Affairs 43, no. 1. (February

66 “Treaty Series, No. 845, Maritime Neutrality, Convention between the United States and other
American Republics,” United States Government Printing Office, Washington: 1932; 438 1929; Box 169;
Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the
Navy, Record Group 80; National Archives Building, Washington, DC, 2-3.
Belligerent submarines are subject to the forgoing rules. If the submarine cannot capture the ship while observing these rules, it shall not have the right to continue to attack or to destroy the ship.\footnote{67}

The 1928 Convention strictly forced submarines to act like surface warships when dealing with merchant ships. By its wording, it left absolutely no loopholes for unrestricted warfare. If a submarine could not capture a merchant ship in accordance with cruiser warfare, it could not plead operational necessity and sink it anyway. Although a submarine could possibly shadow a merchant ship until a friendly surface ship intercepted it, this hardly would have seemed practical for a weaker naval power that could not contest control of the surface of the sea.

The 1928 Convention was the beginning of a trend that would culminate in 1930 at the London Naval Conference. Indeed, the Pan-American Maritime Law Treaty of 1929 included similar language that bound a number of American nations, including the United States.\footnote{68}

\begin{center}
\textbf{The London Naval Conference of 1930}
\end{center}

In 1930, the world’s major powers met once again to discuss naval arms limitations and the submarine problem. The eventual clause of the London Naval Treaty dealing with submarine warfare, Article 22, became the most important resolution regarding unrestricted warfare passed before the Second World War. Article

\footnote{67}{"Treaty Series, No. 845, Maritime Neutrality", 3.}

\footnote{68}{Samuel Flagg Bemis, Lecture Outline for History 32, Yale University, on Development of Belligerent Maritime Systems Affecting American Rights and Interests; Folder 778, U.S. Navy, Naval War College, 1958-1959; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 5.}
22 outlawed unrestricted warfare and held submarines to the same rules as surface ships. Unlike the rest of the London Naval Treaty, which was set to expire at the end of 1936, Article 22 was to remain in force indefinitely.\(^6\)

Like the 1921 American delegation in Washington, the American delegation to the London Naval Conference was not composed of naval officers, but diplomats and politicians. President Hoover, eager not to repeat the failure at the 1927 Geneva Naval Conference, limited the Navy to an advisory role. Admiral William V. Pratt, the Commander-in-Chief of the U.S. Fleet, led the naval advisors. Pratt was a politically savvy admiral who understood what his president wanted. Unlike some of his fellow naval officers, Pratt had great faith in international treaties and was willing to carry out sweeping arms reductions.\(^7\)

This time, when the British proposed abolishing the submarine, the American delegation completely agreed. Furthermore, they stated their opinions publicly to ensure that all other countries, as well as their countrymen back in the United States, heard their point of view. The chairman of the American delegation, Secretary of State Henry Stimson, spoke for his colleagues when he stated before the Conference:

> The essential objection to the submarine is that it is a weapon particularly susceptible of use against merchant ships in a way that violates alike the laws of war and the dictates of humanity. The use


made of the submarine revolted the conscience of the world, and the threat of its unrestricted use against merchant ships was what finally determined the entry of my country into the conflict. In the light of our experience it seems clear that in any future war those who employ the submarine will be under strong temptation, perhaps irresistible temptation, to use it in the way that is most effective for immediate purposes, regardless of consequences. Those considerations convince us that technical arguments should be set aside in order that the submarine may henceforth be abolished.\textsuperscript{71}

The joint position of Great Britain and the United States in favor of abolition posed a powerful challenge to those who believed it was unrealistic to even attempt to abolish submarines.

Once again, France stepped in. Traditionally opposed to abolishing the submarine and also leery of giving up a potential advantage against Great Britain, the French offered a counter-proposal to force submarines to obey the same rules of cruiser warfare as surface warships. Since this proposal reiterated what was becoming standard international law, the American and British delegations eventually agreed to the compromise. One of the American delegates, Democratic Senator Joseph T. Robinson, the Senate Minority Leader, soon reported that the proposed language of the submarine clause read something like:

\begin{quote}
[A]ll of the nations should agree hereafter submarines shall be forbidden to attack merchant ships, except after visitation and search, and provision made for the safety of passengers and crew in the same way that international law requires surface vessels to do.\textsuperscript{72}
\end{quote}

\textsuperscript{71} Secretary Stimson, quoted in: Solution of a Situation, issued December 3, 1938; Solution of a Situation II – Inter. Law, 3 Dec., 1938; Box 86, Nos. 2197-IL2-2201; Publications, Record Group 4; Archival Records, U.S. Naval War College, Newport, RI, 10.

\textsuperscript{72} Senator Robinson, quoted in: Solution of a Situation, issued December 3, 1938, 10-11. Senator Joseph T. Robinson is usually remembered for being Senate Majority Leader during the early part of President Roosevelt’s presidency. The most ardent defender of Roosevelt’s court-packing scheme, he died of a heart attack during the debates over the court-packing legislation and the scheme died with him.
The diplomats improved Robinson’s language into what became Article 22 of the London Naval Treaty:

(1) In their action with regard to merchant ships, submarines must conform to the rules of International Law to which surface vessels are subject.

(2) In particular, except in case of persistent refusal to stop on being duly summoned, or of active resistance to visit or search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship’s papers in a place of safety. For this purpose the ship’s boats are not regarded as a place of safety unless the safety of the passengers and crew is assured, in the existing sea and weather conditions, by the proximity of land, or the presence of another vessel which is in a position to take them on board.

The High Contracting Parties invite all other Powers to express their assent to the above rules.\(^7\)

In a sign of the importance they placed upon this portion of the treaty, as well as the general agreement of all nations regarding this article, Article 22 of the London Naval Treaty was to “remain in force without limit of time.”\(^7\)

Afterwards, Hyman G. Rickover felt the London Naval Conference evidenced “a marked difference in the spirit in which the submarine question was discussed” as opposed to the emotional discussions that had overwhelmed Washington Naval Conference. Rickover explained: “The new agreement is far less ambitious than the Washington treaty; the piracy clause is omitted, the tone of moral disapproval is wanting, and no attempt is made to lay down detailed rules of conduct.” Rickover also approved of the recognition that lifeboats could be a place of safety, albeit only in sight


\(^7\) Digest of the Department of State, quoted in: Solution of a Situation, issued December 3, 1938, 12. See also: Goldman, *Sunken Treaties*, 317.
of land or with another vessel nearby. Finally, Rickover particularly respected that Article 22 applied “both to submarines and surface vessels, thus expressing the sound principle that no particular type of warship should be singled out and subjected to special rules of warfare.”

In contrast to the Washington Submarine Treaty, Article 22 was generally unambiguous. The only ambiguity came with the section of the treaty that left room for a submarine commander to sink a belligerent merchant ship if it refused to stop. The U.S. Naval War College clarified the wording of the treaty by writing:

> It cannot be presumed that those are in error who would read the treaty as follows:
> (1) In general, in their action with regard to merchant ships, submarines must conform to the rules of International Law which surface vessels are subject, but
> (2) In particular, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship’s papers in a place of safety, except in the case of persistent refusal to stop on being duly summoned, or active resistance to visit or search.

In short, both in its own wording and its interpretation by the U.S. Navy, the London Naval Treaty of 1930 left absolutely no room for the United States to legally conduct unrestricted warfare. Moreover, unlike the Habana Convention or the Pan-American Maritime Treaty, the London Naval Treaty was also signed by the major naval powers of Great Britain and Japan, which meant that it probably would be binding upon the United States in a future maritime war. At last, the United States had legally bound itself to cruiser warfare, for better or for worse.

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75 Rickover, “International Law and the Submarine”, 1221.
76 Solution of a Situation, issued December 3, 1938, 12-13.
77 Samuel Flagg Bemis, Lecture Outline for History 32, 5.
Although Article 22 was set to last indefinitely, the rest of the London Naval Treaty was set to expire on 31 December 1936, unless the major powers that had signed it, Great Britain, the United States, Japan, France, and Italy, chose to renew its measures. In 1934, Japan announced that it would abrogate the London Naval Treaty, in order to build the fleet the Japanese Navy believed to be necessary. This set off a frantic attempt to entice the Japanese back into the fold at the Second London Naval Conference from December to March 1936. By January, however, the attempt had failed and the Japanese withdrew from the Conference. Nonetheless, the United States, Great Britain, and France still signed the Second London Naval Treaty in March 1936, with an escalation clause in case the Japanese or the Italians could not be persuaded to sign the treaty.78

Even though the Japanese and the Italians chose not to renew the treaty, they were still willing to reaffirm their commitment to Article 22 of the original treaty. The delegates decided that the best way to ensure the passage of this section of the treaty was to sign a separate document from the rest of the London Naval Treaty. Furthermore, because it was hoped that all nations would be willing to accept Article 22 as the rules for submarine warfare, the delegates chose to set up a procès-verbal that would call for other willing nations to sign.79 On 6 November 1936, the United States, Great Britain, France, Italy, and Japan signed the procès-verbal that reaffirmed Article

78 McBride, Technological Change and the United States Navy, 172-175.
79 William Phillips, Acting Secretary of State, to President Franklin D. Roosevelt, March 20, 1936; Dept. of State Jan-Aug 1936; Box 4, OF 20 Department of State; Official File; Franklin D. Roosevelt Presidential Library, Hyde Park, NY, 2-3. A printed version of this letter, as well as other correspondence related to this topic is included in: Foreign Relations of the United States: Diplomatic Papers, 1936 (In Five Volumes), Volume 1: General, The British Commonwealth (Washington, DC: United States Government Printing Office, 1953), 160-164.
22 and asked other nations to sign the document, which became known as the London Submarine Protocol. In response to this request, at least thirty-six additional nations signed the Protocol, including Germany, the Soviet Union, and The Netherlands.\(^8^0\)

As noted earlier, the London Submarine Protocol of 1936 was actually put into practice in September 1937 when Great Britain, France, the Soviet Union, Bulgaria, Egypt, Greece, Romania, Turkey, and Yugoslavia signed the Nyon Agreement creating an International Naval Patrol and authorizing units of the Patrol to sink submarines suspected of attacking merchant ships in the Mediterranean and Black Seas.\(^8^1\) Although the United States did not sign the Nyon Agreement, its principles were entirely in agreement with those of the United States.

However, despite the signing and ratification by these nations, there was some question as to whether the London Submarine Protocol’s rules could actually be legally binding. As one legal professor, Edwin Borchard, noted: “it is well to remember that treaties which do not reflect the manners and customs of the people, such as the Kellogg Pact, are likely to become dead letters.”\(^8^2\) In short, unless the London Submarine

\(^8^0\) Among the other nations that signed the London Submarine Protocol of 1936 were minor but important powers like Turkey, Sweden, Norway, Switzerland, and Mexico, as well as such “naval superpowers” like the Vatican City State, Afghanistan, and Nepal. See: *Foreign Relations of the United States: Diplomatic Papers, 1930 (In Three Volumes), Volume I* (Washington, DC: United States Government Printing Office, 1945), 131. See also: “The Submarine in Trade Warfare: Staff Presentation,” Naval War College, August 4, 1941, 16-17.

\(^8^1\) Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 9-10. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 8-9. See also: Güçlü, “The Nyon Arrangement of 1937 and Turkey”, 53-70. See also: Neff, *The Rights and Duties of Neutrals*, 181.

Protocol was actually enforced in time of war, it would be as meaningless as the Kellogg Pact, which had attempted to outlaw war.

**Hyman Rickover’s Overview of International Law and the Submarine**

Borchard’s point was more apt than he might have known. Article 22 of the London Naval Treaty and the London Submarine Protocol contained the seeds of their failure because they failed to address the issue of armed merchant ships, an issue that the U.S. Navy had traditionally noted as inexplicably entwined with that of the submarine. Even if the senior naval leadership had forgotten, a young U.S. naval officer named Hyman G. Rickover had not. In September 1935, the U.S. Naval Institute Proceedings published his article “International Law and the Submarine.” Not only was Rickover’s article an excellent and concise overview of international law relating to submarines up until 1935, it also presciently noted the weakness of the London Naval Treaty and its predilection for failure when put to the test.

By 1935, Rickover had been a commissioned officer in the U.S. Navy for thirteen years. He had graduated from the Naval Academy only months after the Washington Naval Treaty had been signed. Among other things, Rickover was a qualified submarine officer, and he served as both engineer and executive officer on board USS S-48. After his submarine duty, he went on to be the famous assistant engineer on board USS New Mexico who resorted to extraordinary measures to win the Engineering Efficiency Award for three years in a row. After the Second World War, Rickover would leap to power and fame as the Father of the Nuclear Navy. He also was a first-rate scholar, publishing a book that skillfully argued USS Maine was destroyed.
by an internal explosion. Rickover earned a Master’s in electrical engineering from Columbia University, where he also studied international law in his spare time. His wife, Ruth Masters, earned her doctorate in international law from Columbia as well, and probably helped Rickover write his 1935 essay. Clearly, Rickover’s 1935 article on international law showed his grasp of legal and strategic concepts that should have been understood by his superior officers, if not his peers.

Rickover began by noting that the First World War had not solved the legal problems it raised. He pointed out that for the most part, international agreements had reaffirmed the preexisting laws and failed to address the “extensions” to naval warfare and international law that had occurred during the First World War. Unless these were addressed, Rickover believed that “it is to be feared that belligerents will be strongly tempted to follow the practices of the World War, rather than the rules of warfare generally accepted before 1914. The fact must be frankly faced that almost any conceivable practice could be justified by World War precedents.”

Like everyone else who seriously studied the topic, Rickover argued that submarines could not realistically conduct cruiser warfare:

> The conclusion is inevitable that, except in rare circumstances, it is impossible for the submarine to carry on commerce warfare in accordance with international law as it stands today. Consequently, states must either renounce this weapon as a commerce destroyer or undertake a revision of the laws governing naval warfare, taking into account the changed conditions of modern war and the appearance of new weapons capable of operating under water and in the air.

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84 Rickover, “International Law and the Submarine”, 1214.

85 Rickover, “International Law and the Submarine”, 1219.
As it was, the naval conferences since the First World War had not been able to solve the submarine problem because “they attempt[ed] a regulation of submarine warfare without at the same time considering the question of the armed merchantman; yet the two problems are intimately connected.” Although delegates from Italy and Japan had pointed out that armed merchant ships should probably be considered warships, the London Naval Treaty omitted any mention of armed merchant ships in their treaty. As far as Rickover was concerned, this clearly set the Treaty up for failure. Submarines could not be expected to conduct commerce warfare under conditions that were “suicidal.” In short, “It is doubtful whether any convention requiring submarines to comply with the existing rules of international law governing commerce warfare will receive general recognition unless it is also agreed that under the ‘changed conditions of modern warfare’ armed merchantmen are no longer entitled to the immunities of private vessels.”

Having established the underlying flaw with both the Washington Submarine Treaty and London Naval Treaty, Rickover ambitiously attempted to justify unrestricted warfare as a legitimate form of warfare. He pointed out that there was virtually no difference between setting up a minefield and declaring it a war zone and creating a war zone for unrestricted submarine warfare. In fact, the only difference was that the Allies had done the former and the Central Powers had done the latter, but the Allies had

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86 Rickover, “International Law and the Submarine”, 1221.
87 Rickover, “International Law and the Submarine”, 1223.
88 Rickover, “International Law and the Submarine”, 1223.
won. Rickover saw no easy solution to what he saw as an inevitable return to unrestricted warfare. He recommended that neutrality legislation and international treaties stress a neutral’s responsibility to prevent its ships from carrying contraband cargo to belligerent nations if it wished to remain at peace. If a neutral did so, no belligerent would have the right to stop, visit, search, or sink neutral shipping. As Rickover noted, this was precisely what the proposed neutrality legislation before Congress was supposed to do. Rickover did not address whether or not American legislation would legitimize unrestricted warfare, but he probably did not feel it was necessary since he had already implied that unrestricted warfare was inevitable.  

Rickover’s article clearly enunciated exactly what Thomas Hart, Harry Yarnell, Emory S. Land, and the General Board had stated since the end of the First World War: submarines could not be held to cruiser warfare as long as merchant ships were armed. Although moments like the Nyon Agreement provided the illusion to the contrary, as long as armed merchant ships existed, unrestricted warfare was inevitable.

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89 Rickover, “International Law and the Submarine”, 1226-1227.

90 Rickover, “International Law and the Submarine”, 1227.
CHAPTER 3

LEGISLATING AWAY FREEDOM-OF-THE-SEAS, 1934-1941

The Navy and Neutrality Legislation

In 1931, the tenuous world peace that had generally lasted since the Peace of Versailles was broken when Japanese troops invaded and occupied Manchuria. Within a matter of years, two other totalitarian dictatorships in Europe, Fascist Italy and Nazi Germany, began making aggressive overtures and Spain devolved into civil war. Faced with increasing world aggression, many in the United States had no desire to repeat what seemed to be the senseless slaughter of the First World War. Disillusioned with Woodrow Wilson’s “war for democracy,” the U.S. Congress enacted neutrality legislation that attempted to ensure that the United States would not be drawn into another world war.

The neutrality legislation focused on prohibiting the activities that had drawn the United States into war in 1917. Because outrage over unrestricted warfare had been a pivotal factor in drawing the United States into the First World War, Congress tried to circumvent the issue by banning Americans from trading with belligerents and also from traveling on belligerent merchant ships, like the Lusitania. In short, the desire to avoid war became so strong that U.S. essentially abandoned its neutral and
nonbelligerent rights with the Neutrality Acts of 1935 and 1939. By doing so, the U.S.
Congress set the stage for unrestricted warfare by refusing to contest German activities
in the North Atlantic.

The U.S. Navy consistently argued against the neutrality legislation for a
number of reasons. The Navy wanted to protect U.S. munitions and arms industries,
which would be unduly penalized by the act. The Navy also argued that the neutrality
legislation would conceivably bind the United States to a certain course of action in
time of war, and the precedent set by the legislation would allow other nations to deny
aid to the United States in time of war. Finally, the acts implicitly surrendered
Woodrow Wilson’s conception of absolute freedom-of-the-seas and inherently
legitimized unrestricted submarine warfare, because any ships trading with a belligerent
were beyond the protection of the United States.

1934-1935: Proposed Neutrality Legislation

On 26 November 1934, the Navy formally became involved with the proposed
neutrality legislation when the Secretary of State forwarded a memorandum of potential
neutrality legislation to the Secretary of the Navy, written by the State Department’s
legal adviser, Green H. Hackworth. Hackworth proposed to ban all trade in munitions
and other war materiel to belligerent countries, prevent armed merchant ships and
submarines from entering U.S. territorial waters, and prohibit Americans from traveling
on belligerent merchant ships, like the ill-fated Lusitania.¹

¹ Claude A. Swanson, the Secretary of the Navy, to the General Board of the Navy, Subject: U.S.
Neutrality Laws, December 13, 1934; 438 1933-; Box 170; Subject File 438; General Board, Subject File
101
Two days after receiving the Secretary of State’s request for the Navy’s opinion, the Secretary of the Navy, Claude Swanson, forwarded the proposed legislation to the Chief of Naval Operations, the Navy’s Judge Advocate General, the General Board, and the U.S. Naval War College. He requested their opinions on the legislation.2

A little over a week later, the Navy Judge Advocate General, Rear Admiral Claude C. Bloch, replied to Swanson. Bloch described the legal background behind neutrality and the specific portions of the proposed neutrality legislation that would affect the United States. Although Bloch did not go into the neutrality legislation’s effect on unrestricted submarine warfare, he concisely listed a number of legal, economic, and strategic reasons why the United States should not pass the legislation.

Legally, Bloch pointed out that the laws essentially abdicated the United States’ neutral rights: “the proposed revised neutrality laws go far beyond the requirements of International Law.”3 Economically, Bloch argued against the legislation’s potential restrictions upon arms and munitions industries, stating that a simple tax would be as effective and not quite as crippling.4 Strategically, the proposed legislation could also feasibly set some important precedents, which would come back to haunt the United

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2 Claude A. Swanson, Secretary of the Navy to the Chief of Naval Operations, the Judge Advocate General, and the President, Naval War College, Subject: U.S. Neutrality Laws, November 28, 1934; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 1-6.

3 Rear Admiral Claude C. Bloch, the Judge Advocate General, to the Secretary of the Navy, Subject: U.S. Neutrality Laws, re proposed revision of., December 7, 1934; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 7.

4 Rear Admiral Claude C. Bloch to the Secretary of the Navy, Subject: U.S. Neutrality Laws, re proposed revision of., December 7, 1934, 8.
States later if the United States became a belligerent. For instance, if “the next war finds the United States as a belligerent and the proposed legislation has been enacted into law, then the United States could not well complain if her aviators, for example, who violated neutral territory were treated as criminals.” Instead, Bloch wrote that the proper way to ensure that the United States was not dragged into war, but still retained its national rights, would be with a practical “international agreement, and not by the enactment of the proposed legislation which surrenders some of our sovereign rights, in theory at least, and to which no other nation has agreed.”

Eight days later, the General Board issued their own opinion, discussing each paragraph of the proposed legislation. For the most part, the General Board fully supported Rear Admiral Bloch and JAG. The General Board dismissed most of the legislation as superfluous, since it was already covered by existing U.S. laws and international law. The idea of prohibiting Americans from traveling on whatever ship they pleased and to whatever destination they chose also seemed to be a drastic turnaround from the Wilsonian paradigm of absolute freedom-of-the-seas and the General Board simply did not understand it. Like Bloch, the General Board also saw dangerous strategic precedents being set with the legislation. The hypothetical scenario

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5 Rear Admiral Claude C. Bloch to the Secretary of the Navy, Subject: U.S. Neutrality Laws, re proposed revision of, December 7, 1934, 8.

6 Rear Admiral Claude C. Bloch to the Secretary of the Navy, Subject: U.S. Neutrality Laws, re proposed revision of, December 7, 1934, 8-9.

7 Rear Admiral Frank H. Clark, Chairman General Board, to the Secretary of the Navy, Subject: U.S. Neutrality Laws, December 15, 1934; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 2.

8 Rear Admiral Frank H. Clark to the Secretary of the Navy, Subject: U.S. Neutrality Laws, December 15, 1934, 2.
the General Board posed was: “If the United States were a belligerent, neutrals would have a strong position for denying requests for materials or munitions of war made by the United States, such as tin, manganese, and other strategic raw materials not produced by the United States.”

The next set of opinions, by the U.S. Naval War College, and signed by the Naval War College’s president, Rear Admiral Edward C. Kalbfus, were probably the most compelling arguments against the neutrality legislation. Unlike JAG and the General Board, which referred to the possibility for unrestricted warfare by implication, Kalbfus explicitly connected the passage of neutrality legislation with a legitimization of unrestricted warfare:

Such legislation might lead to the impression that this country would not seriously object to the sinking of its nationals traveling on foreign vessels by submarines and that such legislation might through inference appear to condone unrestricted warfare by this class of vessel.

Kalbfus’s memorandum continued to stress that the legislation represented an abandonment of absolute freedom-of-the-seas. For instance, by establishing a “zone of naval hostilities” in which American ships and passengers were prohibited to travel, the “proposed legislation might be interpreted by foreign nations as a form of implied approval of the establishment of such zones in any future war. That is certainly a radical departure from the historic stand of the Untied States concerning the freedom of

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10 Rear Admiral E.C Kalbfus, President, Naval War College to Secretary of the Navy, Subject: U.S. Neutrality Laws, 17 December, 1934; XLA1, 1934-1939; Box 88, XLA1-XLFG; Intelligence and Technical Archives, Record Group 8; Archival Records, U.S. Naval War College, Newport, RI, 3.
the seas.” Kalbfus concluded with a strong plea against at least Section 8 of the proposed legislation, which prohibited the travel of American citizens on belligerent vessels:

> It should not be assumed that belligerents will not abide by international law. To make such an assumption might well be considered by other nations as a form of approval of their failure to do so. If Section 8 were enacted with the above-quoted words included, it might be considered as a form of approval of unrestricted warfare against unarmed belligerent merchant vessels, by surface craft, submarines, or aircraft. The Naval War College recommends that this Section be not approved unless these words be deleted.

Secretary of the Navy Swanson forwarded the opinions of JAG and the General Board to the State Department on 15 December 1934, followed by the Naval War College’s opinions on the 28 December 1934. Although the opinions brought up a number of different points, they all stressed that neutrality legislation was the wrong step strategically, economically, legally, and morally.

About nine months later, on 31 August 1935, Congress passed the neutrality legislation and President Roosevelt signed it. By that point, the legislation had gone through a number of different forms and revisions by numerous authors including

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11 Rear Admiral E.C Kalbfus, President, Naval War College to Secretary of the Navy, Subject: U.S. Neutrality Laws, 22 December, 1934; XLAI, 1934-1939; Box 88, XLAI-XLFG; Intelligence and Technical Archives, Record Group 8; Archival Records, U.S. Naval War College, Newport, RI, 7. Additional copy at: 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 7.

12 Rear Admiral E.C Kalbfus to Secretary of the Navy, Subject: U.S. Neutrality Laws, 22 December, 1934, 7-8.

13 Claude A. Swanson, the Secretary of the Navy, to Cordell Hull, the Secretary of State, December 15, 1934; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC. See also: Claude A. Swanson, the Secretary of the Navy, to Cordell Hull, the Secretary of State, 28 December 1934; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.
Senators Key Pittman, Gerald Nye, and Bennett Champ Clark. However, the legislation ultimately retained most of Green Hackworth’s suggestions, including the embargo on selling or carrying arms to belligerents and the prohibition against traveling on belligerent ships. Although the preamble asserted that the United States had not given up its sovereign rights, the entire point of the law was to ensure that the United States would not exercise its neutral rights as it had in the First World War.\textsuperscript{14}

The Popularity of Neutrality

Even though neutrality legislation made little sense to the U.S. Navy’s leadership, it was extremely attractive to many Americans. In August 1935, columnist Walter Lippmann expressed the isolationist viewpoint in very clear and concise terms. Lippmann was a popular syndicated columnist who had a great deal of expertise in foreign policy, and his friends in the government frequently contacted him for his advice. For instance, the State Department had contacted him in 1934 regarding his views about the Department’s draft of the neutrality legislation.\textsuperscript{15} About a year later, Lippmann’s popular column stated the rationale for most Americans and American leaders about why the United States needed neutrality laws, what American objectives with neutrality legislation were, and how these objectives could be met.

Lippmann called for neutrality legislation as it became increasingly clear in August 1935 that Fascist Italy planned to invade Ethiopia. Although there was little


\textsuperscript{15} Cole, Roosevelt and the Isolationists, 166.
chance that the United States could be pulled into the conflict, Lippmann felt that the
Ethiopian crisis would be a litmus test for the Roosevelt Administration in how it faced
international crises. The precedent that the neutrality legislation set, Lippmann
believed, would play an important role in any coming major European wars.  

Lippmann stated a number of objectives that U.S. neutrality legislation would
have to be meet. He admitted that these objectives were often contradictory and would
be difficult to achieve, but they reflected the mass American opinion of what Americans
wanted:

1. We desire not to be drawn into war to defend our trade or our honor.
2. But we would insist on not being insulted and outraged;
3. And we would not willingly let our normal export trade be destroyed.
4. We would like to be impartial as well as neutral;
5. But a policy of equal treatment for both belligerents would mean
   either that we became the tacit ally of the dominant sea power or came
   into conflict with it in defending our neutral right to trade with the
   blockaded power. If, for example, we prohibit shipments of munitions to
   both Italy and Ethiopia, the equal rule would prevent Italy from getting
   munitions she can get, whereas Ethiopia would only be prevented from
   getting munitions that she could not get anyway. If we insist on the right
to ship to both, we have to deal with the Italian Navy, and we are, in
   effect, using our sea power to make up for Ethiopia’s lack of sea
   power.  

Obviously, these would all be difficult to achieve. In order to do so, Lippmann
implicitly foresaw giving up the right of absolute freedom-of-the-seas. Lippmann
concisely stated: “Historical experience shows plainly that in wars involving naval
powers it is difficult, if not impossible, to defend trade and honor without entanglement

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16 Walter Lippman, “Today and Tomorrow: The Approaching War and American Policy,” in New York Herald Tribune, 8 August 1935; 438 1933--; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.

and to be impartial in fact as well as neutral in law.” Consequently, Lippmann believed that the first thing the United States needed to do was prohibit munitions shipments to either belligerent. Lippmann proposed even banning the shipment of any munitions on board American ships outside the Western Hemisphere! Furthermore, with the memory of the *Lusitania* probably in his head, Lippmann also proposed prohibiting U.S. citizens from traveling on board ships carrying munitions outside the Western Hemisphere. Most of these suggestions were already in the proposed neutrality legislation. However, Lippmann did not propose banning the shipment of munitions on ships other than American-flagged vessels. In a remark that presaged the modifications to the neutrality legislation, Lippmann wrote his opinion: “To sell arms to those who can come here and take them away is different from carrying munitions under the protection of the American flag to a nation at war.”

Lippmann concluded by summing up the potential effectiveness of the neutrality legislation and the legislation’s consistency with the American populace’s will in the aftermath of the First World War:

Rules of this sort would not be a guaranty of immunity in a serious war. But they would reduce the danger of very serious embarrassments and, above all, of deliberate efforts to entangle this country. They would be consistent with the American feeling against profiting from war, and they would not be regarded as an ignominious surrender of national rights.

This philosophy agreed with the feelings of most Americans. The neutrality legislation passed easily in 1935 to general acceptance by the American people.

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Over two-and-a-half decades later, historian Robert A. Divine, lambasted Lippmann and the isolationist philosophy, writing: “They accepted… glib historical doctrine… they applauded the single-track investigation of the Nye committee; they affirmed the arms embargo, the ban on loans, and the curb on passenger travel as a panacea that would prevent American involvement in world conflict…”

In hindsight, to historians like Divine, the neutrality legislation did surrender American sovereignty and rights. Even worse, the neutrality legislation did set a precedent, though not the one that Lippmann and his contemporaries hoped for: it informed the powers of the Tripartite Axis that as long as they did disturb American assets, the United States would not interfere with their rampages of conquest.

In July 1939, after the Neutrality Act of 1937 had strengthened the 1935 Neutrality Act, President Roosevelt desperately called upon Congressional leaders to amend the act in order to allow him to ship arms on foreign ships belonging to France and Great Britain. Otherwise, he genuinely believed that Germany would be emboldened to attack in Eastern Europe, knowing that the Allies could not get supplies from the United States. At the time, Congressional leaders, particularly Senator William E. Borah of Idaho, refused. As Roosevelt predicted, Germany attacked.

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1939: More Proposed Legislation

In 1939, following the outbreak of war in Europe and President Roosevelt’s call for a special legislative session, Congress revisited the neutrality legislation to ensure that the United States would not be pulled into the new European war. The new neutrality legislation reaffirmed the ban on American trade with belligerents and the prohibition of travel on belligerent merchant ships. The legislation, however, lifted the arms embargo against belligerents and facilitated the carrying of these munitions by including provisions for cash-and-carry, which would allow belligerent merchant ships to carry American goods and weapons.23

Although the Roosevelt Administration saw the revised neutrality legislation as a belated victory, the Navy did not. On 3 October 1939, about a month after the war in Europe had begun, the Chief of Naval Operations, Admiral Harold R. Stark, requested that various bureaus within the Navy study the proposed neutrality legislation.24

Like the 1935 legislation, the 1939 neutrality legislation incurred a strong reaction from the Navy. This time, however, the Navy attempted to win support by discussing the legislation’s effect on vital war materiel. The Navy incorrectly assumed that no congressman would want to restrict the importation of materiel necessary for American defense.


24 Admiral Harold R. Stark, Acting Secretary of the Navy, to the Chairman General Board, Subject: Proposed Neutrality Act, October 3, 1939; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.
The first set of naval personnel to attempt this argument was the War Plans Division within the office of the Chief of Naval Operations. The War Plans Division was formally charged with creating war plans and strategic analyses. Because the War Plans Division saw the neutrality legislation as a threat to the Navy’s ability to effectively wage war, they felt it necessary to at least submit their argument in a memorandum. The War Plans Division concisely summed up their view, stating:

There are three provisions of this proposed Resolution, which, if enacted, may impose restrictions on United States commerce to an extent which will interfere with the importation, in sufficient quantities to meet the demands of the national defense, of strategic raw materials not native to the United States.\(^{25}\)

In particular, the War Plans Division saw the legislation as extremely harmful to the U.S. Merchant Marine, because it would strip American-flagged ships of the ability to transport goods to Europe and other “combat areas”, while allowing foreign ships to take up the trading market without interference. Furthermore, the war planners did not trust foreign-flagged vessels to maintain the level of imports necessary for vital industries. The war planners believed the United States might soon be seriously at risk because of a shortage of vital raw materials like manganese, tin, and tungsten. Although all of these materials existed in the Western Hemisphere, the United States traditionally relied on imports from countries that were either at war or would soon be at war. It would be difficult to make up the difference if trade with these countries was lost. Similarly, by prohibiting U.S. ships from traveling in combat zones, the neutrality

\(^{25}\) R.S. Crenshaw, Director War Plans Division, to the Chief of Naval Operations, Subject: H.J. Res. 306 – Neutrality Act of 1939, 29 September 1939; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 1.
legislation imposed lengthy delays or potential interruptions of trade with countries that were still neutral. Either way, the War Plans Division warned, the U.S. economy would be unduly harmed by the legislation.\textsuperscript{26}

The Navy Judge Advocate General also weighed in with a memorandum that doubted the wisdom of the legislation. Just as in 1934, JAG also pointed out that a number of sections of the legislation were already covered by existing U.S. law. As they had before, JAG recommended against the law for economic, practical, and legal reasons.\textsuperscript{27}

Curiously, Rear Admiral Edward Kalbfus had recently been reassigned to the U.S. Naval War College, and he suddenly found himself having to discuss the legislation again. As in 1934, Kalbfus and his staff recommended against the legislation. This time, however, Kalbfus relied upon economic arguments. Like the War Plans Division, he argued that the legislation would unduly harm U.S. trade. Unlike the impassioned 1934 discourse about surrendering freedom-of-the-seas, there was nothing about unrestricted warfare in Kalbfus’s 1939 letter.\textsuperscript{28} This focus on the economic effects of the proposed legislation was supported by the Naval War College’s

\textsuperscript{26} R.S. Crenshaw to the Chief of Naval Operations, Subject: H.J. Res. 306 – Neutrality Act of 1939, 29 September 1939, 1-2.

\textsuperscript{27} Office of the Judge Advocate General, Department of the Navy, Memorandum, Subject: Proposed Neutrality Legislation, September 29, 1939; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.

\textsuperscript{28} Rear Admiral Edward C. Kalbfus to Admiral Harold R. Stark, 7 October, 1939; XLAI, 1939-1941; Box 88, XLAI-XLFG; Intelligence and Technical Archives, Record Group 8; Archival Records, U.S. Naval War College, Newport, RI.
This left the Navy’s General Board to defend the right of freedom-of-the-seas. The Navy’s senior admirals issued a shrill denunciation of the neutrality legislation, claiming it violated the traditional American right of freedom-of-the-seas, damaged American trade grievously, and left the United States extremely vulnerable by shifting weapons production away from American shores and allowing American opponents to arm as United States industries stagnated. Like the War Plans Division and the Naval War College, the General Board focused on the economic dangers of the legislation, but they also made a strong principled argument on the basis of the sovereign right of freedom-of-the-seas.

The General Board began by justifying their right to question congressional legislation. Although the Navy was constitutionally bound to follow the laws of Congress, the General Board believed that because maritime law could potentially affect the Navy’s ability to wage war and because the Navy did enforce the law, they should at least have the right to offer an opinion regarding proposed legislation. If anything, not only did the Navy have the right to offer an opinion, it was obligated to as part of its duty to the nation.29

29 Rear Admiral Edward C. Kalbfus, President of the U.S. Naval War College, to the Secretary of the Navy, Subject: Proposed Neutrality Act, 10 October, 1939; XLAI, 1939-1941; Box 88, XLAI-XLFG; Intelligence and Technical Archives, Record Group 8; Archival Records, U.S. Naval War College, Newport, RI.

30 Rear Admiral W.R. Sexton, Chairman General Board, to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 1.
Like the War Plans Division and the Naval War College, the General Board pointed out the potential effect of the neutrality legislation on American munitions and arms industries, as well as trade. Furthermore, the General Board believed that by prohibiting munitions and arms plants from doing business with belligerents, American industry would be woefully unprepared should the United States be thrust into war. The General Board also predicted that the neutrality legislation would be copied by other powers, especially in the Western Hemisphere, which meant if “then we ourselves become involved in war, we may find ourselves so isolated as to make it impossible to obtain certain essential raw materials and unduly difficult to prosecute even a defensive war.”

Although the 1935 act had been restrictive, it at least had only embargoed one type of cargo to a certain destination. The proposed legislation on the other hand, while permitting weapons trading for cash-and-carry, would simultaneously cut off all American trade with a belligerent power. By doing so, the General Board stated ominously, the United States would, “in effect, surrender the doctrine of the freedom of the seas.”

The General Board defined freedom-of-the-seas as a nation’s “right to continue its international trade during war,” and an emphasis on “neutral commercial rights as opposed to the restrictions upon those rights imposed by belligerents.”

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31 Rear Admiral W.R. Sexton to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939, 2-3.

32 Rear Admiral W.R. Sexton to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939, 3.

33 Rear Admiral W.R. Sexton to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939, 1.
Board drew directly from Woodrow Wilson’s second point of the 14 Points, relating to absolute freedom-of-the-seas. The General Board admitted that this was an extreme view of what freedom-of-the-seas meant, and the experience of the Paris Peace Conference show that this view was hardly embraced by all nations. However, the General Board set the Wilsonian view of absolute freedom-of-the-seas as “an ideal objective toward the attainment of which our neutrality legislation should be shaped.”

No matter what, however, no form of freedom-of-the-seas should be given up. The General Board admonished its potential congressional readers: “History teaches that no country has escaped war or consequences worse than war by a surrender of its national rights.”

The General Board directly tied the concept of freedom-of-the-seas to economic strength. As long as the United States maintained its sovereign right to freely trade with all powers at all times, then its economy would not be endangered. The General Board, however, thought it was dangerous to assume that the economy would continue to run well with the restrictions of neutrality legislation, particularly in the era of the Great Depression:

We cannot afford to surrender our traditional doctrine of the freedom of the seas for a set of self-imposed restrictions which initiate precedents that may well work to our disadvantage in the future. Moreover, if it becomes unlawful for the American merchant marine to operate freely during foreign wars, then, in wars of wide extent, as the present war threatens to be, our merchant marine becomes unprofitable to operate; we are left to the mercy of foreign competitors; and our merchant marine, currently being greatly augmented by public moneys, largely

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34 Rear Admiral W.R. Sexton to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939, 1.

35 Rear Admiral W.R. Sexton to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939, 1.
because of its potential value to our own national defense, necessarily languishes. There is also set up a distinct invitation to transfer registry to some nation less restrictive.\(^{36}\)

By tying the concept of freedom-of-the-seas to the economic dangers of the neutrality legislation, the General Board thus made the issue both moral and economic. The topic of freedom-of-the-seas would at least resonate with those who remembered Woodrow Wilson’s call to arms of 1917, while the economic dangers of the legislation would resonate for those who prized the economic recovery of the United States.

The General Board stridently declared that giving up national rights amounted to surrendering to a belligerent without even going to war. If the United States yielded its rights to the belligerents in Europe, then the General Board did not think that the neutrality legislation would eliminate European interference with American affairs, but rather would serve as an invitation for greater interference by Europeans with all sorts of American trade. Instead, the General Board recommended:

A strong assertion of national rights has the effect of reducing the natural hazards inherent in war. Such hazards do not disappear by our withdrawal from them, but rather tend to increase to the degree that neutrals yield their rights to the prerogatives (not rights) exercised by hard-pressed or arbitrary belligerents. Our national well-being consequently is jeopardized to the degree that we accede to the impositions of belligerent powers, let alone the extent to which we hamper ourselves by self-imposed restrictions.\(^{37}\)

In particular, the General Board pointed to the embargo on trade with belligerent powers and the declaration of “combat areas.” To the General Board, “combat areas” were precisely the same as “war zones.” If the United States, as a neutral, declared

\(^{36}\) Rear Admiral W.R. Sexton to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939, 2.

\(^{37}\) Rear Admiral W.R. Sexton to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939, 2.
“combat areas,” then the United States would be countenancing the establishment of war zones by powers like Great Britain and Germany. The General Board strenuously warned against this action, since “History indicates clearly that many of the accepted tenets of international law have been established in this manner.” In short, just as the Naval War College had warned in 1934, the legislation would essentially legitimize unrestricted warfare.

The General Board concluded its memorandum by calling for Congress to scrap the current legislation and replace it with legislation that would protect American rights. The Board summed up its view of the problems with the legislation with the following points:

(a) By self-imposed restrictions, it impairs the exercise of neutral rights recognized by international law and never seriously challenged in principle.
(b) It surrenders, in large measure, the traditional American doctrine of the freedom of the seas.
(c) It allows foreign powers free access to our basic sources of munition supply, without setting up appropriate safeguards to conserve such supply.
(d) It makes it unprofitable for us to operate our merchant marine, thus tending to reduce or destroy its value as a war asset.

The General Board concluded by recommending that the legislation be rewritten to correspond with international law regarding neutral rights and that Congress take steps to ensure that the munitions and arms industry would not be endangered or worse, moved overseas. Most importantly, however, the General Board recommended eliminating the provision for the trade embargo and the combat zones, and called for

38 Rear Admiral W.R. Sexton to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939, 4.

39 Rear Admiral W.R. Sexton to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939, 4-5.
changing the legislation so “that the law be implemented to assert, rather than to yield, such rights.”

Such a stout stand for American rights would have hardly impressed isolationists like Senators Gerald Nye and Bennett Champ Clark, both of whom favored giving up neutral rights for peace-at-any-price. In fact, ignoring the General Board’s assertion that giving up neutral rights would only lead to more infringements on American national rights, isolationists asserted that the only way to prevent a repeat of the First World War was to remove as many potential stumbling blocks as possible. Faced with such opposition, the Navy and its defense of the freedom-of-the-seas had no chance. The neutrality legislation passed.

Shortly thereafter, President Franklin Roosevelt established the first combat area, prohibiting all American ships from going to any belligerent ports in Europe or Africa north of the Canary Islands. The President defined a combat area as an “area in which the actual operations of the war appear to make navigation of American ships dangerous.” Five months later, President Roosevelt extended the combat area up to the Arctic waters around the Soviet Union, and in June 1940, he added the Mediterranean and the Gulf of Aden. Although he eventually removed the Gulf of

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40 Rear Admiral W.R. Sexton to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939, 5.

41 For an appraisal of the beliefs of the isolationists, their actions regarding neutrality legislation, and the attempts of internationalists to stop them, see: Cole, *Roosevelt and the Isolationists*, 163-186, 223-262, 310-330, 409-455.

42 President Franklin Roosevelt, quoted in “The Submarine in Trade Warfare: Staff Presentation,” Naval War College, Newport, Rhode Island, August 4, 1941; Submarine in Trade Warfare 8/4/41; Box 34, Study – Utilization; NWC Presentations, Studies, etc. (Series II-B); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 20.
Aden from the combat area, the combat area was still impressively large as of August 1941:

In substance, therefore, American ships may not now legally proceed to any ports in France, Great Britain, Ireland, Norway, European Russia, or other Baltic ports, or Germany, Sweden, Denmark, Netherlands, or Belgium. All neutral ports, belligerent or neutral, in the Pacific and Indian Oceans and dependent waters, and all ports in Africa south of the latitude 33º-10’ N., are still open.\[43\]

By establishing the precedent of “combat areas,” the United States essentially freed Germany to conduct unrestricted warfare within a portion of the North Atlantic. Although the Germans treaded lightly for fear of upsetting the United States, they slowly intensified unrestricted warfare as it became clear that the United States would not make any effort to prevent unrestricted warfare.

**The Importance of the U.S. Neutrality Legislation**

Because the United States was eventually drawn into the Second World War, many historians have implicitly dismissed the U.S. neutrality legislation as an abject failure that actually helped lead to world war.\[44\] Samuel Flagg Bemis especially scorned the legislation, writing that the legislation “repudiated the policy of Woodrow Wilson of 1914-1917 for the defense of neutral rights, and was thus intended to keep the U.S. out of the next war by applying the lessons of the last war.”\[45\] However, to a certain degree,

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\[45\] Samuel Flagg Bemis, Lecture Outline for History 32, Yale University, on Development of Belligerent Maritime Systems Affecting American Rights and Interests; Folder 778, U.S. Navy, Naval War College, 1958-1959; Box 64, United States Navy, Naval War College, 1933-1962; Series II: 119
the neutrality legislation fulfilled its intended function: the laws prevented the United States from being drawn into the war over sunken U.S. merchant ships.

To a surprising degree, Nazi Germany respected the boundaries of the U.S. combat area in the Atlantic. When the German Navy eventually proclaimed its war zone, its borders generally matched those of the U.S. combat area. Furthermore, both Adolf Hitler and Admiral Karl Dönitz issued explicit orders to their U-boats to avoid harassing or sinking U.S. merchant ships and to even avoid shooting at destroyers that might be American.\textsuperscript{46} Notably, before Germany declared war on the United States, only four American merchant ships were sunk: \textit{Robin Moor} on 21 May 1941, \textit{Lehigh} on 19 October 1941, \textit{Astral} on 2 December 1941, and \textit{Sagadahoc} on 3 December 1941. Of those, \textit{Robin Moor} and \textit{Sagadahoc} were actually sunk in conformity with the cruiser rules of warfare: their masters showed their papers to the U-boat commanders in question, who decided to sink their ships on the basis of contraband, but who also attempted to provision and tow lifeboats to an area of perceived safety. Both \textit{Lehigh} and \textit{Astral} were sunk under conditions of mistaken identity.\textsuperscript{47} Furthermore, despite the decidedly unneutral actions of the United States by escorting British convoys up to the mid-ocean transfer point, where the German war zone began, German U-boats only

\begin{footnotesize}
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\item Janet M. Manson, \textit{Diplomatic Ramifications of Unrestricted Submarine Warfare, 1939-1941}, Contributions in Military Studies, No. 104 (New York: Greenwood Press, 1990), 70-72, 111, 119. Hitler’s orders to avoid shooting at potential American destroyers were not lifted until December 1941.
\item Clay Blair, \textit{Hitler’s U-Boat War: The Hunters, 1939-1942} (New York: Random House, 1996), 295-296, 405. In the case of the \textit{Astral}, her sinking was actually treated as a mystery for many years after the war because the German U-boat commander, the famous Wolfgang Lüth, was certain he had sunk a British tanker of similar displacement. For some reason, although he recorded her loss, Clay Blair did not describe \textit{Astral} as being sunk before the war, oddly naming \textit{Sagadahoc} as “the third American merchant ship to fall victim to U-boats before the United States entered war.” Since \textit{Astral} was sunk a day before \textit{Sagadahoc}, this must be an error.
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sank one U.S. Navy ship: destroyer USS *Reuben James* on 31 October 1941 with the loss of 115 American sailors. Destroyers USS *Kearny* and USS *Greer* were also attacked by U-boats, but without success.\(^48\)

The lack of American maritime and naval losses owed to both the restrictions of the neutrality legislation and to Hitler and Dönitz’s desire to avoid making the same mistake that Germany had made in 1917. Although U.S.-built ships were lost in the combat area, they had almost all been flagged as British merchant ships. Although American travelers were still killed by U-boat attacks, unlike the First World War, the onus was on the American for traveling into danger, not the German who sank his ship.\(^49\) Consequently, despite the increasing involvement of the United States in the Battle of the Atlantic, the U.S. neutrality legislation succeeded in its goal: the United States was not drawn into the European war over German unrestricted warfare.

The success of the U.S. neutrality legislation, however, came at a great cost. Unrestricted warfare, which had once been denounced by President Wilson as warfare against humanity, was inherently legitimized by the U.S. neutrality legislation. Within the American combat area, the German U-boats could sink any ship at any time without warning and without any fear of adverse consequences. Although the Germans initially attempted to abide by cruiser warfare, they steadily escalated up to *de facto* unrestricted warfare when it became clear that the United States would not stand in the way. The

\(^{48}\) Blair, *Hitler’s U-boat War: The Hunters*, 360-361, 370, 375. A German torpedo hit *Kearny*, killing 11 U.S. sailors and injuring 22 more, but her crew saved the ship and she limped back to Iceland for repairs. See also: Manson, *Diplomatic Ramifications of Unrestricted Submarine Warfare*, 138-146.

\(^{49}\) Manson, *Diplomatic Ramifications of Unrestricted Submarine Warfare*, 69-70, 83-84, 118-119.
implicit message of the neutrality legislation could not have been clearer: the United States would no longer stand up for absolute freedom-of-the-seas.

No group understood this better than the senior naval leadership of the U.S. Navy. In both the Navy Department and at the Naval War College, naval officers had fought against the neutrality legislation for economic and strategic reasons and more importantly, moral reasons: they had once fought a great naval war over this issue. However, their protests ignored, they could only watch as the U.S. Congress, by fiat, ceded the sovereign right of freedom-of-the-seas that had been won and legitimized by American involvement in the First World War.

**On the Brink of War**

Sadly, the new world war clearly showed that the interwar treaties’ power over submarines had been illusory. Just over two months after the European war had begun, Admiral Harold R. Stark, the Chief of Naval Operations, issued a memorandum to the Navy that tersely informed the fleet that the London Naval Treaty of 1936 had been suspended.\(^5\) Even though this did not affect the London Submarine Protocol of 1936, which was meant to be in effect in perpetuity, it clearly signaled the new war was rapidly overtaking the interwar agreements.

As the United States watched, Germany steadily escalated to full unrestricted warfare in the North Atlantic, sinking hundreds of British merchant ships and

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\(^5\) Admiral Harold R. Stark, Acting Secretary of the Navy, to All Ships and Stations, Subject: London Naval Treaty of 1936, 10 November 1939; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.
decimating convoys. In 1940, the British War Cabinet “belatedly” realized that cruiser warfare in enemy-controlled waters was almost impossible, and Great Britain unleashed unrestricted warfare in the Skagerrak, the Kattegat, and certain portions of the Mediterranean.\(^5\) In the United States, many naval officers seemed to agree that unrestricted submarine warfare was inevitable. This sense of inevitability was encapsulated in an August 1941 U.S. Naval War College staff presentation on the submarine in trade warfare that discussed the latest trends in submarine warfare and international law. The United States was clearly teetering on the brink of war and the presentation implied that the Navy expected that the rules governing commerce warfare would soon change.

The presentation started with a fact that must have been painfully clear to all by this point in the Second World War. The submarine was here to stay, because it possessed the advantage of stealth and it was potently cost-effective.\(^2\) Furthermore, unlike the First World War, American naval officers were unwilling to regard German unrestricted submarine warfare as abhorrent. Rather, they viewed unrestricted warfare as a natural reaction to British armed merchant ships and convoys. Consistent with two

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\(^{5}\) Although the British decisions were technically acts of “reprisal”, Alastair Mars noted that the policy “became more one of expediency than of considerations in international law” (92). On 9 April 1940, the British War Cabinet issued orders that all German ships were to be sunk on sight in the Danish Sound. Two days later, the Cabinet extended this war zone up the coast of Norway, up to 10 miles from the port of Bergen. In July 1940, the Royal Navy created similar war zones in the Mediterranean, extending 30 miles around Italy and Libya. Due to the high amount of neutral shipping in the Mediterranean, the British did not start conducting general unrestricted warfare throughout the Mediterranean, with some safe zones around Turkey and Spain, until 21 November 1942. See: Alastair Mars, *British Submarines at War: 1939-1945* (Annapolis: Naval Institute Press, 1971) 70-71, 92. See also: Peter Padfield, *War Beneath the Sea: Submarine Conflict During World War II* (New York: John Wiley & Sons, Inc., 1995), 78-79. 131, 267, 482, 483, 495. See also: Stephen C. Neff, *The Rights and Duties of Neutrals: A General History* (Manchester: Manchester University Press, 2000), 182-184.

decades of naval thought, the naval officers implicitly placed the onus for unrestricted warfare on the British, who had insisted on arming their merchant ships. The Americans concluded, in a sentence reminiscent of Hyman G. Rickover’s *Proceedings* article: “It cannot easily be presumed that armed merchant vessels could be tolerated while submarines should be required to conform to Article 22.”

By recognizing the impossibility of waging cruiser warfare against armed merchant ships, the Naval War College staff implied that unrestricted warfare might be permissible instead:

> Submarines can be used in commerce warfare for attack with torpedoes and guns, for laying mines, and in the service of information. Also, under favorable circumstances they may be able to exercise the right of visit and search on unarmed merchant ships.

By recognizing the ability of submarines to conduct visit and search was limited to only “unarmed merchant ships,” the Naval War College staff implied that they expected that U.S. submarines would be free to attack armed merchant ships in the event of war.

Given the realities of modern warfare, submarines were the natural choice to fill in for blockade duty. Because “the advent of torpedoes, mines, and aerial bombs has made the positions of surface vessels in a close blockade untenable… The submarine is the only weapon which is capable of operating and maintaining its position in areas near the enemy coast.” Like Admiral Hermann Bauer, who had commanded German U-

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boats in the First World War, the Naval War College staff believed that any ship that chose to brave an announced blockade and attempted to enter enemy ports should be prepared to suffer the consequences if it was sighted. This was a major change from the American attitude in the First World War, but it was perfectly in keeping with an attitude that favored belligerent rights. Having said that, the War College Staff still quoted from *Neutrality for the United States* (1937) by Edwin Borchard and William Potter Lage, which stated that the legality of war zones or of submarine blockades was highly questionable.\(^5^6\)

Whether or not the German submarine campaign was legal or not, the reality of the Battle of the Atlantic indicated that the London Submarine Protocol was virtually a dead letter. Although the Naval War College did not discuss what American submarine warfare might be like in a war with Japan, the implications of their presentation were clear. Cruiser warfare belonged in the past.

Despite the fact that officers at the Naval War College seemed to realize that cruiser warfare was almost impossible, there was no sign that the U.S. naval leadership agreed. If anything, a 27 October 1941 memorandum from the Bureau of Navigation implied that the U.S. Navy’s leadership was out of touch with reality. The memorandum discussed possible plans for supplying prize crews and armed guards to captured prizes in the event of war. Astonishingly, even at this late date, some officers

in the U.S. Navy foresaw an ocean war that would be more like the War of 1812 than
the First World War.\footnote{Captain O.M. Reed, Memorandum for the Director, War Plans Division, Subject: Prize Crews and Armed Guards, October 27, 1941; WPL-46 Letters (1939-1945); Box 147J, WPL-46 – WPL-46-PC; Part III: OP-12B War Plans and Related Correspondence; Plans, Strategic Studies, and Related Correspondence (Series IX); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD.}

Consequently, as 1941 drew to a close and war with Japan became increasingly likely, the United States Navy still clung to the London Submarine Protocol, even as the world around it realized the realities of modern warfare and waged unrestricted warfare. Furthermore, as far as the Navy’s submarine force could tell, there was little reason to expect that that policy would change, except under the reality of war.\footnote{W.J. Holmes, Undersea Victory: The Influence of Submarine Operations on the War in the Pacific (Garden City: Doubleday & Company, Inc., 1966), 46-47.}
CHAPTER 4

U.S. SUBMARINE DEVELOPMENT, STRATEGY, AND TACTICS, 1919-1941

**Submarine Development and Unrestricted Warfare**

Immediately after the First World War, the United States Navy, while condemning German unrestricted submarine warfare, felt there was an important role for the submarine that included scouting, naval combat, and possibly commerce raiding. By the 1930s, the U.S. Navy had formulated a strategy and concurrent technical specifications for its submarine force. Although the primary role of submarines during the Second World War differed vastly from the conceptions of interwar strategists, the U.S. “fleet submarine” turned out to be almost perfect in the Pacific theater. Designed with greater displacement for extended patrols, reliable and improved diesel-electric drives, heavy armament, and technological superiority in equipment, U.S. submarines in the 1930s transitioned from coastal patrol craft to effective commerce raiders and naval warships.

Unfortunately, by the early 1940s, the submarine force had been training so long to be “fleet submarines” that they were unable to transition quickly to maritime warfare. Although submarine doctrine included provisions for commerce warfare and night surface attacks, peacetime submarine training focused on remaining undetected to the
exclusion of virtually all else. When the war began, with the exception of a few
naturally aggressive commanders, most submarine commanders would be hamstrung by
decades of inculcated caution and an incorrect belief in the omnipotence of anti-
submarine warfare.

Establishing Roles for the Submarine

Even though the individual role of the submarine did not coalesce for a number
of a years, in the years immediately following the First World War, the Navy and the
submarine force justified the continued existence of the submarine by pointing out the
submarine’s potential as an integral part of the battleship fleet paradigm. Submarines
could serve as fleet scouts and naval skirmishers, detecting the enemy fleet and even
softening up the enemy before a major engagement.

In late 1921 and early 1922, the Advisory Committee on Submarines, set up to
advise the U.S. Government during the Washington Naval Conference, highlighted
these possible roles. The Advisory Committee’s report stressed three potential uses for
submarines: scouting, combatant, and minelayer.

Because of their stealth, submarines were perfectly suited to serve as scouts,
advancing deep into enemy waters to report enemy ship movements. For instance,
during the First World War, both the Allies and the Germans used submarines as one of
their principal sources for information on what the opposing fleets were up to in the
North Sea.¹

¹ Minutes of the Tenth Meeting of the Advisory Committee, January 6, 1922; 438-1 1921-1922;
Box 170; Subject File 438-1; General Board, Subject File 1900-1947; General Records of the Department
of the Navy, Record Group 80; National Archives Building, Washington, DC, 6-7.
The submarine’s success as a commerce raider had also overshadowed its success as a naval combatant. For instance, German submarines sank 5 out of the 13 British battleships lost in the First World War. In a naval war in which battleships were supposed to sink each other, the fact that submarines sank over a third of the British battleships lost in the war was telling.²

Submarines also had proven their worth as minelayers, leaving vast fields of mines for enemy surface ships to stumble into. According to the Advisory Committee, another 5 British battleships of the 13 total sunk had been lost to mines. It was only logical to assume that at least two or three of those losses to mines had been due to submarine-laid mines. Furthermore, and even more telling, the “only material damage to the United States Navy on the Atlantic Seaboard during the World War was caused by mines laid by German submarines. The San Diego, a large armored cruiser, was sunk off New York, and the Minnesota, a battleship, was badly damaged off the Delaware capes by these mines.”³

By highlighting the submarines’ role as a scout and naval skirmisher, the report not only supported the continued importance of the surface ship, but it also gave the submarine force a mission that it could latch on to without undermining the paradigm that set up the rest of the Navy. Indeed, the report fully supported the notion of a three-dimensional naval force that could strike in the air, on the sea, and beneath the waves. Because a proper Navy “must consist of capital ships and auxiliaries… the submarine,

² Minutes of the Tenth Meeting of the Advisory Committee, January 6, 1922, 7. Importantly, 11 out of the 13 sunken battleships were pre-dreadnought type battleships, easily susceptible to torpedo hits. The five battleships sunk by submarines were all pre-dreadnought type battleships.

³ Minutes of the Tenth Meeting of the Advisory Committee, January 6, 1922, 7.
lawfully used, is a legitimate and effective part of a well balanced Navy." In short, the report did not endorse the belief that submarines could be the dominant type of vessel in any navy. While submarines could deny control of the seas, they were not capable of controlling the sea or keeping lines of communication secure. Consequently, aircraft and surface ships remained necessary.5

The roles noted by the Advisory Committee would be often repeated as the U.S. submarine force progressed during the next two decades. Submariners would stress design characteristics that enabled submarines to sail long distances in order to scout into enemy waters. They also called for high speed that would enable submarines attached to the fleet to scout ahead, and also get into position to attack an enemy force. Finally, the submarines needed weapons space in order to launch as many torpedoes or mines as possible when the chance arose.

**The Context: War Plan ORANGE**

The roles of American submarines as fleet scouts, naval skirmishers, and minelayers fit neatly into the context of the dominant American naval war plan: War Plan ORANGE. War Plans were all assigned a rainbow color for a potential enemy, with RED for Great Britain and BLACK for Germany. There were even random rainbow colors for unlikely conflicts, such as GARNET for New Zealand or EMERALD for Eire. As a standard color, ORANGE denoted a more likely conflict.

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4 Minutes of the Tenth Meeting of the Advisory Committee, January 6, 1922, 3.

5 Minutes of the Tenth Meeting of the Advisory Committee, January 6, 1922, 5-6.
Many naval officers believed that a war based on ORANGE was inevitable. Their belief turned out to be correct, for ORANGE stood for Japan.⁶

Since 1906, the Navy had worked on ORANGE, exploring and rejecting numerous scenarios, such as a forward-deployed naval base like Gibraltar and Singapore, and the idea of a quick trans-Atlantic dash to reach the Pacific in the event of war. Eventually the Navy settled on a war plan that stressed a methodical trans-Pacific offensive, taking islands in the Japanese Mandate as stepping-stones to Japan. By the late 1930s, naval planners expected the war to last for approximately three years before the United States finally reached Japan and enforced a crippling blockade that would presumably force the Japanese to sue for peace.⁷

Michael Vlahos credited the broad strokes of War Plan ORANGE to Rear Admiral Raymond P. Rodgers, whose 15 March 1911 war plan basically set the objectives that the Navy would adopt and follow, with some exceptions, for the next thirty years:

- The Fleet would sortie from Hawaii and anchor at the end of the line: Okinawa.
- The axis of advance would cut the Central Pacific, and incur the island-hopping seizure of the Marshalls and the Carolines.
- Manila would be re-captured.
- The Fleet would hike out with its own mobile, advanced base.
- Japan would be brought to its knees through blockade: economic strangulation.

There would be no short war, there was no certainty even of a climatic, setpiece sea battle: a Trafalgar-like decision. Drawn on a canvas of early

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dreadnought technology, sans radar, sans Zero, sans B-29; it was a remarkable picture of “the shape of things to come.”

Although Edward S. Miller’s authoritative history of ORANGE explains that the war plan went through many iterations over the years, the fact remains that for almost thirty years, the Navy planned for a long trans-Pacific offensive that would seize islands and end in the blockade of Japan. The one thing that never changed was the objective: total victory over Japan. A submarine force that possessed long range, high speed, and a suitable array of weapons would fit neatly into such a plan by helping to scout out and destroy the Japanese fleet and then enforce the commercial blockade of Japan.

Under the ORANGE war plan, the submarine force’s primary mission was to be that of a naval combatant. Since the Japanese would hold a number of advantages in the event of war, including being able to decide the field of battle, submarines would play an important role in softening up the Japanese fleet before the two battle lines engaged. Until the Japanese fleet had been destroyed and control of the seas won, commerce warfare was hardly considered. With this role in mind, American naval planners went about designing a “fleet submarine.”

**Designing the Capabilities of Fleet Submarines**

Initially, the General Board of the Navy issued the specifications for prospective American submarines. However, the General Board’s orders for the first large

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8 Vlahos, *The Blue Sword*, 118.


American submarines in the early 1920s flew in the face of the logic of the submarine officer community, who did not concur with the specifications.\footnote{11}

As a result of the General Board’s mistakes, the Secretary of the Navy and the Chief of Naval Operations charged the Submarine Officers Conference (SOC) with advising the General Board in 1926. The Submarine Officers Conference had been established by a number of officers, including then-Captain Thomas C. Hart, as an informal advisory group after the First World War, but it did not gain any formal status until 1926.\footnote{12} The SOC’s suggestions and specifications laid the framework for the American submarine force of World War II. In addition, the Submarine Officers Conference had a number of other responsibilities besides design specifications, submarine doctrine and strategy: the Conference was even tasked with determining submarine names!\footnote{13} Importantly, many of the officers of the SOC would lead the American submarine force in World War II. Among these men were Robert H. English, Charles A. Lockwood, Ralph W. Christie, and Charles W. Styer, who would all command submarine fleets in the war.\footnote{14}


\footnote{13} Commander Charles A. Lockwood, Jr., Submarine Officers’ Conference Memorandum, 10 May 1939; 420-15 1939; Box 113; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 1-2.

Entering 1930, the Submarines Officers Conference and the General Board had concluded the Navy needed a “fleet submarine” that could keep up with the Battle Fleet, scout ahead, and attack the enemy battle fleet as it prepared to engage the American battle line. In keeping with the ORANGE war plan, American submarines needed to have the ability to advance across the Pacific, staying ahead of the Battle Fleet. To do this, submarines required long range, reliable engines, and sufficient weaponry.\(^\text{15}\)

To build submarines with the necessary range required a large displacement to carry the fuel and supplies needed for extended operations. The smaller submarines favored by some naval officers could only be used for coastal operations, such as defending the Panama Canal and Hawaii. Rear Admiral Harry E. Yarnell, Chief of the Bureau of Engineering, pointed out that making these small submarines did not meet American strategic goals since the Battle Fleet was “going to advance across the Pacific when the war comes out there and … the Panama Canal and Honolulu would be protected by the advance of the Fleet across the Pacific apart from raids.”\(^\text{16}\)

In terms of speed, submarines had to be able to keep ahead of the U.S. Fleet under normal conditions. In 1930, the Commander-in-Chief of the U.S. Fleet, Admiral William V. Pratt, identified the optimum speed as 15 knots. Pratt felt that it was unrealistic to expect a submarine to make 21 knots, which other officers called for, based on the diesel engine capabilities of the 1920s. Instead, Pratt wanted a submarine


\(^{16}\) Testimony of Rear Admiral H.E. Yarnell, 15 July 1930, “General Characteristics and Design of Future Submarines,” *General Board*, 296. One board member, Admiral Day, opposed Yarnell’s opinion. He presciently remarked, “If trouble comes in the Pacific our prospective opponent has always started operations by attacking before a declaration of war. If he hits us he is going to hit either the Canal Zone or Hawaii. That is the point of having somebody there” (286).
that could consistently achieve 15 knots, the cruising speed of the battleships. As long as the submarines left before the fleet, they could stay far ahead of the Battle Fleet.  

A report released in March 1931 discussed the necessary characteristics for submarines as determined by a Control Force Conference, made up of many of the Navy’s most experienced submariners and chaired by Rear Admiral Hart. The officers discussed subjects such as the history and future of submarine warfare, the proper size and purposes for submarines, and submarine specifications that would be capable of meeting the challenges inherent in “Blue-Orange, Blue-Red, and Blue-Red-Orange Campaigns,” the color codes denoting an American-Japanese, American-British, or American-British-Japanese conflict, respectively.

To their credit, the submarine officers examined the doctrine and history of a variety of other nations, particularly Germany, France, and Great Britain. As a result of their thorough study of the history of submarine warfare, the American submarine officers pointed out that the desired use of submarines in coordinated fleet actions was largely not supported by history, which normally “dealt with individual submarine action against merchant shipping and protective vessels rather than with Fleet action.”

Despite this, however, the Conference concluded:

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18 Rear Admiral Thomas C. Hart, Commander Control Force, to the Chief of Naval Operations, Subject: Results of Study of Submarine Warfare in Conference at Submarine Base, New London, and Recommendations on Submarine Design, 31 March, 1931; 420-15 1931-1933; Box 111; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 1.

(a) That although the use of submarines was restricted almost entirely to trade warfare, submarines nevertheless demonstrated their effectiveness against combatant vessels.
(b) That the failure of submarines to play an important part in Fleet action was due to the failure of the higher command to use them to the best advantage rather than to any inherent defect in submarines.
(c) That the major effort in submarine design during the World War was to develop a type for commerce destruction rather than for Fleet use.
(d) That a feature of this development was the large, long radius type with heavy caliber guns.
(d) [sic] That even occasional raids on communications by submarines imposes on the enemy extensive measures for defense. These defense measures involve the use of large numbers of small craft, divert manpower from other war activities, and cause a general slowing down or stoppage of traffic in the sea lanes threatened.
(f) The importance of silent operation, long submerged radius and freedom from oil and air leaks, - particularly when operating in enemy waters.
(g) The importance of recognition signals, underwater sound devices and radio.20

Clearly, the submarine force was not about to reject its potential role as a “fleet submarine.” Although the submariners clearly recognized that the submarine was a natural commerce raider, their armament choices emphasized the submarine’s role as a naval combatant, not a commerce raider. By intellectually connecting large deck guns to commerce warfare, the Control Force Conference implicitly explained their subsequent decision not to include a deck gun in their recommended submarine. This conclusion would remain with the report’s senior author, Admiral Hart, for the next ten years, and he would consistently oppose the placement of large guns on submarines.

Based on their conclusions that submarines could operate in conjunction with the fleet and as a valuable naval combatant, particularly in a conflict against Japan or

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Great Britain, the Control Force wrote out a long list of recommendations for future submarines. Although not all submariners agreed on the characteristics, the recommendations reflected the majority opinion of the submariners who attended the conference:

- Length over all: Not over 250 feet.
- Standard Displacement: 1000 tons, if minimum requirements can be included.
- Normal Displacement (diving trim): 1120 tons.
- ... Full load displacement: 1267
- ... Submerged Displacement: 1456 tons.
- Depth test: 250.
- Normal Fuel: 75 tons long.
- Emergency Fuel: 147 tons long.
- Total Fuel: 222 tons long.
- Provisions and stores, normal: 60 days.
- Provisions and stores, full: 90 days.
- Diving Time: 1 minute maximum.
- Size of Torpedoes: 21” x 20.5[“] maximum 5000 yards – 40-45 knots.
- Number of bow tubes: 6
- Number of stern tubes: 2
- Total number of torpedoes: 16
- Main Battery: None.
- Number of rounds of ammunition: None.
- Number of rounds of ammunition: 12000 to 15000 rounds.
- ... One hour submerged speed: 10 knots minimum.
- Endurance 4 knots: 15 hours.
- Endurance at lowest controllable speed: 45 hours.
- Number of engines: 3 Identical.
- ... Surface speed (4 hr. F.P. at diving trim.: 18 knots minimum.
- Radius 10 knots – normal fuel: 4460 minimum.
- Radius 10 knots – full load: 12000.
- H.P. Main Motors: As required for 10 knots. Speed.
- Number of officers: 5 minimum.
- Number of C.P.O.’s: 3 minimum.
- Number of crew: 38 minimum.
- Total Personnel: 46.²¹

The recommendations reflected both the experience of the First World War and the poor characteristics exhibited by the Navy’s S- and V-type submarines. In reaction, the recommendations of the Control Force Conference called for submarines like the German U-boats, which were small and packed with gear and weapons. By recommending against any type of major deck gun, the Control Force Conference seemed to be implicitly ensuring that “commerce destruction” would not even be a temptation.

Admiral Hart added his own personal recommendations and notes to the Control Force Conference’s report. He politely noted that the issue of deck guns had incurred a great deal of controversy, and that the submariners who did favor a deck gun generally wanted a three- to four-inch deck gun, mounted aft of the conning tower. Consistent with Hart’s personal philosophy that submarines should be as small as possible, he recommended even less personnel than the Conference: only forty total men. Similarly, Hart favored four torpedo tubes in the bow, instead of six. Although Hart did not explain his call for four instead six tubes, based on his future testimony and comments in front of the General Board, he probably feared that submarine commanders would waste torpedoes if given the opportunity.22

Five years later, in 1935, the Submarine Officers Conference reiterated these design characteristics, with some new wrinkles from operational experience. Submarines still needed to be small in order to be maneuverable, but at the same time,

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they required more space to make long ocean voyages and carry enough weapons to be effective. Unlike Admiral Hart, who always favored cutting personnel instead of adding living space, the SOC left open the option of adding additional berthing space to make submarines habitable for extended patrols. As far as speed was required, the submarine was still a “fleet submarine”:

Sufficient sustained speed in the normal condition to maintain the fleet cruising speed. The highest practicable speed is desirable but of secondary importance as compared with other characteristics. Battle line speed not required.

In short, the submarine needed to be able to stay ahead of the fleet in order to be an effective scout and naval skirmisher. However, there was no need to force submarines to match the speed of the battleships in battle. Neither submariners nor surface admirals had any intention of maneuvering submarines with the battle line once a surface battle was joined.

Having decided upon the fleet submarine’s mission and requisite characteristics, the submarine force resisted limited missions that were seen as a step backwards. In 1938, in response to the General Board’s decision to construct two coastal defense submarines, both the Commander-in-Chief of the U.S. Fleet, Admiral Claude C. Bloch, and the Commander Submarine Force, Rear Admiral C.S. Freeman, repeated the strategic vision that had been developed for almost twenty years. Admiral Bloch

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23 Even after the war had begun, Hart believed that American submarines were far too spacious and comfortable on the inside. See: Admiral Thomas C. Hart to Admiral Harold R. Stark, 17 March 1942; Hart, T.C. ADM Correspondence; Box 12; Series III: Subject Files; Papers of Admiral H.R. Stark; Operational Archives Branch; Naval Historical Center; Washington, DC, 3.

24 Submarine Officers’ Conference to the Chief of Naval Operations, Subject: Submarine Officers’ Conference to discuss submarine characteristics for new construction (188 to 193), 16 December, 1935; 420-15 1936; Box 112; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 2.
explicitly declared that he had no use for coastal type submarines, and that constructing
the submarines was implicitly opposed to the nature of the ORANGE war plan as he
understood it.25 Rear Admiral Freeman agreed, declaring that American submarines
were meant to “operate offensively in distant waters generally controlled by the enemy
and consequently denied to all other types of naval vessels or aircraft… [and also] to
operate strategically or tactically with our own fleet, either in distant scouting areas or
disposed to cover areas through which an enemy fleet may be expected or drawn.”26 To
meet these goals, American submarines required “surface ability, sea endurance, large
radius of action, and as much speed as can be reliably installed in the designed hull.”27

For the rest of the interwar period, the strategic mission of the submarine
remained focused on being a long-range fleet submarine. With the desired
characteristics of a practical fleet submarine in mind, the Navy set about building and
refining fleet submarines throughout the 1930s. After a number of refinements, the
Navy finally produced a submarine with all the necessary design characteristics by
1941, just in time for the Pacific War.

25 Admiral Claude C. Bloch, Commander-in-Chief, United States Fleet, to the Chief of Naval
Operations, Subject: Submarines – Employment of in a Pacific War, 11 May, 1938; 420-15 1938; Box
112; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of
the Navy, Record Group 80; National Archives Building, Washington, DC, 1-4.

26 Rear Admiral C.S. Freeman, Commander Submarine Force to the Chief of Naval Operations,
Subject: Submarines – Employment of in a Pacific War, 27 July, 1938; 420-15 1938; Box 112; Subject
File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the Navy,
Record Group 80; National Archives Building, Washington, DC, 1.

27 Rear Admiral C.S. Freeman to the Chief of Naval Operations, Subject: Submarines –
Employment of in a Pacific War, 27 July, 1938, 1.
Building Fleet Submarines

Just as the Navy finally settled on the characteristics it wanted in its submarines, the submariners found their ability to experiment limited by treaty restrictions. In 1930, the United States signed the London Naval Treaty, limiting the amount of tons it could place into submarines at 52,700 tons. Consequently, the Navy could not put too much displacement into its new generation of submarines.

Unfortunately, the Navy had already devoted a significant amount of tonnage to submarines. In 1916, Congress had authorized the Navy to build nine “fleet submarines” to investigate the characteristics necessary for future submarines. These submarines were known as the $V$-submarines, though they were all different from each other in design. By 1930, only six of them had been laid down, with $V$-5 and $V$–6 both entering service in 1930. The six $V$-submarines had become progressively larger, with $V$-5 and $V$-6 displacing an incredible 3,158 tons when fully loaded. The massive displacement had been considered necessary to install large diesel engines for the $V$-submarines to achieve surface speeds up to 17 knots. However, starting in 1927, submarine officers began to argue against these bulky and sluggish submarines.

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31 Alden, The Fleet Submarine in the U.S. Navy, 24-35.

Submariners began looking for smaller submarines that could still operate with the necessary speed and deliver a significant load of torpedoes. The first of these smaller and experimental submarines was \textit{V-7}, later renamed \textit{Dolphin}. \textit{Dolphin} displaced only 1,550 tons and her layout foreshadowed the future “fleet submarines” of the war. In a continuing trend to decrease the size of submarines in order to make as many as possible, the next two submarines, \textit{V-8} and \textit{V-9}, soon to be renamed \textit{Cachalot} and \textit{Cuttlefish}, displaced only 1,110 tons.\textsuperscript{33} This small size, however, severely limited speed and endurance. With an influx of funds from the National Industrial Recovery Act, the Navy progressed from the small \textit{Cachalot} and \textit{Cuttlefish} to the larger \textit{Porpoise}-class submarines.\textsuperscript{34} \textit{Porpoise}’s increased tonnage meant better endurance. However, \textit{Porpoise}’s real strength lay in her new engines. After World War I, the Bureau of Engineering had copied the successful German diesel engines of World War I and steadily developed the engine during the decade after the war. By 1930, however, it was clear that U.S. submarines required more efficient diesel engines. Unfortunately, no American company had progressed far enough in diesel technology to be considered suitable for developing a next-generation submarine diesel engine. Instead, for \textit{Cachalot} and \textit{Cuttlefish}, BuEng purchased the rights to the improved M.A.N. engine, designed in Germany and made in Switzerland.\textsuperscript{35} 


\textsuperscript{35} Testimony of Rear Admiral Harry E. Yarnell, 8 July 1930, “Main Engines and Necessary Auxiliaries for the U.S.S. \textit{V-8} and U.S.S. \textit{V-9},” \textit{General Board}, 253-266.
Between the lightweight M.A.N. engines and BuEng’s choice to install only two engines, the Navy succeeded in launching *Cachalot* and *Cuttlefish* with very small displacements.  

Unfortunately, the M.A.N. engines performed poorly, and submarine commanders were uncomfortable with the thought of being in enemy waters with only two main engines. Consequently, both *Cachalot* and *Cuttlefish* served through most of the Second World War as training submarines.

With the Depression’s sudden influx of federal money into industry and engineering, however, American companies began to leap ahead in diesel technology. In 1933, with new technology available from the General Motors Winton diesel division, BuEng installed four engines and an all-electric drive into the new *Porpoise*-class submarines. The all-electric drive transferred energy directly from the diesels to the electric motors, which turned the propeller shafts. The all-electric drive enabled the *Porpoise* to reach 19 knots on the surface, a speed that American submarines had never reached before.

With the 1936 *Salmon*-class, BuEng shifted to a composite power plant, with two diesels feeding into the electric motors and the other two diesels directly coupled to the shafts, an engine design continued with the 1937 *Sargo*-class submarines. Due to torsional-vibration problems connected with the direct diesel drive, BuEng shifted back to all-electric drive with the 1938 *Seadragon*-class. Although Admiral Hart, assigned to

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the General Board at the time, felt that flooding could disable an all-electric drive, BuEng argued that there was no existing hydraulic clutch to buffer the shafts from engine vibration and transmit the horsepower a submarine required.\textsuperscript{40} The all-electric drive would power the primary submarines of World War II, the \textit{Gato-}, \textit{Balao-}, and \textit{Tench-}classes. By 1943, new slow-speed electric motors permitted the designers of the \textit{Tench-}class to directly couple the electric motors to the shafts instead of coupling the motors to easily damaged reduction gear. In addition, by the end of World War II, American submarines had far surpassed the modest 15-knot speed requirement laid out in 1930. In fact, starting with the 1940 \textit{Tambor-}class, American submarines regularly and reliably made up to 20.25 knots on the surface.\textsuperscript{41}

As the submarines increased in speed and displacement, the Submarine Officers Conference pressed the General Board for greater armament, particularly in torpedoes and gunnery. As early as 1930, submariners requested six bow torpedo tubes from the General Board and four torpedo tubes in the stern for over twenty torpedoes and mines. Submariners pointed out that if they made contact with an enemy capital ship, they wanted to make sure they would sink it. With only four torpedoes in a standard spread, the odds were that only two would hit and two would miss. With six torpedoes, submariners could reserve torpedoes for a second attack, or ensure more hits on a target. Some critics felt that submarine commanders would “shotgun” their shots, wasting six torpedoes at once instead of using “rifle” tactics to carefully use one torpedo at a time,


\textsuperscript{41} Alden, \textit{The Fleet Submarine in the U.S. Navy}, 101-108.
making each hit count. Experienced World War I submariners countered these critics by pointing out that during the First World War, making any surface contact at all was rare. These experienced officers wanted to be able to use as many torpedoes as possible during the one opportunity they might have.  

For early “fleet submarines” like *Dolphin* and *Cuttlefish*, the Board chose not to modify the weaponry of the boats. The submarines were already under construction and the Board did not want to increase the displacement any more than necessary due to the constraints of the London Naval Treaty.  

As the submarines began to increase in size, however, the Board was continually assailed to increase the number of torpedoes and tubes in submarines. With the *Salmon*-class in 1936, the General Board agreed to add two torpedo tubes aft, giving the submarines four torpedo tubes fore and aft. The *Salmons* also carried twenty torpedoes, with four torpedoes stored externally. However, the externally carried torpedoes were removed during the war after *Nautilus* developed a hot run with an externally stowed torpedo during a depth charging and other submarines found it impossible to conduct any maintenance on the external torpedoes.  

In 1939, the *Tambor*-class was launched with six torpedo tubes forward and four torpedo tubes aft. With the extra space, the submarines were capable of carrying

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45 Friedman, *U.S. Submarines Through 1945*, 180, 210. A “hot run” occurred when a torpedo’s motor started while the torpedo was secured and stationary, and ran until the motor’s governor cut in or the torpedo used up its fuel.
twenty-four torpedoes. This interior layout for torpedoes and tubes would be repeated with the wartime *Gatos, Balaos,* and *Tenchs.*

Despite the advice of the Control Force Conference of 1930, all submarines, starting with *Cachalot* and *Cuttlefish,* were also fitted with a 3-inch/50-caliber deck gun aft of the conning tower. Such a step was quite a concession from the naval leadership, which was typified by men like Admiral W.R. Furlong, Chief of the Bureau of Ordnance in 1939, who said, “I can’t imagine a submarine wanting to fire in a battle on the surface. She should dive and avoid action.” However, many submarine officers, particularly Commander Charles A. Lockwood, felt the deck gun was not a weapon for self-defense, but rather a multi-purpose weapon for offense. At Lockwood’s insistence, the General Board agreed to provide the foundation for a 5-inch/50-caliber deck gun starting with the *Tambor*-class. Halfway through the war, at the insistence of aggressive submarine commanders, the 5-inch deck gun was added fore and aft, giving American submarines formidable firepower on the surface.

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49 Testimony of Commander Charles A. Lockwood, 15 October 1937, “Characteristics of Submarines,” *General Board,* 335-337. Testimony of Commander Charles A. Lockwood, 24 May 1938, “Characteristics of Submarines,” *General Board,* 66. Lockwood not only wanted a large 5-inch gun, he wanted it placed forward of the conning tower, because although the gun “is a defensive weapon, sir, [sometimes] the defense may consist of taking the offensive.”
deck guns would be used in desperate surface battles and against lightly armed small merchantmen that were not worth a torpedo.50

Equipment aboard the late interwar submarines developed greatly as well. In 1930, submariners were using rudimentary “is-was” circular slide rules to aim torpedo salvoes. The system was woefully inaccurate.51 Starting in 1932, the Bureau of Ordnance coordinated with Arma and Ford Instruments to develop a small but advanced analog fire control computer. The first torpedo data computer, or TDC, was completed in 1938. The Arma Mk 1 TDC turned out to be very complicated, and further competition between Arma and Ford Instruments produced the Arma Mk 3 TDC. The Mk 1 TDC was back fitted onto submarines from Dolphin to Seawolf, while the Tambors were designed with a specified location for the Mk 3 TDC inside the conning tower in order to concentrate the fire control party in the attack center of the submarine.52 The Mk 3 TDC turned out to be extremely successful during World War II. No other navy, including the vaunted Kriegsmarine, fielded a submarine fire control system that matched its performance during the war.53

Another system that helped solve torpedo-shooting problems was the “bubble eliminator.” Every time a submarine launched a torpedo using a slug of air, massive

50 Alden, The Fleet Submarine in the U.S. Navy, 93-94.

51 NS402: Junior Officer Submarine Practicum Distinguished Speaker Lecture by Rear Admiral Maurice Rindskopf, speech presented to students at the U.S. Naval Academy, 28 January 2003. Talking about fire control, Admiral Rindskopf recalled, “We used a device called an ‘Is-Was’ to shoot torpedoes. It was called an ‘Is-Was’ because when you got an answer that is where he was.”


53 Friedman, U.S. Submarines Through 1945, 195.
bubbles would gurgle to the surface, upsetting the delicate trim necessary to accurately launch torpedoes and giving away the submarine’s position. Developed by Lieutenant Marshall M. Dana at Portsmouth Navy Yard, the “bubble eliminator” was actually a poppet valve that vented air and water from the torpedo tube into a tank in the torpedo room bilges. The “bubble eliminator” was introduced with the Porpoise-class and almost instantly solved the trim problems associated with launching torpedoes.54

Perhaps the most important technological advance that allowed for operations in the tropics of the Pacific Ocean was the inclusion of air conditioning aboard submarines. After a hellish shakedown cruise for Narwhal in 1930, the General Board realized that submarines required air conditioning to operate in the heat of the tropics. During her cruise, temperatures inside Narwhal rose to over one hundred degrees, and within a few days the accumulated moisture in the air meant a humidity of 100 percent. The resulting moisture caused electrical short circuits, metal corrosion, and mildew in mattresses and clothing. Personnel could not be expected to work for extended periods in these conditions.55 Starting with experiments aboard Cuttlefish, the Navy began designing all submarines with air conditioning. Submarines were among the first naval units to be fitted with air conditioning. In addition to making the submarines capable of


75-day patrols in the mid-Pacific, air conditioning genuinely improved the habitability of American submarines.\textsuperscript{56}

Even as World War II was about to begin, submarine officers were still tinkering with submarine characteristics. Just prior to the war, \textit{Nautilus} experimented with carrying aviation gasoline in her external tanks to refuel naval seaplanes at sea for extended aerial scouting missions. Although this concept proved successful, the Navy abandoned the idea when the war began.\textsuperscript{57}

The General Board also diverted construction to two smaller submarines reminiscent of the older S-boats, since some officers, especially Admiral Hart, felt that it was important to maintain the ability to field small coastal submarines.\textsuperscript{58} The General Board’s decision provoked an incensed response by Rear Admiral C.S. Freeman, Commander Submarine Force, who stated that the two coastal defense submarines were a waste of time and money. Freeman clearly believed that older submariners such as Hart were unaware of the capabilities of the newer medium-sized submarines:

\begin{quote}

The type found most effective is an intermediate size of about 1500 surface tons displacement, as included in our current building program. This submarine has a turning circle approximately the same as our smaller S-Class, it is not restricted to any special field of operations, it meets all the defensive requirements, and is immeasurably superior in its primary offensive role. Furthermore, it fulfills all the functions of a submarine as called for by our war plans, and is more reliable because of
\end{quote}


its power unit consisting of four main engines as compared with two main engines for the small type.\(^{59}\)

Unfortunately, Freeman’s letter was ignored. As it turned out, he was completely correct. The 800-ton *Marlin* and *Mackerel* proved to be utterly unsatisfactory for operations, and ended up as training submarines during World War II.\(^{60}\) Instead, the large “fleet submarines” would lead the United States to victory in World War II and serve as the forerunners to the nuclear submarine force.

**American Prewar Conceptions of the Use of the Submarine**

Even though the General Board and Submarine Officers Conference created the characteristics for the highly successful American submarine of World War II, the missions envisioned for these submarines turned out to be greatly different from the actual experience of war. Throughout the interwar period, naval officers expected to use submarines as scouts and as the first line of attack against an enemy battle fleet. The submarines’ “most important employment [was] in operations against enemy capital ships, and until that type of operation [was] reduced in its importance to the general employment of naval forces [the United States] would not contemplate using submarines against commerce.”\(^{61}\)

There was never any doubt that submarines were valuable as scouts. In December 1930, the Naval War College reported to the General Board about a Spring

\(^{59}\) Rear Admiral C.S. Freeman to the Chief of Naval Operations, Subject: Submarines – Employment of in a Pacific War, 27 July, 1938, 2.

\(^{60}\) Friedman, *U.S. Submarines Through 1945*, 227.

1928 war game that emphasized the role of submarines. Although simulated submarine
attacks were not particularly productive, the role of submarines as scouts was vital.
Importantly, the exercise was a scenario of precisely what naval officers expected the
next war to be: a BLUE-ORANGE war waged across the Pacific. The war game
reinforced the characteristics that were decided by the Submarine Officers Conference
and the Control Force Conference.

Submariners, however, were not content to merely be scouts. They also planned
to strike the enemy fleet while operating ahead of the U.S. battle line. This role was
strengthened in 1935, when the Navy finally gave up on the idea of having submarines
maneuver together as a “Battle Force Submarines,” equivalent to destroyer squadrons or
cruiser squadrons that were meant to attack together. Instead, the role of the submarine
was to be that of an individual scout or skirmisher, operating ahead of the fleet. As
the first line of offense for the U.S. Fleet, the submarines’ “primary objective [was] the
sinking or complete disablement of vessels of the battleship, battle-cruiser, and aircraft
carrier types with a secondary objective the destruction of lesser units.”

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62 Memorandum for Admiral Laning, Subject: Submarine Operations, Operations Problem V,
Class of 1928, 5 December, 1930; 420-15 1930; Box 111; Subject File 420-15; General Board, Subject
File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives
Building, Washington, DC, 4-5.

63 Submarine Officers’ Conference to the Chief of Naval Operations, Subject: Submarine
Officers’ Conference to discuss submarine characteristics for new construction (188 to 193), 16

64 Captain H.M. Jensen, quoted in: Memorandum for Record, Subject: Analysis of Unofficial
Comments on the “Department Submarine Officers’ Conference Report for New Construction” dated 16
December 1935, 4 February 1936; 420-15 1936; Box 112; Subject File 420-15; General Board, Subject
File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives
Building, Washington, DC, 1.
The submariners’ mission meshed with the strategic vision of the naval leadership. For instance, at the beginning of 1936, the Commander-in-Chief of the U.S. Fleet, Admiral Joseph M. Reeves, stressed the use of submarines against ORANGE warships. One of the most innovative Commander-in-Chiefs of the U.S. Fleet, Reeves acknowledged that he eventually expected to use submarines against merchant ships at a future stage of a BLUE-ORANGE war, but definitely not at the beginning. However, there was no doubt about the main objectives of the submarine force:

The primary employment of submarines will be in offensive operations against enemy larger combatant vessels, although it will be necessary initially to divert small detachments to: (1) training purposes; (2) local defense at the Canal Zone; and, (3) to local defense forces at Hawaii… No submarines will be assigned in the early stages of the war to operate against enemy trade routes.

In Reeves’s vision of the Pacific war, his submarines would scout out and engage the enemy fleet about one month into the war. Although Reeves did not expect his submarines to win the war, he expected them to find and damage the enemy battle line:

“The objectives of these submarines would be the enemy main body. Before attacks could be made on the Main Body, it would have to be located at sea.”

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65 Admiral Joseph M. Reeves was a pioneer with the use of naval air power. He was the first naval aviator to earn flag rank, although he was not a pilot but a flight observer. Among Admiral Reeves’s other claims to fame was his invention of a crude football helmet while playing for the U.S. Naval Academy football team. It was the first recorded protective headgear worn by a football player in history. See: Thomas Wildenberg, *All the Factors of Victory: Admiral Joseph Mason Reeves and the Origins of Carrier Airpower* (Washington, D.C.: Brassey’s, Inc., 2003). See also: Jack Sweetman, *The U.S. Naval Academy: The Illustrated History*, 2nd ed., revised by Thomas Cutler (Annapolis: Naval Institute Press, 1995), 129, 131.


67 Admiral J.M. Reeves, Commander-in-Chief, United States Fleet, to the Chief of Naval Operations, Subject: Employment of BLUE Submarines – Orange War, 20 January 1936, Enclosure: A
The U.S. submarine strategy was codified in April 1939, when the Submarine Force released its tactical doctrine. The doctrine was a detailed set of guidelines by the Commander Submarine Force, Rear Admiral C.S. Freeman, who had labeled two missions for the submarine force in 1938: the first was to operate independently in enemy waters in place of aircraft and surface ships, and the second was to operate as a scout ahead of the fleet or a naval skirmisher to soften up the enemy fleet before the U.S. surface fleet engaged. In keeping with these missions, the submarine force doctrine dictated that the submariner’s primary target was to be capital ships. As long as it was possible to attack capital ships, submarines were not permitted to attack any other targets.

The doctrine explicitly separated attacking fleet units from secondary missions like “patrol.” The doctrine explained that submarine patrols differed from “attack” because their purpose was to attack lines of communication, not fleet units. The doctrine discussed commerce destruction as part of attacking lines of communication, limiting commerce raiding to armed merchant ships and convoys:

Patrol against enemy lines of communication may include the destruction of commerce. It may be expected that the convoy system will be used, especially at focal and terminal points. On the high seas

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68 Rear Admiral C.S. Freeman to the Chief of Naval Operations, Subject: Submarines – Employment of in a Pacific War, 27 July, 1938, 1.


70 Current Doctrine, Submarines, 1939, U.S.F. 25, Revised, April 1939, 7.

71 Current Doctrine, Submarines, 1939, U.S.F. 25, Revised, April 1939, 11.
circuitous routing will be employed. Due to the limitations of submarines in exercising the right of visit and search, and the difficulty between enemy and neutral shipping because of the disguise of enemy shipping as neutral, submarine operations against enemy commerce is limited to attacks on convoys, or attacks on positively identified armed enemy shipping, unless unrestricted commerce destruction is directed as a last resort. The torpedo is the major weapon in these operations, as the submarine is not equipped with gun power to equal that which may be expected on modern merchantmen. The submarine gun may be employed against vessels known to be unarmed or small vessels of minor resistant qualities.

… The principles of the submarine attack against commerce does not differ from that against other types of vessels.  

Although documents from the General Board during the Washington Naval Conference and other writings from directly after the First World War indicated that attacking armed merchant ships or even escorted convoys was considered tantamount to unrestricted warfare, Rear Admiral Freeman’s doctrine concluded that armed merchant ships or convoyed merchant ships were not protected by the London Naval Treaty. The doctrine also identified troop transports as enemy combatant vessels and even recommended attempting to sink the transports during troop disembarkation, when the transports were most vulnerable.  

Traditional cruiser warfare was impossible, however, because of the danger of armed merchant ships: “Under the limitations imposed by the laws of war and as interpreted in the Treaty of London, submarines cannot be used effectively against merchant ships without running undue risk of destruction.”

Although the doctrine indicated the possibility that unrestricted warfare would occur only “as a last resort,” it was the most explicit formal consideration given to

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72 Current Doctrine, Submarines, 1939, U.S.F. 25, Revised, April 1939, 11.
73 Current Doctrine, Submarines, 1939, U.S.F. 25, Revised, April 1939, 12.
74 Current Doctrine, Submarines, 1939, U.S.F. 25, Revised, April 1939, 2.
unrestricted warfare by the submarine force until the war began. Within the submarine force, individual submariners clearly recognized the efficacy and probability of unrestricted warfare. Commander Edward E. Hazlett remarked in front of the General Board in 1937, “I realize we are committed not to use the submarine for economic warfare but … we might some day be forced into that by our adversary.”75 Among others, Hazlett, Lieutenant Joseph C. Hubbard, and then-Lieutenant Hyman G. Rickover echoed this view in the pages of the U.S. Naval Institute Proceedings.76 Unfortunately, doctrine and training ignored their pragmatic opinion.

For instance, the Submarine Force doctrine rated the hierarchy of targets in no uncertain terms: “Normally the primary objectives of submarine attack are capital ships or aircraft carriers. For special reasons heavy cruisers or lighter combatant or auxiliary ships may be designated as targets. Attack on other than capital ships or aircraft carriers will not be made unless such other vessels are designated as primary objectives or attack on capital ships is definitely impracticable or will not be jeopardized thereby.”77

With its emphasis on attacking enemy fleet units, particularly capital ships, the published doctrine established what the U.S. Navy expected from its submarines. Although the published doctrine stressed aggressiveness, however, naval exercises and


fleet training stressed caution. As the war was about to begin, the submarine force deliberately hamstrung itself by inculcating a culture of caution and a fear of detection.

**Improper Training on the Brink of War**

Although the published doctrine stressed attack as the primary mission of a submarine, the submarine force was surprisingly unready for unrestricted warfare. Although they were supposedly attacking easier targets, slow merchant ships, submariners failed to successfully press home attacks. After the war, Captain Wilfred Jay Holmes, a prewar submariner and wartime intelligence officer explained that “the caution that was essential to [attacking screened warships] was unnecessarily restrictive in [commerce raiding], and when U.S. submarines were diverted to war against commerce it took time to develop effective tactics for the new task.”

The source of this unnecessary caution was an undue belief in the capabilities of antisubmarine warfare. Naval officers and submariners believed that if a submarine was detected, it would be easily destroyed:

> Once a super-sonic-equipped destroyer made sound contact with an attacking submarine the odds went down. It was estimated that depth-charge attacks which would surely follow such a contact would result in a submarine kill in one attack out of four.

As a result, although the Submarine Force’s published doctrine stressed the attack, the doctrine also called for remaining undetected. Out in the fleet, submarine training stressed remaining undetected to the exclusion of actually pressing home attacks.

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In hindsight, the Navy clearly misjudged the capabilities of antisubmarine warfare. Submariners improperly assumed that aircraft could easily spot submarines at depths shallower than 125 feet because most naval exercises were held in unusually clear waters around the Hawaiian Islands or in the Caribbean. Sonar conditions in those waters were also unusually excellent. Consequently, submariners believed airpower and sonar to be omnipotent over submarines. These assumptions would come back to haunt the submarine force during the war, when one submarine commanding officer actually broke down upon the realization that his Japanese attacker had sonar, and another submarine commander refused to make attacks on targets with sonar-equipped escorts.

As a result of these assumptions, the submarine force staged training exercises that required submarines to attack almost entirely by sound. Periscope observations were generally prohibited, despite the published doctrine. According to W.J. Holmes, submarine commanders in the Asiatic Fleet were threatened with relief from command if their periscope was sighted in an exercise! Even when not sighted, submarine commanders were criticized for using their periscope. Captain Slade D. Cutter recalled a prewar exercise in which his submarine, USS *Pompano*, and other submarines in the Pacific Fleet, had attempted to infiltrate a screened force of battleships, using only

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82 Holmes, *Undersea Victory*, 47.
Cutter’s commanding officer, Lewis Parks, eventually grew impatient with attempting to find a target in the clutter of noise generated by the destroyers and the battleships. He briefly used his periscope to make an observation, and shot an exercise torpedo. It was the only torpedo hit of the entire exercise, but afterwards, Parks was accused of “losing his nerve” by risking a periscope observation.\footnote{Cutter, \textit{The Reminiscences of Captain Slade D. Cutter}, Vol. 1, 172-173.}

After the war, W.J. Holmes scathingly criticized the prewar doctrine of sound approaches as a recipe for failure: “Of the 4873 U.S. submarine attacks that it was possible to analyze after the war, only thirty-one could be described as sound attacks and none of these was successful.”\footnote{Holmes, \textit{Undersea Victory}, 48.}

Virtually all submarine exercises were unrealistic. Submarines practiced in scenarios in which potential targets zigzagged, while under heavy protection by extremely alert aircraft and surface vessels. To avoid detection, submarines remained below 125 feet and relied upon passive sonar for an attack.\footnote{Papadopoulos, “Between Fleet Scouts and Commerce Raiders”, 16-17.} Although the scenarios reflected attacks against a well-escorted enemy battle fleet, they hardly reflected the conditions of potential commerce warfare. One of the few times that submarines actually attempted to attack an exercise convoy, in January 1940, could scarcely be viewed as an accurate scenario of commerce warfare:

… the attackers operated submerged, and the merchant ships had a destroyer and aircraft escort imposing a high degree of caution on the submariners’ part. Worse still, the convoy sailed at either 12 or 17 knots, at the high end of most merchant vessels’ capabilities, making them harder to “torpedo.” In such a hostile environment, this exercise provided an illustration of the requirements of attacking a group of well-
defended enemy troopships, and not a strike at [a] more lightly defended merchant convoy. 86

Furthermore, this unrealistic exercise was the only exercise that trained submarines against commerce in the two years before the war. The other 35 exercises of 1940 to 1941 were submarine attacks against naval units. 87

Published doctrine diverged from training regarding night surface attacks. Published doctrine did allow night surface attacks, even recommending that a submarine commander maintain his submarine’s stealth by using the quieter electric motors instead of diesel engines during such an attack. 88 The reality, however, was much different. Unwilling to risk collisions between submarines and surface ships running without lights, most of which were not equipped with radar, the Navy rarely, if ever, formally practiced night surface approaches. Furthermore, even if the submariners attempted night surface attacks, they actually had no way of observing a target from the bridge and then easily transmitting the information to the fire control computers. Only shortly before the war did Mare Island Naval Shipyard begin fielding the Target Bearing Transmitter (TBT), which accomplished this purpose. Even so, most submarines were not equipped with a TBT at the beginning of the war. 89 Consequently, night surface attacks were next to impossible.

Even one of the most aggressive prewar commanders of the submarine force, Rear Admiral Thomas Withers, remained unduly cautious during the buildup to the war.

89 Holmes, Undersea Victory, 48.
Withers took command of the Pacific Fleet’s submarine force shortly before the Pacific war began. To prepare his force for war, Withers suspended exercise regulations that he felt were unnecessarily restrictive, allowing submarine commanders greater freedom to shoot exercise torpedoes. However, most of Withers’s exercises were invariably worst-case scenarios: the submarines practiced against targets that were highly screened by surface ships and aircraft. As per the published doctrine, submarines practiced evading destroyer screens, while also attempting to penetrate a screened force of capital ships, preferably battleships when possible. Withers did not record any practices involving slow and poorly escorted merchant ships.

In another sign of Withers’s aggressiveness, he ordered submarine commanders to start regularly diving below a hundred feet, which had been the typical submarine operating depth. Under Withers’s orders, submarines regularly dived to test depth, forcing submarine officers to become comfortable operating at deeper depths. The deep dives also familiarized submariners with vital concepts such as using temperature gradients to elude sonar screens. This experience at deeper depths would prove vital during the war. Unfortunately, Withers’s deep diving philosophy also stressed a doctrine that discouraged periscope attacks. Withers directly fostered this philosophy by overestimating the ability of aircraft to see submarines. As noted previously, the unusually clear waters around the Hawaiian Islands fooled submariners like Withers. In fact, he gave a number of effective demonstrations that convinced submarine

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commanders of their vulnerability to aircraft, even dropping firecrackers from an aircraft that exploded over the deck of a submerged submarine. Consequently, the doctrine of remaining deep and attacking by sound became entrenched in the psyches of most prewar submarine commanders.

When the war began, Withers tempered his orders for aggressiveness with simultaneous orders not to be foolhardy. In personal interviews before a submarine went on patrol, Withers “preached aggressiveness but warned against rashness,” particularly warning against surface gun actions. For most early submarine commanders, these contradictory orders compelled them to err on the side of caution.

Some prewar submarine commanders, however, instinctively prepared for unrestricted submarine warfare and bolder doctrine. One such commander was Lewis Parks of USS Pompano, who instilled battle-mindedness into his junior officers, who included the famous submarine ace, Slade Cutter. Unlike many of his peers, Parks remained unfazed by criticism from superior officers, sublimely self-confident in the correctness of his tactics. Before the war, he and Pompano practiced all sorts of attacks, patrolling between Pearl Harbor and Wake Island to practice approaches on unsuspecting Japanese merchant ships, as well as making night surface attacks, including one on battleship USS California. Even in port, Parks remained aggressive.


95 Cutter, The Reminiscences of Captain Slade D. Cutter, Vol. 1, 178-179. The night surface approach on California ended when the battleship suddenly turned her searchlights onto the submarine, revealing that California had a brand new technological advantage: radar.
He often sent Cutter to look at Japanese merchant ships docked in Pearl Harbor in order to develop little mental tricks to help determine the angle-on-the-bow of a certain ship.\textsuperscript{96}

Unfortunately, Parks was the exception to the rule. For the most part, submarine commanders and even the submarine force commanders, like Admiral Withers, were unprepared for unrestricted commerce warfare. For instance, when the new Asiatic Fleet submarine force commander, Captain Doyle, issued his operations orders to his submarines on 2 December 1941, the orders reflected the submarine force’s strategy and doctrine by emphasizing that submarine would attack ships in the following “priority of objectives (a) capital ships (b) loaded transports (c) light forces, and transports and supply ships in ballast.”\textsuperscript{97} Although the operations orders implicitly recognized the possibility of unrestricted warfare by noting that the rules governing naval warfare could be changed, the emphasis remained on attacking the Japanese naval units that would be attacking the Philippines. Less than a week before Pearl Harbor, the submarine force loyally continued to focus on what their mission had been for the last twenty years: to scout out and sink enemy warships in support of the U.S surface fleet.\textsuperscript{98}

Although senior admirals and naval war planners might have discussed the possibility of unrestricted warfare and the Submarine Force doctrine acknowledged the remote possibility of unrestricted warfare, “at the lower levels, in its operational and

\textsuperscript{96} Cutter, \textit{The Reminiscences of Captain Slade D. Cutter}, Vol. 1, 177. “The angle on the bow is the angle between the fore-and-aft axis of the ship and the line that runs from the submarine to the ship…”

\textsuperscript{97} Captain W.E. Doyle, Commander Submarines, U.S. Asiatic Fleet, U.S.S. Sargo (SS188), Flagship, Manila, P.I., Operation Order No. 2-41, 2 December 1941; Asiatic Fleet Op. Order 2-41, Ser: 001, 2 Dec 41; Box 292, Servron 12 1945 to SubLant Jun 43; Plans, Orders, & Related Documents; Records Relating to Naval Activity During World War II; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 2.

\textsuperscript{98} Captain W.E. Doyle, Operation Order No. 2-41, 2 December 1941, 2.
tactical preparations, the service held a consistent view: the U.S. Navy would not allow its submarine captains to attack merchant shipping without warning.”

Given the realities of the London Naval Treaty and the fact that the United States had gone to war in 1917 due to unrestricted submarine warfare, Admiral Withers and his submariners could be excused for making such an assumption. Until 7 December 1941, the senior naval leadership never hinted that the reality of war would be any different than that the submariners had assiduously trained for. The silence of the naval leadership reflected their assumption that transitioning to unrestricted warfare would be easy. Unfortunately, this assumption also reflected the naval leadership’s inability to grasp the reality of submarine warfare at the beginning of the Second World War.

**The Senior Leadership Disconnect**

If the senior naval leadership had not believed that U.S. submariners could easily become commerce raiders, they might not have issued their orders without any warning. Unfortunately, because the senior naval leadership did not fully understand the realities of submarine warfare, the submarine force wallowed in the trough of inefficiency for over a year of combat. This turn of events reflected the reality that many senior naval officers had not served in submarines, while the senior naval officers who had served in submarines had almost all done so at a time when submarine warfare was drastically different.

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Interestingly, the two key architects of U.S. unrestricted warfare were not submariners. Neither Admiral Harold R. Stark, the Chief of Naval Operations, nor Rear Admiral Richmond Kelly Turner, the Director of Naval War Plans, had served in submarines. Stark had spent virtually his entire career on surface combatants such as battleships, cruisers, and destroyers, while Turner briefly served as an aviator before returning to the surface navy. Another senior admiral who called for unrestricted warfare, Admiral King, had briefly served in submarines, as well as qualifying for aviation, but although he advocated for unrestricted warfare, he was not in a position to decide how to implement that policy.

Of all the senior naval officers, the most experienced submariner was Admiral Thomas C. Hart. Unfortunately, Hart consistently refused to move beyond his knowledge of submarines from his firsthand experience in the First World War and the 1920s. In particular, Hart refused to trust his large fleet submarines and he did not deploy his submarines properly when war came. For instance, in 1938, Hart forced the submarine force to divert funds for the 800-ton Marlin and Mackerel, which proved to

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100 Miller, War Plan Orange, 217, 268.

101 Thomas B. Buell, Master of Sea Power: A Biography of Fleet Admiral Ernest J. King (Boston: Little, Brown and Company, 1980), 58-64. King commanded a submarine division and then the Submarine Base at New London, Connecticut. In addition, he also commanded the salvage operation for USS S-51. Although King attended submarine school in order to qualify to command the submarine division and the submarine school, he actually never qualified to be a submariner. Throughout his career, he always and correctly insisted that he was not entitled to wear the gold dolphins of a submariner.

102 Leutze, A Different Kind of Victory, 51-75, 85-90. Among his numerous submarine assignments over a space of six years, from 1916 to 1922, Hart commanded the Third Submarine Division, Pacific Torpedo Flotilla, at Pearl Harbor; the Submarine Base at New London, Connecticut; the first submarine flotilla assigned to European waters; director of submarines in Washington, DC; headed the Submarine Design Board; helped found the informal Submarine Conference that became the Submarine Officer’s Conference in 1926; and commanded the Third Submarine Flotilla. From 1929 to 1931, as a newly minted Rear Admiral, Hart commanded the submarine divisions of the U.S. Battle Fleet, and soon Hart commanded every submarine in the U.S. Navy as the Commander, Control Force.
be a waste of valuable resources. During Hart’s wartime command of the Asiatic Fleet, he deployed his fleet submarines directly against heavily protected Japanese amphibious landings or fleet assemblies, instead of interdicting the more-vulnerable Japanese supply routes. Afterwards, chastened by his submarine force commander, Hart admitted that his tactical deployment of submarines might have been incorrect. However, Hart typically pinned most of the blame upon the large fleet submarines, while continuing to champion small submarines like the S-boats, which seemed to be more successful. In hindsight, this was not surprising, because many S-boats used the older Mark-10 torpedo, which did not malfunction like the Mark-14 torpedo used in the large fleet submarines. Even after he had been relieved as Commander-in-Chief of the U.S. Asiatic Fleet, Hart continued to insist that American submarine design was too complex, too large, too comfortable, and too filled with “gadgets.” Locked in the past, Hart could not comprehend the major changes in submarine technology and

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104 Admiral Thomas C. Hart, Commander in Chief, Asiatic Fleet, “Supplementary to Narrative of Events, Asiatic Fleet Leading up to War and From 8 December 1941 to 15 February 1942,” October 8, 1946; Hart, Thomas C. ADM Supplementary to Narrative 1946-1947; Box 1726, Individual Personnel, Gower to Hay; WWII Action and Operational Reports; Records Relating to Naval Activity During World War II; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 16-18. See also: “U.S. Naval Administration in World War II: Submarine Commands, Volume I”; Submarines, All Commands Administrative History, Vol. I of 3; Box 354, Service Squadrons S-12 – Submarines-all commands Admin History Vol. 1 of 3; Type Commands; World War II Command File; Operational Archives Branch, Naval Historical Center, Washington, DC, 115.


106 Blair, Silent Victory, 279.

abilities that had occurred since he had commanded submarines in the First World War.\textsuperscript{108}

The inability of the senior leadership to fully understand the realities of submarine warfare had a debilitating effect upon the U.S. submarine force. For over a year, even experienced submariners such as Admiral Hart, Rear Admiral Thomas Withers, and Rear Admiral Robert English misdiagnosed the problems of the submarine force. One problem, these senior officers correctly realized, was that their submarine commanders were generally too old and too timid. Another problem, they erroneously decided, had to be with the submariners’ aim, because the submarine commanders were reporting a significant number of torpedo shots without any hits. This injudicious assumption epitomized the senior naval leadership’s utter failure to grasp the realities of modern submarine warfare. For a year, except for tests conducted by Rear Admiral Charles Lockwood in Australia, no senior naval officer would admit the possibility that the submarines’ torpedoes could possibly be faulty.\textsuperscript{109}

As it was, even Lockwood was unable to quickly solve the problem, even after he was elevated to the post of Commander, Submarine Force, U.S. Pacific Fleet, in January 1943. It would take more months of frustration and disappointment before the submariners realized that not only were their magnetic exploders faulty, but so were their contact exploders. U.S. submarines could not put to sea and know that their torpedoes would actually work until October 1943, over \textit{twenty-one} months after the

\textsuperscript{108} To his credit, Admiral Hart later revised his opinions after the war, and admitted the submarine force’s failures came as a result of Japanese anti-submarine warfare, poor tactical deployment on his part, and faulty torpedoes. See: Admiral Thomas C. Hart, “Supplementary to Narrative of Events,” October 8, 1946, 17-18.

\textsuperscript{109} Blair, \textit{Silent Victory}, 250-254.
start of hostilities. It was a horrifying and criminal design error that might have been caught earlier by a naval leadership that understood the realities of submarine warfare. However, just as the naval leadership failed to understand that the submarine force could not transition immediately to unrestricted warfare, nor could the naval leadership understand that the problems with the submarine force were not superficial, but rather the inculcation of years of design errors and personnel policies.

Implicitly Designed for Unrestricted Warfare?

When the Second World War ended, the submarine force had gained a remarkable victory against Japan. Because U.S. submarines proved so well suited for their mission, it might appear that U.S. submarines had been designed with the intent of unrestricted warfare all along. Such speculation appears in the conclusion of Gary Weir’s well-researched book on submarine development during the interwar period, *Building American Submarines, 1914-1940* (1991) and his subsequent electronic article about the U.S. submarine force’s history.

Weir concluded that despite the conclusions of Samuel Flagg Bemis and J.E. Talbott, who dated the roots of American unrestricted warfare to only a few years before the outbreak of hostilities, “actually, the revisionist thinking of the American submarine community in the late 1920s and the designs developed as expressions of these operational views contributed to a favorable environment within the Navy for

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110 The story of American torpedo problems has been told in many studies. Undoubtedly, one of the best remains Clay Blair’s treatment of the problem in *Silent Victory.* See Blair, *Silent Victory*, 250-254, 403-404, 408-411.
unrestricted submarine warfare a full decade before Pearl Harbor.”  

Weir cited the recognition by officers at the U.S. Naval War College that potential enemies would probably utilize submarines for commerce raiding, as well as some fleet problems in which submarines actually attacked escorted convoys as proof for his point. He stated: “As is so often the case, the nature of the conflict and the capability of the Navy’s submarines, and not detached prewar discussions of proper behavior, determined the degree and manner of commitment.”  

Weir was even more explicit in his electronic article he wrote nine years later:

American officers realized that war in all of its brutality, not peacetime politics or worthy ethical concerns, would determine the future challenges faced by the submarine force. In spite of official policy, the boats under construction in the 1930s reflected assertive, offensive strategic thinking… In addition, the fleet exercises and war game scenarios during the late 1930s permitted these vessels to attack warships, convoy escort ships, and even certain convoys identified as critical to enemy logistical support. By 1940, the submarine force had answered its fundamental strategic questions and had the vessels to carry out the consequent roles and missions. Thus, when Admiral Thomas Hart proclaimed unrestricted submarine warfare against Japan on 8 December 1941, it came as no surprise. The submarine force knew what to do.

Unfortunately, Weir’s thesis conflates the submariners’ training for naval combat with unrestricted warfare. Weir implicitly declares that because submarines trained to attack warships and screened convoys, they honed skills that would be useful for unrestricted warfare. In reality, U.S. submarines proved to be natural commerce

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raiders, but not because they had trained for it. When war came, the submariners quickly had to adjust to a wartime environment that did not match their prewar expectations. Dick Voge, who commanded USS *Sealion* at the outbreak of hostilities, flatly stated that the war submariners found themselves fighting was not the war that [submariners] were prepared to fight, a campaign of torpedo attacks against enemy combatant ships; occasionally a gun attack if the odds were favorable and the expected results were commensurate with the risks; some tactical scouting; possibly a few mine laying missions to harass the enemy. *Neither by training nor indoctrination were the submarines prepared to wage unrestricted warfare.*

As Voge noted, submariners had to develop tactics such as the “end-around” and high-speed night surface attacks, neither of which had been developed before the war.

In a brief study on the readiness of the U.S. submarine force for unrestricted warfare, naval historian Randy Papadopoulos cited a story of a communications officer who asked his commanding officer what “unrestricted warfare” meant upon the receipt of Admiral Stark’s message, and his commanding officer replied, “I don’t know.” While the story may be apocryphal, it certainly reflected the submariners’ prewar training. The submarine force had focused for two decades on naval combat to the exclusion of all else. Consequently, they were caught almost completely off balance by

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115 *Submarine Operational History World War II*, 4.

116 Papadopoulos, “Between Fleet Scouts and Commerce Raiders”, 20-21. Captain Edward L. Beach, the famous World War II submariner and author, told the story to Papadopoulos. Papadopoulos cited Beach as the submarine communications officer, but this would have been impossible, since Beach was still at Submarine School in New London, when Pearl Harbor was attacked on 7 December 1941, see: Edward L. Beach, *Salt and Steel: Reflections of a Submariner* (Annapolis: Naval Institute Press, 1999), 59-60.
their new orders. As Papadopoulos concluded, “With this type of doctrine under the
belts of U.S. Navy submariners, the American admirals’ consideration of unleashing an
unrestricted campaign against Japan before Pearl Harbor did not matter: their crews had
not practiced for such combat.”

Additionally, submariners hardly trained “in spite of official policy.” They had
chosen their mission and the Navy leadership approved of their choice. A number of
Commander-in-Chiefs of the U.S. Fleet, including William V. Pratt, Joseph Reeves, and
Claude C. Bloch, stated that they expected to use their submarines to scout ahead of the
U.S. Fleet, make contact with the enemy, and attack enemy capital ships before the
main units of the U.S. Fleet arrived. The fleet submarine was designed to accomplish
this mission, and during the war, fleet submarines proved quite capable of actually
fulfilling this role. At the Battle of the Philippine Sea, two of the three Japanese carriers
sunk were by U.S. submarines, and USS Darter and USS Dace played havoc with the
Japanese Main Force at the Battle of Leyte Gulf.

U.S. submarines were capable of carrying out unrestricted warfare not because
they had been designed for unrestricted warfare, but because they had been designed for
the difficult mission of naval combat in the Pacific Ocean. For such a difficult mission,

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Fleet, in Regard to Needs of the Fleet,” General Board, 181. See also: Admiral J.M. Reeves,
Commander-in-Chief, United States Fleet, to the Chief of Naval Operations, Subject: Employment of
BLUE Submarines – Orange War, 20 January 1936, Enclosure: A Study on the Initial Employment of the
BLUE Submarine Force in an ORANGE War, December 1935, 1-2, 10-11. See also: Admiral Claude C.
Bloch to the Chief of Naval Operations, Subject: Submarines – Employment of in a Pacific War, 11 May,
1938, 1-4..

119 Blair, Silent Victory, 628-632, 724-733. An in-depth discussion of the importance of the
attacks by Darter and Dace is in: Thomas J. Cutler, The Battle of Leyte Gulf: 23-26 October 1944 (New
the submariners required versatility to carry out tasks that naval planners had not envisioned. The U.S. fleet submarine’s high speed allowed it to proceed far ahead of American surface forces and maintain contact with enemy battle fleets, but it also allowed submarines to outflank slower merchant convoys. Submarines had the range to shadow Japanese fleet movements all the way from the Sea of Japan, but they could also stay on station for almost two months, allowing them to sink virtually anything crossing their patrol area. The large number of torpedoes and torpedo tubes on U.S. submarines allowed a submarine to shoot a mortal salvo of torpedoes into heavily protected battleships and aircraft carriers, but it also allowed American submarine commanders to persistently and tenaciously continue convoy battles when other, lesser-armed submarine commanders might have broken contact.  

Some submarine commanders might have desired unrestricted warfare. However, the leaders who seem to have seriously considered it were senior-level naval officers, not the submarine force commanders. Submarines may have been technically capable of unrestricted warfare, but in terms of operational practice, the American submarine force deliberately hamstrung itself before the outbreak of hostilities. When war came, submariners like Dick Voge, trained in naval combat to the exclusion of all else, found the order to conduct unrestricted warfare to be “as startling as the Japanese attack on Pearl Harbor.”

In fact, U.S. fleet submarines arguably were vastly superior to German U-boats as commerce raiders. As Clay Blair argues throughout his history of the German U-boat war, the mainstay submarine of the U-boat force, the Type VIIC, had been designed as a small commerce raider, but it turned out to not have the range, endurance, or requisite weaponry to make it truly effective. See: Clay Blair, *Hitler’s U-Boat War: The Hunters, 1939-1942* (New York: Random House, 1996), 423.

“Submarine Operational History World War II”, 1.
CHAPTER 5

THE DECISION TO CONDUCT UNRESTRICTED WARFARE

The Constitutional Paradigm and Unrestricted Warfare

Although the United States traditionally opposed unrestricted warfare, it did not legally and formally bind itself to cruiser warfare until 1930, when it signed and ratified the London Naval Treaty. Article 22 of the treaty addressed submarines, requiring them to conduct cruiser warfare. This clause was to remain in force in perpetuity.¹

In November 1936, the United States reaffirmed its treaty obligations by signing the London Submarine Protocol, along with dozens of other countries. Although specialists could question the legal force of the London Submarine Protocol of 1936, as far as the United States was concerned, Article 22 of the London Naval Treaty of 1930 was still in force and would remain in force until superseded.²

¹ Article 22 of the London Naval Treaty of 1930, quoted Solution of a Situation, issued December 3, 1938; Solution of a Situation II – Inter. Law, 3 Dec., 1938; Box 86, Nos. 2197-IL2-2201; Publications, Record Group 4; Archival Records, U.S. Naval War College, Newport, RI, 11. See also: Emily O. Goldman, Sunken Treaties: Naval Arms Control Between the Wars (University Park: The Pennsylvania State University Press, 1994), 317.

² “The Submarine in Trade Warfare: Staff Presentation,” Naval War College, Newport, Rhode Island, August 4, 1941; Submarine in Trade Warfare 8/4/41; Box 34, Study – Utilization; NWC Presentations, Studies, etc. (Series II-B), Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 15-17.
Consequently, when U.S. naval officers began to consider unrestricted warfare in 1940, they immediately ran up against their oath to office. Like all officers in the United States Armed Forces since 1868, U.S. naval officers swore to support and defend the Constitution of the United States. As part of that oath, naval officers were sworn to uphold Article VI, Paragraph 2, which stated:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every state shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding.

By force of the Constitutional paradigm, therefore, U.S. naval officers were sworn to uphold Article 22 of the London Naval Treaty as the supreme law of the United States, comparable in force to the Constitution and laws passed by Congress. To conduct unrestricted warfare meant betraying one’s oath, something that no naval officer took lightly. Consequently, beginning in the fall of 1940, senior naval officers required a process of rationalization and justification as they grappled with accepting unrestricted warfare. Three men would be at the center of this process: Admiral Thomas C. Hart, the Commander-in-Chief of the U.S. Asiatic Fleet; Admiral Harold R. Stark, the Chief of Naval Operations; and Rear Admiral Richmond Kelly Turner, the Director of the War Plans Division in the Office of the Chief of Naval Operations.

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3 Lieutenant Colonel Kenneth Keskel, U.S. Air Force, “The Oath of Office: A Historical Guide to Moral Leadership,” *Air & Space Power Journal* 16, no. 4 (Winter 2002): 50. The exact oath, approved on 11 July 1868, is: “I, A.B., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

4 U.S. Constitution, art. VI. Emphasis added.
Admiral Thomas C. Hart

Of all the senior officers in the U.S. Navy when the Second World War began, Admiral Thomas C. Hart arguably had the greatest experience in submarines. He had commanded submarine flotillas and divisions during their nascent years and he had helped draft the specifications for the “fleet submarine.” Hart also was an assertive commander and firm naval officer who enjoyed the confidence and friendship of many other naval leaders. Placed in the position of being the first commander who could offensively strike back at the Japanese, Hart did so. An aggressive naval officer to the core, he also characteristically issued the first orders to conduct unrestricted warfare.

Throughout his career, Hart earned a reputation as a tough and demanding commanding officer who drove his subordinates to achieve high results. He could be impertinent and rude at times, but he was also known for being a listener and for being innovative. He was a strict disciplinarian but also a leader who inspired his subordinates through his pugnacity and determination. No one doubted his extraordinary competence, and there were some who speculated: “had Tommy Hart been in command at Pearl Harbor, the fate of the Pacific Fleet might have been very different.”⁵ At the same time, however, most naval officers found him to be aloof and harsh. One naval officer, who actually rescued Hart from being stranded on Batavia in

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1942, wrote later: “I detested him as an individual, while respecting and admiring his military abilities.”

Thomas C. Hart graduated from the U.S. Naval Academy in 1897, at only 19 years of age. While a naval cadet, he had indulged in a number of pranks, including blowing up the desk of one despised naval officer. While at the Naval Academy, Hart came to know and become good friends with his classmate who graduated first in his class, a promising young naval officer named Harry E. Yarnell. The two men’s paths would frequently intersect in the years ahead. After graduation, Hart served with distinction in the Spanish-American War, and then returned to the Naval Academy where he drilled naval cadets. After being relieved from his first command, the destroyer USS *Lawrence*, for insubordination, Hart’s career took a turn for the better with a stint at the Bureau of Ordnance that earned him accolades and led to an association between Hart and new weaponry. During that time, Hart also became engaged to the daughter of Rear Admiral Willard H. Brownson, who had been Hart’s commandant of cadets when Hart was a naval cadet, as well as the Naval Academy superintendent when Hart was teaching drill there. Hart would remain devoted to Caroline Brownson Hart for the rest of his life.

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6 Leutze, *A Different Kind of Victory*, 285. The officer in question, D.A. Harris, captain of USS *Bulmer*, noticed Hart standing in civilian clothes on a dock in Batavia after Hart had been relieved of command of the Australian-British-Dutch-American fleet. Astonished to see his former fleet commander standing alone on the dock in civvies, Harris offered him his services. Hart asked for a ride to a ship in the harbor, which Harris arranged with his own gig. However, Harris remained on the dock, because “I had much rather have waited all day [on the dock] than to have been in the gig with Admiral Hart.”

7 Leutze, *A Different Kind of Victory*, 9-38. The rank of “naval cadet” briefly supplanted that of “midshipman” from 1883 until 1902.
Hart’s experience with submarines began after his successful tours at the Bureau of Ordnance and as a top-ranked gunnery officer on board battleship USS Virginia. His classmate Harry Yarnell requested Hart as his relief in heading up the Division of Maintenance and Repair at the brand-new torpedo shop in Newport, Rhode Island. Hart soon became an expert on torpedoes and this expertise would serve him well in the years to come. As the First World War approached, Hart desperately looked for a sea command. Finally, in 1916, he accepted command of the Third Submarine Division, Pacific Torpedo Flotilla, at Pearl Harbor. It was a tough posting for an officer who had never been in a submarine before, but Hart succeeded in becoming a professional submariner, as well as turning his small force into an effective fleet of submarines. He also was influential in creating the submarine base at Pearl Harbor.⁸

Further assignments in submarines followed: command of the Submarine Base at New London, Connecticut; command of the first submarine flotilla assigned to European waters; director of submarines in Washington, DC; head of the Submarine Design Board; and command of the Third Submarine Flotilla. Hart also helped start the informal Submarine Conference that became the Submarine Officers Conference in 1926. From 1929 to 1931, as a newly minted Rear Admiral, Hart commanded the submarine divisions of the U.S. Battle Fleet, and soon Hart commanded every submarine in the U.S. Navy as the Commander, Control Force.⁹ His biographer, James Leutze, credited Hart with an influential role in the creation and survival of the interwar submarine force:

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He pioneered in the administration of the [submarine] service; he helped organize the influential Submarine Officers Conference; he lobbied against the abolition of undersea weapons, unless coupled with a more sweeping disarmament measure; and he fought hard, and ultimately effectively to get German design features incorporated into U.S. submarines… Tommy Hart was in the forefront of the submariner’s battle all along and could surely take considerable pride for these developments. He was not always right, but he was always in the center of the fray.¹⁰

In 1931, Hart shifted gears to become the superintendent at the U.S. Naval Academy, following in the footsteps of his father-in-law. Normally, a Rear Admiral who had already completed a four-star or three-star billet filled the superintendent’s post, and the posting was seen as a sunset cruise. This was not so with Hart, who was informed that his duty was to shake up the Naval Academy, tighten standards, and improve the standing of the Academy in the eyes of the Academy’s Board of Visitors. Hart attacked his job with relish, attempting to boldly change the curriculum by adding liberal arts courses and imposing a strict discipline over the entire Academy. Among his changes was to order that the visible white collar underneath the midshipmen’s full blue dress uniforms extend exactly one-eighth of an inch, a requirement that many midshipmen enforced by cutting off their collars and pinning them into place. Although some of his changes were not accepted by the alumni, and his relief, Rear Admiral David Sellers, changed the curriculum back to its old focus on professional courses, Hart made a significant impact on the institution and his midshipmen would later

¹⁰ Leutze, A Different Kind of Victory, 89-90.
remember him as significantly increasing their professionalism through his personal example and his tight discipline.\textsuperscript{11}

After a stint commanding heavy cruisers, and another few years as the Chairman of the General Board of the Navy, Hart finally earned the rank of full Admiral and command of the U.S Asiatic Fleet in 1939. He relieved his friend and classmate Harry Yarnell, who informed him of the tense situation developing with Japan, and Hart decided to continue Yarnell’s firm policy regarding Japan, while preparing his command for a war that he realized was inevitable. Hart worked hard to drill the small fleet, which consisted of only a few cruisers, a handful of destroyers, and a number of submarines. When war did come, many historians considered Hart’s small force to be as ready as any force could have been.\textsuperscript{12}

Hart also became the point man for prewar talks with the British and Dutch, and he coordinated a joint war plan with the British and Dutch to defend the Allied possessions in the Far East. He also attempted to coordinate with his Army counterparts in the Philippines, a task that he found increasingly difficult with General Douglas MacArthur. MacArthur planned a “citadel” defense of the Philippines, and expected Hart to support him. Hart, who lived for a good fight, was willing, as long as MacArthur’s aircraft provided air cover for his ships. Unfortunately, the war planners in the Navy Department disapproved of many of Hart’s aggressive ideas, such as basing

\textsuperscript{11} Leutze, \textit{A Different Kind of Victory}, 91-120. See also: Captain Slade D. Cutter, interviewed by Paul Stillwell, \textit{The Reminiscences of Captain Slade D. Cutter, U.S. Navy (Retired)}, Volume 1 (Annapolis: U.S. Naval Institute, 1985), 93, 95-96. Slade Cutter recalled: “Tommy Hart was not beloved of the midshipmen until after they graduated and they realized the kind of man he was… He had these standards that were very, very high, and he didn’t go along with relaxing the rules” (93-96).

\textsuperscript{12} Leutze, \textit{A Different Kind of Victory}, 140-151, 229-230.
his surface fleet out of Manila Bay to defend the Philippines and using his surface ships to defend the Malay Barrier, the chain of islands that ran from Singapore to Australia. In the end, Hart planned to use his submarines to disrupt the foreseen enemy landings in the Philippines, while most of his surface ships would join up with the British and the Dutch to the south. Although the decision not to use the surface ships to defend the Philippines emanated from Washington, General MacArthur would forever hold it against Admiral Hart.\textsuperscript{13}

Hart maintained an often-rocky relationship with his superiors in Washington, DC. President Franklin Roosevelt was known not to be an admirer of Hart’s and Hart held the President in mutual disdain. Hart’s relationship with the Chief of Naval Operations was friendlier, but he often grew frustrated with what he saw as indecisiveness in the Navy Department.\textsuperscript{14} After the war, however, he would grow to be more understanding of the difficulties that had overwhelmed his friend, Naval War College classmate, and nominal superior, Admiral Harold R. Stark, who was struggling with simultaneously building up the largest peacetime Navy in history, effectively employing his forces, and improvising a new strategic vision to fit the realities of the war-torn world.

\textbf{Admiral Harold R. Stark}

Of the senior military leaders of the Second World War, Admiral Harold R. Stark is perhaps one of the least well-known, and his fame stems almost entirely with

\begin{itemize}
  \item \textsuperscript{13} Leutze, \textit{A Different Kind of Victory}, 170-230.
  \item \textsuperscript{14} Leutze, \textit{A Different Kind of Victory}, 141, 219.
\end{itemize}
his connection to the attack at Pearl Harbor, which occurred on his watch as Chief of Naval Operations. This is unfortunate, because Stark drafted the national military strategy that guided the United States throughout the war and he was an effective administrator, diplomat, and commander who built up the Two-Ocean Navy and led U.S. naval forces in Europe during the war. Stark’s strategic vision paved the way for U.S. unrestricted warfare, and it would be Stark who would issue the famous order releasing all U.S. submarines and aircraft to wage unrestricted warfare against Japan.

Stark graduated from the U.S. Naval Academy in 1903. He served his entire career in the surface navy, and commanded seven ships, including battleship West Virginia. Among his staff tours was a tour on the staff of the Commander, U.S. Naval Forces in Europe during the First World War, as well as a tour as the Chief of the Bureau of Ordnance. Throughout the service, Stark earned a reputation as a fine shiphandler, an excellent administrator, and a genial diplomat.  

In one of his early commands, USS Patterson, Stark transported the Assistant Secretary of the Navy. At one point, the Assistant Secretary asked to take the conn in a channel that he was familiar with as a yachtsman. Stark properly denied the request, stating: “No, sir. This ship is my command, and I doubt your authority to relieve me.” Stark then continued to safely navigate Patterson at high speed in restricted waters. Stark’s integrity and seamanship made a lasting impression on the Assistant Secretary of the Navy, Franklin Delano Roosevelt, who would remember him almost two decades later when he was elected President of the United States. In 1939, on the advice of the

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outgoing Chief of Naval Operations, Admiral William D. Leahy, and the Secretary of the Navy, Claude A. Swanson, Roosevelt appointed Stark to be the eighth Chief of Naval Operations.\textsuperscript{16}

Stark assumed office as the Chief of Naval Operations on 1 August 1939, and he quickly found himself bringing the Navy up to wartime readiness. Only a month after Stark became CNO, the Germans invaded Poland and the situation in Europe grew increasingly desperate. During this period of impending hostilities, Stark proved to be a capable administrator and advocate for the Navy, presiding over the largest peacetime increase in the Navy’s strength in history. He also was an exceptionally loyal subordinate to his Commander-in-Chief, President Roosevelt.

Stark had many reasons to be loyal to Roosevelt, above all his longstanding friendship with the President. From his office in the Navy Department, the admiral often sent jokes, articles, and brief friendly notes to Roosevelt, most of them signed with Stark’s Naval Academy nickname: “Betty”. In October 1941, Stark even asked Roosevelt for an autographed photograph for his grandson, who had been stricken with infantile paralysis and about whom the President had asked to be kept informed. In one of the few times that anyone in the Navy ever brought up Roosevelt’s disability, Stark wrote: “I have told him that you, too, have gone through what he is going through and, of course, it serves as a wonderful example for him, as it does for every other child and person in this country who is unfortunate.”\textsuperscript{17} The President sent the autographed

\textsuperscript{16} Simpson, \textit{Admiral Harold R. Stark}, 1-2.

\textsuperscript{17} Admiral Harold R. Stark, Chief of Naval Operations, to President Franklin D. Roosevelt, October 10, 1941; OF 18r 1933-1945 Navy Dept.-Chiefs of Naval Operations; Box 32, OF 18r-OF18w, Department of the Navy; Official File; Franklin D. Roosevelt Presidential Library, Hyde Park, NY.
photograph and a personal message for the young boy to “be brave in his splendid efforts for improvement in his health and to never let anything discourage him.”\textsuperscript{18}

While a small affair, utterly unrelated from strategy or war, the exchange was yet another way in which the friendship and loyalty between the two men was sealed.

Unfortunately, Stark might have proved to be too loyal. Admiral J.O. Richardson wrote: “few, if any, other senior officers in the Navy could have served the President so long and so satisfactorily as did Admiral Stark.”\textsuperscript{19} Richardson’s comments were probably a backhanded compliment, given his disdain for President Roosevelt, but they reflected that Stark placed his loyalty to the President over his friendships with other officers. Although Stark’s biographer claims that Stark argued to save the careers of both Richardson and Admiral Husband E. Kimmel, Stark eventually gave in to the President’s determination to relieve both officers of command, effectively ending their careers.\textsuperscript{20} Both Richardson and Kimmel bitterly resented Stark’s acquiescence in their reliefs.

Although Stark is often remembered for acquiescing to the relief of his friend Husband E. Kimmel, some of his other personnel decisions are often forgotten. Stark proved to be a capable judge of ability. For instance, he was chiefly responsible for

\textsuperscript{18} Grace G. Tully, President’s Secretary, to Admiral Harold R. Stark, Chief of Naval Operations, Navy Department, Washington, D.C., October 15, 1941; OF 18r 1933-1945 Navy Dept.-Chiefs of Naval Operations; Box 32, OF 18r-OF18w, Department of the Navy; Official File; Franklin D. Roosevelt Presidential Library, Hyde Park, NY. See also: Admiral Harold R. Stark, Chief of Naval Operations, to President Franklin D. Roosevelt, October 17, 1941; OF 18r 1933-1945 Navy Dept.-Chiefs of Naval Operations; Box 32, OF 18r-OF18w, Department of the Navy; Official File; Franklin D. Roosevelt Presidential Library, Hyde Park, NY.

\textsuperscript{19} Admiral James O. Richardson, as told to Vice Admiral George C. Dyer, \textit{On the Treadmill to Pearl Harbor: The Memoirs of Admiral James O. Richardson, USN (Retired)} (Washington, DC: Naval History Division, Department of the Navy, 1973), 5.

\textsuperscript{20} Simpson, \textit{Admiral Harold R. Stark}, 60-61, 116-117.
rescuing his successor, Admiral Ernest J. King, from the doldrums of the General Board of the Navy. King, who had rankled a number of other naval officers throughout his career, had been sent to the General Board at the same time that Stark was appointed CNO. Normally, the General Board was seen as a sunset tour, and King expected it to be so. However, Stark confided to Admiral Richardson that he believed that King, along with Kimmel, was one of the best flag officers in the Navy. Shortly thereafter, Stark was able to make good on his estimate by appointing King to command the newly created Atlantic Fleet and Kimmel to relieve Richardson as commander of the Pacific Fleet. When war came, Stark would similarly volunteer to resign from his post as CNO in order to allow King to assume both the post of Commander-in-Chief, U.S. Fleet, and Chief of Naval Operations.  

While in office, Stark worked hard to enlarge the Navy, while also devising an appropriate strategic vision for employing the forces he had. Shortly after the unprecedented reelection of President Roosevelt to a third term, Stark committed his thoughts to paper. His memorandum, which became known as “Plan Dog,” became the national military strategy of the United States for the Second World War and the basis for cooperation between Great Britain and the United States even before the war began.  


22 Simpson, Admiral Harold R. Stark, 62-82. A copy of the 12 November 1940 draft of Stark’s memorandum which went to President Roosevelt is on file at the Franklin D. Roosevelt Presidential Library, see: Admiral Harold R. Stark, Chief of Naval Operations, to the Secretary of the Navy, Memorandum for the Secretary, November 12, 1940; Navy Department: “Plan Dog”; Box 4, Marshall, George C.: 4/15/42-1944 thru Outline Plans for Specific Operations: Azores; President’s Secretary File Safe File; Franklin D. Roosevelt Presidential Library, Hyde Park, NY. Copies of the different drafts of
limited war in the Pacific Theater, Plan Dog created the strategic necessity for unrestricted warfare against Japan.

Stark’s sole authorship of such an important strategy document was remarkable, but he did not have time to convert his strategic vision into a viable naval war plan. To do that, he needed an efficient and driven war planner, administrator, and naval leader. After consulting with his Assistant Chief of Naval Operations, Rear Admiral Royal E. Ingersoll, and Captain Abel T. Bidwell from the Bureau of Navigation, Stark settled upon the fiery and dynamic Captain Richmond Kelly Turner, commanding officer of the heavy cruiser USS *Astoria*.\(^\text{23}\) It would be a fateful choice.

**Rear Admiral Richmond Kelly Turner**

Few U.S. naval officers have excited the sort of controversy that Admiral Richmond Kelly Turner has. Even his greatest enemies conceded that Turner was “a naval legend… [who] had executed all our landing operations from Guadalcanal to Iwo Jima with brilliant distinction.”\(^\text{24}\) At the same time, even Turner’s most ardent supporters admitted: “‘good nature’ and ‘good fellow’ were probably the furthest

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deviation from the truth.” To some degree, Turner’s culpability for the Pearl Harbor
debate has overshadowed his contributions as a strategist, administrator, and naval
commander. However, Turner’s strategic vision and war plans directly laid the
foundation for the U.S. decision to conduct unrestricted warfare in the Second World
War.

After serving as a battalion commander and editor of the *Lucky Bag* at the U.S.
Naval Academy, Turner graduated fifth in the Class of 1908. He continually proved
himself to be a hardworking and demanding naval officer. Throughout his life, Turner
put in 18-hour workdays, and expected his peers and subordinates to do so as well. For
the next two decades, he served in a number of billets on board battleships and
destroyers and continually impressed his superiors. He was bright and capable, earning
a postgraduate degree in engineering and becoming an expert in naval gunnery. Turner
was also hardly conservative, successfully becoming a naval aviator in 1927, at 42 years
of age, and he served for the next twelve years in a variety of aviation-related
assignments. Although naval aviators later claimed that they had kicked Turner out of
naval aviation, in reality, Turner wisely chose to return to the surface navy in order to
remain well rounded and improve his chances of making admiral.26

Turner’s abilities impressed many superiors, and he was often sought after as a
gunnery officer and a war planner. Admiral Stark once said, “Every time I think of
Kelly Turner, or anyone mentions his name, I warm a little about the heart…”27 During

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27 Dyer, *The Amphibians Came to Conquer*, 188. Without a doubt, the feeling was mutual:
Turner stated that “[Admiral Stark] was a wonderful senior to me.”
the war, Turner’s Naval War College classmate and friend, Admiral Raymond Spruance, personally requested Turner’s services as his amphibious commander.\textsuperscript{28} After the war, Fleet Admiral Chester W. Nimitz was moved to remark, “I became very much attached to him.”\textsuperscript{29}

At the same time, however, Turner also developed a reputation for being egotistical, stubbornly opinionated, ill tempered, and a drunk.\textsuperscript{30} Turner’s friends conceded that Turner was extremely career-driven, and he was sometimes rated poorly for being intolerant of other views, even those of his superior officers. Additionally, he could tongue-lash even his most loyal subordinates. More than one officer carried the conviction that “Turner was the meanest man I ever saw, and the most competent naval officer I ever served with.”\textsuperscript{31} Although Turner drank very little during most of the interwar period, he verged on alcoholism during the war. Most of his subordinates and seniors could never remember him ever being drunk during operations, however.\textsuperscript{32}

Turner also had a worse problem: a need to micromanage and a hunger for power. Often with the flimsiest of excuses, he would usurp the authority of other officers. While in the Plans Division for the Bureau of Aeronautics, he took control of research and development, and nearly killed research on the controllable pitch propeller.

\begin{itemize}
  \item \textsuperscript{28} Dyer, \textit{The Amphibians Came to Conquer}, 599-600.
  \item \textsuperscript{29} Dyer, \textit{The Amphibians Came to Conquer}, 853.
  \item \textsuperscript{30} Layton, “\textit{And I Was There}”, 20-21. See also: Edward L. Beach, \textit{Scapegoats: A Defense of Kimmel and Short at Pearl Harbor} (Annapolis: Naval Institute Press, 1995), 77-80. Relying heavily on Layton’s account, Beach charged that Turner was probably an alcoholic, whose greatest errors, such as his assertion that Pearl Harbor possessed a Purple machine and the debacle at Savo Island, were probably the results of Turner’s inebriation.
  \item \textsuperscript{31} Dyer, \textit{The Amphibians Came to Conquer}, 150.
  \item \textsuperscript{32} Dyer, \textit{The Amphibians Came to Conquer}, 117, 592-594, 853-854, 1110, 1160-1161.
\end{itemize}
Later on, Turner was to similarly take control of naval intelligence in the office of the Chief of Naval Operations while Director of War Plans. Unfortunately, in this case, Turner’s mistakes would help lead to Pearl Harbor.33

Among his many skills, Turner possessed a talent for war planning. After making recommendations regarding the Navy’s ORANGE war plan while stationed as a squadron commander in the Asiatic Fleet, Turner was brought to Washington, DC, to serve as the Plans Officer for the Bureau of Aeronautics. Turner was so successful and respected that in 1940, when the Chief of Naval Operations, Admiral Harold R. Stark and his assistant, Rear Admiral Royal E. Ingersoll, were trying to find a new Director of War Plans, Turner seemed to be a natural choice. In fact, both men later used the exact same phrase to describe their feelings regarding Turner’s capabilities: “The right man.”34

Among Turner’s various nicknames was “Turn-to” and he certainly shook up the entire Office of the Chief of Naval Operations as he settled into writing war plans and advising the Chief of Naval Operations. Although there were at least six Rear Admirals working in the CNO’s office, Turner arguably attained the most authority, perhaps second only to the Assistant Chief of Naval Operations. He took a tremendous amount of work upon himself and his staff, and he became Stark’s “go-to” man. Turner’s detractors claimed that he acted as the most powerful part of a triumvirate formed of Stark, Ingersoll, and Turner, and that Stark and Ingersoll often rubber-

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stamped decisions that Turner made. Although this may be hyperbole, Turner’s authority grew tremendously and he carried out numerous tasks.\textsuperscript{35}

Among Turner’s most important contributions was his work on the RAINBOW war plans. As war became increasingly probable, the Navy attempted to plan as adequately as possible for the situation facing the United States. The RAINBOW war plans were joint-service war plans meant to fight against a broad spectrum of multinational enemies, almost all of which were part of the Axis. Drawn up by officers from both the Army and the Navy, the RAINBOW war plans set out detailed and achievable goals for both services, while leaving specific details and planning up to unit commanders. The Navy, of course, drew up its own Navy-specific RAINBOW war plan, and then fused it with the concurrent Army RAINBOW war plan to create a Joint RAINBOW war plan. Like most joint service projects, this process was far from painless.\textsuperscript{36}

When Turner arrived at the War Plans Division, only RAINBOW 1 and RAINBOW 4 had been drawn up in any detail. Turner quickly decided that both war plans, which strived mostly to defend the Western Hemisphere, were unrealistic. Instead, his strategic vision aligned with that of Admiral Stark, who believed that the United States needed to save Great Britain and defeat Nazi Germany while waging a limited war in the Pacific. Consequently, Turner proved to be influential in the drafting of what became known as Plan Dog, the national military strategy of the United States for World War II, and the war plans that solidified this strategy: RAINBOW 3 and even

\textsuperscript{35} Dyer, \textit{The Amphibians Came to Conquer}, 136, 154-199. See also: Layton, “\textit{And I Was There}”, 20-21, 143. See also: Beach, \textit{Scapegoats}, 77-80.

\textsuperscript{36} Miller, \textit{War Plan Orange}, 215.
more importantly, RAINBOW 5.\textsuperscript{37} It would be Turner’s plans, and his shared strategic vision with Stark, that would lay the groundwork for the U.S. decision to conduct unrestricted warfare in the Second World War.

\textbf{Laying the Groundwork for Unrestricted Warfare}

The gradual change in attitudes by naval war planners and naval officers towards unrestricted warfare was undoubtedly presaged by the acceptance of Admiral Stark’s Plan Dog in December of 1940. Plan Dog was actually part of a long memorandum that assessed the strategic situation facing the United States in December of 1940. Written by Stark in November 1940, and revised by Turner and his Army counterpart, Colonel Joseph T. McNarney, in December 1940, the memorandum became the foundation for all prewar strategic talks with Great Britain.\textsuperscript{38}

The assessment offered several possible scenarios for war involving the United States, and several plans to go with those scenarios. The planners listed the advantages and disadvantages of each plan, before settling upon the fourth plan, Plan D, as the most advantageous to the United States no matter how war came, whether from Nazi Germany or Imperial Japan. Of course, the planners hoped not to fight a two-ocean war, but no matter the circumstances, the planners called for immediate aid to Great Britain upon the commencement of hostilities. Almost a full year before Pearl Harbor,\

\footnote{37 Dyer, \textit{The Amphibians Came to Conquer}, 157-160, 162-165.}

\footnote{38 Miller, \textit{War Plan Orange}, 269-270.}
the United States had already adopted a plan that called for first winning the war in the European theater, while fighting a delaying action against the Japanese.\textsuperscript{39}

Plan Dog’s influence on the decision to conduct unrestricted warfare came in its conclusion that in order to fight a delaying action against the Japanese, the U.S. Navy would have to wage an economic war of attrition. In fact, the American war planners did not believe that the United States to be able to completely defeat Japan in such a war, so “it should therefore settle upon a war having a more limited objective than the complete defeat of Japan. The objective in such a limited war against Japan would be the reduction of Japanese offensive power chiefly through economic blockade.”\textsuperscript{40} The United States and its allies would cut off all supplies to Japan from Malaysia, the Western Hemisphere, Indochina, China, the Philippines, and the rest of the Pacific. While Japan would still be able to shuttle some supplies through the Sea of Japan from the Soviet Union, assuming the Soviets remained neutral, the supplies would be sufficient for subsistence, but not offensive operations. While the Japanese were thus

\textsuperscript{39} Joint Planning Committee to The Joint Board, Subject: National Defense Policy for the United States, 21 December 1940; Plan Dog; Box 85; Series XIII: Pearl Harbor Investigations; Papers of Admiral H.R. Stark; Operational Archives Branch; Naval Historical Center; Washington, DC, 15.

\textsuperscript{40} Joint Planning Committee to The Joint Board, Subject: National Defense Policy for the United States, 21 December 1940, 8. Importantly, this strategy against Japan remained unchanged in every draft of Plan Dog, from Stark’s original draft, through the draft that went to the President, and eventually the revised draft that became the National Defense Policy for the United States. For this section in the original draft, see: Ross, American War Plans, 1919-1941, Volume 3, 263-264. For this section in the revised draft, see: Admiral Harold R. Stark, Chief of Naval Operations, to the Secretary of the Navy, Memorandum for the Secretary, November 12, 1940, 14. See also: Ross, American War Plans, 1919-1941, Volume 3, 238. For another copy of the final revision of Plan Dog, see: Ross, American War Plans, 1919-1941, Volume 3, 277-301.
bottled up, the United States and its allies would be winning the war in the Atlantic and Europe.41

There was only one weapon capable of economically gutting Japan while simultaneously avoiding a conflict with Japan’s powerful navy, and the planners knew it. The Pacific War would be, among other things, a submariner’s war of economic strangulation. From Plan Dog until the beginning of the war, the strategic rationale for unrestricted warfare would remain the same: the United States needed to sever Japan’s economic arteries, and to do that, the United States needed to wage unrestricted submarine warfare.

Thus, it was no coincidence that even as Admiral Stark and Rear Admiral Turner were writing and revising Plan Dog, they were also revising the Navy’s RAINBOW war plan, including, for the first time, the authorization to fleet commanders to create war zones. In fact, just as Plan Dog was being accepted, Turner’s War Plans Division completed naval war plan RAINBOW 3, or Naval Basic War Plan 44, in December 1940 and released it in January 1941 with the Secretary of the Navy’s approval.42

RAINBOW 3 ordered the “Naval Establishment, in cooperation with the Army and the forces of our Allies, will… [s]ever Japanese sea communications in the Pacific Ocean and the Bering Sea to the eastward of the 180th meridian, and through the Malay

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41 Joint Planning Committee to The Joint Board, Subject: National Defense Policy for the United States, 21 December 1940, 8.

42 W.P.L.-44, Naval Basic War Plan - Rainbow No. 3, United States Navy, December 1940; Box 33, WPL-44; W.P.L. Series; War Plans Division; Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, Cover letter.
Barrier; and raid Japanese sea communications in other areas in the Western Pacific, and South China Sea and contiguous waters, in order eventually to destroy the economic power of Japan to conduct offensive warfare.\footnote{W.P.L.-44, Naval Basic War Plan - Rainbow No. 3, United States Navy, December 1940, 23.} The tasks were split between the U.S. Fleet, soon-to-become the Pacific Fleet, and the Asiatic Fleet. The U.S. Fleet would cut off the trade to the east of the 180\textdegree{} meridian, while the Asiatic Fleet was assigned responsibility for the Western Pacific and the Malay Barrier.\footnote{W.P.L.-44, Naval Basic War Plan - Rainbow No. 3, United States Navy, December 1940, 24, 27.}

Not only had the focus of the U.S. Navy changed, but so had the rules of war governing naval officers. The only prior naval RAINBOW war plan to be officially approved, RAINBOW 1 from July 1940, had some striking differences with RAINBOW 3 regarding the conduct of war at sea. The specific change lay in a section entitled “Rules of Warfare.” RAINBOW 1’s “Rules of Warfare” included only a very terse section enjoining all Navy units to follow the 1917 Instructions for the Navy of the United States Governing Maritime Warfare.\footnote{W.P.L.-42, Naval Basic War Plan - Rainbow No. 1, United States Navy, July 1940; Box 32, WPL-42; W.P.L. Series; War Plans Division; Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 45.} RAINBOW 3, on the other hand, provided for “strategical areas.” Specifically, the war plan said:

The Commander-in-Chief, U.S. FLEET, the Commander-in-Chief, U.S. ASIATIC FLEET, and the Commander, ATLANTIC FORCE, are authorized to declare such “Strategical Areas” as in their opinion are vital. They must give wide publicity to the exact boundaries of the areas involved and, at the earliest opportunity, notify the Chief of Naval Operations of these actions. A “Strategical Area”, as here used, means an area from which it is necessary to exclude merchant ships and merchant aircraft to prevent damage to such ships or aircraft, or to
prevent such ships or aircraft from obtaining information, which, if transmitted to the enemy, would be detrimental to our own forces.\textsuperscript{46}

Although there was no mention of unrestricted warfare within these strategical areas, naval officers could hardly have mistaken the resemblance to the sort of areas that the Germans called “war zones,” the British termed “zones dangerous to navigation,” and the United States neutrality legislation phrased as “combat areas.” In all these cases, these were areas from which noncombatant commercial vessels were prohibited.

However, Turner and Stark were not yet willing to explicitly condone unrestricted submarine warfare, despite their focus on economically defeating Japan. For one thing, RAINBOW 3 not only ordered all U.S. naval units to obey the 1917 Instructions, but also specifically called for the enforcement of the Instructions in regard to “Merchant vessels and merchant aircraft [and] Bombardment and bombing of shore positions and establishments.”\textsuperscript{47} The “Rules of Warfare” also included a section on what to do with prizes, hearkening back to the days of sailing warships. In short, the rules indicated that sinking merchant shipping was still generally unacceptable.\textsuperscript{48}

If RAINBOW 3 seemed to explicitly prohibit unrestricted warfare, Admiral Stark seemed to believe that it was implicitly condoned by the circumstances regarding Japanese merchant shipping. When Stark’s friend, Admiral Hart, the Commander-in-Chief of the Asiatic Fleet, noticed the ambiguous phrasing regarding strategical areas and raiding Japanese sea communications in the RAINBOW 3 war plan, he queried

\textsuperscript{46} W.P.L.-44, Naval Basic War Plan - Rainbow No. 3, United States Navy, December 1940, 42.
\textsuperscript{47} W.P.L.-44, Naval Basic War Plan - Rainbow No. 3, United States Navy, December 1940, 42.
\textsuperscript{48} W.P.L.-44, Naval Basic War Plan - Rainbow No. 3, United States Navy, December 1940, 42.
Stark about how much freedom he had regarding merchant shipping in a letter of 18 January 1941: “The possibilities in raids on Japanese sea communications, - meaning shipping other than naval forces, - would be great if our submarines were free to wage ‘unrestricted’ war.” However, Hart quickly added, “Unless we are otherwise ordered, our submarines will not be directed to depart from the War Instructions now in force.”

Admiral Stark replied on 7 February 1941, and he responded directly about the paragraphs and statements queried by Admiral Hart:

‘Sever sea communications’ indicates that you should make the fullest possible defense of the three straits mentioned, in order to prevent Japanese naval forces from approaching the final vital positions, and in order to prevent enemy raids on the associated communications in the Indian Ocean. It is believed that further careful study of these tasks will reveal all their implications. The term ‘sea communications’ includes all naval as well as merchant shipping. Raids on military and naval supply ships should prove very profitable. The question of inability to sink merchant shipping by submarines, without warning, is unlikely to arise, since it is probable that all shipping within your reach will be under Japanese naval operation or control…

… The employment of submarines as proposed is considered suitable and highly desirable.

Admiral Stark’s reply did not highlight the portions of the RAINBOW war plan that called for cruiser warfare or adherence to the 1917 Instructions. Instead, he essentially gave Admiral Hart carte blanche to wage unrestricted warfare by telling him to assume
that virtually all Japanese shipping would be under the control of the Japanese Navy or military. His final sentence on the subject, telling Hart that the use of “submarines as proposed is considered suitable and highly desirable” seems to leave little doubt that Stark’s vision of cutting off Japanese trade entailed unrestricted warfare. However, in February 1941, the only rationale Stark could give for possibly conducting unrestricted warfare was the claim that virtually all Japanese shipping would be under military control. Fortunately for Stark, his views were about to receive critical legal and ideological support from an unexpected source.

**The U.S. Naval War College and Unrestricted Warfare**

In his letter to Admiral Hart, Admiral Stark also informed Hart that “a revised ‘Instructions for the Navy of the United States Governing Maritime Warfare” will soon go to press.”51 The Navy had keenly felt the absence of any revision to the *Instructions for the Navy of the United States Governing Maritime Warfare, June, 1917*. As the title indicated, the *Instructions* had not been updated since the First World War. Over twenty years later, it was time to update, revise, and reissue the *Instructions for the Navy of the United States*, a matter that Admiral Stark had realized shortly after entering office in August 1939.

Initially, Stark turned to the General Board of the Navy, but the War Plans Division stridently declared that it was the proper office to write the new *Instructions*.52

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51 Admiral Harold R. Stark to the Commander-in-Chief, U.S. Asiatic Fleet, Subject: Instructions concerning the preparation of the U.S. Asiatic Fleet for war under “RAINBOW No. 3,” February 7, 1941, 3-4.

52 Director, War Plans Division to Director, Central Division, Subject: “Instructions for the Navy of the United States governing Maritime Warfare” and “Rules for Aircraft in War,” 24 October 1939;
Consequently, Stark ordered the War Plans Division to draw up new *Instructions*, assisted by the Navy Judge Advocate General. By April 1940, the first draft of the new *Instructions* was ready. After receiving approval from the General Board, the prospective *Instructions* were sent to the State Department and the Office of the Navy Judge Advocate General for review and critique.\(^{53}\)

If naval officers were hoping for a major change in the regulations regarding submarines, they would have been keenly disappointed. From its initial version of April 1940 to the tentative copy that was sent to the Fleet in February 1941, the regulations regarding submarine warfare quoted verbatim Article 22 of the London Naval Treaty of 1930, which forbade unrestricted warfare in no uncertain terms.\(^{54}\) By February 1941, having collated and included the comments of the Navy Judge Advocate General and the State Department, none of which discussed submarine warfare, the General Board released yet another draft of the *Instructions*, labeled *Tentative Instructions for the Navy of the United States Governing Maritime and Aerial Warfare, February 1941*. The Office of the Chief of Naval Operations then distributed a copy of the *Tentative Instructions* to all ships and stations in preparation for superseding the old

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\(^{53}\) General Board Hearing on Proposed Amendment of Rules for Maritime Warfare, 30 April 1941; G.B. Study No. 425-May 15, 1941 Amendment of Rules for Maritime Warfare; Box 133; Subject File 425; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 1.

\(^{54}\) *Instructions for the Navy of the United States Governing Maritime and Aerial Warfare, April 1940*; 425 1940; Box 133; Subject File 425; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 12. See also: *Tentative Instructions for the Navy of the United States Governing Maritime and Aerial Warfare, May 1941* (Washington: Government Printing Office, 1941), 14.
Instructions of 1917. However, the CNO’s office noted, the Tentative Instructions were not to go into effect until so ordered by the Secretary of the Navy via an All-Navy radio message. The memorandum included a note that the Tentative Instructions were subject to updates and revisions.55

The Tentative Instructions were issued on the last day of February, and arrived at the U.S. Naval War College in Newport, Rhode Island, just as the Naval War College finished a hypothetical international law scenario that studied the legality and practicality of unrestricted warfare within designated war zones. The Naval War College’s associate professor for international law, Harvard University Professor Payson Wild, had issued a hypothetical scenario to his students that asked them to consider how to enforce an embargo against Japan in a Pacific War.56 Although the students’ essays and any record of Professor Wild’s critique were not preserved, Wild and the naval officers seemed to have agreed that the current state of affairs regarding

55 Rear Admiral R.E. Ingersoll, Acting Chief of Naval Operations to All Ships and Stations, Subject: Tentative Instructions for the Navy of the United States Governing Maritime Warfare, February 1941, February 28, 1941; 425 1940; Box 133; Subject File 425; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC. See also: James Forrestal, Acting Secretary of the Navy, to the Secretary of State, March 6, 1941, 811.30/209 PS/01; Decimal File 811.30/209 PS/01; Box 3774, From: 811.25 Spiropulos, Gust Petter, To: 811.304 Barry/3; Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD. See also: Chairman General Board to the Secretary of the Navy, Subject: Revision of “Instructions for the Navy of the United States Governing Maritime Warfare,” October 31, 1940; 425 1940; Box 133; Subject File 425; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.

56 Directive for International Law Course, issued January 3, 1941; Directive for International Law Course, Sr., Jr. Classes of 1941; Box 95, Nos. 2261-DD-2268-B; Publications, Record Group 4; Archival Records, U.S. Naval War College, Newport, RI, 11. See also: Major Situation, 1 March 1941; A16-3(28)(Jan-Apr); Box 59; 1940-1941 - Confidential; Formerly Security-Classified General Correspondence of the CNO/Secretary of the Navy, 1940-1947; General Records of the Department of the Navy, 1798-1947, Record Group 80; National Archives at College Park, College Park, MD. See also: Frank Knox, Secretary of the Navy to the Chairman, General Board, Serial No. 154, April 4, 1941; G.B. Study No. 425-May 15, 1941 Amendment of Rules for Maritime Warfare; Box 133; Subject File 425; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.
submarine warfare and war zones was clearly inadequate. Wild, the staff of the War College, and the students all helped draft a short solution to the scenario that listed their concerns and their conclusion: wage unrestricted warfare in a declared war zone.\textsuperscript{57}

Wild’s solution began by declaring that the needless and wanton destruction of noncombatant personnel and property was absolutely abhorrent. However, with the advent of the submarine, the old practice of visit and search had been superseded by the needs of submarine warfare. Wild pointedly shrugged off the attempts to legislate the actions of submarines, pointing out that new weapons were bound to be used in the most efficient way possible in order to maximize the damage to the enemy as well as to safeguard the lives of one’s own personnel. In short, the current rules were bound to be broken, just as they were being broken in the North Atlantic by the German U-boats. Wild instead called for changing the rules to reflect the realities of modern day warfare, stating: “The job of lawyers and the military profession is to adapt old principles to new situations. Clinging to obsolete legal formulae does not make for respect for law. On the contrary, it may hasten the end of the effectiveness of law.”\textsuperscript{58}

The Naval War College emphatically recommended against a formal blockade. In such a blockade, any U.S. naval unit, whether surface, submarine, or aircraft, would be vulnerable to land-based aircraft or coastal submarines if it attempted to conduct visit

\textsuperscript{57} Memorandum for Commander in Chief, U.S. Fleet, 1 March 1941; A16-3(28)(Jan-Apr); Box 59; 1940-1941 - Confidential; Formerly Security-Classified General Correspondence of the CNO/Secretary of the Navy, 1940-1947; General Records of the Department of the Navy, 1798-1947, Record Group 80; National Archives at College Park, College Park, MD. See also: Frank Knox to the Chairman, General Board, Serial No. 154, April 4, 1941.

\textsuperscript{58} Memorandum on Annex D Major Situation, 1 March 1941; A16-3(28)(Jan-Apr); Box 59; 1940-1941 - Confidential; Formerly Security-Classified General Correspondence of the CNO/Secretary of the Navy, 1940-1947; General Records of the Department of the Navy, 1798-1947, Record Group 80; National Archives at College Park, College Park, MD, 1. See also: Frank Knox to the Chairman, General Board, Serial No. 154, April 4, 1941.
and search according the traditional rules of warfare. Instead, the Naval War College called for establishing war zones around the islands of Japan and other areas that were under the nominal control of the Japanese Navy. In such war zones, any merchant ship could be sunk without warning by mere virtue of its presence in the war zone.

Professor Wild attempted to justify war zones on legal grounds by noting that war zones had become common practice during both the previous Great War and the current war, and that the United States had accepted an already-established war zone when it entered the First World War in 1917. Furthermore, the Harvard Draft Code on “Rights and Duties of Neutral States in Naval and Aerial War” from the American Journal of International Law in July 1939 allowed a belligerent to create war zones in which to lay mines. In short, war zones were not only imminently practical, but there was also a legal precedent for their establishment, even if the previous war zones had only been for mines. The Naval War College planners called for creating war zones in “strategic areas, e.g. in the seas between the Philippines and Japan, the Sea of Japan, and in certain waters in and around the Netherlands East Indies.”

Not content to merely reverse American doctrine regarding unrestricted warfare and war zones, Professor Wild and the Naval War College also called for a clear-cut definition regarding neutrals whose actions favored one belligerent over another. Wild called these sorts of nations “non-belligerents” instead of “neutrals.” Since Wild and the Naval War College were proposing to essentially create the same sort of war zones that Germany had created in the First World War, they had no desire to repeat history. By refusing to recognize a nation aiding an enemy as a “neutral” but instead as a “non-

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59 Memorandum on Annex D Major Situation, 1 March 1941, 9.
belligerent,” Wild and the Naval War College felt they could get away with different rules of warfare that would allow them to treat “non-belligerent” shipping as if it were enemy shipping. Since numerous nations, including the United States, were “non-belligerents” in reality if not by admission, Professor Wild and the Naval War College felt that taking this new stance would not undermine international law.  

Professor Wild and the Naval War College had called for a number of changes that would change the way the U.S. Navy waged war as well as reverse the Wilsonian paradigm of absolute freedom-of-the-seas. If the Naval War College’s suggestions were accepted, then the United States would not closely blockade Japan, but instead economically strangle Japan with a long-range blockade and a war zone in the Western Pacific. Even outside of a war zone, submarines would have permission to attack any armed vessel, whether it was a warship or a merchant ship.

The Naval War College letter must have come as a rude surprise to Admiral Stark and the War Plans Division after all the time they had put into producing the new Tentative Instructions. In a sign of how much weight the Naval War College’s opinion merited, however, their ideas were not immediately rejected. Instead, the office of the Chief of Naval Operations did what it normally did when it came up against a particularly difficult or controversial problem. The Naval War College’s recommendations were sent to the General Board of the Navy for a comprehensive review.

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60 Memorandum on Annex D Major Situation, 1 March 1941, 12-13.
61 Memorandum on Annex D Major Situation, 1 March 1941, 18-19.
62 Rear Admiral Royal E. Ingersoll to Frank Knox, Subject: Opnav Serial No. 03413, comments on, 1 April 1941; A16-3(28)(Jan-Apr); Box 59; 1940-1941 - Confidential; Formerly Security-Classified
When the package was received at the General Board, the admirals who made up the board picked one of their members, Admiral A.P. Fairfield, to look it over and draft a tentative opinion. Fairfield’s initial letter shows that he was swayed by the Naval War College’s arguments. His tentative opinion endorsed the Naval War College’s recommendations regarding non-belligerency, war zones, blockades, and the sinking of armed merchant ships without warning.\footnote{Chairman General Board to the Secretary of the Navy, Subject: Proposed Amendment of Rules for Maritime Warfare, Serial No. 154X, 24 April 1941; A16-3(28)(Jan-Apr); Box 59; 1940-1941 - Confidential; Formerly Security-Classified General Correspondence of the CNO/Secretary of the Navy, 1940-1947; General Records of the Department of the Navy, 1798-1947, Record Group 80; National Archives at College Park, College Park, MD. See also: Frank Knox to the Chairman, General Board, Serial No. 154, April 4, 1941.}

Like all bureaucracies, however, the Navy would not overturn a century-and-a-half of national policy simply on the suggestions of some of its branches. Having reviewed the findings of the Naval War College and Admiral Fairfield’s letter, the General Board decided to hold a hearing on the subject on 30 April 1941. However, the General Board did not request the presence of any staff members from the Naval War College. Instead, the General Board asked the War Plans Division and the Office of the Judge Advocate General to send their representatives.\footnote{Chairman General Board to the Judge Advocate General, Subject: Proposed Amendment to “Instructions for the Navy of the United States Governing Maritime Warfare,” 25 April 1941; A16-3(28)(Jan-Apr); Box 59; 1940-1941 - Confidential; Formerly Security-Classified General Correspondence of the CNO/Secretary of the Navy, 1940-1947; General Records of the Department of the Navy, 1798-1947, Record Group 80; National Archives at College Park, College Park, MD. Also located at: G.B. Study No. 425-May 15, 1941 Amendment of Rules for Maritime Warfare; Box 133; Subject File 425; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.} When the General Board convened at 0930 on Wednesday, 30 April 1941, it had only four men in front of it. Captain F.L. Lowe and Commander L.S. Fiske represented the War Plans Division,
while Captain Thomas Gatch and Leslie C. McNemar, a civilian lawyer, represented the Office of the Navy Judge Advocate General.\footnote{General Board Hearing on Proposed Amendment of Rules for Maritime Warfare, 30 April 1941, 1.}

Like many General Board hearings, the hearing of 30 April 1941 was transcribed in its entirety, which is fortunate because the hearing fully explains what Samuel Flagg Bemis only guessed at: why did the General Board, after initially favoring the Naval War College’s recommendations, choose to not only reject them in scathing terms but also to propose a letter of instruction that would have clearly solidified the United States Navy’s adherence to cruiser warfare and opposition to war zones?\footnote{Samuel F. Bemis, “Submarine Warfare in the Strategy of American Defense and Diplomacy, 1915-1945,” 15 December 1961, unpublished TMs; Folder 785, U.S. Navy, Naval War College Paper, 1961; Box 65, United States Navy, Naval War College, 1961; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 25-26.}

The short answer to that question is that while the General Board, the War Plans Division and JAG may have sympathized with the viewpoints of the Naval War College, they felt that the ideas of the War College were not applicable to Tentative Instructions, which was meant to be a guide to current international law, not a textbook regarding all possible contingencies. Furthermore, the Navy had to be careful in order to maintain the United States’ neutral advantage over Germany by keeping all consideration of this topic quiet. Finally, the naval officers were so relieved that the Department of State had approved the Tentative Instructions that they were unwilling to lose what they had gained.\footnote{General Board Hearing on Proposed Amendment of Rules for Maritime Warfare, 30 April 1941, 1-29.}
About two weeks after the hearing, the General Board revised Admiral Fairfield’s letter into a rejection of virtually every suggestion of the Naval War College. However, based on the minutes of the General Board’s hearing, it seems that the General Board did sympathize with the Naval War College. If the language of the revised General Board letter seemed unduly harsh it was undoubtedly because the General Board did not want to leave any doubts that the United States was abiding by its treaty obligations, a situation that the Board members had already said they expected to change in the event of war. As a matter of fact, the Chairman of the General Board, Admiral Walton R. Sexton, signed the letter, even though he had stated during the hearings that “our governmental attitude is one thing. What we ought to do in time of war is something else.”

Despite the General Board’s sympathy, the revised General Board letter was an absolute reversal from Admiral Fairfield’s letter. The General Board completely reversed its stance regarding non-belligerency, war zones, and sinking armed merchant vessels. In order to make sure that naval officers were clear regarding the current state of naval warfare, the General Board also enclosed a proposed letter of information to supplement the Tentative Instructions.

68 General Board Hearing on Proposed Amendment of Rules for Maritime Warfare, 30 April 1941, 23.

69 Chairman General Board to the Secretary of the Navy, Subject: Rules for Maritime Warfare, Serial No. 154, 15 May 1941; A16-3(28)(May-Dec); Box 60; 1940-1941 - Confidential; Formerly Security-Classified General Correspondence of the CNO/Secretary of the Navy, 1940-1947; General Records of the Department of the Navy, 1798-1947, Record Group 80; National Archives at College Park, College Park, MD, 1-8. Also located at: 425 January-June 1941; Box 134; Subject File 425; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.
The letter of information defined the status of non-belligerency, navicerts, quotas, and war zones for 1941. It also reiterated, in the strongest possible language, the Navy’s overt hostility to war zones and unrestricted warfare, while repeating the Navy’s endorsement of cruiser warfare in the event of war.\(^\text{70}\)

Although the General Board’s letter of information was technically correct and reiterated the stated position of the U.S. Navy, the Chief of Naval Operations and the Secretary of the Navy did not act upon it. When asked whether the matter regarding the Naval War College would be dealt with in the Tentative Instructions, Stark’s direct subordinate, Rear Admiral Turner, responded: “The matters referred to are being handled in another manner.”\(^\text{71}\) In fact, Admiral Stark did not endorse the General Board’s judgment for almost seven months! When he finally did so, on 10 December 1941, he had already issued orders to conduct unrestricted warfare three days previously. He consequently dismissed the General Board’s proposed letter of information as passé.\(^\text{72}\)

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\(^{70}\) Enclosure (B) of Chairman General Board to the Secretary of the Navy, Subject: Rules for Maritime Warfare, Serial No. 154, 15 May 1941, Proposed Letter of Information Concerning Maritime Warfare; 425 January-June 1941; Box 134; Subject File 425; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 1-3.

\(^{71}\) Bemis, “Submarine Warfare in the Strategy of American Defense and Diplomacy”, 27. Bemis quoted from a letter between Turner and the Director, Central Division, dated 21 May 1941. Unfortunately, this letter is no longer filed where Bemis cited it, in the appropriate folder A16-3(28); 1940-1941 - Confidential; Formerly Security-Classified General Correspondence of the CNO/Secretary of the Navy, 1940-1947; General Records of the Department of the Navy, 1798-1947, Record Group 80; National Archives at College Park, College Park, MD.

\(^{72}\) Chief of Naval Operations to the Secretary of the Navy, Subject: Rules for Maritime Warfare, 10 December 1941; A16-3(28)(May-Dec); Box 60; 1940-1941 - Confidential; Formerly Security-Classified General Correspondence of the CNO/Secretary of the Navy, 1940-1947; General Records of the Department of the Navy, 1798-1947, Record Group 80; National Archives at College Park, College Park, MD. Also located at 425 January-June 1941; Box 134; Subject File 425; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC.
The importance of the Naval War College’s bold challenge to the status quo may never be fully understood. Although the Naval War College, Professor Wild, and Admiral Kalbfus had ostensibly been defeated, they seem to have made an indelible impression upon Admiral Stark and Rear Admiral Turner. Stark had clearly favored unrestricted warfare in his previous confidential correspondence with Admiral Hart, but before Admiral Kalbfus’s letter, whenever Stark and Turner had discussed “strategical areas” they had been describing “strategic war zones” for the defense of the Fleet. Stark, in fact, had been forced to resort to a subterfuge about Japanese military control of shipping in order to justify unrestricted warfare in his confidential letter to Admiral Hart. From this point on, however, “strategical areas” would come to mean war zones for unrestricted air and submarine warfare.

Building Momentum Towards Unrestricted Warfare

The first sign that Admiral Stark and Admiral Turner’s vision of strategical areas had changed came in May, when the War Plans Division released the working copy of RAINBOW 5. RAINBOW 5 built directly off RAINBOW 3, but there were important differences.

Just like RAINBOW 3, RAINBOW 5 included a section strictly devoted to the conduct of war at sea. Like its predecessor, the new war plan stressed compliance with the Tentative Instructions, except when modified. Unlike RAINBOW 3, however,

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73 W.P.L.-46, Naval Basic War Plan - Rainbow No. 5, United States Navy, May, 1941; WPL-46 Rainbow 5: Working Copy #3; Box 147J, WPL-46 – WPL-46-PC; Part III: OP-12B War Plans and Related Correspondence; Plans, Strategic Studies, and Related Correspondence (Series IX); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 58.

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that was all RAINBOW 5 enjoined naval officers to follow. The note to pay special attention to sections of the Instructions regarding merchant shipping had been excised. Similarly, the war planners deleted the rules for taking prizes. This implicitly indicated that the war planners expected there to be no such prizes in the upcoming Pacific war. Unlike the War of 1812, modern warfare had no time for gentlemanly courtesy or profit. With the excision of the rules for prizes, the war planners implicitly acknowledged that the prospective Pacific war would be a destructive and brutal affair.\footnote{W.P.L.-46, Naval Basic War Plan - Rainbow No. 5, United States Navy, May, 1941, 58. Compare to: W.P.L.-44, Naval Basic War Plan - Rainbow No. 3, United States Navy, December 1940, 42.}

It would be the Royal Navy, however, that forced Admiral Stark and Rear Admiral Turner to commit to unrestricted warfare. Since 1940, the United States had been negotiating with the British Army and Royal Navy regarding the role of the U.S. Navy in protecting merchant traffic in the Western Hemisphere and the prospective role of the United States in the Far East in the event of war with Japan.\footnote{Leutze, \textit{A Different Kind of Victory}, 179-182, 186.} In the Far East, the two chief representatives for the United States and Great Britain were Admiral Hart, Commander-in-Chief of the U.S. Asiatic Fleet, and his Royal Navy counterpart, Vice Admiral Sir Geoffrey Layton, the Commander-in-Chief of the Royal Navy’s China Station. In the summer of 1941, Hart and Layton’s staffs drew up plans for an allied defense against Japan in the Far East, which included a provision for a “combat zone” in which “any enemy or neutral ship entering this zone will do so at her peril, and no responsibility will be taken should she be damaged or sunk.”\footnote{Admiral Thomas C. Hart, Commander-in-Chief, U.S. Asiatic Fleet to the Chief of Naval Operations, Subject: PLENAPS, and associated correspondence – Forwarding of., August 7, 1941, 206}
similar to RAINBOW 5’s defensive strategic war zone, but Hart implicitly considered this area to be a zone for unrestricted warfare and he mentioned his intentions to Vice Admiral Layton.

Layton found what Hart told him to be so remarkable that he wrote to London, informing them that the United States was contemplating a major change in its policy regarding unrestricted submarine warfare. In response, the British Joint Staff’s mission to Washington DC wrote a letter to their U.S. Navy liaison, Commander McDowell. In the letter, the British Joint Staff’s secretaries, Commander R.D. Coleridge and Major R.F.G. Jayne, informed McDowell that Admiral Hart had discussed the “subject of submarine attack on merchant ships in the Far East” with Admiral Layton, and the British Government was now very interested in the United States’ official position regarding unrestricted warfare and war zones.77

The British officers started their letter by reiterating the British Government’s official position, which was strongly averse to the practice of war zones and unrestricted warfare. However, in retaliation for the German U-boat’s depredations the Royal Navy had established war zones in the Skagerrak and other areas that were primarily traveled only by enemy shipping. The British called these areas “zones dangerous to

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77 Commander R.D. Coleridge, Royal Navy, and Major R.F.G. Jayne, Joint Secretaries, British Joint Staff Mission in Washington, to Commander L.R. McDowell, U.S. Secretary for Collaboration, Navy Department, Washington, D.C., Subject: - Action by Submarines against Merchant Ships, 21st August, 1941; WPL-46 Letters (1939-1945); Box 147J, WPL-46 – WPL-46-PC; Part III: OP-12B War Plans and Related Correspondence; Plans, Strategic Studies, and Related Correspondence (Series IX); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 1.
navigation,” but in intent and practice they were precisely the same as “war zones,” “strategical areas,” or “combat areas.” The British officers then revealed that the British wanted “to follow a similar policy vis-à-vis Japan, but consider that danger zones should not be declared until they are satisfied that Japan is not abiding by the rules of submarine or air warfare.”78 In short, the British wanted to prepare for unrestricted warfare in designated war zones but would only establish such a war zone as a retaliatory measure.

In a sign of how willing the United States Navy’s leadership was to openly consider the prospect of unrestricted submarine warfare, the War Plans Division actually drafted a letter to request the formal support of the U.S. Department of State regarding the prospect of U.S. unrestricted submarine warfare in a designated Pacific war zone in the event of war. The letter began by discussing the British proposal to create a joint war zone in the Western Pacific, as well as the possibility of other war zones in the Pacific, the Indian Ocean, and around Australia and New Zealand. However, the War Plans Division went one step further than the British proposal. Instead of waiting to retaliate for planned Japanese actions, the War Plans Division proposed actually conducting unrestricted warfare in a designated war zone “immediately upon the outbreak of war.”79 The naval war planners cited a number of possible justifications for the proposed American decision, including Japanese atrocities

78 Commander R.D. Coleridge and Major R.F.G. Jayne to Commander L.R. McDowell, Subject:- Action by Submarines against Merchant Ships, 21st August, 1941, 1.

79 Rear Admiral Richmond K. Turner, Memo for War Plans Files, September 29, 1941; WPL-46 Letters (1939-1945); Box 147J, WPL-46 – WPL-46-PC; Part III: OP-12B War Plans and Related Correspondence; Plans, Strategic Studies, and Related Correspondence (Series IX); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 3. Emphasis added.
in China and Japan’s shared guilt as a member of the Axis for the German unrestricted warfare. The proposed letter illustrated that by September 1941, the United States Navy’s senior leadership was ready to formally commit itself to violating international law and conducting unrestricted air and submarine warfare.\textsuperscript{80}

This proposed letter was truly remarkable. For the first time, a decision-making branch of the U.S. Navy had proposed conducting unrestricted warfare in the event of war. The letter not only proves the impact of the Naval War College, even paraphrasing several points straight from Professor Wild’s Solution, but it also shows that the War Plans Division clearly viewed their strategical areas not as strategic war zones established for the defense of the Fleet but as war zones for unrestricted air and submarine warfare. Furthermore, despite the British suggestion to the contrary, the war planners were not willing to let the Japanese dictate the nature of the economic war in the Pacific. They were going to conduct unrestricted warfare from the moment hostilities began.

One can only imagine what Secretary of State Cordell Hull’s reaction might have been had he actually received this letter. In a startling lapse in what is otherwise a generally well-researched study, Janet Manson actually believed that not only had Secretary of the Navy Frank Knox written this letter but that he also sent it.\textsuperscript{81} However, it seems clear that Secretary Knox never even saw the proposed letter that he would have been asked to sign.

\textsuperscript{80} Rear Admiral Richmond K. Turner, Memo for War Plans Files, September 29, 1941, 1-4.

Instead, Admiral Stark disapproved of the proposed letter, sending it back to Rear Admiral Turner for “possible future use.” Stark told Turner that his “reason for not approving it was that it seemed better to take the matter up after Japan and the United States are at war, rather than at the present time.” Stark’s disapproval did not mean he disapproved of the contents of the letter. In fact, within a few days of writing this letter, Rear Admiral Turner reiterated the Navy’s now-unofficial policy to Commander James Fife.

James Fife, Jr., had been involved in submarines for many years, having commanded both USS *Nautilus* and the Submarine School in Groton, Connecticut. By 1941, he had probably seen the most submerged combat of any U.S. submariner, although not on U.S. submarines. During the early part of the war, while the United States was a neutral, Fife had served for eight months as an observer with the Royal Navy. Apparently, Fife did not merely stay on shore to observe, but actually sailed on board British submarines in the Mediterranean. Not only was that “hairy duty,” as one U.S. submariner called it afterwards, but it might have gotten him and the U.S. Navy into serious trouble had he been captured or killed. Fortunately, Fife survived his tour with the Royal Navy, and wrote an extremely informative report, which became standard reading throughout the U.S. submarine force before the war.

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82 Rear Admiral Richmond K. Turner, Memo for War Plans Files, September 29, 1941, Cover memorandum.

83 Rear Admiral Richmond K. Turner, Memo for War Plans Files, September 29, 1941, Cover memorandum.


Fife also earned the admiration and friendship of Admiral Hart. When Fife visited the Asiatic Fleet in June 1941, Admiral Hart had him describe his experiences to a stateroom full of eager listeners. Although Hart gave Fife only one hour to speak, he ended up listening to Fife for two hours, a sign of the admiral’s esteem. The next day, Fife and Hart spoke more about submarines. Hart noted that Fife had applied “an old-timer’s ideas and reactions concerning recent developments,” something that Hart, who had never quite grown past his experience with submarines in the 1920s, could relate to.  

Even several months into the war, Hart still felt that Fife’s experiences were “the most extensive that I know of” and he highly recommended Fife’s abilities and judgment.  

As a result of his experiences with the British and his conversations with Admiral Hart, Fife not only understood the role of unrestricted warfare from firsthand experience, but he also knew that Hart was deeply interested in the topic. That made Fife the perfect courier to relay the Navy’s current policy regarding unrestricted warfare. Shortly before October 1941, Fife was named to be the chief of staff to Captain Walter Doyle, the prospective commander of the Asiatic submarine force. On 1 October 1941, Fife met with Rear Admiral Turner to ask whether the Navy would be changing its official policy regarding unrestricted warfare.

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87 Admiral Thomas C. Hart to Admiral Harold R. Stark, 17 March 1942; Hart, T.C. ADM Correspondence; Box 12; Series III: Subject Files; Papers of Admiral H.R. Stark; Operational Archives Branch; Naval Historical Center; Washington, DC, 1.
When questioned, Turner told Fife that the State Department was “reluctant to make commitments in writing, principally because of its stand during and after World War I against unrestricted warfare.” Whether or not Fife misconstrued Turner’s words is unclear, but if Turner said this, he was almost certainly not being candid with Fife, since no records exist that the State Department was ever consulted about the prospective use of unrestricted warfare. Since the State Department’s reaction undoubtedly would be negative, the time to handle the issue would be when the United States was already at war.

Consequently, Turner told Fife that he and Admiral Hart could expect unrestricted warfare almost immediately upon the commencement of hostilities. In fact, “Admiral Turner told Commander Fife that he could assure Admiral Hart that within one week of the commencement of hostilities in the Pacific, the Navy Department would issue an order for unrestricted warfare for both aircraft and submarines.”

Fife had his answer: the Navy would conduct unrestricted warfare almost immediately upon the outbreak of hostilities. In November, Fife ensured that his “conversation was reported to Admiral Hart upon Commander Fife’s arrival in Manila.” By that point, however, Admiral Hart had already received a letter from Admiral Stark essentially saying the same thing.

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88 “U.S. Naval Administration in World War II: Submarine Commands, Volume I”; Submarines, All Commands Administrative History, Vol. I of 3; Box 354, Service Squadrons S-12 – Submarines-all commands Admin History Vol. 1 of 3; Type Commands; World War II Command File; Operational Archives Branch, Naval Historical Center, Washington, DC, 114.

89 “U.S. Naval Administration in World War II: Submarine Commands, Volume I”, 114.

90 “U.S. Naval Administration in World War II: Submarine Commands, Volume I”, 114.
In October 1941, having decided not to discuss the matter of unrestricted warfare with the State Department but having finalized their views on the subject, the Navy finally replied to the British letter of August, explaining the delay and also the U.S. decision to put this matter off until the commencement of hostilities. Naturally, the letter did not reveal the naval leadership’s intention to conduct unrestricted warfare from the start of the war. It did reveal that the U.S. Navy planned to use strategical areas to wage unrestricted warfare, regardless of what the Japanese did.\textsuperscript{91}

The letter to the British promised that copies would be sent to the Army War Plans Division and the Commanders-in-Chief of the Pacific Fleet and the Asiatic Fleet.\textsuperscript{92} The next day, Admiral Stark forwarded the letter that he had sent to the British Joint Staff to Admiral Kimmel and Admiral Hart. In his subject line to the Fleet Commanders, Stark made a subtle but important change. The subject line in the letter from and to the British referred to “Action by Submarines against Merchant Ships” while the subject line of the letter Stark sent to Hart and Kimmel read “Action by submarines against merchant raiders.” This was not a major change, and the two admirals could have merely flipped a page to see that the original subject line read “ships” not “raiders.” However, it reflected Stark’s belief that virtually all Japanese merchant shipping would not only be under the control of the Japanese military, but

\textsuperscript{91} Commander L.R. McDowell, U.S. Secretary for Collaboration to Commander The Hon. R.D. Coleridge, R.N., and Major R.F.G. Jayne, D.S.O., Joint Secretaries to the British Joint Staff Mission in Washington, Subject: Action by Submarines against Merchant Ships, October 20, 1941; WPL-46 Letters (1939-1945); Box 147J, WPL-46 – WPL-46-PC; Part III: OP-12B War Plans and Related Correspondence; Plans, Strategic Studies, and Related Correspondence (Series IX); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 2.

\textsuperscript{92} Commander L.R. McDowell, to Commander The Hon. R.D. Coleridge, R.N., and Major R.F.G. Jayne, Subject: Action by Submarines against Merchant Ships, October 20, 1941, 3.
they would probably be extremely hostile. His terse message to the two Fleet Commanders was no less important:

The above enclosure is forwarded for information and guidance. The Chief of Naval Operations anticipates the decision of this important question promptly upon the outbreak of war with Japan.  

The correspondence with the British, the unsent letter for the Secretary of the Navy, and Turner’s conversation with Commander Fife all pointed to a number of certainties. To begin with, the United States would conduct unrestricted warfare within a large Pacific war zone. Just as importantly, the Navy would declare this war zone almost simultaneously with the beginning of hostilities. Finally, and perhaps most importantly, since it was quite probable that civilian leadership, either within the State Department or within the Navy’s chain-of-command, would veto this proposal, Admiral Stark chose to keep the civilian leadership uninformed and refused to make any formal guarantees to the British.

Meanwhile, at the end of November 1941, negotiations between the United States and Japan had reached their last phase, though the American officials did not fully comprehend this. The United States had broken the Japanese diplomatic codes, however, and knew that the Japanese negotiations had reached a critical impasse, though they did not understand how serious.

On 27 November, with war possibly within hours, Admiral Stark issued a number of dispatches to prepare the Pacific Fleet and the Asiatic Fleet for war. He

93 The Chief of Naval Operations to the Commander in Chief, U.S. Pacific Fleet, and the Commander in Chief, U.S. Asiatic Fleet, Subject: Action by submarines against merchant raiders, October 21, 1941; WPL-46 Letters (1939-1945); Box 147J, WPL-46 – WPL-46-PC; Part III: OP-12B War Plans and Related Correspondence; Plans, Strategic Studies, and Related Correspondence (Series IX); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD. Emphasis added.
informed Admiral Hart that he would have the authority to set up strategic areas and to
conduct unrestricted submarine warfare upon the outbreak of hostilities. Stark added
a final note, however, to ensure that Hart would not act rashly. Stark ordered his friend
to wait for orders if hostilities began without a formal declaration of war. This portion
of the message would take on added significance less than a fortnight later when the
Japanese launched their surprise attack on Pearl Harbor.

Day of Infamy, Day of Decision, 7 December 1941

Although American authorities would not know it for some time, the Japanese
initiated unrestricted warfare within minutes of the attack on Pearl Harbor. At 0808,
Pearl Harbor Time, a Japanese submarine attacked and sank the merchant ship Cynthia Olson. Although Cynthia Olson was completely unarmed, she could technically be considered a U.S. Army ship, since the Army had chartered the ship as a merchant transport. However, civilians made up virtually her entire crew, with only two Army enlisted men filling out the ship’s complement as a radio operator and a medic. Cynthia Olson probably would have completely disappeared without a trace if another merchant ship, SS Lurline, had not received her distress call at 0838 local time, which was 0808,

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94 OpNav to CinCAF, 271422, 28 November 1941; Box 4, Decodes of Confidential and Secret Dispatches, Sept. 1941-Apr. 1942; Records Relating to the Asiatic Fleet and the Asiatic Defense Campaign 1933-1942; Naval Historical Center; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives Building, Washington, DC. The time-date group of the message is “271422,” which indicates the message was probably sent at 0352 Pearl Harbor Time, 27 November/0922 Washington Time, 27 November/1422 Zulu Time, 27 November/2222 Manila Time, 27 November. This presumes that messages from Washington carried a Zulu time-date group.

95 OpNav to CinCAF, 271422, 28 November 1941.
Pearl Harbor Time. The distress message declared that Cynthia Olson was under attack by a submarine, before all contact with the ship was lost. There were no survivors.\textsuperscript{96}

Unfortunately, Cynthia Olson’s fate would remain unknown to the decision-makers in Washington, Honolulu, and Manila for quite some time. As so often happens during such eventful days, events occurred simultaneously at Pearl Harbor and across a broad series of time zones. Within a matter of minutes of Pearl Harbor’s frantic 0758 message AIR RAID PEARL HARBOR THIS IS NOT A DRILL, officials and commanders at every level of government attempted to rapidly inform and deploy the U.S. Armed Forces.

In Manila, Marine Corps Lieutenant Colonel William T. Clement woke up Admiral Hart shortly after 0300, Manila Time to inform him of the attack, which had been occurring for almost half an hour at that point. Hart quickly issued his first orders of the war, informing the entire Asiatic Fleet that “Japan started hostilities, govern yourself accordingly.” The dispatch was sent at 0331.\textsuperscript{97}

Within the next fourteen minutes, Admiral Hart must have run a number of thoughts through his mind before sending his next radio dispatch. Over the past year,

\textsuperscript{96} Rear Admiral E.M. Eller to Samuel Flagg Bemis, 5 May 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 1. See also: Rear Admiral E.M. Eller to Samuel Flagg Bemis, 9 June 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 1.

\textsuperscript{97} Admiral Thomas C. Hart, Commander in Chief, Asiatic Fleet, “Narrative of Events, Asiatic Fleet Leading up to War and From 8 December 1941 to 15 February 1942,” 11 June 1942; Hart, Thomas C. ADM Narrative of Events, Asiatic Fleet, Leading up to War and from 8 Dec 1941 to 15 Feb 1942 No Ser.; Box 1726, Individual Personnel, Gower to Hay; WWII Action and Operational Reports; Records Relating to Naval Activity During World War II; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 36. See also: “U.S. Naval Administration in World War II: Submarine Commands, Volume I”, 114.

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Hart had watched Washington slowly but surely coalesce behind his view that
unrestricted warfare was necessary. Only ten days earlier, Stark had informed Hart that
he would have authorization to conduct unrestricted warfare in a specified war zone.
With or without permission, Hart now meant to force the issue by using that supposedly
impending authority. Although Stark’s 27 November dispatch had told Hart that “IN
CASE HOSTILITIES ENSUE WITHOUT A FORMAL DECLARATION OF WAR”
he needed to await “FURTHER ADVICE FROM CNO,” Hart evidently decided that
the scope of Japan’s attack deserved his fullest possible response. At 0345, on his own
authority, Admiral Hart issued his next set of orders to the Asiatic Fleet:

    SUBMARINES AND AIRCRAFT WILL WAGE UNRESTRICTED
    WARFARE. 98

The message was time-dated “080345.” It was 0915 in Pearl Harbor Time. In
Washington, DC, it was 1445. Within hours, the Asiatic Fleet’s submarines were
deploying to their wartime patrol positions.

Admiral Hart’s 0345 Manila Time dispatch certainly was important, but how
important was it? When Samuel Flagg Bemis and Janet Manson researched U.S.
unrestricted warfare, they did not even mention Hart’s order, instead focusing on orders
issued by Admiral Stark. Only one researcher, J.E. Talbott in 1984, made the critical
observation that if Hart issued his order at 0345, then he preceded Admiral Stark’s final
orders by at least three hours. 99 Such a difference is certainly important. Because

98 CinCAF to Asiatic Fleet, Commander 16th Naval District, 080345, December 8, 1941; Box 4,
Decodes of Confidential and Secret Dispatches, Sept. 1941-Apr. 1942; Records Relating to the Asiatic
Fleet and the Asiatic Defense Campaign 1933-1942; Naval Historical Center; Records of the Office of the
Chief of Naval Operations, Record Group 38; National Archives Building, Washington, DC.

Submarine, 1917-1941,” Naval War College Review 37, no. 3 (May-June 1984): 66. Unfortunately,
Hart’s orders were issued without permission from the CNO, the order to conduct unrestricted warfare was issued without any formal authorization by the civilian government of the United States.

Stark learned about the attack at sometime between 1330 and 1400, Washington Time, as the first dramatic messages announcing the Pearl Harbor air raid reached Washington DC. At the office of the Secretary of the Navy, Stark famously confirmed the location to an incredulous Frank Knox: “No sir; this is Pearl.”

Shortly thereafter, at 1428, Washington Time, Stark phoned President Roosevelt to confirm the attack. Sitting with the President, and taking notes, was Roosevelt’s longtime aide and friend Harry Hopkins. Hopkins’s memorandum is probably the only remaining primary source regarding the conversation between Roosevelt and Stark. Unfortunately, Hopkins could only hear Roosevelt’s side of the conversation. Hopkins wrote:

At 2:28 Admiral Stark called the President and confirmed the attack, stating that it was a very severe attack and that some damage had already been done to the fleet and that there was some loss of life. He discussed with the President briefly the next step and the President wanted him to

Talbott altered the chronology of events by misunderstanding the nature of time zones in 1941. At one point he noted that “2:28 p.m. Washington time” was “9:28 a.m. in Pearl Harbor.” Since this was the time that Admiral Stark phoned President Roosevelt to ask permission to conduct unrestricted warfare, Talbott made the dramatic but erroneous claim that Hart had sent his order “13 minutes before Stark even called Roosevelt to confirm the Pearl Harbor raid.” This would be correct if Pearl Harbor and Washington were offset by five hours and Manila and Washington were offset by thirteen-and-a-half hours. However, in 1941, it was Hawaii that had a five-and-a-half hour offset with Washington, while Manila and Washington were separated by only thirteen hours. See: Thomas G. Shanks, The American Atlas: Expanded Fifth Edition, U.S. Longitudes & Latitudes, Time Changes and Time Zones (San Diego: ACS Publications, Inc., 1990), inside front cover, 77, and 107. See also: Thomas G. Shanks, The International Atlas: Revised Third Edition, World Longitudes & Latitudes, Time Changes and Time Zones (San Diego: ACS Publications, Inc., 1991), 294.

execute the agreed orders to the Army and Navy in event of an outbreak of hostilities in the Pacific.\textsuperscript{101}

Unfortunately, Roosevelt kept no record of what “the agreed orders” were. The archivists at the Franklin D. Roosevelt Presidential Library guessed that “the agreed orders” could have meant the RAINBOW 5 war plan. Although Roosevelt had not officially approved the plan previously, he had told Admiral Stark and General Marshall to resubmit the plan in the event of hostilities. At 1500, Washington Time, Roosevelt met with Marshall, Stark, Knox, Stimson, and Hull and verbally approved RAINBOW 5. Upon his return to his office, General Marshall jotted down a quick note that the President had orally given him permission to place RAINBOW 5 in effect.\textsuperscript{102}

On 31 May 1961, almost twenty years after the event, Rear Admiral Ernest Eller, Director of Naval History for the U.S. Navy, and Dr. Samuel Flagg Bemis, the current President of the American Historical Association, questioned Admiral Stark regarding the events of 7 December.\textsuperscript{103} Stark insisted that he actually read his order to

\textsuperscript{101} Harry Hopkins Memorandum of 7 December 1941, quoted in: Herman Kahn to Samuel Flagg Bemis, May 3, 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 1.

\textsuperscript{102} Herman Kahn to Samuel Flagg Bemis, May 25, 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 1-2. See also: Stetson Conn, Chief Historian, Office of the Chief of Military History, Department of the Army, to Samuel Flagg Bemis, 27 June 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library. See also: Miller, \textit{War Plan Orange}, 271, 314.

\textsuperscript{103} Samuel Flagg Bemis to Rear Admiral E.M. Eller, June 3, 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library.
conduct unrestricted warfare to the President on the phone during his conversation at 1428, averring, “Yes, I read those very words to the President.”

Although Stark probably discussed the matter with the President at 1428, seventeen minutes before Admiral Hart issued his orders for unrestricted warfare at 0345, Manila Time, Stark waited until he had returned from his meeting at the White House to send his message at 1752, Washington Time. The message was addressed to every commander who had forces in the Pacific Ocean. Stark was short and to the point, just as Hart had been:

EXECUTE AGAINST JAPAN UNRESTRICTED AIR AND SUBMARINE WARFARE. CINCAF INFORM BRITISH AND DUTCH. INFORM ARMY.

Just as Stark and Turner had promised, the Navy had started conducting unrestricted warfare immediately upon the outbreak of war. It had been just a little under four-and-a-half hours since the first bomb fell at Pearl Harbor.

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104 Samuel F. Bemis, “Seminar and Panel Discussion – Prof. Bemis – Submarine Warfare” 1 November 1961, unpublished TMs; Box 65, United States Navy, Naval War College, 1961; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library. Also available in Box 3, Columbia University Oral Histories; Privileged Manuscript Collection; Operational Archives Branch, Naval Historical Center, Washington, DC, 14.

105 CNO to CinCPac, Com Panam, CinCAF, Pacific Northern, Pacific Southern, Hawaiian Naval Coastal Frontiers, 072252 December 7, 1941; Operation Orders, December 7, 1941-April 2, 1942; Operations Orders; Box 37; Reel 2; Military Files Series 1; Map Room Army and Navy Messages, December 1941-May 1942; Map Room Files of President Roosevelt, 1939-1945; available on microfilm. The time-date of “072252” indicates that this message was sent at 1222 Pearl Harbor Time, 7 December/1752 Washington Time, 7 December/2252, Zulu Time 7 December/0652 Manila Time, 8 December.
CHAPTER 6

THE AFTERMATH: “A DEFIANCE – AN ACT OF AGGRESSION – AGAINST THAT HISTORIC AMERICAN POLICY.”

The Aftermath: Admiral Thomas C. Hart

For Admiral Thomas C. Hart, ordering unrestricted warfare must have been a high point in his wartime command, for the months after Pearl Harbor were like living a nightmare. First, the air cover that General Douglas MacArthur had promised him was destroyed, caught on the ground by the Japanese during the first days of the war. Although Hart’s forces enjoyed some rare but marginal successes, such as a destroyer mêlée off Balikpapan, for the most part, he was forced to watch as his small and unsupported force was worn down by continuous operations and decimated by Japanese air and naval forces. Worse, his relations with his allies, the Dutch and the British, were very shaky. Both Allied powers called for Hart to be relieved and one of their officers put in his stead. By early February, President Roosevelt, never a fan of Hart’s, ordered him home through Admiral King. The decision might have saved Hart’s life, since most of his Allied surface forces were subsequently annihilated at the Battle of Java Sea and the Battle of Sunda Strait.¹

Upon his return home, Hart proved that he was hardly the tired old admiral that Roosevelt and Hart’s enemies, foreign and domestic, presumed him to be. He effectively told the story of his brave sailors and his own fight against both the Japanese, and to a considerably more muted degree, his duplicitous allies, such as MacArthur and the commander of the Dutch Navy, Admiral Conrad E.L. Helfrich. Upon his return to Washington, he found strong advocates in Admiral Ernest J. King, Commander-in-Chief of the U.S. Fleet, Admiral Stark, the CNO, and the Secretary of the Navy, Frank Knox. Hart was soon ordered back to his old post on the General Board, but when Admiral King needed a top-rate admiral to thoroughly investigate the debacle at Pearl Harbor, he chose Admiral Hart to return to the Pacific Theater and interview all the necessary witnesses.²

Although it was not a combat assignment, the investigation allowed Hart to visit numerous battlefields throughout the Pacific and see how the war was going. He also became completely familiar with the chain of events that had occurred at Pearl Harbor. This was fortunate, because he would soon be called upon to represent his friend, Admiral Stark, at the Navy’s Pearl Harbor Court of Inquiry. Although Hart did not fully sympathize with Stark, whom he also felt had not kept him fully informed, he mounted a strong defense. It was probably due in no small measure to Hart that although Stark was found culpable, he was not found criminally negligent.³

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³ Leutze, *A Different Kind of Victory*, 299-301.
Soon afterwards, Hart’s career took one last unexpected turn, when the governor of his home state of Connecticut asked him to fill in the term of one of Connecticut’s recently deceased senators. Hart agreed, becoming one of the only four-star officers to move into politics, where he impressed senators on both sides of the aisle as hardworking, intelligent, and conscientious. Political analysts opined that Hart was not very interesting as a speaker or a personality, but they also believed that more senators like Hart would probably be beneficial for the country. In 1947, having decided not to run for any other public office, Hart finally retired from the service of his country.4

In the years that followed, Hart remained spry and intelligent, frequently recounting his experiences with candor and honesty. He maintained a long friendship with Harold R. Stark and other naval friends. He gave a number of oral history interviews, which proved invaluable to naval historians. When he died on 4 July 1971, he probably held one of the best reputations of any of the senior American commanders at the start of the Second World War.5 Consequently, it seems strange that Hart’s orders to conduct unrestricted warfare have often been overlooked, particularly since the orders were entirely in keeping with his aggressive nature and his decades of prior submarine experience. Perhaps if unrestricted warfare in the Far East had been initially more successful, Tommy Hart’s reputation might be even better. Despite the disappointing results, however, Hart’s decision set the stage for the unrestricted submarine victory that helped clinch victory in the Pacific War.

4 Leutze, A Different Kind of Victory, 301-317.
5 Leutze, A Different Kind of Victory, 317-319. See also: Edward L. Beach, Salt and Steel: Reflections of a Submariner (Annapolis: Naval Institute Press, 1999), 72.
The Aftermath: Admiral Harold R. Stark

Although Admiral Harold Stark’s work in building up the Two-Ocean Navy earned him a second Distinguished Service Medal and his Plan Dog remained the cornerstone of the American victory in the Second World War, Stark’s tenure as Chief of Naval Operations would forever be associated with the Japanese attack at Pearl Harbor. Even Stark’s quiet effectiveness in command of U.S. naval forces in Europe would fail to erase the stigma of Pearl Harbor. He would suffer a stinging official rebuke, relief from command, and lasting historical censure.

Although Stark remained as CNO after Pearl Harbor, it became clear that his leadership was going to be superseded. On 16 December 1941, Roosevelt decided to elevate Admiral Ernest J. King to the reestablished position of Commander-in-Chief of the U.S. Fleet, which would give him operational control of all U.S. naval forces, which Stark had been exercising. Henceforth, Stark was charged with administrative control of the Navy and long term war planning. Although the division of labors seemed to ease up the workload for both officers, the two men found that their responsibilities often overlapped. By February, Stark believed that only one man should be in charge, and he believed that man should be King. In March, Roosevelt accepted Stark’s resignation and then ordered him to the newly reestablished post of Commander, U.S. Naval Forces in Europe. The decision delighted Stark, who had loved his previous posting in Great Britain during the First World War, and had remained an Anglophile. It also reflected that Stark retained the confidence and trust of the President.
Importantly, Stark retained his four stars, remaining one of the few admirals in the U.S. Navy, until the number of admirals was increased later in the war.\(^6\)

In Great Britain, Stark proved to be a popular diplomat and efficient administrator. His British hosts generally adored him, and he worked hard at ensuring that Anglo-American cooperation remained steady. He oversaw the naval buildup and cross-channel invasion into Europe. Stark also served as an envoy to the difficult General Charles de Gaulle, who often angered both President Roosevelt and Prime Minister Winston Churchill. Refusing to become ruffled, Stark maintained his usual geniality and was credited with helping to preserve a working relationship with the Free French. By the end of the war, he had earned numerous honors from the British and other Allied powers. Admiral King, who would also officially censure him, wrote in fulsome praise: “His performance of his manifold duties was distinguished by such exceptional tact, intelligence, judgment, devotion to duty and professional skill as to reflect great credit upon himself, the naval service and his country.”\(^7\)

However, there was nothing Stark could do to escape his responsibility for Pearl Harbor. In the summer of 1944, after the invasion of Normandy, Stark was ordered home to testify in a Court of Inquiry. He quickly became designated as an “interested party,” which meant the Court considered that he could be potentially court-martialed for his actions regarding the attack. At Stark’s request, Admiral Hart represented him as counsel before the Court of Inquiry. Both Stark and Hart stressed the Army’s

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responsibility for the defense of Pearl Harbor, but even Stark felt that his personal testimony was very poor. In its conclusions, the Court of Inquiry felt that Stark had not sufficiently expressed the impending danger to Admiral Kimmel and that he had not properly relayed all the information he could have to Admiral Kimmel. The Navy Court of Inquiry was also found that Admiral Kimmel had made errors, but in the end, “no offenses have been committed nor serious blame incurred on the part of any person or persons in the naval service.”

The Navy Court’s tough but relatively lenient judgment might have been the end of the matter, except for the endorsement by the Chief of Naval Operations, Admiral King, and the subsequent endorsement by Secretary of the Navy James V. Forrestal. Although Admiral King ended up rewriting the endorsement a number of times, both his initial endorsement and his last endorsement of August 1945 severely faulted Stark and Kimmel:

Admiral Stark and Admiral Kimmel, though not culpable to a degree warranting formal disciplinary action, were nevertheless inadequate in emergency, due to the lack of the superior judgment necessary for exercising command commensurate with their duties. Appropriate action appears to me to be the relegation of both of those officers to positions in which their lack of superior strategic judgment may not result in future errors.

As a result of the harsh endorsements, Stark was relieved from his command in Europe. Once the Pearl Harbor investigations were completed, Stark retired quietly in April 1946. Two years later, Admiral King reconsidered his endorsement to the Pearl Harbor Court of Inquiry, and wrote to the Navy Department that he had been in “error.”

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8 Simpson, Admiral Harold R. Stark, 260-265.

He requested that his last endorsement be expunged from the records of both Admiral Stark and Admiral Kimmel. He also publicly stated that he would clear Stark and Kimmel of all wrongdoing for Pearl Harbor. His biographer, Thomas B. Buell, stated: “It was the only time that King ever admitted he had been wrong.”

Despite King’s change of heart, the stigma remained with Stark. After Stark’s death in 1972, the charges against him became even more virulent, particularly from the admirals who felt he had betrayed them. Admiral J.O. Richardson wrote: “I believed then, and believe now that his capacities, though marked, were not equal to those required by the Chief of Naval Operations billet, under conditions then existing.”

Even worse, Richardson felt that Stark’s actions regarding Husband Kimmel were incompetent and perhaps even treacherous:

I consider “Betty” Stark, in failing to ensure that Kimmel was furnished with all the information available from the breaking of Japanese despatches [sic], to have been to a marked degree professionally negligent in carrying out his duties as Chief of Naval Operations… I feel that, throughout this affair, Stark utterly failed to display the loyalty downward that every subordinate has a right to expect from his superior officer.

Admiral Kimmel certainly agreed with Richardson’s view, accusing Stark of professional negligence, incompetence, and willful perjury in a letter that Kimmel drafted but never sent in 1968. By that point, many historians had come to agree that Kimmel, and his Army counterpart General Short, had been grossly over-penalized.

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11 Admiral James O. Richardson, as told to Vice Admiral George C. Dyer, On the Treadmill to Pearl Harbor: The Memoirs of Admiral James O. Richardson, USN (Retired) (Washington, DC: Naval History Division, Department of the Navy, 1973), 5.

12 Richardson, On the Treadmill to Pearl Harbor, 450-451.

13 Gannon, Pearl Harbor Betrayed, 282.
the resulting historical scramble to exonerate the two officers, more blame than was probably appropriate was attached to Stark and his subordinates within the Navy Department. As Admiral King had noted in 1944, the errors that led to Pearl Harbor were errors of omission, not commission.\(^{14}\) Unfortunately, the emotions stirred regarding the professional failure at Pearl Harbor remained so great that Stark would go down in history, rightly or wrongly, as the CNO who “failed to warn the fleet that the Japanese were going to attack Pearl Harbor.”\(^{15}\)

Whether or not Stark deserves this reputation, it ignores his many contributions to the Navy as CNO as well as his strategic vision, which led U.S. strategy throughout the war and necessarily opened the door for unrestricted warfare. Stark’s poor reputation also ignores his quick actions regarding unrestricted warfare once the war began. Without mentioning Stark by name, submarine veteran and historian Captain Wilfred Jay Holmes concluded that Stark’s dispatch ordering unrestricted warfare “demonstrat[ed] that political and military leaders were prepared to take bold and decisive action on such an issue, rather than allow junior officers to hold the sack.”\(^{16}\) It was hardly the sort of praise that many historians have usually attached to the legacy of Admiral Harold R. Stark, but it was in keeping with the judgment of Stark’s close friend and advocate, Admiral Thomas C. Hart, who concluded that Stark should be judged as a “great man” for his achievements as CNO, both “political and administrative.”\(^{17}\)

\(^{14}\) Buell, *Master of Sea Power*, 351.


\(^{17}\) Leutze, *A Different Kind of Victory*, 286.
The Aftermath: Admiral Richmond Kelly Turner

Like Stark, Richmond Kelly Turner’s reputation nosedived as a result of his responsibility for the Pearl Harbor fiasco. Like Stark, this is unfortunate, because the accusations by Pearl Harbor scholars obscures Turner’s achievements as the Director of War Plans and his subsequent achievements in command of the amphibious forces in the Pacific.

After the attack on Pearl Harbor, Turner continued on as the War Plans Director until poor relations with his Army counterparts led General George C. Marshall to personally ask the President to send Turner to another duty station. Reluctantly, Admiral Ernest J. King relieved Turner and sent him to the Pacific, where Turner supervised the landings at Guadalcanal. Despite Turner’s partial responsibility for the defeat at Savo Island, his superiors still believed his abilities could not be put to waste. Admiral Raymond Spruance placed Turner in command of his amphibious forces for the rest of the war, and Turner planned and executed the successful landings on Tarawa, the Marshalls, Eniwetok, Guam, Iwo Jima, and Okinawa.18

Turner’s reputation was greatly enhanced by his success and his continued ability to work 18-hour days, although he increasingly turned to alcohol and entirely ignored operational details that did not interest him, particularly post-invasion necessities like the evacuation of the wounded. Despite his personal failings, Turner had earned four stars as well as the undying admiration of Raymond Spruance and

Chester W. Nimitz by the end of the war. Of all the officers who served under him, Nimitz requested that Turner and Spruance, and their wives, be buried alongside him and Mrs. Nimitz in the Golden Gate National Cemetery, because he “firmly believe[d] that our success in the Pacific during World War II was due in a very large measure to the splendid service rendered the Nation by these two officers.”\(^\text{19}\) It was no small accolade.

However, Turner’s influential tour as Director of War Plans will forever be remembered for his role in the Pearl Harbor debacle. Although Turner carried out a significant amount of work, he ended up micromanaging far more than he could handle, attempting to work out war plans, situation estimates, fleet needs, and more, while also taking over a number of oversight duties that properly belonged to Stark or his assistant, Rear Admiral Royal Ingersoll. For instance, Turner argued that since intelligence directly affected war plans, naval intelligence should be channeled through his office. Unfortunately, because of Turner’s miscommunications, inexperience, and incompetence, valuable intelligence intercepts were not made available to Admiral Kimmel in Hawaii. Furthermore, the office of Naval Intelligence interpreted the transition in authority to Turner and the War Plans Division as meaning that they were no longer responsible for actually evaluating intelligence, merely collating it, an attitude that Turner did not attempt to dispel. There seems no doubt that Turner shares a great degree of culpability in the Pearl Harbor fiasco.\(^\text{20}\)

\(^{19}\) Dyer, *The Amphibians Came to Conquer*, 1110-1111, 1160-1161, 1171-1172.

\(^{20}\) Dyer, *The Amphibians Came to Conquer*, 176-196. Dyer admitted: “It can be said objectively that Admiral Stark did not receive the best of advice… from either of these two major intelligence evaluating subordinates [Admiral Turner and Rear Admiral Theodore Wilkinson, the Director of Naval Intelligence]” (189). Other writers, who have taken up the cause of Admiral Kimmel, particularly
Consequently, Turner’s role in preparing a viable war plan and his role in the U.S. decision to conduct unrestricted warfare have usually gone unnoticed, even by biographer Vice Admiral George C. Dyer, who took pains to stress Turner’s achievements and play down Turner’s responsibility for Pearl Harbor. This is unfortunate. Although Turner deserves censure for his role in the disaster at Pearl Harbor, a balanced view of his record will also note that he still made an effective administrator and planner. He played a pivotal role in the process that led to U.S. unrestricted warfare on 7 December 1941.

Importantly, Turner also played a key role in creating and disseminating the fictional rationale that would serve to justify the American decision for the future. Within hours of the decision, in the evening on 7 December, Turner mentioned the U.S. decision to conduct unrestricted warfare with Admiral Little of the Royal Navy, who was part of the British naval staff in Washington, DC. Turner explained to Little that the United States had decided to begin unrestricted warfare “in retaliation for the Japanese bombing of open towns in Oahu.”

Michael Gannon, Edwin Layton, and Edward L. Beach, have not been as charitable, charging Turner with gross negligence, incompetence, perjury, and worse. See Gannon, Pearl Harbor Betrayed, 96-98. Gannon quoted Samuel Eliot Morison as writing, less than a year after Turner’s death: “If I were pushed to name one person as being more careless or stupid than all the rest it would be Kelly Turner” (98). See also: Rear Admiral Edwin T. Layton, U.S.N. (ret.), with Captain Roger Pineau, U.S.N.R. (Ret.), and John Costello, “And I Was There”: Pearl Harbor and Midway – Breaking the Secrets (New York: William and Morrow and Company, Inc., 1985), 21, 138-145. See also: Edward L. Beach, Scapegoats: A Defense of Kimmel and Short at Pearl Harbor (Annapolis: Naval Institute Press, 1995), 77-80. Both Layton and Beach believe that Turner probably held the greatest degree of responsibility for Pearl Harbor.

Ironically, Dyer helped Admiral J.O. Richardson write his withering recollections of the Pearl Harbor fiasco, which pinned most of the blame upon Admiral Harold R. Stark. Notably, Turner’s name hardly appears in Richardson’s book, and Richardson attaches no blame to Turner, quite a difference from the books by Layton, Beach, and Gannon.

21 Record of a conversation between Admiral Little and Rear Admiral Turner, U.S.N. on 7th December, 1941, 8th December, 1941; Sea Frontier Commands; Box 69, Ponape – Sea; Miscellaneous
Despite Turner’s explanation, the events from December 1940 to December 1941 showed that the U.S. Navy planned to conduct unrestricted warfare no matter what the Japanese did. In 1961, when he had completed his research, Samuel Flagg Bemis emphatically condemned Turner’s *ex post facto* justification as disingenuous:

However justified unrestricted submarine against Japan might have been because of Japan’s attack on Pearl Harbor without declaration of war, in violation of Hague Convention III—not to mention violation of other treaties including the Kellogg-Brian Pact of Paris—*the fact is that the orders of December 7 would have been issued even if there had been a Japanese declaration of war*. The sneak attack on Pearl Harbor only triggered off a command to set up strategic zones in the whole Pacific Ocean and to sink all Japanese ships within sight of that area of naval operations, a command that had already been prepared and sent out, awaiting only the outbreak of war between Japan and the United States.\(^{23}\)

Not only was Admiral Turner’s justification for the decision to conduct unrestricted warfare not entirely truthful, but it belied months of preparation by the U.S. Navy, which occurred even as the Commander-in-Chief of the U.S. Army and Navy, President Franklin D. Roosevelt, continued to declare that the United States stood for freedom-of-the-seas in all oceans and at all times.

**A Naval Decision**

When Samuel Flagg Bemis and Janet Manson researched the U.S. decision to conduct unrestricted warfare, they correctly concluded that the decision was not a spur-of-the-moment decision made in the shock of the Japanese sneak attack. Rather the

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\(^{23}\) Samuel Flagg Bemis, Memorandum on Nimitz’s Affidavit; Folder 778, U.S. Navy, Naval War College, 1958-1959; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 1-2. Emphasis added.
decision reflected a year of consideration, debate, and resolve. Furthermore, both authors argued that the timing of the decision was not dependent upon the actions of the Japanese but rather would have occurred almost instantly upon the outbreak of hostilities, no matter how the war began. J.E. Talbott essentially repeated Bemis’s conclusions, while adding that the actions of Admiral Hart indicated how spring-loaded the Navy was to conduct unrestricted warfare.

What none of the authors emphasized or noted was the fact that this decision was made almost entirely divorced from the civilian chain-of-command. Just as the Constitution makes ratified international treaties the supreme law of the land, it also mandates that the military is subservient at all times to the will of the civilian government and populace. In short, while military leaders can recommend policy or carry out policy, it is not the duty or even the privilege of military leaders to make policy.24

The Navy’s decision to conduct unrestricted warfare not only came without formal sanction from the civilian chain-of-command, it also completely overturned the repeated public statements of both the President and the State Department that clearly and unquestionably asserted absolute freedom-of-the-seas, which applied to all oceans at all times. In short, by planning a policy completely at odds with the stated position of the civilian government and by violating a ratified treaty of the United States, without

formal approval from Congress or the President, Admiral Stark and his subordinates arguably appropriated authority that they did not have.

“All freedom… depends on freedom of the seas.”

Despite the retreat from the concept of absolute freedom-of-the-seas that U.S. neutrality legislation implicitly represented, there can be no doubt that in 1941, the public position of the Roosevelt Administration had hardened considerably in regards to Germany and absolute freedom-of-the-seas. In fireside chats, memoranda cleared for public release, and letters to congressmen, the President and the State Department both publicly stated their adherence and strong belief in the Wilsonian paradigm of absolute freedom-of-the-seas.

On 27 May 1941, the same day that the British tracked down and sank the German battleship *Bismarck*, President Roosevelt addressed the country in a fireside radio chat about the severity of the situation facing Great Britain and the United States. Roosevelt emphasized the number of British ships being sunk in the Atlantic and the current inability of British and American shipyards to replace those losses. Roosevelt summed up the German threat: “The Axis Powers can never achieve their objective of world domination unless they first obtain control of the seas. This is their supreme purpose today; and to achieve it, they must capture Great Britain. They could then have the power to dictate to the Western Hemisphere.”

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To justify his administration’s policy against Germany, President Roosevelt brought up freedom-of-the-seas, stating: “All freedom – meaning freedom to live, and not freedom to conquer and subjugate other peoples – depends on freedom of the seas. All of American history – North, Central and South American history – has been inevitably tied up with those words, ‘freedom of the seas’.” 26 As the President explained, this was hardly a new idea. Since the Quasi-War with France, the United States had traditionally “striven and fought in defense of freedom of the seas – for our own shipping, for the commerce of our sister Republics, for the right of all nations to the use the highways of world trade – and for our own safety.” 27 Although modern weapons of war, particularly the submarine, made commerce protection more difficult, the President refused to shrink from defending the right of freedom-of-the-seas: “We

Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD, 12. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2; 700.00112 Freedom of the Seas/100 – 700.00116/447; Box 1770, From: 700.00112 Freedom of the Seas, To: 700.00116 M.E./203; Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD, 11.

26 Buhite and Levy, *FDR’s Fireside Chats*, 180. See also: President Roosevelt quoted in: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 12. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 11.

27 Buhite and Levy, *FDR’s Fireside Chats*, 181. See also: President Roosevelt quoted in: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 12. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 11.
shall actively resist his [Hitler’s] every attempt to gain control of the seas…We reassert
the ancient American doctrine of freedom of the seas.”

Roosevelt’s use of the word “reassert” was a telling sign that even though the
neutrality legislation claimed that the United States did not give up any of its sovereign
rights, Roosevelt realized that the legislation had ceded freedom-of-the-seas to
Germany for the last two years. Now, with his public reassertion of that right, he was
drawing yet another line in the sand, one that was predicated upon the right of
commerce to travel on the world’s oceans without the threat of attack. It was a theme
that he and the State Department would return to again and again.

Even before Roosevelt “reasserted” American freedom-of-the-seas, Secretary of
State Cordell Hull was warning of the dire dangers of Nazi control of the oceans. In a
speech on 25 October 1940, just before the 1940 elections, Hull warned:

Should the would-be conquerors gain control of other continents, they
would next concentrate on perfecting their control of the seas, of the air
over the seas, and of the world’s economy; they might then be able with
ships and with planes to strike at the communication lines, the commerce
and the life of this Hemisphere; and ultimately we might find ourselves
compelled to fight on our soil, under our own skies, in defense of our
independence and our very lives.

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28 Buhite and Levy, *FDR’s Fireside Chats*, 184, 186. See also: President Roosevelt quoted in:
Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19,
1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas,
Draft 1, 12. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of
State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of
Freedom of the Seas, Draft 2, 11.

29 Secretary of State Cordell Hull quoted in: Carlton Savage, Assistant to the Assistant Secretary
of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure:
The American Doctrine of Freedom of the Seas, Draft 1, 11. See also: Carlton Savage, Assistant to the
Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the
Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 10.
A few months later, on 15 January 1940, Hull reprised his warning: “control of the high seas by law-abiding nations is the key to the security of the Western Hemisphere in the present-day world situation.”

Absolute freedom-of-the-seas remained an important issue within the Roosevelt Administration throughout 1941. Importantly, the President made it clear that unrestricted warfare was absolutely antithetical to freedom-of-the-seas. When Roosevelt reported the sinking of S.S. *Robin Moor* to Congress on 20 June 1941, he did not solely dwell on the fact that the unarmed ship was sunk outside of the German war zone and in clear violation of freedom-of-the-seas. He also specifically pointed out the violation of the 1936 London Submarine Protocol, to which Germany was a signatory:

> The sinking of this American ship by a German submarine flagrantly violated the right of United States vessels freely to navigate the seas subject only to a belligerent right accepted under international law. This belligerent right, as is known to the German Government, does not include the right deliberately to sink a merchant vessel, leaving the passengers and crew to the mercies of the elements. On the contrary the belligerent is required to place the passengers and crew in places of safety… The total disregard for the most elementary principles of international law and of humanity brands the sinking of the *Robin Moor* as the act of an international outlaw.

The *Robin Moor* incident only warmed Roosevelt up. When a German U-boat, believing itself to be under attack, fired torpedoes at the U.S. destroyer *Greer*, the President condemned unrestricted submarine warfare in no uncertain terms while

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30 Secretary of State Cordell Hull quoted in: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 11. See also: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 10.

31 President Franklin Roosevelt’s Message to Congress About SS *Robin Moor*, June 20, 1941; OF 4462, S.S. Robin Moor Incident, 1941; Box 1, OF 4454-OF 4484, OF 4485, Office of Strategic Services, 1940-October 1941; Official File; Franklin D. Roosevelt Presidential Library, Hyde Park, NY, 1.
continuing to assert freedom-of-the-seas. In his fireside address of 11 September 1941, Roosevelt focused on the conflict between freedom-of-the-seas and unrestricted warfare. Like Woodrow Wilson before him, Roosevelt depicted the German submarine campaign as an attempt to wrest away basic American rights and he cast his policy as a traditional and time-honored right:

> It is the Nazi design to abolish the freedom of the seas, and to acquire absolute control and domination of the seas for themselves…

> Generation after generation, America has battled for the general policy of the freedom of the seas. That policy is a very simple one – but a basic, a fundamental one. It means that no nation has the right to make the broad oceans of the world at great distances from the actual theatre of land war unsafe for the commerce of others.

> That has been our policy, proved time and again, in all of our history.

> Our policy has applied from time immemorial – and still applies – not merely to the Atlantic but to the Pacific and to all other oceans as well.

Unrestricted submarine warfare in 1941 constitutes a defiance – an act of aggression – against that historic American policy…

> These Nazi submarines and raiders are the rattlesnakes of the Atlantic. They are a menace to the free pathways of the high seas. They are a challenge to our sovereignty. They hammer at our most precious rights when they attack ships of the American flag – symbols of our independence, our freedom, our very life.32

More than any other address Roosevelt had given before, this fireside chat thoroughly elucidated his views toward freedom-of-the-seas and unrestricted warfare. He declared his definition of freedom-of-the-seas to be the right of merchant shipping to travel without the threat of attack. He stated that freedom-of-the-seas applied to all oceans at

all times. He clearly identified unrestricted warfare as the principal menace to freedom-of-the-seas.

A week after the President’s address, on 19 September 1941, the assistant to the Assistant Secretary of State, Carlton Savage, drafted a memorandum describing the U.S. tradition of freedom-of-the-seas. Savage’s memorandum described the legal underpinnings of the concept, from Grotius and the Armed Neutrality of 1780, and the long tradition of resorting to arms to defend freedom-of-the-seas, from the Quasi-War with France to the First World War. As expected, the memorandum discussed the attempts to curb submarine warfare since the First World War, focusing on the London Naval Treaty of 1930, the London Submarine Protocol of 1936, and the Nyon Agreement of 1937. Savage extensively quoted President Wilson, Secretary of State Hull, and particularly President Roosevelt’s fireside chats of 27 May 1941 and 11 September 1941. Although brief, the memorandum illustrated the importance that the Roosevelt Administration placed upon freedom-of-the-seas, and highlighted the Administration’s absolute opposition to unrestricted warfare.33

Savage’s memorandum went all the way to President Roosevelt, who liked it so much that he wanted to send copies to the chairmen of the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs. The President also wanted to make the memorandum public. After deleting a page of text implying U.S. hypocrisy in the First World War, Savage gave the new draft to Secretary Hull, who presented it to the President. To Savage’s knowledge, the President sent at least one

33 Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 1, 1-14.
copy of the revised draft to Senator Thomas Connally, the Chairman of the Senate Foreign Relations Committee. Whether or not Savage’s memorandum went any farther towards public consumption is unclear, but the President’s interest and support for the memorandum were yet another illustration of Roosevelt’s public support for a concept of absolute freedom-of-the-seas that utterly denied the acceptability of unrestricted warfare.\textsuperscript{34}

The timeframe during which the President was approving and distributing Savage’s memorandum was the same time period that Admiral Turner presented Admiral Stark with a proposed letter to consult the State Department about the possibility of unrestricted warfare in the event of hostilities. It is unclear whether or not Stark actually saw the Savage memorandum, but given the President’s recent speech of 11 September 1941, Stark must have known that this proposal was entirely antithetical to the Administration’s public position. Given this perspective, Stark’s decision to veto the proposed letter seems far more understandable. Furthermore, it may also explain why there is no documented evidence that the Navy ever attempted to consult the civilian leadership of the United States until 7 December 1941.

\textsuperscript{34} Carlton Savage, Assistant to the Assistant Secretary of State, Memorandum for the Record, September 23, 1941, 700.00112 Freedom of the Seas/103; 700.00112 Freedom of the Seas/100 – 700.00116/447; Box 1770, From: 700:00112 Freedom of the Seas, To: 700.00116 M.E./203; Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD. For the revised memorandum, see: Carlton Savage, Assistant to the Assistant Secretary of State, to the Secretary of State, September 19, 1941, 700.00112 Freedom of the Seas/102, Enclosure: The American Doctrine of Freedom of the Seas, Draft 2, 1-13. This draft is identical to the first draft, except for the excision of most of page 6, which described the difference between American attitudes before the First World War and American actions during the First World War.
No Documentation

Based on the documentation within the files of the Navy Department, the Navy made little effort to consult the civilian leadership of the United States regarding the propriety of unrestricted warfare. President Roosevelt kept no records of ever having discussed or considered this decision. Other than the Hopkins memorandum of 7 December, which does not explicitly refer to unrestricted warfare, there is no documentation at all in Roosevelt’s papers at his Library in Hyde Park. However, Roosevelt was not like some of his successors, and did not record his phone calls or make notes about many of his phone conversations. The three other civilian leaders in the government who should have been most concerned with this decision would have been Secretary of State Cordell Hull, Secretary of War Henry Stimson, and finally and most certainly, Secretary of the Navy Frank Knox. However, a careful search by archivists through the classified and declassified papers of all three men revealed

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35 Both Samuel Flagg Bemis and Janet Manson searched President Roosevelt’s papers in their research. In Bemis’s case, the archivists at the time, particularly Herman Kahn and Elizabeth B. Drewry, searched for the documents as well. See: Herman Kahn to Samuel Flagg Bemis, May 3, 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 1. See also: Elizabeth B. Drewry, Director, Franklin D. Roosevelt Library to Samuel Flagg Bemis, November 17, 1961; Folder 781, U.S. Navy - Naval War College – 1961 Jul-Dec; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library. In 2005, this researcher looked through the pertinent files at the Franklin D. Roosevelt Presidential Library in Hyde Park, NY, including the Official Files on the Navy Department (OF 18), the Chief of Naval Operations (OF 18r), the State Department (OF 20), the War Department (OF 25), the Joint Board (OF 25s), the Navy in World War II (OF 463c), Japan (OF 197), Sinking of American Ships, World War II, 1941-1942 (OF 463c), the American Merchant Marine (OF 99), the S.S. Robin Moor Incident, 1941 (OF 4462), and Neutrality (OF 1561); as well as the President’s Personal Files on Admiral Stark, Elihu Root, the Navy Department, and the Chief of Naval Operations; as well as the President’s Secretary File for the Navy Department, State Department, and Neutrality files; and finally documents in the President’s Secretary File Safe File. Unfortunately, while there were a number of interesting documents, there were none directly related to the decision to conduct unrestricted warfare in the Second World War.
absolutely no record of this decision.\textsuperscript{36} Similarly, there was no documentation in the papers of Knox’s assistant, successor, and future Secretary of Defense, James V. Forrestal.\textsuperscript{37} There was also no documentation of the decision in the historical files of the Joint Chiefs of Staff from World War II, not surprising since only the Navy seemed to be dealing with the decision and the Army was, at most, an indifferent spectator.\textsuperscript{38} In fact, Admiral Stark did not even consult his own Judge Advocate General. While the Navy JAG had issued its opinion of unrestricted warfare during the General Board hearing in April 1941, Stark recalled later that he did not ask for the legal opinions of either “the State Legal Section or the Judge Advocate General of the Navy Department.”\textsuperscript{39}

\textsuperscript{36} For Hull, see: G. Bernard Noble, Director, Historical Office, Bureau of Public Affairs, Department of State, to Samuel Flagg Bemis, October 31, 1961; Folder 781, U.S. Navy - Naval War College – 1961 Jul-Dec; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 1-2. See also: Mr. Nuernberger to George H. Dengler, Subject: Request from Professor Bemis of Yale University, November 9, 1961; Folder 781, U.S. Navy - Naval War College – 1961 Jul-Dec; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 1-4. For Stimson, see: Samuel Flagg Bemis to Herman Kahn, June 3, 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library. For Knox, see: Elbert L. Huber, Archivist in Charge, Navy Branch, National Archives and Records Service, to Samuel Flagg Bemis, August 23, 1961; Folder 781, U.S. Navy - Naval War College – 1961 Jul-Dec; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library.

\textsuperscript{37} Rear Admiral E.M. Eller to Samuel Flagg Bemis, 2 February 1962; Folder 782, U.S. Navy - Naval War College – 1962; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library.

\textsuperscript{38} R.A. Winnacker, Historian, Office of the Secretary of Defense, to Samuel Flagg Bemis, June 29 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library.

\textsuperscript{39} Rear Admiral E.M. Eller to Samuel Flagg Bemis, 30 November 1961; Folder 781, U.S. Navy - Naval War College – 1961 Jul-Dec; Box 64, United States Navy, Naval War College, 1933-1962; Series
Samuel Flagg Bemis’s research indicated that the planning for this decision was insulated from the civilian leadership, but Bemis assumed that the final decision to conduct unrestricted warfare ultimately, and properly, rested with the President of the United States. In reality, however, on 7 December 1941, Admiral Hart issued his orders as Stark was getting off the phone with the President. From start to finish, the decision to conduct unrestricted warfare remained entirely insulated within the command structure of the U.S. Navy. There is absolutely no record of this decision ever being considered or formally accepted by any civilian leaders until Stark’s phone call to President Roosevelt at 1428 on 7 December.

Despite the lack of documentation, Janet Manson concluded that the decision to conduct unrestricted warfare required “[c]lose cooperation between the Navy, the State Department, and the President.” Manson explained the lack of documentation as either a consequence of the decision being made over a series of phone conversations, or perhaps even as a deliberate act:

Like many other modern leaders, Roosevelt often preferred to communicate on an oral basis. Certainly, the use of the telephone for important and urgent business has dramatically increased this trend with little, if any, record kept of decisions made or business transacted in this manner. It is possible too that Roosevelt and others who discussed the decision at some point consciously decided to leave no record of discussions because it did represent such a dramatic change in policy. Providing a record of the decision and its rationale would necessarily call attention to its ramifications, in particular the destruction of innocent lives and property.

II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library.


Manson, *Diplomatic Ramifications of Unrestricted Submarine Warfare*, 174.
Although such a wide-ranging conspiracy, involving a president, his secretary of state, and his military advisors, may seem titillating, another option seems more likely and plausible.

The lack of documentation in the archives of the President and the Secretary of State probably does not indicate deliberate omission but rather that discussion regarding unrestricted warfare never formally extended beyond the uniformed Navy. The theory of a conspiracy of silence works only if all three parties remained silent, but the Navy kept a great deal of paperwork on file and also sent messages well ahead of the start of war. If the first message regarding this decision had been Stark’s “EXECUTE AGAINST JAPAN” then the conspiracy theory might have more weight, but his 7 December message succeeded a number of letters and his dispatch of 27 November regarding a war zone. Admiral Stark’s messages, while classified at the time, entered the realm of history as soon as he sent them.

Furthermore, as noted above, the Roosevelt Administration and its State Department had publicly committed themselves to upholding the Wilsonian paradigm of absolute freedom-of-the-seas in all oceans and at all times. Roosevelt, in particular, made this pledge in numerous public statements, particularly the two fireside chats of 27 May 1941 and 11 September 1941. How likely is it that both the President and the State Department were closely cooperating on a decision that was entirely adverse to a position to which they had publicly wedded themselves?

At the very least, the State Department was not involved in the decision. Although it is conceivable that Cordell Hull may have concurred in this decision before
war began, his insistence at the White House in late November 1941 that the United States continue to force the Axis to respect “freedom of the seas” seems indicative that he would have hardly agreed to a decision that utterly denied freedom-of-the-seas.\textsuperscript{42} Furthermore, the Navy’s antipathy for the State Department could hardly have been clearer. It had taken over twenty years for the State Department to approve a new set of Instructions for naval warfare. At its hearings in April 1941, the Navy’s General Board took it for granted that the State Department would veto any Instructions that contained provisions for unrestricted warfare.\textsuperscript{43} As noted earlier, a letter had been drafted for the Secretary of State, but Rear Admiral Turner’s memorandum indicates that it was never sent. The utter lack of any records relating to this matter in the files of the Department of State seems to bear out the contention that once Admiral Stark vetoed the intended letter, the Navy never tried to discuss the matter with the State Department again.\textsuperscript{44} 

\textsuperscript{42} Mr. Nuernberger to George H. Dengler, Subject: Request from Professor Bemis of Yale University, November 9, 1961, 1.

\textsuperscript{43} General Board Hearing on Proposed Amendment of Rules for Maritime Warfare, 30 April 1941; G.B. Study No. 425-May 15, 1941 Amendment of Rules for Maritime Warfare; Box 133; Subject File 425; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 10-11, 19.

\textsuperscript{44} G. Bernard Noble, Director, Historical Office, Bureau of Public Affairs, Department of State, to Samuel Flagg Bemis, October 26, 1961; Folder 781, U.S. Navy - Naval War College – 1961 Jul-Dec; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library. In 2005, this researcher looked through the pertinent files at the National Archives at College Park, MD. Except for documents filed under decimal number 700.00112 Freedom of Seas, which indicate that the State Department was intent upon defending freedom-of-the-seas even if it meant war with Germany, there were no documents related to the decision to conduct unrestricted warfare. Among the pertinent files searched were: Naval vessels, rules, etc.; Navy Department; Navy advisers, affairs; Bombing of neutral merchant vessels; Legal Adviser; Naval Law; High seas, offenses committed on merchant vessels; Blockade, neutral commerce; Disarmament, 1930-1939; Disarmament Conference, 1930-1939; Convoying, merchant vessels; Convoying American merchant vessels; Commerce, neutral; and Prize money, naval. Because the decimal filing system means that some documents might have been filed in a different place based on country codes, this researcher attempted almost every possible permutation using the country codes of the time for the United States (11), Germany (62), and Japan (94).
chief legal adviser to the State Department at the time, Green H. Hackworth, similarly could not remember the issue even being brought up.\footnote{45}

In the case of President Roosevelt, the matter is far more nebulous. Although Stark insisted to Eller and Bemis that he discussed the unrestricted warfare message with Roosevelt on 7 December, neither Eller nor Bemis recorded whether or not Stark had ever brought the topic up beforehand. Based on Hopkins’s memorandum, Roosevelt’s allusion to “the agreed orders” possibly indicates that he and Stark had discussed the matter previously. If Stark and Roosevelt did discuss the matter beforehand, Roosevelt may have chosen to “tacitly” approve unrestricted warfare, just as he had approved RAINBOW 5, contingent upon Stark consulting him upon the outbreak of war. As the events of 7 December 1941 showed, Stark and General Marshall did consult the President before enacting both unrestricted warfare and RAINBOW 5.\footnote{46}

Another possibility is that Stark informed Roosevelt of his intentions but Roosevelt gave no formal answer. Roosevelt habitually chose to approve potentially controversial plans on an oral basis, with no written notes showing that he had even

\footnote{45} Green H. Hackworth to Samuel Flagg Bemis, January 15, 1962; Folder 782, U.S. Navy - Naval War College – 1962; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library.

\footnote{46} Herman Kahn to Samuel Flagg Bemis, May 25, 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library. See also: Stetson Conn, Chief Historian, Office of the Chief of Military History, Department of the Army, to Samuel Flagg Bemis, 27 June 1961; Folder 780, U.S. Navy - Naval War College – 1961 Jan - Jun; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library. See also: Edward S. Miller, \textit{War Plan Orange: The U.S. Strategy to Defeat Japan, 1897-1945} (Annapolis: Naval Institute Press, 1991), 271, 314.
looked at a document. For instance, Roosevelt never formally approved Plan Dog. Admiral Stark’s biographer, B. Mitchell Simpson, speculated that Roosevelt might have used an intermediary to quietly approve Plan Dog, because of “Roosevelt’s general penchant for deviousness and with the arm’s length treatment he gave the Plan Dog Memorandum… He filed the original without even initialing it or otherwise indicating he had read it. One thing is clear: He did not disapprove it.” Similarly, Roosevelt may have ingested the idea of unrestricted warfare silently, neither approving nor disapproving it.

There is also the possibility that Stark did not discuss the issue at all with the President before 7 December 1941. Stark sometimes acted behind the President’s back in order to give his old friend what would become known as “plausible deniability,” in the off chance that something went wrong. For instance, Stark set up the first American-British-Canadian meeting without first informing Roosevelt that he had sent an invitation to the British and Canadians, although he knew that Roosevelt favored such talks. Consequently, both he and the President could later claim that Stark had acted without the “permission” of his civilian superiors if isolationists attempted to claim that Stark and Roosevelt were colluding to draw the United States into a war.48

All of this is speculation. What is certain is that there is absolutely no documentation that President Roosevelt ever discussed this matter until 1428 on the afternoon of 7 December 1941 when Stark called him. Even then, the only evidence that Roosevelt was involved in the decision is Stark’s word. When Eller and Bemis

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47 Simpson, Admiral Harold R. Stark, 73.
48 Simpson, Admiral Harold R. Stark, 74.
interviewed Stark in 1961, there was little chance that Stark would stand trial for any wartime “offenses,” so there was no reason for Stark to lie. Of course, when Bemis and Eller interviewed him, Stark was also 80 years old. As a number of historians have noted, even in the space of a limited amount of time, one’s memories of the past, particularly of traumatic or significant events, is bound to be corrupted by what one believes happened or what should have happened.\textsuperscript{49} Consequently, there is no guarantee that Stark’s story was wholly true and correct, if at all. On the other hand, whether or not President Roosevelt actually approved the orders to conduct unrestricted warfare, as one historian noted, after the “Pearl Harbor attack [the President] was in no mood to restrict any line of military action against the Japanese.”\textsuperscript{50}

Afterward, the decision apparently elicited little or no outrage from the State Department, which seems to have accepted the explanation that unrestricted warfare was in reprisal for the Japanese sneak attack on Pearl Harbor. By May 1942, the State Department had even accepted that unrestricted warfare was a fact of life in modern warfare. In an attempt to compel all the belligerents to comply with some of the Hague Conventions on land and naval warfare, the State Department prepared a letter and memorandum to the War and Navy Departments outlining the Conventions that the United States should request that all belligerents comply with. Among them were the

\textsuperscript{49} A fascinating example of how time shapes and modifies memory, particularly in war, can be found in: John F. Guilmartin, Jr., “Military Experience, the Military Historian, and the Reality of Battle,” unpublished lecture/paper presented at the Shelby Cullom Davis Center for Historical Studies, Princeton University, October 8, 1982, unpublished TMs on file in the Center of Military History archive, 15-18. For a greater discussion on the role of memory in history, see: Jay Winter and Emmanuel Sivan, “Setting the framework,” in \textit{War and Remembrance in the Twentieth Century}, ed. Jay Winter and Emmanuel Sivan (Cambridge: Cambridge University Press, 1999), 10-19.

\textsuperscript{50} Stetson Conn to Samuel Flagg Bemis, 27 June 1961.
Conventions on land warfare, naval bombardment, and the laying of mines. The State Department’s Treaty Division, however, conceded that there was no point in requesting compliance with Convention XI of the 1907 Hague Conventions, which discussed the rules of search and seizure on the high seas. Indeed, in a rare show of pragmatism, the State Department officers wrote: “As practically all merchant ships are now used either directly or indirectly in the prosecution of the war and there appears to be no respect shown such vessels by Axis powers, there would appear to be no point in proposing that the provisions of this convention be applied.”

And so, with hardly a murmur and despite their strenuous public protestations of the previous year, both the President and the State Department acceded to the Navy’s decision to conduct unrestricted warfare.

**An Illegal Decision?**

Regardless of when or if President Roosevelt actually approved the orders to conduct unrestricted warfare, the orders still violated a ratified treaty of the United States and they came before any reported Japanese unrestricted warfare that demanded

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51 Charles M. Barnes, Chief, Treaty Division, Proposal by the United States that all of the belligerent powers in the present war observe the terms of the 1907 Hague Convention respecting the laws and customs of war on land and other conventions regarding the conduct of land and naval warfare, May 20, 1942, FW700.00116/447, Cover Letter; 700.00112 Freedom of the Seas/100 – 700.00116/447; Box 1770, From: 700:00112 Freedom of the Seas, To: 700.00116 M.E./203; Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD, 1-4.

52 Charles M. Barnes, Chief, Treaty Division, Proposal by the United States that all of the belligerent powers in the present war observe the terms of the 1907 Hague Convention respecting the laws and customs of war on land and other conventions regarding the conduct of land and naval warfare, May 20, 1942, FW700.00116/447, Enclosure: Memorandum on The Hague Conventions; 700.00112 Freedom of the Seas/100 – 700.00116/447; Box 1770, From: 700:00112 Freedom of the Seas, To: 700.00116 M.E./203; Decimal File, 1940-44; General Records of the Department of State, Record Group 59; National Archives at College Park, College Park, MD, 6.
such a reprisal. Although it is debatable who had the authority to unilaterally abrogate the London Submarine Protocol of 1936, in point of fact, the protocol was never formally terminated.\textsuperscript{53} After the war, the Nuremberg Tribunals determined that despite the actions of the belligerents, the London Submarine Protocol was still in effect, a view confirmed by subsequent publications on maritime law.\textsuperscript{54} Moreover, although international law implicitly sanctions reprisals, the Navy planned to conduct unrestricted warfare no matter how the war started.\textsuperscript{55} Consequently, by formulating and following orders that improperly violated a ratified treaty without any reported enemy actions that permitted such a reprisal, the senior naval officers arguably violated their oaths of office.

Although some may question the importance or validity of oaths, the oath of U.S. military officers to the U.S. Constitution has been a defining difference between the U.S. military and other militaries around the world throughout time. Instead of swearing allegiance to a monarch, country, populace, or even each other, U.S. military officers and enlisted swear to support and defend the democratic ideals and laws of the United States, embodied in the Constitution. Such an oath binds U.S. military officers

\textsuperscript{53} Michael Nelson, ed., \textit{Guide to the Presidency}, 2\textsuperscript{nd} ed. (Washington, D.C.: Congressional Quarterly, Inc., 1996), 605-606. The Supreme Court upheld the president’s ability to unilaterally abrogate a ratified treaty in 1979, but legalists noted that this decision was based mainly upon the Supreme Court’s belief that it had no jurisdiction in the matter, not whether or not the president actually had the right to unilaterally abrogate a treaty. The Constitution is unclear about which branch holds this authority, and both the executive and legislative branches have unilaterally terminated treaties upon occasion.


\textsuperscript{55} Samuel Flagg Bemis, Memorandum on Nimitz’s Affidavit, 1-2.
and enlisted to defend ratified international treaties, like Article 22 of the London Naval Treaty, as “the Supreme Law of the Land.” Paul Roush, a military ethics scholar, summed up the absolute importance of the constitutional oath to the American military system:

_The inexorable linkage from oath to all subsequent behavior is a fundamental fact of military life._ It cannot be otherwise if the nation is to retain the essential character of the relationship between the people (through their elected representatives) and the military. If the linkage goes, so does the trust between the citizen and soldier. A military unconstrained by the provisions of the Constitution is a threat to the civil society.\(^{57}\)

Unfortunately, as the case of unrestricted warfare demonstrates, the oath carries an inherent conflict: what if it is necessary to break some laws in order to preserve the rest?

This conflict is not new. Perhaps the most famous case of a federal officer choosing to violate the law in order to defend the rest of the Constitution was when President Abraham Lincoln suspended _habeas corpus_ during the Civil War in order to imprison Confederate sympathizers suspected of attempting to undermine the Union government. Lincoln defended his actions to a joint session of Congress on 4 July 1861, declaring: “are all the laws but one to go unexecuted, and the Government itself go to pieces, lest that one be violated?”\(^{58}\) Lincoln clearly believed that his actions were warranted by his oath to “preserve, protect and defend” the Constitution, gambling that by violating one law, he could save the rest. Arguably, the U.S. naval officers who

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\(^{56}\) U.S. Constitution, art. VI.


formulated the decision to conduct unrestricted warfare in 1941 felt the same way. While the decision to conduct unrestricted warfare may have been an illegal order, the decision was not unambiguously immoral.

There can be no doubt that U.S. naval officers believed the decision to conduct unrestricted warfare might be illegal. If unrestricted warfare had not been both an important issue and an illegal action, naval war planners would hardly have expended the energy coming up with potential legal justifications for unrestricted warfare like Japanese war crimes in China or Japanese guilt for the actions of Axis allies. Similarly, the senior naval leadership could have easily committed to unrestricted warfare before the war, but they informed the British that they would postpone their decision until the outbreak of hostilities because of the delicacy of the issue. Most officers in the submarine force also understood that unrestricted warfare was illegal. The U.S. Submarine Force doctrine, first printed and disseminated in April 1939, plainly stated that unrestricted warfare would only be approved “as a last resort.” Submarine commanders like Dick Voge, commanding USS *Sealion* when war began,

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59 Rear Admiral Richmond K. Turner, Memo for War Plans Files, September 29, 1941; WPL-46 Letters (1939-1945); Box 147J, WPL-46 – WPL-46-PC; Part III: OP-12B War Plans and Related Correspondence; Plans, Strategic Studies, and Related Correspondence (Series IX); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 3.

60 Commander L.R. McDowell, U.S. Secretary for Collaboration to Commander The Hon. R.D. Coleridge, R.N., and Major R.F.G. Jayne, D.S.O., Joint Secretaries to the British Joint Staff Mission in Washington, Subject: Action by Submarines against Merchant Ships, October 20, 1941; WPL-46 Letters (1939-1945); Box 147J, WPL-46 – WPL-46-PC; Part III: OP-12B War Plans and Related Correspondence; Plans, Strategic Studies, and Related Correspondence (Series IX); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 2.

even believed that to conduct unrestricted warfare would make them liable for the punishment that American statesman Elihu Root had pushed for at the Washington Naval Conference in 1922: “submarines who violated [Article 22] were subject to being ‘hunted down and captured or sunk as pirates’.”62

However, the senior naval leadership also believed that unrestricted warfare was absolutely necessary if Japan’s war machine was to be stopped. If Japan could run roughshod in the Pacific Ocean, unconstrained by economic worries, the United States would have no choice but to concentrate its forces and materiel in the Pacific Ocean, instead of focusing on Europe first. The U.S. naval leadership had no doubts: Europe had to be the top priority, while Japan had to be slowed by some means that did not require the full employment of U.S. forces. Faced with the pressing need to interdict Japanese supplies from the very outbreak of hostilities, but constrained by impractical laws, Admiral Stark, Admiral Hart, and Rear Admiral Turner chose to act decisively and courageously.

Afterwards, having seen military necessity trump international law in the case of unrestricted warfare, Samuel Flagg Bemis rhetorically queried: “What good is international law?”63 While Bemis’s cynicism is understandable, perhaps he should


63 Samuel F. Bemis, “Seminar and Panel Discussion – Prof. Bemis – Submarine Warfare” 1 November 1961, unpublished TMs; Box 65, United States Navy, Naval War College, 1961; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library. Also available in Box 3, Columbia University Oral Histories; Privileged Manuscript Collection; Operational Archives Branch, Naval Historical Center, Washington, DC, 16.
have accepted the wisdom of Payson S. Wild, Jr. and his colleagues at the U.S. Naval War College, who insisted in 1941: “Clinging to obsolete legal formulae does not make for respect for law. On the contrary, it may hasten the end of the effectiveness of law… Law unrelated to the facts is not real law at all.” For instance, there are a number of laws that have been deliberated over for many years and continue to exist because they serve to protect both one’s personnel and one’s enemies, such as the Geneva Convention’s prohibitions regarding prisoners-of-war and lead-jacketed bullets. Sensible international law preserves the rule of law and the order of civilized government.

Unfortunately, the conflict between military necessity and the rule of law will probably continue to be relevant in the future. As long as military officers and national leaders are placed in a position where untold numbers of citizens can possibly be saved by violating international law, a moral quandary will continue to exist. Consequently, even if the decision to conduct unrestricted warfare did not carry historical significance, it would still remain relevant.

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64 Memorandum on Annex D Major Situation, 1 March 1941; A16-3(28)(Jan-Apr); Box 59; 1940-1941 - Confidential; Formerly Security-Classified General Correspondence of the CNO/Secretary of the Navy, 1940-1947; General Records of the Department of the Navy, 1798-1947, Record Group 80; National Archives at College Park, College Park, MD, 1, 13.
CHAPTER 7

CAUSES OF U.S. UNRESTRICTED WARFARE

Was Unrestricted Warfare Inevitable?

Was unrestricted warfare inevitable? To answer such a question requires posing the counterfactual question: What would have happened if the United States had not immediately conducted unrestricted warfare on 7 December 1941?

Although the policymakers in Washington probably did not know it as they issued their orders, Japan had already begun unrestricted warfare within minutes of the Pearl Harbor attack by sinking the unarmed merchant ship *Cynthia Olson*. In hindsight, this attack did not matter since the United States had planned to conduct unrestricted warfare no matter what the Japanese did. If the United States, however, had not planned to conduct unrestricted warfare, the sinking of *Cynthia Olson* would certainly have been sufficient cause for the United States to declare unrestricted warfare in reprisal for the Japanese action.¹

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What if Japan had not immediately conducted unrestricted warfare and the United States had not planned unrestricted warfare? The published submarine force doctrine and the statements of naval officers at the time give a hint of how the U.S. submarine force might have acted in a war bound by treaty limitations. Due to the threat of armed merchant ships, the submarine force doctrine prohibited submarines from even attempting visit and search against a merchant ship found alone. The doctrine did allow surprise attacks on merchant ships traveling in convoys or clearly armed merchant ships, as well as enemy troopships.² Ironically, this doctrine would have been ideal for the Japanese, because Japanese naval authorities made almost no effort at forming convoys or providing convoy protection for the first years of the war. Since this would have meant that most ships would have traveled alone, and hence would not have been legitimate targets for unrestricted warfare or even attempts at cruiser warfare, prewar American submarine doctrine would have allowed a number of merchant ships to slip by.³ Furthermore, the Japanese might have also figured out that American doctrine prohibited attacks against single unarmed merchant ships, and exploited this weakness. In short, under the restrictive rules of the U.S. submarine force doctrine, commerce warfare might have been an extremely fruitless affair.

² Current Doctrine, Submarines, 1939, U.S.F. 25, Revised, prepared by Commander Submarine Force, April 1939; NRS 1977-86, Current Tactical Orders and Doctrine-Submarines, 1939-1944; Microfilm Reel; Operational Archives, Naval Historical Center, Washington DC, 11.

If the Japanese supply lines had remained generally untouched, then the war in the Pacific might have been quite different. U.S. Marines and Army units would have made amphibious landings against well-supplied enemy islands, and probably suffered even higher casualties than the already-costly casualties they suffered at landings at islands like Tarawa and Iwo Jima. It seems highly improbable that the military leadership, the American people, or even the American political leadership would have accepted this state of affairs. If they had, however, the war in the Pacific might have stretched on for far longer, and might never have been decisively resolved. Faced with such a prospect, it seems difficult to imagine President Roosevelt and his naval leaders not eventually giving orders to conduct unrestricted warfare.

Such a situation makes the decision to wage unrestricted warfare sound almost inevitable during the war. Before the war, however, a number of factors were either apparent to decision-makers or unconsciously influential. The fundamental cause of unrestricted warfare was the strategic rationale that submarines were one of the few weapons that could accomplish the goals of a limited war of economic attrition against a vulnerable island empire like Japan. Furthermore, the example of the ongoing German unrestricted submarine war against Great Britain undoubtedly influenced the senior leadership. Although strategic reasons compelled the United States to conduct unrestricted warfare, other factors probably influenced the senior naval leadership, including Eurocentricism, decades of ingrained ORANGE war planning, and even culturally inculcated racism. While cultural factors such as these undoubtedly played a role in Navy strategy, the exact amount of their influence is impossible to gauge.
However, it does seem possible to deny primacy to cultural factors in the decision to conduct unrestricted warfare.

“Coolly, Studiously Strategic”

The submarine war against Japan was predicated upon Japan’s greatest strategic vulnerability: its reliance upon the importation of war materiel by sea. Except for a few natural resources, Japan required its merchant marine to import oil, steel, aluminum, and even foodstuffs. Japan also needed a strong merchant fleet to supply its island possessions with food, ammunition, and other supplies. If the supply lines could be cut off, Japan would not only be unable to supply its war machine, the Japanese home islands could be choked with inexorable economic pressure.\(^4\) The U.S. Navy had recognized this fact from an early point, and as early as 1906, the Navy’s War Plan ORANGE stipulated that Japan would ultimately be defeated by economic blockade.\(^5\)

War Plan ORANGE, however, presumed that sufficient naval forces would be available to destroy the Japanese fleet and gain control of the sea in order to enforce such a blockade. Consequently, such a naval blockade could be maintained by surface ships and with cruiser rules of warfare. Unfortunately, by late 1940, it was apparent that if the United States went to war, it would probably be a two-ocean conflict against Japan in the Pacific and Germany and Italy in the Atlantic and the Mediterranean. In December 1940, the senior military and civilian leadership of the United States


recognized this fact by adopting “Plan Dog” as the new national strategy. Plan Dog presumed that no matter how war started, Great Britain needed to be saved and Germany needed to be defeated first. While the United States focused most of its attention on Germany, a reduced U.S. Pacific Fleet would contain Japan. The plan called for constraining Japan’s aggression through a campaign of economic strangulation.\(^6\)

Without control of the sea, there was only one weapon that could still deny control of the sea to the Japanese, despite the preponderance of Japanese warships in the western Pacific. Submarines could cruise into Japanese waters and strike undetected. To maintain their stealth and chances of survivability, however, meant abandoning cruiser warfare. Plan Dog’s campaign of economic strangulation, to be waged before the United States could gain control of the sea, implicitly required unrestricted warfare. As a result, the primary rationale for unrestricted warfare was purely strategic in nature, as Samuel Flagg Bemis noted in 1961:

> The motives which impelled the United States in the Second World War to resort to unrestricted submarine and air warfare against Japan… were coolly, studiously strategic: to cut off the enemy’s vital overseas trade and thereby weaken his capacity to fight and win a long war. Submarines were the only American naval instrument which could reach across the Pacific at the beginning of the conflict, and they were put promptly to this prearranged task!\(^7\)

Although the decision to conduct unrestricted warfare did not occur until 1941, this was hardly a new rationale. As early as 1919, memoranda regarding the possible

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\(^6\) Joint Planning Committee to The Joint Board, Subject: National Defense Policy for the United States, 21 December 1940; Plan Dog; Box 85; Series XIII: Pearl Harbor Investigations; Papers of Admiral H.R. Stark; Operational Archives Branch; Naval Historical Center; Washington, DC, 8.

abolition of submarines stressed that submarines would be absolutely vital in future 
wars against powerful island empires such as Japan and Great Britain.8 A few years 
later, in 1922 and 1923, Rear Admiral William L. Rodgers of the Navy’s General Board 
agreed that the submarine would play an important role in a major maritime war. 
Rodgers proposed changing international law to more easily facilitate submarine 
warfare against merchant ships. Even though Rodgers condemned unrestricted warfare, 
he also recognized that Germany’s commerce war against Great Britain had nearly 
brought the island empire to its knees.9 During the years that followed, a number of 
naval officers echoed Rodgers’s sentiments about the efficacy of the submarine in 
commerce warfare against Great Britain or Japan. Few were ever bold enough to voice 
the opinion that unrestricted warfare might become a necessity, although then-

8 Planning Section Memorandum No. 68, Subject: Submarine Warfare; 420-15 1919; Box 108; 
Subject File 420-15; General Board, Subject File 1900-1947; General Records of the Department of the 
Navy, Record Group 80; National Archives Building, Washington, DC, 6-8. See also: Planning 
Committee to the Chief of Naval Operations, Subject: Abolition of Submarines, 18 January 1919; 420-15 
1919; Box 108; Subject File 420-15; General Board, Subject File 1900-1947; General Records of the 
Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 2. See also: 
Commander E.S. Land, USN, to the Force Commander, Subject: Prohibition of construction of 
Submarines, 6 January 1919, Enclosure (b); 420-15 1919; Box 108; Subject File 420-15; General Board, 
Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National 
Archives Building, Washington, DC, [1].

9 “An Attempt to Interpret the Treaty entered into to make more effective the Rules adopted by 
Civilized Nations for the Protection of the Lives of Neutrals and Noncombatants at Sea in time of war,” 
February 13, 1922; 438 22; Box 168; Subject File 438; General Board, Subject File 1900-1947; General 
Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 
6-7. See also: Rear Admiral William L. Rodgers, “Suggestions as to Changes in the International Law 
for Maritime War,” reprinted from the American Journal of International Law XVII, No. 1, 2 January, 
1923; 438 1923 to 30 March; Box 168; Subject File 438; General Board, Subject File 1900-1947; General 
Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC, 
12-14.
Lieutenant Hyman G. Rickover and Commander E.E. Hazlett were notable exceptions.\textsuperscript{10}

**The Influence of German Unrestricted Warfare**

Without a doubt, the success of German submarines in the First World War and the first half of the Second World War influenced the American decision to conduct unrestricted warfare. To begin with, the experience of the first few months of war clearly indicated that the rules of visit and search were impractical. Furthermore, the U.S. Navy also recognized that the civilian leadership and populace were not as incensed about German unrestricted warfare as they had been two decades before. Finally, naval war planners even posed that the United States could feasibly conduct unrestricted warfare as reprisal for German actions.

The first few months of the Second World War visibly illustrated the difficulties for submarines conducting visit and search. Just like the First World War, the German Navy rapidly discovered that cruiser warfare was impossible against a duplicitous adversary. As the war progressed, the German Navy gradually lifted the restrictions of cruiser warfare one-by-one in retaliation for British actions. First, the Germans announced that since British merchant ships were being armed, it was suicide for a German submarine to attempt visit and search on a British merchant ship. Later, because merchant ships in certain areas did not travel with their lights on or were armed as well, the Germans lifted even more restrictions, to the point where they had created

de facto war zones without declaring unrestricted warfare.\textsuperscript{11} The U.S. Navy could plainly see that attempting to conduct visit and search had been a fruitless affair for the German Navy. Since most U.S. naval officers expected the Japanese to be as duplicitous as the British, if not more, the German experience called for immediate unrestricted warfare.\textsuperscript{12}

When the Germans began repeating their actions of the First World War, the American response was considerably muted, particularly compared with the Wilson administration’s stance. With neutrality legislation, the U.S. Congress had established “combat areas” in which American citizens and American ships could not sail without permission. Accordingly, when the Germans chose to create a war zone around the British Isles, they limited the war zone to the area laid out by the American “combat area.”\textsuperscript{13} Before the war, the U.S. Navy had warned against the creation of “combat areas” for the very reason that they would inherently legitimize German unrestricted warfare within such an area.\textsuperscript{14} Although President Roosevelt denounced German

\textsuperscript{11} For a brief description of the German escalation to unrestricted warfare in the Second World War, see: Janet M. Manson, \textit{Diplomatic Ramifications of Unrestricted Submarine Warfare, 1939-1941}, Contributions in Military Studies, No. 104 (New York: Greenwood Press, 1990), 103-118.

\textsuperscript{12} Such a prewar attitude is evoked in Wilfred Jay Holmes’s recollections of his feelings regarding cruiser warfare, see: W.J. Holmes, \textit{Undersea Victory: The Influence of Submarine Operations on the War in the Pacific} (Garden City: Doubleday & Company, Inc., 1966), 46-47.

\textsuperscript{13} Manson, \textit{Diplomatic Ramifications of Unrestricted Submarine Warfare}, 111-112.

\textsuperscript{14} For examples of warnings by the U.S. Navy against establishing war zones because they inherently legitimized unrestricted warfare, see: Rear Admiral E.C Kalbfus, President, Naval War College to Secretary of the Navy, Subject: U.S. Neutrality Laws, 22 December, 1934; XLAI, 1934-1939; Box 88, XLAI-XLFG; Intelligence and Technical Archives, Record Group 8; Archival Records, U.S. Naval War College, Newport, RI, 7. Also located at: Rear Admiral E.C Kalbfus, President, Naval War College to Secretary of the Navy, Subject: U.S. Neutrality Laws, 22 December, 1934; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General Records of the Department of the Navy, Record Group 80; National Archives Building, Washington, DC. See also: Rear Admiral W.R. Sexton, Chairman General Board, to the Secretary of the Navy, Subject: Proposed Neutrality Act, October 9, 1939; 438 1933-; Box 170; Subject File 438; General Board, Subject File 1900-1947; General
attacks on merchant ships without warning and the U.S. Navy escorted British convoys outside of the combat area, it was clear to the senior naval leadership that the United States was not going to fight for the right of free passage of any “noncombatant” ship, whether belligerent or neutral, within the U.S.-sanctioned German war zone.

Finally, the German actions created the legal grounds for reprisal. In an unsent letter to the Secretary of State, the Navy attempted to justify an immediate unrestricted submarine campaign as reprisal for German actions in the Atlantic. The reprisal would apply to Japan because Japan was a member of the Tripartite Axis. Although this rationale probably had flimsy legality, it illustrated another way that German unrestricted warfare influenced the American decision.¹⁵

Janet Manson labeled the U.S. decision to conduct unrestricted warfare as a “consequence of German practice.”¹⁶ Manson’s judgment is correct insofar that German actions illustrated the vulnerability of an island nation and provided the example of submarines as unrestricted commerce raiders. However, the lack of an American submarine campaign against Germany and Italy indicates that Japan’s strategic situation as an island empire played a more pivotal role in the U.S. decision to conduct unrestricted warfare. Germany and Italy, by virtue of their continental status, were not as vulnerable to a submarine campaign as Japan. Had Japan not been an island...

¹⁵ Rear Admiral Richmond K. Turner, Memo for War Plans Files, September 29, 1941; WPL-46 Letters (1939-1945); Box 147J, WPL-46 – WPL-46-PC; Part III: OP-12B War Plans and Related Correspondence; Plans, Strategic Studies, and Related Correspondence (Series IX); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 3.

¹⁶ Manson, Diplomatic Ramifications of Unrestricted Submarine Warfare, 127.
dependent on maritime trade, it seems doubtful that the senior naval leadership would have elected to conduct unrestricted submarine warfare.

**Cultural Causes of Unrestricted Warfare**

Although Samuel Flagg Bemis was right in assigning the rationale for unrestricted warfare to *strategic* reasons, there were cultural factors that influenced American strategy. Cultural factors can include, but are not limited to, influences such as environment, education, institutional thought, and broader societal views on class, race, and gender.

While virtually all military historians agree that war reflects cultural factors such as environment, education, and societal norms, and these factors in turn are affected by conflict, no two military historians agree on the exact way that cultural factors influence war. Some historians believe that cultural factors need only be examined when rational explanations for inexplicable events fail. However, as other historians note, the definition of “rational” is dependent upon the particular outlook of a certain culture in a certain time period. Supposedly “rational” justifications for certain actions *cannot* be separated from their cultural background, but the *exact* role of cultural factors is bound to remain nebulous.\(^{17}\)

The cultural factors that impelled men like Admiral Stark were so ingrained that they hardly thought to discuss such matters on paper, let alone even acknowledge their influence upon the decision-making process. Unfortunately, this means these factors must generally be inferred from the words and the actions of policymakers and military leaders.

In December 1940, when the Joint Board accepted Plan Dog, they reflected a strain of Eurocentrism that had long dominated American foreign policy. While the United States had ambitions in the Far East, particularly in the Philippines and China, the center of attention remained focused upon Europe. The planners noted this when they wrote that it was “incorrect to consider that [the issues in the Far East] are as important to us as is the integrity of the Western Hemisphere, or as important as is preventing the defeat of the British Commonwealth. The issues in the Orient will largely be decided in Europe.”

Such an attitude might seem callous on the part of the planners, particularly considering the vicious Sino-Japanese war that had been going on since 1931. However, in 1940, when the plan was drafted, Great Britain was in mortal danger, and the other major European powers had fallen to Nazi domination. By 1941, the Soviet Union itself would be fighting for its very existence. Against the fate of the long-established states of Europe was balanced the European colonial territories in the Far East as well as fractious China. In such a balance, Europe was seen as far more valuable, and Germany seen as far more threatening. Similarly, many Americans also

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valued trade with Europe and Great Britain, which was threatened by Germany’s U-boats, as far more important than trade in the Pacific.

Having made the decision to accept Plan Dog as the guiding strategy of the United States in the coming war, the American war planners fell back on a deeply ingrained tradition of naval war planning. As Edward S. Miller has noted in his authoritative history of the ORANGE war plan, no exact war plan was ever followed during the Pacific War, although RAINBOW 5 was placed in effect. In their books on the topic, however, both Miller and Michael Vlahos make a convincing argument that the ORANGE war plan had been so deeply etched into the psyches of U.S. naval officers that they instinctively followed its broad outlines, and sometimes its specific steps, in order to bring the war to a hasty conclusion.

Admittedly, the ORANGE war plan did not call for unrestricted warfare. Not only was unrestricted warfare illegal, but also it would not have been necessary under the ORANGE war plan, since the Navy planned to establish a blockade after the Japanese Navy had been defeated. But even though Plan Dog moved up the economic campaign to the beginning of the war, it was not proposing something fundamentally different from the ORANGE war plans. Instead, it hearkened back to three decades of inculcated naval strategy that called for defeating Japan through economic blockade. As Edward S. Miller concluded: “The old concept of blockade by surface vessels could

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not have been made effective until late in the war. The decision for undersea predation magnified the success of one of the Orange Plan’s most basic prescriptions.”

Interestingly, the economic aspects of the ORANGE plan, and the strategic underpinning of unrestricted warfare were all un-Mahanian in nature. U.S. Navy Captain Alfred Thayer Mahan, whose best-selling histories had secured funding for the enlarged Navy at the turn of the 20th century, had specifically decried commerce warfare as a distraction from the main effort, which was command of the sea via decisive fleet engagement. To be fair to Mahan, he wanted control of the sea in order to protect lines of communication, but he placed far too much emphasis on the decisive fleet engagement. Contrarily, the civilian British naval strategist Julian S. Corbett stressed that naval warfare was but a part of the whole of warfare, because “since men live upon the land and not upon the sea, great issues between nations at war have always been decided—except in the rarest of cases—either by what your army can do against your enemy’s territory and national life, or else by the fear of what the fleet makes it possible for your army to do.” The importance of naval warfare, therefore, lay in denying an opponent the ability to transport and supply armies, supplies, and goods, while still being able to safely project power when necessary. Numerous U.S. naval officers espoused a similar viewpoint about the goal of naval warfare, particularly

21 Miller, War Plan Orange, 352.
Vice Admiral William Ledyard Rodgers. Unrestricted warfare, with its emphasis on denying control of the sea by directly targeting enemy commerce, fit right into this paradigm of naval strategy.

Cultural factors, such as a shared sense of Eurocentricism and three decades of naval strategy aimed at economically defeating Japan, all influenced the strategy and policy of the U.S. Navy. Unfortunately, the exact extent to which these factors influenced the decision to conduct unrestricted warfare must remain open to conjecture. Another cultural factor, however, may have deeply influenced the naval leaders of the United States: race and racism.

**Race and the Pacific War: The Dower-Lynn Debate**

It seems almost axiomatic that the Pacific War was a war fueled by racial bigotry. For instance, Paul Fussell, a historian and a veteran of the Second World War, placed the racialized nature of the war at the heart of his essay “Thank God for the Atom Bomb,” originally published in 1981. Fussell discussed the mutilation of Japanese and American corpses, and the taking of grisly souvenirs such as skulls, ears, and teeth. According to Fussell, the racialized nature of the Pacific War directly led to its utter savagery and its nuclear denouement. Since Fussell’s essay, historians John Dower and John Lynn expanded the scope and importance of the debate with more scholarly research.


Dower’s *War Without Mercy* (1986) described the Pacific War between the United States and Japan as a war of racial animosity. Dower explored popular cultural views of both the Japanese and the United States, and then attempted to connect them with the numerous war crimes of each nation. According to Dower, not only did the racial animosity and bigotry of the two nations draw them into war, but it then created an ever-escalating conflict of racial rage, culminating with the use of the atomic bombs on Japan. With the end of the war, however, feelings of racial hatred on the part of the Americans transformed into another form of racial superiority: paternalism towards the defeated Japanese.\(^{26}\)

Conversely, John Lynn argued against fully accepting Dower’s interpretation in a chapter of *Battle* (2003). Lynn broke down the actions of the United States in World War II into two broad categories: the *conduct of war* and the *experience of war*. The *conduct of war*, according to Lynn, were actions taken at the strategic level, such as war plans like ORANGE and decisions such as planning invasions and ordering the use of the atomic bomb. The *experience of war*, on the other hand, was the experiences of those in the reality of combat. While the two categories naturally fed from each other, they could be cognitively separated.\(^{27}\)

Lynn, working from Edward S. Miller’s authoritative history of the ORANGE war plan, argued that the conduct of the Pacific War was not driven by racism but by the geographic realities of the Pacific Ocean. Although the initial tension between


Japan and the United States in the early 20th century stemmed from racial animosities, Lynn agreed with Akira Iriye’s assessment that the buildup to the Second World War owed more to competing economic and political interests than racial animosity. Once the war began, the island-hopping campaign was not an excuse to isolate and then slaughter several thousand Japanese soldiers, but rather a carefully thought-out plan that would cut through the Japanese empire, isolating dozens of Japanese garrisons and advancing directly to the heart of Japan. Lynn’s arguments about the need for the atomic bomb are beyond the scope of this study, but are similarly grounded in primarily strategic rationale.28

While the conduct of the Pacific War might not have reflected American racism, Lynn conceded that the experience of war reflected racism and racial animosity on both sides. For instance, the practice of taking skulls and bones as souvenirs was hardly an act of military necessity. Lynn still attempted to mitigate Dower’s argument, however, pointing out that grisly souvenirs were sometimes taken in Europe. Furthermore, Lynn argued against Dower’s point that the lack of Japanese prisoners directly reflected American racism, arguing instead that the Japanese generally did not want to be taken prisoner, and often killed American medics who were treating them or surrendered under false pretenses. Consequently, throughout the war, American soldiers generally treated tokens of surrender with brutal skepticism. Lynn pinned the blame for this carnage on the differing military cultures of Japan and the United States, which could not reconcile their differences, and instead exacerbated them to the point of slaughter.29

28 Lynn, *Battle*, 233-240, 256-278.
29 Lynn, *Battle*, 240-256.
Lynn offered another role of race in the Pacific War that differed from Dower’s interpretation. Lynn believed that race allowed American soldiers to dehumanize their enemy in the aftermath of combat, permitting soldiers to live with actions that killed other people. No matter what, Lynn conceded that race and racism played a role in the Pacific War, but he was not willing to assign it as much agency as Dower.

Because unrestricted warfare was one of only two types of warfare waged by the United States that directly and deliberately targeted civilians, it deserves to be analyzed in the context of the Dower-Lynn debate. Like other cultural factors, it is almost impossible to pinpoint the role of race and racism in the decision to conduct unrestricted warfare. It does seem possible, however, to deny that race had any sort of primacy in the decision to wage unrestricted warfare.

Race and the Decision to Conduct Unrestricted Warfare

Placing the decision to conduct unrestricted warfare in the context of the Dower-Lynn debate is very difficult for one fairly simple reason: whether or not the American planners of unrestricted warfare were racist, they did not discuss their racial views of the Japanese in their memoranda. Consequently, a discussion of the role of race and racism in the decision to conduct unrestricted warfare seems bound to be more speculation than supported fact.

It seems clear, however, that race must have played a role. The 1940s were the very tail end of a Western infatuation with eugenics as a pseudo-science. Throughout the first decades of the twentieth century, the concept of dozens of different races was

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30 Lynn, Battle, 255-256.
not only actively discussed but also generally accepted by many people. The United States was the center of serious discussion of eugenics, headed by men like Madison Grant and Lothrop Stoddard. Adolf Hitler actually credited many of his notions on race to American eugenicists and even claimed that Grant’s *The Passing of the Great Race; or The Racial Basis of European History* (1916) was his “Bible.”

Although Grant and Stoddard’s ideas were largely in disrepute by the time of the Second World War, they had influenced generations of Americans and U.S. naval officers. Michael Vlahos noted that for almost two-and-a-half decades, the U.S. Naval War College vilified the Japanese through racial language that painted the Japanese in starkly evil terms, and pictured the coming war between Japan and the United States as a war for the preservation of the Caucasian race. Starting in 1915, naval officers at the Naval War College listened to lectures that characterized the Japanese as being imbued with “a warrior ethos,” but having “no initiative,” “no originality,” and the Japanese were by their very nature “deceitful,” “ruthless,” and arrogant. The Naval War College also used explicit racial imagery to justify fears of a potential war with Japan. Students studied Roland Dixon’s *Racial History of Man* (1923), while listening to lectures that declared that a future war with Japan would be “ultimately a war of races, the struggle of the Yellows and the Browns against the Whites, under the leadership of Prussianized Japan.” Vlahos concluded:

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33 Vlahos, *The Blue Sword*, 127.
In hypothetical war with Japan, rerun at repeat performances for 30 years, the Navy Mission was not simply “to gain and exercise command of the sea,” as National Mission was not “To impose the will of the United States on ORANGE.” War with Japan was cast as a crusade. Racial metaphors were the subliminal props; they enrobed the image of the ORANGE enemy in evil cloth, and BLUE in stainless raiment: a surcoat of purest white… Social Darwinism created an expectation of struggle. Racial imagery, in defining absolute biological barriers between peoples, made that struggle irresolvable.34

While Vlahos might have exaggerated the influence of racial imagery, naval officers were clearly exposed to racial concepts about the Japanese.

Arguably, racial imagery was so ingrained that all naval officers, at least those senior enough to have gone through the Naval War College, could instinctively relate to it without being explicitly told to. For instance, in 1919, Captain Thomas C. Hart and two of his fellow Navy captains declared that the Japanese could never match the United States in terms of technical aptitude. Although racial language never appeared in their memorandum, they clearly did not believe that Japanese sailors could match American sailors in terms of intelligence: “The Japanese have never developed the requisite engineering skill in comparison with our personnel, to operate submarines efficiently.”35 Later, during the war, numerous American leaders expressed their contempt for the Japanese in far more vicious terms, including Fleet Admiral William Halsey, who congratulated U.S. Marines at Pelileu for the “extermination of 11,000 slant-eyed gophers,” and used virulently racist language on many other occasions.36

34 Vlahos, The Blue Sword, 127-128.
35 Planning Committee to the Chief of Naval Operations, Subject: Abolition of Submarines, 18 January 1919, 2.
36 Lynn, Battle, 228.
Of those who made the decision to conduct unrestricted warfare, ideas of race probably most affected Admiral Hart. In 1920, then-Captain Hart mentioned race in a lecture to the Naval War College:

> I shall pass over the inhumane features of German submarine warfare because their ways were characteristic of their race. Any nation that attempts commerce destruction by submarines will tend toward certain of the same practices that the Germans arrived at; how far it will go depends on its racial characteristics and, very likely, by how hard it is pressed.  

Hart’s comments were particularly ironic because he would be the first U.S. Navy officer to order unrestricted warfare in the Second World War, but they also reflected the regard that he and many Americans had for eugenics in the prewar era.

In Hart’s case, the admiral may have been an old-fashioned racist, but he was not a rabid white supremacist. Although he felt that other races were inferior to northern and western European races, Hart also criticized officers who allowed their ideas of race to sway their professional judgment. However, to some degree, Hart’s ideas of race also prejudiced his professional actions. He dismissed the fighting abilities of the navy of the Netherlands East Indies because of their interracial crews. He also pursued a course of firm diplomacy with the Japanese upon taking command of the Asiatic Fleet, in part because it continued the policies of his predecessor and classmate Harry Yarnell, but also because “he believed that white men were superior to

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yellow men… One way to demonstrate that superiority was to be firm in the face of provocation.\textsuperscript{40}

Hart had once stated that unrestricted warfare was the act of an inferior race. Given his view that the Japanese were also an inferior race, is it possible that he felt that unrestricted warfare was justified against a Japanese enemy? The only person who could have answered that question was Hart, and he might not have even recognized such a motivation. In the end, the importance of race on Hart’s orders to wage unrestricted warfare remains grounded in speculation.

Without a doubt, race and racism affected the way that Americans viewed their Japanese enemies and accordingly, race and racism influenced the decision to conduct unrestricted warfare. Like virtually all cultural factors, however, the degree to which racial notions affected American strategy is impossible to quantify.

**The Primacy of Race?**

While race cannot be dismissed, it would also be disingenuous to assign it any sort of primacy in the decision to conduct unrestricted warfare. Some may implicitly assign primacy to race by noting that the United States only chose to conduct unrestricted warfare against Japan, sparing Germany and Italy. Furthermore, since the United States chose to immediately conduct unrestricted warfare, without waiting for a Japanese act to retaliate against, the American decision might have been implicitly

\textsuperscript{40} Leutze, *A Different Kind of Victory*, 151.
predicated upon racist animosity. This implication ignores a number of pragmatic reasons why the United States chose not to declare unrestricted warfare against Germany and Italy. Furthermore, the experience of analogous forms of warfare in the European Theater indicates that many “unethical” forms of warfare, like unrestricted warfare, actually originated in Europe.

In 1961, Samuel Flagg Bemis queried: “is it not a most interesting fact that the United States planned to use unrestricted submarine warfare, in violation of our multilateral treaties of 1930 and 1936, against Japan who had not violated those particular treaties, but not against Germany, which had done so?” Bemis’s answer, however, was quite simple. He averred that by December 1941, the Royal Navy had essentially sunk all of the German merchant marine and that it was not necessary to conduct unrestricted warfare against the Germans or Italians. Indeed, U.S. submarines did make twenty-seven war patrols from Scotland to the North African coast and the Bay of Biscay from October 1942 to July 1943. Although U.S. submarines in the Atlantic claimed to have sunk four ships, postwar figures credited them with no sinkings. In short, there was very little opportunity to actually conduct unrestricted warfare. This could not have bothered the United States Navy very much, because every submarine that could be spared was needed in the Pacific.

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44 Blair, Silent Victory, 239-242, 872-873.
Besides the paucity of German and Italian shipping, there were other reasons why the United States never established a war zone against Germany like it did against Japan. For one thing, unlike Japan, an anti-Axis war zone would have adversely affected a number of neutral nations and allies. For another, the British had already established war zones against the Germans in the Skagerrak, the Kattegat, and portions of the Mediterranean. There was no need for the United States to declare redundant war zones for those that its ally had already proclaimed and held responsibility for patrolling.

In addition, the experience of analogous forms of warfare shows that the United States granted no special favors to the European Theater over the Pacific Theater. For instance, the United States and Great Britain began indiscriminate area bombing of civilian centers of population in Germany long before the U.S. Army Air Forces flew over Japan. Indeed, some reports estimated the death tolls in the European cities as higher than those of the Japanese, a reflection of the longer bombing campaign against Europe as well as the greater number of civilian targets. Furthermore, as John Lynn points out, the Allies had firebombed German targets before Curtis LeMay’s B-29s firebombed Tokyo and other targets in Japan. Indeed, as Lynn and a number of other historians have argued, there is no reason to believe that the Allies would not have used the atomic bomb against a German target before using it against Japan. The argument that the strategic decisions like unrestricted warfare and area bombing were based upon

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racial animosity is not borne out by a comparison of the war against Germany, which may have been just as brutal, if not more.

Finally, the point that the United States, alone, chose to immediately conduct unrestricted warfare deserves attention. Indeed, the fact that the United States did so, and did not wait for an act to retaliate against, makes its decision to conduct unrestricted warfare different from almost every other nation that did so. At the same time, however, the United States was the last major maritime power to actually conduct unrestricted warfare: by December 1941, the British were conducting unrestricted warfare in the Skagerrak, the Kattegat, and certain portions of the Mediterranean; the Germans were conducting unrestricted warfare in the North Atlantic; and it was clear from the Japanese military’s lack of respect for international law in China that the Japanese would probably conduct unrestricted warfare against the United States as well, which they promptly did on 7 December 1941. With almost all other naval belligerents already waging or about to wage unrestricted warfare, there must have seemed little reason to the senior naval leadership to wait.

Race and racism may have played a role in justifying the decision to conduct unrestricted warfare against Japan. It may even have swayed Admiral Hart’s thinking at the critical moment in Manila in the early morning hours of 8 December 1941. However, in the end analysis, such cultural reasons are mainly speculative. Other more pragmatic rationale, particularly strategic reasons, probably played a greater role in the decision-making process.
Figure 1: USS Wahoo arriving at Pearl Harbor, 7 February 1943, after her highly successful third war patrol. Note the broom lashed the periscope, signifying a “clean sweep,” as well as the pennant aft of the broom with the words “SHOOT THE SUNZA BITCHES” stitched on it. (U.S. Naval Historical Center Photographic Section)
CHAPTER 8

RAMIFICATIONS OF UNRESTRICTED WARFARE

Consequences of Unrestricted Warfare

Unrestricted warfare had a number of ramifications. Strategically, the U.S. submarine force met the expectations set for it by essentially eliminating the Japanese merchant marine and drastically reducing the flow of the supplies and food into Japan. Ethically, the limits of unrestricted warfare remained ambiguous and unsettling throughout the war. The logic of unrestricted warfare would sadly come to justify one of the few war crimes to which U.S. submariners are linked. Speculatively, unrestricted warfare may have been somehow related to U.S. area bombing and Hitler’s decision to declare war against the United States, but most scholarship indicates otherwise. Perhaps unrestricted warfare’s most significant ramification was the end of the Wilsonian paradigm of absolute freedom-of-the-seas and the redefinition of the combatant status of merchant sailors.

Strategic Ramifications of Unrestricted Warfare

The results of the U.S. unrestricted submarine campaign in the Pacific bore out the predictions of the various naval war planners, perhaps to a degree better than they could ever have expected. After a faltering start through the course of 1942, due to
malfuctioning torpedoes, poor commanders, and improper doctrine, the submarine force rebounded from 1943 to 1945, virtually annihilating the Japanese merchant marine. Throughout the war, U.S. submarines sank 1,113 Japanese merchant ships and 201 warships. Despite the small percentage of men in the submarine force, submarines sank fifty-five percent of all Japanese ships in World War II. Although the exact toll of unrestricted warfare is unknown, over sixteen thousand Japanese merchant marine sailors died due to submarine attacks, and over fifty thousand were wounded.

Additionally, the submarine blockade drastically reduced the nutritional intake of most Japanese, resulting in widespread malnutrition and starvation. The submarine blockade against Japan was so successful that submarine historian Clay Blair later claimed:

> [M]any experts concluded that the invasions of the Palaus, the Philippines, Iwo Jima, and Okinawa, and the dropping of fire bombs and atomic bombs on Japanese cities were unnecessary. They reasoned that despite the fanatical desire of some Japanese to hang on and fight to the last man, the submarine blockade alone would have ultimately defeated that suicidal impulse.

Blair’s “experts” were perhaps exaggerating the potential windfalls of the submarine campaign, but few could argue that U.S. submarines were devastatingly effective. The Japanese naval historian Masanori Ito noted the importance of the U.S. submarine force when he wrote after the war: “U.S submarines . . . proved to be the most potent weapon . . . in the Pacific War.”

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The “Experience” of Unrestricted Warfare and Race

The decision to conduct unrestricted warfare was analogous to what John Lynn termed the “conduct of war.” The actual execution of unrestricted warfare, on the other hand, made up the “experience of war.” Here, just like the experience of American soldiers across the Pacific, the cool remove of strategic policy fell away to the brutal animosity of combat.

In numerous postwar memoirs and oral histories, American submariners spoke of their utter loathing of their Japanese enemies. One of the most famous writers, Edward L. Beach, served on board submarines in the Pacific for almost the entire war and fully understood the emotions that fueled him and his fellow submariners. After the war, Beach became the best-selling author of a number of novels and histories, such as Run Silent, Run Deep (1955), Cold is the Sea (1978) and The United States Navy: 200 Years (1986). His first major success, however, was Submarine! (1952), which not only related Beach’s wartime experiences on board submarines Trigger, Tirante, and Piper, but some of the great stories of the submarine force, such as the sagas of Wahoo, Tang, Seawolf, Batfish, and Harder.

Throughout Submarine!, Beach made little effort to hide his own wartime feelings of animosity towards the Japanese, frequently using the wartime epithets of “Tojo”, “Jap,” and “Nip.” Near the beginning of Submarine!, Beach wrote with satisfaction that as Trigger sank her first Japanese ship the submarine mechanically

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“snarled a message of hatred for all things Japanese,” and Beach described the Japanese survivors as “ludicrous and pathetic, but we felt no pity.”

Beach’s prose reflected the feelings of an American sailor dedicated to defeating the Japanese. To do so, the submariners personified their submarine with feelings of vengeance and dehumanized their enemy so that they could “feel no pity.” Emotions like pity or sympathy could potentially distract them from their duty, which was to sink as much Japanese shipping as possible.

Dehumanization, by its very nature, cast an enemy in subhuman terms so that it would be easier to kill them. Dehumanization was not limited to men fighting in combat. Workers, scientists, and officials in support areas, even in the United States, dehumanized their enemies to make it easier to rationalize the massive death and destruction they were playing a role in. The famous physicist Freeman Dyson explained his lack of remorse after war: “None of us ever saw the people we killed. None of us particularly cared…”

Importantly, Dyson was explaining his role in the Royal Air Force’s Bomber Command, which was bombing Germany. Dehumanization extended to all enemies, not merely enemies who could be identified by race. But race undoubtedly served as one of the easier ways to dehumanize an enemy.

There was undoubtedly some racial animosity by some submariners towards the Japanese. Most American submariners expended their racism, if any, in sinking Japanese ships, but at least one submarine commander meshed his racism with the logic

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of unrestricted warfare to perpetuate an atrocity that continues to stand alone in the annals of U.S. submarine history.

**Mush Morton and the *Buyo Maru***

On 26 January 1943, during a dogged and intense action, USS *Wahoo*, under the command of Lieutenant Commander Dudley W. “Mush” Morton, surfaced amidst the shipwrecked survivors of the transport *Buyo Maru*. Pausing to recharge batteries, Morton idled in the vicinity of what he estimated to be almost 10,000 Japanese troops who had just abandoned their sinking ship. He ordered his crew to shoot at the survivors and their lifeboats.7

Ever since, Morton’s actions have been discussed, often in passing, in both histories and fiction dealing with submarine warfare during World War II. In one sense, Morton’s actions were a solitary blemish upon the history of the submarine force and an ugly stain on the reputation of one of the greatest American submariners of World War II. At the same time, the incident was emblematic of the ambiguities associated with unrestricted warfare, because Morton rationalized his actions as being entirely consistent with his mission.

Dudley W. Morton was an extraordinary man, born in Kentucky and raised in Miami, Florida.8 Nicknamed “Mush” after a fellow Kentuckian in the *Moon Mullins* comic strip, Morton had been a football star at the United States Naval Academy, graduating in the Class of 1930. After being relieved from command of the troubled

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USS *Dolphin* in 1942, Morton had been on his way out of the submarine force when fate and Captain John H. “Babe” Brown intervened. Brown picked Morton to replace USS *Wahoo*’s first commanding officer, who had not shown the aggressiveness necessary for submarine warfare. At the time, Brown could only explain his decision by pointing to Morton’s gridiron performance and his satisfaction with “the way Morton shakes hands.”

Mush Morton soon proved to be the spark that energized the entire submarine force. After the war, Edward L. Beach praised Morton for “more than any other man… [he] showed the way to the brethren of the Silent Service.” When Morton was killed in October 1943, after ten months in combat, he had sunk a confirmed total of 19 ships, making him the second-top U.S. submarine ace of the war. He earned four Navy Crosses. His training heavily influenced his executive officer and the future leading American submarine ace of the war, Dick O’Kane, as well as other highly aggressive 

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9 Morton had concluded that the *Dolphin* was a “death trap” and should not be sent on any more war patrols. Consequently when Morton took *Dolphin* to sea, he had failed to repair many of her deficiencies, and his squadron commander quickly relieved him of command. See: Blair, *Silent Victory*, 227-228.

10 Captain Brown was an experienced submariner, who had also played football at the Naval Academy and later served as the football team’s officer representative and manager during the early 1930s. Consequently, he either personally knew or had heard of numerous Academy football stars like Mush Morton and Slade Cutter, both of whom he fleeted up to commanding officer based in large measure upon their football achievements. In both cases, his unorthodox decisions were quite successful. Cutter and Morton tied as the second-top U.S. submarine aces of the war. One of the unsung heroes of the submarine force, Brown eventually earned flag rank and commanded the Submarine Force, Pacific Fleet, from 1949 to 1951. See: Wheeler, *War Under the Pacific*, 227-228. See also: Captain Slade D. Cutter, interviewed by Paul Stillwell, *The Reminiscences of Captain Slade D. Cutter, U.S. Navy (Retired)*, Volume 1 (Annapolis: U.S. Naval Institute, 1985), 61, 152. See also: Blair, *Silent Victory*, 866, 958.

11 Beach, *Submarine!* , 36.
and successful submarine commanders and officers, such as George Grider and Roger Paine.\textsuperscript{12} 

Unfortunately, there was a dark side to Mush Morton’s greatness. As Edward L. Beach put it, “Morton felt that the destruction of the Japanese merchant marine was his own private job.”\textsuperscript{13} Morton did not merely want to sink enemy shipping, however. He also wanted to kill his Japanese adversaries. Throughout \textit{Wahoo}, he posted placards that read “SHOOT THE SUNZA BITCHES” and when Morton sailed into Pearl Harbor after his first successful war patrol, not only did he have a broom lashed to his scope to signify a “clean sweep” but he also had a pennant that read “SHOOT THE SUNZA BITCHES” dangling aft of his periscopes.\textsuperscript{14} The submarine force was generally aggressive about sinking merchant ships, but Morton’s focus on actually shooting Japanese was unusual, since most submarine commanders avoided surface gunfire when possible.\textsuperscript{15}

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\textsuperscript{12} DeRose, \textit{Unrestricted Warfare}, 4-6. DeRose focuses on five officers he called the “\textit{Wahoo Five},” whom he credits with sparking the change that helped the submarine force succeed during the war. While his thesis is debatable, he certainly was correct to note the singular success of these officers, including Mush Morton, Dick O’Kane, George Grider, Roger Paine, and John Griggs.

\textsuperscript{13} Beach, \textit{Submarine!}, 36.

\textsuperscript{14} DeRose, \textit{Unrestricted Warfare}, 81. The famous photograph of Morton and \textit{Wahoo} sailing into Pearl Harbor, complete with broom and pennant, may be viewed at the photographic section of the Naval Historical Center. See: “Commander Dudley W. (”Mush”) Morton,” People – United States, Online Library of Selected Images, U.S. Naval Historical Center Photographic Section, \url{http://www.history.navy.mil/photos/pers-us/uspers-m/dw-mortn.htm} (accessed 29 August 2005).

\textsuperscript{15} Some veteran submariners, like Wilfred Jay Holmes, even criticized Morton for risking his crew in the surface action against the \textit{Buyo Maru}’s survivors. Holmes consistently criticized submarine commanders who risked their crews in unnecessary surface actions, and his opinion of Morton, while usually laudatory, was no different on this score: “There is no doubt that this remarkable man became intoxicated with battle, and when in that state of exhilaration he was capable of rash action difficult to justify under more sober circumstances.” See: W.J. Holmes, \textit{Undersea Victory: The Influence of Submarine Operations on the War in the Pacific} (Garden City: Doubleday & Company, Inc., 1966), 200.
\end{flushright}
On 26 January 1943, Morton’s hatred meshed with his mission of unrestricted warfare. His executive officer, Dick O’Kane, later recalled that Morton’s justification directly hearkened back to *Wahoo*’s mission to interdict enemy personnel and supplies:

Dick…the army bombards strategic areas, and the air corps uses area-bombing so the ground forces can advance. Both bring civilian casualties. Now without other casualties, I will prevent these soldiers from getting ashore, for every one who does can mean an American life.\(^\text{16}\)

Under the logic of unrestricted warfare, inanimate goods and soldiers on board ship were lawful targets because upon reaching shore they would directly aid the enemy war effort. Just as *Wahoo* prevented Japanese supplies and personnel from reaching their destination by sinking unarmed and unprotected transports and merchant ships, Morton planned to ensure that the generally unprotected troops in the water would not be of any further assistance to the Japanese war machine.

Morton’s rationale had a chilling logic to it. Even sixty years later, naval personnel used the *raison d’être* of unrestricted warfare to justify Morton’s actions. One writer wrote:

This controversy seems to hinge on one major point: the “defenseless survivor” status of the troops... [but] the individual soldier was just as defenseless and powerless to prevent the *Wahoo*’s attack while in his bunk on board ship as he was in the boats...

...These men still constituted a threat, one that could not be mitigated, and therefore needed to be eliminated. Anything less would have been a dereliction of duty. That left Morton with one choice, the same choice that he had when he first sighted the ship: kill them.\(^\text{17}\)

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Another Navy writer pointed out that “if indeed the survivors were headed ashore to regain the fight, it can be argued that they were still combatants engaged in the larger context of battle.” Morton apparently believed so. His subsequent actions were the logical extreme of unrestricted warfare.

However, Morton actually did not attack defenseless Japanese troops. He actually shot at friendly prisoners-of-war. The *Buyo Maru* survivors were not part of “Hirohito’s crack Imperial Marine outfit” but rather British Indian prisoners-of-war from the 2nd Battalion, 16th Punjab Regiment, captured in the fall of Singapore. There were some Japanese troops in the water, but they were mostly garrison troops from the 26th Field Ordnance Depot. The fact that Morton shot at friendly prisoners-of-war generally remained unknown for over fifty years, until James F. DeRose learned of the story of the *Buyo Maru* from the Japanese Diet Library for his history of Morton and the submarine force, *Unrestricted Warfare* (2000).

Fortunately, the Americans’ aim and numerical perception was as poor as their identification skills. Morton and his crew claimed there were 10,000 soldiers in the water and Morton wrote: “We destroyed all the boats and most of the troops.” Such claims led Edwin Hoyt to pen that “hundreds, perhaps thousands of” the survivors were killed. The number was much lower in actuality. A total of 1,126 men had been

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embarked on the *Buyo Maru* and some were undoubtedly killed when the transport sank. Between the torpedo attack, Morton’s gunfire, fighting between the two sets of soldiers in the water, and the cruel sea, only 195 Indian troops and 87 Japanese soldiers were actually lost.\(^{23}\)

At the time, Morton’s actions were greeted by silence from the submarine force commanders. Perhaps it was because Morton’s patrol had been otherwise so spectacularly successful that the submarine force did not wish to impugn the reputation of its only shining star. After all, for a service that had seen an extremely heartbreaking year of torpedo failures and skipper timidity, Mush Morton’s success was a breath of desperately needed fresh air.

Decades later, however, Clay Blair condemned Morton’s actions as “cold-blooded murder and repugnant.”\(^{24}\) The fact that Morton was never censured, Blair asserted, represented “tacit approval from the submarine high command.”\(^{25}\) Of course, Blair noted that the submarine force commanders never issued any policy statements regarding shipwrecked troops or other survivors, which meant “whether other skippers should follow Morton’s example was left up to the individual. Few did.”\(^{26}\)

As Blair noted, Morton’s “massacre” was an anomaly that was rarely repeated, or at least never again reported. Most other submariners could stomach sinking unarmed ships but many could not cold-bloodedly kill unarmed sailors in surface

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\(^{23}\) DeRose, *Unrestricted Warfare*, 77, 94. The low percentage of fatalities arguably supports Admiral Dick O’Kane’s assertion that individual troops were not targeted, just their rafts and boats. See: O’Kane, *Wahoo!*, 153-154.

\(^{24}\) Blair, *Silent Victory*, 360.

\(^{25}\) Blair, *Silent Victory*, 360.

\(^{26}\) Blair, *Silent Victory*, 360.
actions. Nine months after Morton’s famous patrol, Lieutenant Commander Slade D. Cutter, in command of USS *Seahorse*, followed the letter of his operational orders to sink all Japanese shipping by destroying a number of Japanese sampans that crossed his path. The experience left him disgusted. After sinking three sampans in three days, with no survivors, Cutter swore off sinking the defenseless fishing boats, recalling later: “It was just too much, and I said, ‘Goddamn it, I’m not going to do this any more’.”27

With the patrol over, Cutter reported to Admiral Lockwood, the Commander, Submarine Force, U.S. Pacific Fleet. He asked Lockwood for clarification on what to do about the sampans. Lockwood, usually known for his decisiveness, oddly chose to equivocate, and told Cutter, “Slade, let your conscience be your guide.”28

The *Pinocchio*-esque answer left Cutter to make up his own mind, and he sided with his feeling that sinking the sampans was murder. As he recalled later, with satisfaction, “we never bothered any more. I never fired a gun again.”29

Cutter epitomized the view most submariners held towards unrestricted warfare, which seemed to regard the only legitimate targets as ships one could sink with torpedoes. Cutter explained his rationale after the war, pointing out that sinking enemy freighters and tankers hurt the Japanese war effort far more than sinking sampans:

Well, when we sank a ship with torpedoes, we were sinking a target, and that hurt the enemy. And I don’t think that sinking those fishing boats hurt the enemy. It was just hurting some people, the few fish that they were going to take in to feed some people that were already starving to death or that were hard up. But it wasn’t hurting their war effort. I


didn’t think it would contribute anything to the war effort. If you sink a ship, you do, particularly in the traffic lanes going to Saipan and Southeast Asia down to New Guinea and the Philippines—that hurt.\(^\text{30}\)

Even in fiction, virtually all submarine commanders drew a line where unrestricted warfare ended and murder began. Edward L. Beach, who wrote that he regarded Japanese survivors without pity in *Submarine!*\(^\text{31}\), delineated the limits of unrestricted warfare in his novel *Run Silent, Run Deep* (1955). At one point in the novel, after sinking a Japanese freighter, the fictional submarine *Walrus* surfaces amidst the survivors, much like Mush Morton and *Wahoo* had on 26 January. As Beach’s protagonist, Edward G. Richardson, and his executive officer, Jim Bledsoe, survey the survivors, Beach’s prose takes on the emotions that Mush Morton and his crew probably felt:

> A wave of passion shook me. This filthy, spineless, crawling thing was the enemy! This the perpetrator of the Pearl Harbor crime! This the killer of innocent women and children in the Chinese war, and now again in the Philippines! I could feel the savage lust for revenge. I had never hated the Japanese so much as now—now that I could kill them, crush them, smash them to small bits, ram their fragile boats with my ship, grind them beneath her ribs of steel…\(^\text{31}\)

However, Richardson does not follow through with his vengeful desires, and prevents Jim Bledsoe from shooting at the survivors. Although he could identify with Morton’s blood lust, Beach could not accept cold-blooded murder any more than Clay Blair.

At the same time, Beach also recognized that warfare could be morally ambiguous. At the end of *Run Silent, Run Deep*, Edward Richardson defeats his Japanese nemesis, Bungo Pete, but realizes that the crafty Japanese destroyer captain

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will be able to reach shore in a lifeboat, despite stormy conditions. Richardson quickly has to choose what is more important: his mission to eliminate Bungo Pete or his duty to the law. He decides: “Go on with it! This is what you came out here to do! You have to kill Bungo and all of his crew!” With his submarine, Richardson rides down the lifeboats and kills the Japanese survivors to ensure that Bungo Pete is dead. Afterwards, while he believes he has done the right thing, he is still racked with guilt: “To get old Nakame, I had murdered three lifeboat loads of helpless Japanese… War or not, I had gone beyond the permissible limit.” While Beach understood that the mission sometimes dictated actions that were outside the rule of law, he also understood that those actions were wrong. It was a moral quandary that tore at his protagonist, Edward Richardson, as surely as it must have at least occurred to a number of submarine commanders.

Despite the inherent brutality associated with unrestricted warfare, in terms of clear-cut war crimes, U.S. submarines are generally linked to only two war crimes during World War II. One occurred when USS Queenfish sank Awa Maru, a Japanese ship that had been granted safe passage, on 1 April 1945, in heavy fog. The commanding officer was relieved of duty, and his court-martial found him guilty of negligence in obeying orders, and issued a letter of admonition. The relatively light

32 Beach, *Run Silent, Run Deep*, 324.
33 Beach, *Run Silent, Run Deep*, 327-328.
punishment reflected the murky conditions, the fact that the submarine had shot on radar bearings and range, and the intent of the commander.34

The other incident was Mush Morton’s actions on 26 January 1943. That entailed no consequences, however, beyond the recrimination of history. Part of the acceptance of the shooting had to do with Morton’s fame, but it was also because Morton’s actions could be construed as consistent with unrestricted warfare. The *Buyo Maru* incident reflected the ambiguities surrounding both the legality and the limits of unrestricted warfare, which remained unclear even after the war.

“An Ethical War”

Based on Slade Cutter’s experience with the sampans and Admiral Lockwood, the exact limits of unrestricted warfare remained ambiguous for submariners throughout the war. Even decades after the war, the point at which unrestricted warfare ended is unclear, and in the end, Admiral Lockwood’s dictum to follow one’s conscience left individual submarine commanders as the arbiters of the limits of unrestricted warfare.

Any form of unrestricted warfare, however, still violated international law. After all, the United States never formally abrogated Article 22 of the London Naval Treaty of 1930. In April 1944, the Navy reissued its 1941 *Instructions for the Navy of the United States Governing Maritime and Aerial Warfare*, with revisions that had occurred during hostilities. Amazingly, despite the fact that American submarines had been conducting unrestricted warfare for almost two-and-a-half years at the point the

book was reissued, the *Instructions* continued to insist that the U.S. Navy and its submarine force were bound by Article 22 of the London Naval Treaty of 1930! A perplexed submariner would have opened the book to the exact same pages as the 1941 edition to find *that nothing had changed!*\(^{35}\) In short, American submariners were conducting a form of warfare that was plainly in violation of both international law and their own *Instructions for the Navy of the United States*!

After the war, Rear Admiral Richard Voge alluded to the ethical ambiguities of unrestricted warfare when he discussed unrestricted warfare in his introduction to the official operational history of the submarine force in World War II. The fact that Voge devoted 5 pages to defending the decision to conduct unrestricted warfare underscored the ethical doubts that he and other submarine officers held regarding unrestricted warfare. On one hand, unrestricted warfare was absolutely necessary to defeat Japan. On the other hand, however, it was clearly outlawed by international law. Voge contrasted unrestricted warfare with “an orthodox war, an *ethical* war that [submariners] were prepared to fight.”\(^{36}\) Voge’s use of the word “ethical” to describe cruiser warfare was revealing, since it implied that he and his fellow submariners did not initially view their mission as ethically sound.


The notion that submariners did not at first consider unrestricted warfare to be wholly legitimate is implicitly supported by the experience of the first U.S. war patrol from Pearl Harbor in 1941. Clay Blair recorded that the first commanding officer to depart on a war patrol after the Pearl Harbor attacks, Lieutenant Commander Joe Grenfell of USS Gudgeon, actually carried a signed letter from Rear Admiral Thomas Withers that authorized him to conduct unrestricted warfare. Otherwise, Blair speculated, had Grenfell been captured by the Japanese, he could have been hanged as a pirate. Whether or not Withers’s letter would have actually been accepted as exculpatory evidence, however, was not a question Blair attempted to answer.37 Certainly, as the experience of the war crimes trials at Nuremberg showed, the orders of a superior officer were not an excuse to conduct war crimes. The letter, however, probably eased any doubts that Grenfell might have had regarding the legitimacy of his mission.

Unfortunately, unrestricted warfare remained morally and legally ambiguous throughout the war. The fact that officers like Richard Voge struggled with a justification for unrestricted warfare after the war was over illustrates unrestricted warfare’s lasting and unsettling ethical ambiguity. The Navy’s refusal to change its Instructions for the Navy of the United States as well as Admiral Lockwood’s unhelpful clarification of the limits of unrestricted warfare also reflected the moral ambiguity of unrestricted warfare. By refusing to explicitly address the legality and limits of unrestricted warfare, the U.S. Navy and its submarine force inculcated an unhealthy

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37 Blair, Silent Victory, 88.
command climate of moral ambiguity that permitted incidents like the *Buyo Maru* massacre.

**Speculative Ramifications of U.S. Unrestricted Warfare**

Besides the strategic, legal, and moral ramifications, unrestricted warfare may have had a number of other immediate consequences, including area bombing and Hitler’s decision to declare war on the United States. While interesting to ponder, most of the speculative consequences are not supported by historical research.

At the end of her study on unrestricted warfare, Janet Manson directly connected unrestricted warfare to area bombing when she wrote: “the precedent of using unrestricted submarine warfare against merchantmen during both world wars created the psychological climate and the rationale for bombing civilian populations.”

It is easy to understand why historians would attempt to either connect or compare unrestricted warfare to area bombing. Although some military units in World War II, such as the *Wehrmacht*, the SS, and the Japanese, chose to make war upon civilian populations through every means at their disposal, the United States only deliberately targeted civilians through unrestricted warfare and area bombing. Both practices involved a number of civilian fatalities. Area bombing directly targeted noncombatants living in industrial centers and elsewhere, while unrestricted warfare directly targeted noncombatants traveling on board ship, and indirectly targeted noncombatants who starved from lack of supplies. However, while there might have been a causal

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relationship between the German decision to conduct unrestricted submarine warfare and the Zeppelin bombing campaign in World War I, there does not seem to be a causal relationship between U.S. unrestricted warfare and area bombing. Instead the two practices arose concurrently and mutually reinforced each other.

It is particularly noteworthy that both the Royal Air Force and U.S. Army Air Forces initially attempted to conduct precision bombing to avoid civilian casualties, while the U.S. Navy chose to immediately conduct unrestricted warfare from the outbreak of hostilities. Only after both air forces had suffered unacceptable casualties did the air force commanders turn to carpet bombing and firebombing, and even then the U.S. Army Air Forces still attempted to conduct precision raids when possible. In contrast, before the war started, the U.S. Navy planned to immediately attack Japan not only with unrestricted submarine warfare but also with carrier aircraft loaded with incendiaries. Edward S. Miller concluded that this was entirely consistent with the Navy’s plan to economically wreck Japan while concentrating on Germany: “On the eve of war, ‘uncivilized’ U-boats and firebombers were being viewed as probable instruments for inflicting the economic devastation of Plan Orange within a Rainbow Five strategy of restricted war goals.”

While the Army Air Forces did not initially turn to firebombing, the U.S. Army had made no secret that the extremely flammable cities of Japan would be an easy target to destroy. General Billy Mitchell, the godfather of the modern Air Force, stated the Japanese cities “form the greatest aerial targets the world has ever seen… Incendiary

39 Lynn, Battle, 257-259.
projectiles would burn the cities to the ground in short order.”

Although Mitchell never had a chance to actually enact his prophecies, General George C. Marshall evoked Mitchell’s spirit on 15 November 1941, only three weeks before the war began, when he warned that the U.S. Army Air Forces would send “Flying fortresses… to set the paper cities of Japan on fire… there won’t be any hesitation about bombing civilians—it will be all-out.”

Like the U.S. Navy, the U.S. Army Air Forces recognized it had the capability to carry out such destructive practices before the war began. Unlike the Navy, however, the Army Air Forces felt it could accomplish its goals without immediately resorting to the unrestricted practices that the British and the Germans had already fallen back on. Although the practice of unrestricted warfare against Japanese merchant ships may have provided some of the psychological rationale for area bombing of civilian targets, there were far more pragmatic and pressing concerns that drove the Army Air Forces to escalate from precision bombing to area bombing, particularly service rivalry and an almost fanatic urge to prove that airpower could play a pivotal role in warfare.

Another interesting speculative ramification is that the U.S. decision to conduct unrestricted warfare helped push Adolf Hitler’s Germany over the edge to declare war against the United States. After all, President Roosevelt had recently described

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unrestricted warfare as “a defiance” against absolute freedom-of-the-seas at all times in all oceans. Is it possible that Hitler was so angry that he finally was driven to declare war when he saw the United States immediately begin a form of warfare that the Roosevelt Administration had been attempting to deny to him? Numerous scholars, however, have examined Hitler’s decision to declare war against the United States, and the exact reasons for his decision have always remained unclear. Hitler and his admirals certainly despised the American hypocrisy of containing German U-boats within a war zone in order to preserve American neutrality, even as the Americans violated their own neutrality in a number of ways to aid Great Britain. In fact, two days before Hitler went to the Reichstag to declare a state of war, he had already authorized Admiral Dönitz, the commander of the German U-boat arm, to lift all restrictions against American vessels and to conduct unrestricted warfare to the shores of the United States.44 On 11 December 1941, however, Hitler did not mention the United States’ hypocrisy regarding unrestricted warfare during his 88-minute speech that declared war on the United States. Instead, he stressed American unneutral actions in the Atlantic.45

Most historians have normally accepted that Hitler acted out of loyalty to Japan and upon his seething hatred of the unneutral interference by the Roosevelt Administration. Moreover, by expanding the war to include U.S.-flagged vessels, the German Navy substantially increased the number of ships it could sink. At last,


German U-boats could finally wage an all-out tonnage war to cripple Great Britain. In short, there are a number of compelling reasons why Hitler declared war on the United States, particularly American unneutrality and the benefit for the U-boat war. While it is interesting to muse about the influence of the U.S. decision to wage unrestricted warfare upon Hitler’s declaration of war, in the end it is also pure speculation.

The End of Absolute Freedom-of-the-Seas

The U.S. decision to wage unrestricted warfare might not have sparked area bombing or Hitler’s declaration of war. Without a doubt, however, U.S. unrestricted warfare ended the noncombatant nature of merchant ship sailors and the Wilsonian paradigm of absolute freedom-of-the-seas. Referring to the decision after the Second World War, historian Samuel Flagg Bemis melodramatically wrote: “The Freedom of the Seas sank beneath the Ocean.”

One can understand Bemis’s distress. After all, every paradigm of freedom-of-the-seas stipulated that any merchant ship, even if a belligerent, was still a noncombatant vessel and therefore could not be sunk without warning. Treaties such as the Washington Submarine Treaty of 1922, the London Naval Treaty of 1930, and the London Submarine Protocol of 1936 all supported this universal view about the

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46 Samuel Flagg Bemis, Lecture Outline for History 32, Yale University, on Development of Belligerent Maritime Systems Affecting American Rights and Interests; Folder 778, U.S. Navy, Naval War College, 1958-1959; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 9.

noncombatant nature of merchant ships by requiring submarines to conduct cruiser warfare. As a result, despite the events of the First World War, merchant sailors were still considered to be noncombatants as the Second World War began.

Astonishingly, the interwar treaties were not supplanted by the events of the war. After the war, the Nuremberg tribunal insisted that the 1936 London Submarine Protocol was still in effect. In fact, without any new treaties to override it, the Protocol is still in effect today, as illustrated by the *San Remo Manual on International Law Applicable to Armed Conflicts at Sea*. Created by a non-governmental group under the sponsorship of the Institute of Humanitarian Law, the *San Remo Manual* is the most recent attempt to codify belligerent and neutral rights in time of war. One of its provisions states that submarines are bound to the same rules regarding merchant ships as aircraft and surface ships. In the explanatory notes, the legal and naval experts who drafted the manual specifically note that the London Submarine Protocol of 1936 is still in effect: submarines must carry out cruiser rules of warfare by visiting, searching, and capturing merchant ships. As if the attempts of the *San Remo Manual* to turn back the clock were not astonishing enough, even more astonishing was when the *San Remo Manual* was released: 1994, almost five decades after the Second World War!49

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To be fair, the *San Remo Manual* does set conditions under which belligerent merchant ships may be attacked as military targets. Among the activities that would result in a loss of noncombatant status are:

- (b) acting as an auxiliary to an enemy’s armed forces, e.g. carrying troops or replenishing warships…
- (d) sailing under convoy of enemy warships or military aircraft;
- (e) refusing an order to stop or actively resisting visit, search or capture;
- (f) being armed to an extent that they could inflict damage to a warship; this excludes light individual weapons for the defence of personnel, e.g. against pirates, and purely deflective systems such as ‘chaff’; or
- (g) otherwise making an effective contribution to military action, e.g., carrying military materials.  

In the case of neutral merchant ships, the rules are very similar, except for the clause regarding armament. No matter what, however, a belligerent has to confirm that the neutral ship was actively supporting the military effort of an enemy before treating it as a military target.  

The legal and naval experts who helped draft the manual noted that the provision regarding armed merchant ships was difficult to draft. Some drafters wanted to permit merchant ships to be able to carry defensive weapons, but the naval experts countered that most defensive weapons could be turned to offensive purposes. Eventually, the drafters agreed to ban everything but small arms, which could be used to repel pirates:

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50 The exact article is paragraph 60, in Part III, Section IV. See: Doswald-Beck, *San Remo Manual*, 20.
… in light of modern weapons, it is impossible to determine, if it ever was possible, whether the armament on merchant ships is to be used offensively or defensively. It is unrealistic to expect enemy forces to be able to make that determination. *Enemy merchant ships which are armed to the extent that they could damage any warship, including a submarine, may be attacked on sight.*

At last, over 70 years after the end of the First World War, the recommendations of the U.S. Navy had finally been codified by a code of international law: armed merchant ships are legitimate military targets that can be attacked without warning.

In the case of unarmed merchant ships, however the question remains whether a nuclear submarine commander would actually give up his greatest asset, stealth, in order to carry out the rules of visit, search, and capture. Moreover, although modern nuclear submarines are larger and carry more personnel than their diesel-electric predecessors, few submarines can spare the crew to man a prize.

Submarines are not the only type of platform that may have problems with the *San Remo Manual.* In a peculiar explanatory note, the *San Remo Manual* admits that it “was” impossible for fixed wing aircraft to conduct visit and search. This is undoubtedly even true, particularly when militaries hardly use seaplanes. Unfortunately, the *San Remo Manual* does not explain how this particular situation has changed, if at all. The *San Remo Manual*, consequently, is a halfway concession towards practicality.

Regardless of what the *San Remo Manual* of 1994 says, unrestricted warfare is here to stay. While acknowledging that the London Submarine Protocol is still

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technically the law of the land, Samuel Flagg Bemis wrote that the Protocol is law “only in the thinnest stratosphere of reality.”\textsuperscript{55} During the Nuremberg trials, Fleet Admiral Chester W. Nimitz declared that the United States would probably wage unrestricted warfare in future naval wars, based on its success in the Pacific War.\textsuperscript{56} After Nimitz’s testimony, another naval officer, Lieutenant Commander William H. Barnes, argued that “commerce and trade are now so identified with military power in total warfare that merchant ships, armed or unarmed, are in effect warships to be attacked and sunk without warning.”\textsuperscript{57}

It is difficult to overstate how fundamentally the experience of the two world wars reshaped the status of civilian sailors and the legitimacy of destroying commerce. During the age of sail, merchant sailors had either been impressed or taken prisoner by warships, but rarely left to drown or fight their way ashore in lifeboats. When the United States declared war on Germany in 1917, President Woodrow Wilson named the German submarine attacks as his primary reason for entering the war. By attacking civilian merchant ships, whether neutral or belligerent, without warning, Wilson said, “The present German submarine warfare against commerce is a warfare against mankind.”\textsuperscript{58} With the end of the Second World War, however, sinking a merchant ship without warning and leaving its sailors to drown hardly seemed controversial. Decades after the Second World War, Clay Blair wrote that merchant marine sailors “were not

\footnotesize{\textsuperscript{55} Bemis, “Submarine Warfare in the Strategy of American Defense and Diplomacy”, 54.  
\textsuperscript{56} Manson, \textit{Diplomatic Ramifications of Unrestricted Submarine Warfare}, 182.  
\textsuperscript{58} Arthur S. Link, ed., \textit{The Papers of Woodrow Wilson, Volume 41: January 24-April 6, 1917} (Princeton: Princeton University Press, 1983), 520.}
innocent civilian bystanders… seamen manning merchant ships were as much warriors as were the German submariners.” Although Blair was discussing Allied merchant sailors, his description could be applied to all merchant marine sailors. Blair’s words vividly illustrated that the notion of noncombatant merchant ship sailors had been completely abandoned.

Ironically, the United States, which had once gone to war to defend the noncombatant status of merchant ship sailors, belligerent or neutral, was the nation that ultimately redefined the status of these sailors. Until the U.S. decision, unrestricted warfare remained illegal and constrained to acts of reprisal. By conducting unrestricted warfare without provocation, the United States implicitly legitimized the German unrestricted submarine campaign and irrevocably tore away the noncombatant status of civilian sailors. Henceforth, civilian sailors on merchant ships would be legitimate targets.

Unrestricted warfare not only ended the noncombatant nature of merchant ship sailors. It also ended any hope of enacting the Wilsonian paradigm of absolute freedom-of-the-seas in time of war. As President Franklin Roosevelt had stated in September 1941, unrestricted warfare utterly denied the freedom to trade at all times in all oceans. Sadly, the Wilsonian paradigm, as well as its forefather, the concept of

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60 This view is epitomized by a British staff letter to the United States Navy’s senior naval leadership in the fall of 1941: Commander R.D. Coleridge, Royal Navy, and Major R.F.G. Jayne, Joint Secretaries, British Joint Staff Mission in Washington, to Commander L.R. McDowell, U.S. Secretary for Collaboration, Navy Department, Washington, D.C., Subject: Action by Submarines against Merchant Ships, 21st August, 1941; WPL-46 Letters (1939-1945); Box 147J, WPL-46 – WPL-46-PC; Part III: OP-12B War Plans and Related Correspondence; Plans, Strategic Studies, and Related Correspondence (Series IX); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 1.
immunity for private property at sea, could not endure under the realities of modern warfare.

To be sure, the Wilsonian paradigm of absolute freedom-of-the-seas no longer exists, but a new paradigm of freedom-of-the-seas exists that is more pragmatic and flexible to the changing realities of the modern world. Moreover, the new paradigm of freedom-of-the-seas owes its origins in Grotius’s *Mare Liberum*, the *Consolato del Mare*, and President Wilson’s paradigm. In peacetime, merchant ships are generally able to travel anywhere in the world without harassment. In a nod to Wilson’s call for international covenants to govern the freedom-of-the-seas and Grotius’s dictum that the actions of the wicked must be forestalled and punished, U.S. warships have regularly conducted search-and-seizure operations in peacetime on the high seas to enforce U.N. resolutions and to preempt suspected terrorist actions. Although the United States once vigorously denied the ability of foreign warships to search U.S. merchant ships in time of peace, the new paradigm is not an outright denial of the old paradigm, but reflects the changed nature of modern warfare, the threat of terrorism, Grotian concepts about just war and the sea, and Wilsonian internationalism. The changes to the concept of freedom-of-the-seas since the Second World War are living proof that just as freedom-of-the-seas has evolved over many centuries, it will continue to evolve to meet the challenge of new technologies of warfare and new realities of geopolitics.

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CONCLUSION

The U.S. decision to conduct unrestricted warfare remains an important moment in history. The decision violated international law and directly cost the lives of thousands of civilian Japanese sailors as well as possibly hundreds of thousands, or even millions, of Japanese civilians on shore. It also pushed against the limits of the obligation of U.S. naval officers to support and defend international law as the supreme law of the land, and created unsettling ethical ambiguities for the duration of the war. Most importantly, it ended the noncombatant status of merchant ship sailors and ended any hope of Wilsonian absolute freedom-of-the-seas.

The permissive conditions for unrestricted warfare were created during the interwar period by impractical and poorly written naval treaties. Numerous naval officers, like William Ledyard Rodgers and Hyman Rickover, pointed to the flaws in the treaties. Although it is arguable whether the United States or Germany would have not conducted unrestricted warfare, the interwar treaties set themselves up for failure by not prohibiting armed merchant ships.

Contrary to popular belief, the U.S. Navy’s thoughts on the issue of the submarine were not dominated by an anti-submarine and battleship-driven agenda. Instead, senior and junior naval officers suggested revisions and changes to the treaties that would have created conditions for legitimate submarine warfare. William Ledyard
Rodgers, in particular, advocated expanding the scope of belligerent rights to exploit the commerce raiding potential of the submarine. This sort of thinking highlighted the pragmatic thinking of some naval leaders, who understood the importance of commerce warfare and the need for a navy to deny the sea to its opponents, even if it could not command the sea itself.

Although many senior naval leaders implicitly understood the efficacy of commerce warfare, this did not necessarily mean that these leaders were willing to undermine the law they were sworn to support and defend. The U.S. fleet submarine was designed not as a commerce raider but as a warship that could operate in support of the battle fleet in the Pacific Ocean. The abilities required for such a difficult mission, however, gave U.S. fleet submarines the versatility to easily shift from naval warfare to maritime warfare. Unfortunately, the Navy’s focus on naval warfare and its prewar obeisance to the law were illustrated by the difficulties encountered in transitioning submarine leaders and commanders to the new war.

The advent of the Second World War quickly led to the end of the interwar treaties and the collapse of the Wilsonian paradigm of absolute freedom-of-the-seas. Ironically, the neutrality legislation passed by the U.S. Congress implicitly legitimized German unrestricted warfare. To the Navy’s credit, it did fight against the legislation in 1934 and 1939, not only from sound economic and strategic rationale but also from the moral position of defending the Wilsonian paradigm of absolute freedom-of-the-seas.

Although the decision to conduct unrestricted warfare may have sprung from two decades of consideration, it clearly began to coalesce with the acceptance of Plan Dog in December 1940 and the subsequent redrafting of the ORANGE war plan into
RAINBOW 3 and 5. The Naval War College’s debate over unrestricted warfare and the
U.S. Navy’s *Instructions* proved to be very important because it freed Admiral Stark
and Rear Admiral Turner to explicitly consider unrestricted warfare in the event of war.
By late September 1941, the two men had clearly decided to commence unrestricted
warfare almost immediately upon the inevitable outbreak of hostilities. Although this
conclusion supports Bemis, Manson, and Talbott’s research, this study has clarified and
revised the sequence of events from Plan Dog to Pearl Harbor.

In hindsight, a number of factors contributed to the decision to conduct
unrestricted warfare. Although cultural factors undoubtedly played a role, the onus for
unrestricted warfare must remain upon its strategic rationale: Japan simply could not
wage war without a steady flow of supplies to the home islands and its outlying Pacific
colonies. At the same time, however, socially-ingrained racism, decades of repetitive
and psychologically-inculcated war planning, and Eurocentricism all played a role in
shaping the thinking of the senior naval leaders.

The U.S. unrestricted submarine war achieved its strategic goals. Japan and its
military were economically strangled, and the submarine blockade became one of the
most effective in naval history. Unfortunately, some submarine commanders pushed
the mission of unrestricted warfare to its extreme limits, such as Mush Morton and the
*Buyo Maru* incident. To some degree, however, the submarine force’s own ethical
ambiguities in defining and legitimizing unrestricted warfare helped lead to an
atmosphere that permitted such incidents. Far more importantly, the U.S. unrestricted
war hammered the last nail into the coffin of the Wilsonian paradigm of absolute
freedom-of-the-seas, which the United States had once gone to war for. After the
Second World War, civilian merchant ship sailors and their cargoes were considered to be legitimate military targets in reality, even if not in law.

Understandably, the deaths of civilian merchant ship sailors has not received the attention it deserves. The Second World War, as a whole, targeted and killed noncombatants on a scale never before seen in history. More than 40 million civilians are estimated to have been killed in the Second World War. That number is at least twice as many as soldiers killed in all nations. Compared with the massive number of deaths caused by strategic bombing or the Nazi Holocaust, the deaths caused by the unrestricted submarine campaigns of the various nations may seem insignificant.

In terms of the proportion of those who were killed, however, both on board the merchant ships and on board the submarines, the unrestricted campaigns were probably among the most dangerous of all the campaigns in the Second World War. The unarmed British Merchant Marine lost almost 33,000 sailors, out of 185,000 who went to sea, a 17% fatality rate that proportionally topped the British armed services. The Japanese lost virtually their entire prewar merchant marine: out of 122,000 sailors, 27,000 were killed and 89,000 were wounded or “otherwise incapacitated.” Among the submariners, three-quarters of German U-boat sailors never returned, and one out of five U.S. submariners remain on eternal patrol. In the U.S. Armed Forces, the proportion of casualties in the submarine force was the highest of any combat branch of service.1

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History did not have to turn out the way it did. History is filled with contingencies, and a number of alternative choices could have been made. What if submarines had been successfully abolished? What if the interwar treaties had been drafted to prohibit armed merchant ships? What if the United States had stood up for its neutral rights, as in the First World War, instead of legitimizing unrestricted warfare in a combat area? What if the U.S. submarine force had followed the vision of Admiral Hart and designed submarines that probably would have been ineffective in the Pacific War, forestalling any attempt to effectively wage unrestricted warfare when the time came? What if the recommendations of the General Board had been carried out and the Instructions for the Navy of the United States had included more specific injunctions against unrestricted warfare? What if the United States had somehow avoided war with Japan? What if the Navy’s senior leadership had chosen to conduct cruiser warfare in accordance with international law? Although hard to imagine otherwise, U.S. unrestricted warfare may not have been a predetermined future.

On 7 December 1941, the naval leadership of the United States finalized a decision that had been formulating since the end of the First World War. It was not made on a whim or in reprisal. The U.S. decision to conduct unrestricted warfare reflected the failure of twenty years of international law regarding submarines, the versatile nature of the American fleet submarine, and a year of strategic planning and ethical debate within the U.S. naval service. Unrestricted warfare was a difficult decision made for strategic reasons that annulled the cherished notions of noncombatant status for merchant ship sailors and their cargoes. The leaders who made the decision, however, boldly gambled that by forsaking absolute freedom-of-the-seas in the Second
World War, they might win a world in which the seas were not at the mercy of the Axis powers. That gamble paid off.

Due in part to U.S. unrestricted warfare, the Second World War resulted in an Allied victory. Contrary to what Samuel Flagg Bemis wrote in 1958, U.S. unrestricted warfare did not end freedom-of-the-seas. Instead, modern freedom-of-the-seas is a direct descendant of previous paradigms, including President Wilson’s paradigm. With the U.S. decision to conduct unrestricted warfare, the old and impractical paradigms came to an end, ushering in an evolved and pragmatic freedom-of-the-seas for all nations at all times in all oceans.
BIBLIOGRAPHIC ESSAY ON U.S. UNRESTRICTED WARFARE

Lines of Historiography

Understandably, the topic of U.S. unrestricted warfare has been touched upon in numerous histories of the U.S. submarine force in World War II. Most histories only deal with the subject tangentially, focusing on the exploits and achievements of the American submariners. To the degree which U.S. unrestricted warfare has been previously studied, there are three distinct, though interrelated, lines of historical thought.

The first line of historiography followed the official explanation that the decision to conduct unrestricted warfare came as a reprisal for the preemptive strike at Pearl Harbor. This line of historiography was uncritically accepted by a number of naval officers like Fleet Admiral Chester W. Nimitz, as well as academic and popular historians such as Samuel Eliot Morison and Clay Blair.

The second line of historiography started at the end of the Second World War when American submariners tried to explain the rationale behind unrestricted warfare in the U.S. submarine force’s official history. The submariners proposed that the decision to conduct unrestricted warfare stemmed as much from military necessity as reprisal, but they implicitly placed more emphasis on the justification of reprisal. Naval
historians who chose to research from the official history generally continued this line of historiography, with some notable exceptions.

The final line of research, carried out by academic historians Samuel Flagg Bemis, J.E. Talbott, and Janet Manson, concluded that the United States did not act in retaliation. Instead, the United States Navy had planned unrestricted warfare for months out of purely strategic motives. Any sort of legal justification came entirely by chance in the form of the Pearl Harbor surprise attack. These historians laid the groundwork for this study.

The First Line of Historiography

The exact roots of the first line of historiography are easy to trace. During the evening of 7 December 1941, as official Washington raced to react to the Pearl Harbor attacks, the U.S. Navy’s Director of War Plans, Rear Admiral Richmond K. Turner, called one of his opposite numbers in the Royal Navy, Admiral Little, who was part of the British naval staff in Washington, DC. Turner explained to Little “that in retaliation for the Japanese bombing of open towns in Oahu (Hawaii) orders had been given to U.S. submarines in the Pacific to sink at sight Japanese merchant ships of all types.”\(^1\) Turner, of course, was being disingenuous, since he knew that the Navy had planned to conduct unrestricted warfare no matter how the war began.

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\(^1\) Record of a conversation between Admiral Little and Rear Admiral Turner, U.S.N. on 7\(^{th}\) December, 1941, 8\(^{th}\) December, 1941; Sea Frontier Commands; Box 69, Ponape – Sea; Miscellaneous Subject File (Series III); Strategic Plans Division Records; Records of the Office of the Chief of Naval Operations, Record Group 38; National Archives at College Park, College Park, MD, 3.
Virtually all other naval officers accepted Turner’s justification without question. Shortly after the war, Fleet Admiral Chester W. Nimitz stated for the Nuremberg tribunal that the decision to conduct unrestricted warfare was a direct reprisal for the Japanese sneak attack, which was in violation of international law and treaty.²

Numerous historians also accepted Admiral Turner’s justification. The first historian to do so was also probably the most influential. Samuel Eliot Morison commanded widespread respect and admiration not only because he was a prestigious academic historian but also because he was known to be a sailor’s historian. Born to a rich New England family, Morison had sailed since he was a child, and he prided himself on his seamanship. When he was researching his Pulitzer Prize-winning biography of Christopher Columbus, *Admiral of the Ocean Sea* (1942), he and a number of friends actually bought and equipped a barkentine to recreate Columbus’s voyages. When World War II began, Morison petitioned the Navy to allow him to write its official history. The Navy accepted Morison as its official historian after President Franklin D. Roosevelt, who had read *Admiral of the Ocean Sea*, agreed that Morison was the historian for the job. The Navy commissioned Morison as a lieutenant commander in the Naval Reserve and issued him orders that allowed him to travel around the world and observe many of the actions that he wrote about. Sometimes by sheer luck, but usually as a virtue of his knowledge of the sea and his ability to make

² Samuel Flagg Bemis, Memorandum on Nimitz’s Affidavit; Folder 778, U.S. Navy, Naval War College, 1958-1959; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 1.
warm friendships, Morison managed to make full use of his orders, earning seven engagement stars and a Legion of Merit. Once the war ended, Morison set to work on publishing his massive 15-volume *History of United States Naval Operations in World War II*, a project that lasted until 1961. Of course, Morison did not really write the entire collection himself. A large staff of research assistants compiled and synthesized the vast amount of information for him, and sometimes even wrote first drafts of many chapters. Morison, however, exercised tremendous sway over his project, and the work bore the stamp of his personality. In 1951, the Navy promoted Morison to rear admiral and after his death in 1976, the Navy named a new guided missile frigate after him, a reflection of the Navy’s gratitude for his laudatory history.³ In addition to being a loyal naval officer and historian, however, Morison was also an unabashed patriot who believed in the use of force. He lectured other historians that they needed to write history that championed the idea “that war does accomplish something, that war is better than servitude.”⁴

Consistent with his patriotism and loyalty to the Navy, Morison championed Admiral Turner’s rationale when his history came to the U.S. decision to conduct unrestricted warfare. As if Turner had ghostwritten the text, Morison explained the U.S. decision as entirely justifiable given the Japanese attack at Pearl Harbor:


Treaty and doctrine alike went by the board on the first day of the war, when the Chief of Naval Operations issued the terse order, “Execute unrestricted submarine and air warfare against Japan.” The enemy, by his calculated breach of treaties and international law at Pearl Harbor, had absolved the United States from observing any rule restricting methods of naval warfare unless dictated by self-interest or the danger of retaliation. After 7 December 1941 combatant ships were still considered prime targets, but the employment of submarines to lance the arteries of enemy trade now became of major importance.\(^5\)

Although Morison repeated Admiral Turner’s argument, his quotation of the unrestricted warfare message indicated that he, or more probably one of his research assistants, had read the unpublished official history of the U.S. submarine force. The unpublished official history, completed in 1946, steered numerous historians wrong by misquoting the unrestricted warfare message on its very first page. Except for researchers in the third line of historiography, virtually every historian copied the misquotation of the historic order from the official history.

One author who read the unpublished official history but chose to follow Morison’s example was the author of what is considered to be the authoritative published history of the U.S. submarine war in the Pacific, Clay Blair. Blair served on board U.S. submarines at the very end of the Second World War as a quartermaster before becoming the Washington journalist for Time-Life and the \textit{Saturday Evening Post}.\(^6\) While in Washington, Blair championed the cause of Admiral Hyman G. Rickover, writing a number of articles that praised Rickover’s genius and his nascent nuclear submarine program, while simultaneously condemning Rickover’s numerous


enemies, real and imagined. One imagined “enemy,” who actually supported the admiral, was none other than the famous submarine ace Slade Cutter, who was working in the Navy’s Public Information Office at the time. Blair, in his zeal, published an article that wrongly accused Cutter of attempting to hurt Rickover’s program through his news releases. Cutter furiously threatened to throw Blair out of his fourth-story window if he ever came by the Navy Public Information office again.7

Fortunately, after about twenty years, Cutter had sufficiently forgiven Blair that he was willing to contribute to Blair’s history of the U.S. submarine force in World War II. In addition to Cutter, Blair exhaustively interviewed and wrote to hundreds of World War II submariners. He pored over patrol reports, deck logs, the unpublished official history, and other prior histories and memoirs.8 In 1975, Blair published his opus, *Silent Victory*, which quickly became acclaimed as the history of the submarine force in World War II. Blair’s achievement is even more noteworthy when one realizes that his history followed such significant works as Theodore Roscoe’s *United States Submarine Operations in World War II* (1949) and W.J. Holmes’s *Undersea Victory* (1966). One of the details that set Blair’s work apart from the others was his inclusion of ULTRA, the top-secret code breaking operation that revealed German and Japanese operations to the United States and Great Britain throughout the war. Although some submariners, such as Rear Admiral Roy Davenport and Rear Admiral Richard H. O’Kane, objected

8 Blair, *Silent Victory*, 969-983.
to some of Blair’s history, most submariners embraced the book, and it has remained the standard work on the U.S. submarine force in World War II ever since.\(^9\)

Although Blair had a reputation as a muckraker, given his zealous defense of Admiral Rickover and his subsequent editing of the *Saturday Evening Post*, he strangely chose to follow Samuel Eliot Morison’s example in regard to the decision to conduct unrestricted submarine warfare.\(^10\) Perhaps he felt he was stirring up enough controversy in other portions of his book. Perhaps Blair genuinely believed that Morison was correct and that unrestricted warfare had occurred as reprisal for the sneak attack at Pearl Harbor. Whatever his reasons, Blair wrote a description that virtually all successive naval historians repeated:

Six hours after the attack, Withers received a message from the Navy Department: EXECUTE UNRESTRICTED AIR AND SUBMARINE WARFARE AGAINST JAPAN. The London Submarine Agreement had been renounced by Washington.

There were no moral qualms at Pearl Harbor. “On the contrary,” Weary Wilkins said later, “I was cheered by the order.” Said Barney Sieglaff, duty officer on the *Tautog*, “After the carnage at Pearl Harbor—a sneak attack—who could have moral qualms about killing Japanese? Every ship they had, combat or merchant, was engaged in the war effort one way or the other.”\(^11\)

Blair’s explanation, like Morison’s, was uncomplicated and shifted the moral onus for unrestricted warfare entirely upon the Japanese. While this made for comfortable and untroubling reading, it was not true. In particular, Blair ignored the qualms voiced by


\(^11\) Blair, *Silent Victory*, 84.
none other than the naval officers writing the U.S. submarine force’s official history, who started the second line of historiography.

The Second Line of Historiography

Like Morison’s massive history of the U.S. Navy, the submarine force’s official history was started before the war ended. In July 1945, Vice Admiral Charles A. Lockwood, the Commander, Submarine Force, U.S. Pacific Fleet, assigned Captain Richard Voge to write the submarine force’s official history. Lockwood’s choice was inspired, because Voge’s experiences during the submarine war ranged from surviving the sinking of his first submarine, USS Sealion, to commanding USS Sailfish, to eventually becoming one of the top officers in the submarine force as Lockwood’s operations officer. When offered the assignment of the official history, Voge initially demurred since he had never written a book. However, Lockwood pulled rank and Voge soon found himself attempting to cull together hundreds of patrol reports and deck logs into one coherent document. Happily for Voge, another senior officer soon stepped into the breach: Voge’s close friend, Captain Wilfred Jay Holmes. Holmes, a prewar submariner and one of Admiral Nimitz’s fleet intelligence officers, had also been a prewar writer of submarine short stories, and he brought a writer’s eye to the project. When Voge detached from the official history in 1946, Holmes took over and completed the undertaking with the assistance of two Commanders.12

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In the autumn of 1946, the official history was completed, and Holmes forwarded it to Washington where it sat, ignored. By its very comprehensiveness, the official history was daunting: it weighed almost ten pounds! Unfortunately, with the rapid postwar downsizing of the armed forces, the submarine force could not afford to spend money publishing its own history. Although never published, the official history was an impressive achievement, and remains on file at the Naval Historical Center. Clay Blair declared: “no one attempting a serious submarine history should begin without consulting it.”

Voge personally wrote the introduction to the official history, and he focused on unrestricted warfare. His very first sentence, in fact, was a garbled version of Admiral Harold R. Stark’s historic order from 7 December 1941: “EXECUTE UNRESTRICTED AIR AND SUBMARINE WARFARE AGAINST JAPAN.” As noted earlier, virtually all historians who followed up on the official history repeated this misquotation.

Voge devoted 5 pages to discussing the decision to conduct unrestricted warfare. Although he did not fully understand the machinations behind the order to conduct unrestricted warfare, Voge understood the general rationale behind it, and he attempted to summarize that rationale while also providing a postwar justification for the deliberate violation of international law by the United States:

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13 Blair, *Silent Victory*, 979. More details about the official history can be found in: Voge’s introduction to *United States Submarine Operations in World War II* by Roscoe, xviii-xix.

14 “Submarine Operational History World War II, Prepared by Commander Submarine Force, U.S. Pacific Fleet, Volume 1 of 4”; Submarines Pacific Fleet, Operational History, Vol. 1 of 4; Box 357, Submarines, Pacific Flt-History – Bulletins, Submarine Vol. II, 1945; Type Commands; World War II Command File; Operational Archives Branch, Naval Historical Center, Washington, DC, 1. The real order reads: EXECUTE AGAINST JAPAN UNRESTRICTED AIR AND SUBMARINE WARFARE.
With the memory of American abhorrence to the German unrestricted submarine warfare of 1917-18 still fresh in mind, the “unrestricted warfare” directive came as a surprise. The change in our government policy can probably be explained in that this was to be a total war; not a war of Navy against Navy, or Army, but of one government economy against another. Any depredations upon the Japanese economy advanced the war effort, and merchant shipping was a vital part of that economy. Webster defines a merchant ship as “a ship employed in commerce”, and using that definition there were no merchantmen in the Pacific after the war began. Merchantmen were merchantmen by genesis only – not by employment. All enemy shipping was engaged in the prosecution of the war – either carrying men and munitions and equipment to the areas under attack or occupation, or bringing home the plunder from the stolen empire; carrying the raw materials to manufacture more munitions and more equipment. “Transports,” “freighters,” “tankers” were just other names for unarmed, or poorly armed combatant ships. Perhaps another reason for the change in our government policy was that Japan had aligned herself with Germany who was conducting unrestricted submarine warfare in the Atlantic.¹⁵

Voge did not know what had occurred in the Navy Department in Washington DC, but he clearly believed that the decision to conduct unrestricted warfare was probably made for strategic reasons, not as an act of reprisal for the Pearl Harbor attack. Voge’s last sentence indicated the possibility that the order came as a reprisal for German unrestricted warfare.

Despite Voge’s introduction, the myth of unrestricted warfare as an act of reprisal was already taking root. Several pages later in the official history, one of the submariners, probably W.J. Holmes, wrote a paragraph that implicitly contradicted Voge’s introduction:

Despite the agreement of the United States to abide by international treaties in regard to submarine warfare, it was expected throughout the submarine service that the use of armed merchantmen and convoys escorted by men of war, and the use of Japanese submarines against our own merchant ships would force us into a declaration of unrestricted

¹⁵ “Submarine Operational History World War II”, 3-4.
submarine warfare sooner or later. The declaration came sooner – within a matter of hours after the attack on Pearl Harbor the submarines had their mission, “Execute unrestricted air and submarine warfare against Japan.”

This paragraph depicted the decision not as a calculated act of military necessity but rather as an implicit reprisal for Japanese actions that had already occurred or were certain to occur. Hence the official history offered two competing justifications for unrestricted warfare: military necessity and reprisal.

A few years later, these competing rationales were revisited when Theodore Roscoe, a writer under contract with the Bureau of Personnel, condensed the official history into a publishable format. Ostensibly the book was to serve as a textbook for submarine personnel, but the Navy also hoped it would also sell as an account of submarine warfare in World War II. Eighteen months after Roscoe was initially assigned to the work, he finally produced the large but manageable United States Submarine Operations in World War II, which was published in 1949. In a special introduction for the book, Richard Voge politely claimed that “while the combine of Holmes, Hazzard, Graham, and Voge compiled the record upon which this history is based, the text as herein presented is entirely the work of Theodore Roscoe.”

However, Clay Blair noted that Roscoe “sometimes reproduced word for word” entire portions of the official history, which belied Voge’s assertion. Whatever the real

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16 “Submarine Operational History World War II”, 10-11.

17 Voge’s introduction to United States Submarine Operations in World War II by Roscoe, xviii-xix.

18 Blair, Silent Victory, 980.
authorship, *United States Submarine Operations in World War II* became quite popular and is still published by the U.S. Naval Institute Press.

Roscoe clearly favored the ethically sound justification of retaliation. However, Roscoe was also upfront about admitting that the United States had acted out of military necessity, not entirely out of retaliation:

> On the opening day of World War II, the Nazi U-boat which sank the *Athenia* torpedoed these legal niceties. And the Mikado’s military leaders, for their reverence for the Code Bushido, had long shown little respect for rules of “civilized” warfare.

> In any event, realistic thinking demanded recognition of the fact that a nation’s economic forces and its fighting forces bear the inseparable relationship of Siamese twins. Any reduction of a nation’s economic resources weakens its war potential. Sever the commercial arteries of a maritime nation and its industrial heart must fail, while the war effort expires with it. Therefore, it was not reprisal so much as military imperative that caused Washington to reverse its opinion on the already abrogated naval laws.  

While Roscoe explicitly stated that unrestricted warfare was “not reprisal so much as military imperative,” he still placed the event in the context of international treaties that had already been utterly demolished by the lawlessness of the Japanese and their German allies.

Over a decade later, W.J. Holmes updated his work on the official history and published it as *Undersea Victory* in 1966. Holmes was well suited to write about the submarine force in World War II, because not only had he been a prewar submariner and pulp fiction writer, but he had also been one of the top officers associated with ULTRA, the top-secret code breaking operation. Ironically, however, when Holmes

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published *Undersea Victory*, ULTRA was still classified, and he was unable to discuss it. As a result, although *Undersea Victory* seemed authoritative when it was published, it was quickly superseded by *Silent Victory* just nine years later. Not to be entirely outdone, Holmes appended *Undersea Victory* with a book that was part memoirs and part analysis, *Double-Edged Secrets: U.S. Naval Intelligence Operations in the Pacific During World War II* (1979).

Holmes held some very definite opinions regarding submarine warfare that were sometimes at a variance with his co-authors in the official history. His unique influence can sometimes be seen in the official history and in *United States Submarine Operations in World War II*. In *Undersea Victory*, Holmes finally got a chance to completely speak his mind. In a portion of *Undersea Victory*, much like one of the pages in the official history that implicitly contradicted Dick Voge’s introduction, Holmes explained his feelings regarding unrestricted submarine warfare and the London Naval Treaty of 1930 before the war:

The United States was signatory to the Treaty of London, which forbade submarine attacks on non-combatant ships, except under conditions virtually impossible to meet. Many submarine officers believed that under circumstances of war, especially against an enemy disregarding such niceties of conduct, this policy would erode, but cynically they expected that the approach to reality would take time, during which a submarine commander would be in an ambiguous position; damned if he allowed important enemy vessels to escape because of inability to establish their true character, and damned again if he did not observe treaty restrictions. Then, on the seventh of December, Chief of Naval Operations sent out a dispatch declaring unrestricted air and submarine warfare, demonstrating that political and military leaders were prepared

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Holmes’s description clearly indicated that he believed cruiser warfare was an invitation to massacre for defenseless submarine crews, and he also clearly believed that the Japanese, like the British, would not be willing to abide by the rules. In short, the United States had every right to declare unrestricted warfare, because the rules were tantamount to suicide. Although this did not fully stress the role of military necessity, it was entirely in keeping with the line of historiography that started with Dick Voge in 1945, which essentially stated that unrestricted warfare was based on sound military necessity, but still placed great emphasis on the lawless actions of the Axis.

The Third Line of Historiography

It was not until 1958 that a historian finally attempted to ascertain the events that led to the decision to conduct unrestricted warfare. Soon to become the President of the American Historical Association, Samuel Flagg Bemis was already one of the most distinguished historians in the United States when he chose to research why the United States chose to conduct unrestricted warfare. Like Samuel Eliot Morison, Bemis possessed two Pulitzers, one for *Pinckney’s Treaty: A Study of America’s Advantage from Europe’s Distress, 1783-1800* (1926) and the other for *John Quincy Adams and the Foundations of American Foreign Policy* (1949). Like Morison, Bemis was also an ardent American patriot, and many people affectionately or snidely referred to him as “American Flagg” Bemis, to which he customarily replied that there were no other

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colors under which he wished to live.\textsuperscript{22} By virtue of his experience and his prestigious position, Bemis had numerous contacts who happily and willingly helped him with his research project, including longtime friends in the State Department archives and numerous archivists at the Franklin D. Roosevelt Library in Hyde Park, the archives of the U.S. Army, the Library of Congress, and many others. Bemis’s most important contact for the project, however, was probably his friend, Rear Admiral Ernest M. “Judge” Eller, the Director of Naval History.

Although delayed by sickness, Bemis patiently but methodically collected as much documentary evidence as possible. Even before he began writing, Bemis knew enough about the decision that he clearly believed that it had betrayed the principles of freedom-of-the-seas. For instance, in 1955 he wrote: “Thus did the United States forswear and throw overboard its ancient birthright, the Freedom of the Seas, for which it went to war with Germany in 1917 and collected adjudicated indemnities, after the victory, for torts against its own citizens by illegal German submarine warfare, 1914-1918.”\textsuperscript{23} A few years later, in a 1958-1959 Yale class about maritime law, Bemis ended his lecture with the U.S. decision to conduct unrestricted warfare, dramatically claiming that with the American decision, “The Freedom of the Seas sank beneath the Ocean.”\textsuperscript{24} Bemis wanted to learn more about the particulars behind the decision


\textsuperscript{23}Samuel Flagg Bemis, \textit{A Diplomatic History of the United States}, 4\textsuperscript{th} ed. (New York: Henry Holt and Company, 1955), 875.

\textsuperscript{24}Samuel Flagg Bemis, Lecture Outline for History 32, Yale University, on Development of Belligerent Maritime Systems Affecting American Rights and Interests; Folder 778, U.S. Navy, Naval War College, 1958-1959; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library, 9.
because he felt it was an extremely interesting reversal of decades of U.S. foreign policy and a betrayal of one of the most cherished notions of Wilsonian ideology.

Despite his melodramatic description of unrestricted warfare, Bemis was not fully prepared for what his research led him to discover. Based on his correspondence with “Judge” Eller, Bemis hoped that he would find some definite evidence that would prove that Samuel Eliot Morison’s description of events had been correct and the United States chose unrestricted warfare as a form of retaliation for Pearl Harbor. However, the deeper he researched the more he was forced to conclude that unrestricted warfare was something the United States had planned to do before the war, and that it would have occurred no matter how the war started. Although Bemis was excited by his conclusions, he was simultaneously dismayed. As early as 5 December 1960, Bemis wrote to “Judge” Eller to let him know that it was in the best interest of all that the project *not* be published for the general public. Instead, Bemis wrote a 59-page manuscript about the United States and unrestricted warfare, and delivered a lecture at the U.S. Naval War College on the topic on 1 November 1961.

There were a number of reasons that Bemis chose not to publish his findings. Explicitly, he told Admiral Eller:

> You will readily perceive the implications of the facts summarized in this memorandum for present policy and public interest. I have already indicated to you that it does not seem to me in the best public interest to publish this study if and when completed.\(^{26}\)

\(^{25}\) Samuel Flagg Bemis to Rear Admiral E.M. Eller, 5 December 1960; Folder 779, U.S. Navy - Naval War College - 1960; Box 64, United States Navy, Naval War College, 1933-1962; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library.

\(^{26}\) Samuel Flagg Bemis to Rear Admiral E.M. Eller, 5 December 1960.
Bemis clearly did not believe his conclusions reflected well upon the United States, which had cast itself as the defender of democracy and Wilsonian principles. Bemis was writing at the very height of the Cold War, when the United States and the Soviet Union were locked in ideological combat, and Bemis probably felt that the United States could ill-afford one of its most prestigious historians besmirching its image. Finally, unrestricted warfare was, in essence, a war crime, which despite Admiral Nimitz’s assertions to the contrary, was still outlawed in the wake of the Nuremberg tribunals. Although Bemis may have agreed with the strategic motives behind unrestricted warfare, he also recognized that unrestricted warfare existed in a moral quandary between right and wrong. Based on his conclusions, he was also disturbed by the implications of his research: that military necessity would trump international law whenever the two came into conflict. In short, Bemis asked: “What good is international law?”

Bemis’s manuscript and lecture essentially detailed most of the decision-making process, though he considerably simplified it and omitted some very important details. Bemis believed that the Navy started to turn to unrestricted warfare when it attempted to revise its Instructions for naval warfare in 1940 to 1941. The revision of the Instructions led the U.S. Naval War College to boldly call for authorizing unrestricted warfare in the event of war, which in turn led Admiral Stark and Rear Admiral Turner, to add provisions for “strategical areas” to Navy war plans RAINBOW 3 and

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27 Samuel F. Bemis, “Seminar and Panel Discussion – Prof. Bemis – Submarine Warfare” 1 November 1961, unpublished TMs; Box 65, United States Navy, Naval War College, 1961; Series II: Organization and Project Files, 1918-1969; Papers of Samuel Flagg Bemis, Manuscript Group No. 74; Manuscripts and Archives, Yale University Library. Also available in Box 3, Columbia University Oral Histories; Privileged Manuscript Collection; Operational Archives Branch, Naval Historical Center, Washington, DC.
RAINBOW 5. Unfortunately, Bemis’s chronology of events was flawed. He did not trace the origins of U.S. unrestricted warfare to Admiral Stark’s “Plan Dog” memorandum. Consequently, Bemis reversed the series of events regarding RAINBOW 3 and the Naval War College’s recommendations. Indeed, the inclusion of “strategical areas” in RAINBOW 3 predated the Naval War College’s study, instead of vice versa. Bemis also made a trivial mistake about the timing of a war-warning message on the 27th of November, which he dated to 26 November 1941.28

In terms of pivotal personalities, Bemis focused narrowly on the policymaking team in the Navy Department at Washington. He generally ignored Stark’s communications with his fleet commanders, and he did not recognize the important role of Admiral Hart in Manila. Consequently, Bemis focused on President Roosevelt’s role in the decision-making process, for which he could find almost no evidence.29

Bemis’s general conclusions were accurate but his details and some of his specific conclusions were either incorrect or could have been clarified by additional research. For instance, although Bemis knew the result of the General Board hearing regarding unrestricted warfare, he did not study the transcript of the hearing to discover the underlying motivations of the Board. Similarly, by ignoring Admiral Hart’s role and his actions on 7 December, Bemis left a gap in his research and conclusions.


Per Bemis’s feeling that his research should not be released to the public, his manuscript and lecture were classified by the Navy and remained classified until 16 March 1978. Once declassified, a copy of the manuscript was turned over to the Yale University Memorial Library and Archives to be placed in Bemis’s papers. The transcript of Bemis’s lecture remained at the U.S. Naval Historical Center’s Operational Archives. As a result of Bemis’s decision to keep his manuscript secret and the Navy’s classification process, few historians ever heard of Bemis’s work.

The first historian to take full advantage of Bemis’s research was J.E. Talbott, a historian at the University of California at Santa Barbara. In the summer of 1984, Talbott published an article on U.S. submarine development and unrestricted warfare in the Naval War College Review. Talbott accepted Bemis’s conclusions, but he added an interesting wrinkle to the story: Admiral Hart had ordered unrestricted warfare in the Philippines before Stark’s famous message. Talbott attempted to explain Hart’s actions by using the Admiral’s diary and message traffic to and from the Asiatic Fleet, but Talbott admitted these documents did not really expose Hart’s motivations. In the end, Talbott was forced to guess about the rationale behind Hart’s actions.30

Talbott deserves credit for connecting Hart’s actions to Stark’s decision-making in Washington. Unfortunately, Talbott’s article was flawed by some critical errors of detail. Among Talbott’s errors was his chronology of events on 7 December 1941. Assuming that the Hawaiian time zone was the same as the Hawaiian time zone in the 1980s, Talbott mistakenly shifted the time of Admiral Hart’s order ahead by thirty

minutes, skewing his entire chronology. Talbott also continued one of Bemis’s errors, which incorrectly dated Admiral Stark’s war zone authorization of 27 November 1941 as 26 November 1941.\textsuperscript{31}

Talbott’s article brought up a number of interesting points, but like Bemis, Talbott stopped shy of drawing dramatic conclusions. Like Bemis, Talbott did not conclude that the Navy was acting independently of the civilian chain-of-command. Instead, Admiral Hart had merely “jumped the gun.”\textsuperscript{32}

Talbott’s observations were important, but they were not followed up. One of the few other historians to take advantage of Bemis’s declassified manuscript, Ronald H. Spector, did not mention Talbott’s findings in his chapter about submarine warfare in *Eagle Against the Sun* (1985), a one-volume history of the Pacific War. This was probably because Spector’s work was a broad survey, based almost entirely on secondary literature. He did not focus on the decision to conduct unrestricted warfare and he did not challenge any of Bemis’s conclusions.\textsuperscript{33}

The next historian to focus exclusively on the topic of unrestricted warfare, Janet M. Manson, a graduate student at Washington State University, also did not mention Talbott’s article. Manson’s oversight might seem initially surprising, but in reality her study focused on the German decisions to conduct unrestricted warfare, and looked at the U.S. decision mostly for comparative purposes.


Manson heavily discussed the German decisions to declare unrestricted warfare in 1917 and again during the period from 1939 to 1941. The vast majority of her study is devoted to this topic, and only 19 pages are specifically devoted to the American decision. In order to discuss the U.S. decision, Manson followed up on Bemis’s research, citing many of the same documents while also attempting to find more information about Franklin Roosevelt’s role in the decision. Consequently, her conclusions were generally the same.

Despite a great deal of research, Manson unfortunately misinterpreted an extremely important document related to the U.S. decision, assuming that a certain letter had been written by the Secretary of the Navy and sent to the State Department, when in reality the letter was drafted by naval officers, and apparently never even reached the Secretary of the Navy for his signature. She was also apparently unaware of Talbott’s article on the subject, because she did not mention Admiral Hart’s actions at all. Consequently, she concluded that the decision to conduct unrestricted warfare required the actions of President Roosevelt, the State Department, and the Navy.34

This study has built off the research of the third line of historiography while recognizing the importance of the first two lines of historiography. Unlike most of the previously mentioned historians, including Bemis, this work has also attempted to place U.S. unrestricted warfare in its broader context. The opening and ending sections of this study connect the importance of U.S. unrestricted warfare to the concept of freedom-of-the-seas, U.S. strategy and victory in the Second World War, and the

actions of the U.S. submarine force in the Second World War. The meat of the study, of course, comes in the middle of the work. By using archival and published primary sources, this work has focused on the failure of international law during the interwar period to draft pragmatic rules of submarine warfare as well as the series of events immediately before the war, including Plan Dog, the redrafting of the Navy’s Instructions, and the RAINBOW war plans. Although other works have discussed some of these incidents, this work has attempted to tie all of them together as a chain of interlocking incidents that led to unrestricted warfare on 7 December 1941.

One chapter, on the development of the fleet submarine, was a mix of both an interpretive synthesis and primary source research. The development of the successful U.S. fleet submarine is one of the most researched subjects in U.S. naval history of the Second World War, with relevant works by John Alden, Norman Friedman, and Gary Weir, among others. This chapter has generally supported, or debated, many of these scholars’ conclusions using the records of the General Board of the Navy, the submarine force doctrine, and published and unpublished secondary sources.

No study can ever claim to be the definitive work on any subject. Although this work has attempted to discuss a broad range of topics, it clearly could not discuss everything. Future researchers may find new evidence or decide that this study placed too much emphasis on a particular theme or historical document. However this work stands up to history, it is the sincere hope of this researcher that this study adds a different perspective on the history of freedom-of-the-seas and yields new knowledge regarding the U.S. Navy and the U.S. decision to conduct unrestricted warfare in the Second World War.
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