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THE AMERICAN-JAPANESE CONTROVERSY OVER THE ISLAND OF YAP

A THESIS SUBMITTED TO THE GRADUATE DIVISION OF THE UNIVERSITY OF HAWAII IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS

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PREFACE

Very few people realize the significance and the importance of the Island of Yap as a station for modern communication. Although there are books, periodicals, pamphlets, and newspapers dealing with the controversy between the United States and Japan regarding the island, but little has been done to present a coherent and continuous narrative of the whole question and its solution. It is the purpose of this thesis to present the factors which caused the controversy between the United States and Japan and the methods used to relieve the tense situation and thus prevent international complications. For the controversy over Yap was intensified by a large number of other factors which in the early post war years made it appear that "war was in the air." Among these may be mentioned the question over Japanese immigration, naval rivalry in the Pacific, and the challenge by the United States of Japan's contention that she had paramount interests on the Asiatic mainland.

The principal source material used was found in the Department of State's publications, Papers Relating to the Foreign Relations of the United States, in the Congressional Record of 1919 and 1922, and in the New York Times.

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CHAPTER I

INTRODUCTION

The island of Yap, or Jap as it is spelled on some pre-war maps, is a part of the widely scattered archipelago of the Caroline Islands. These islands are situated south of Japan and north of the equator in the Pacific Ocean, about 500 miles southwest of Guam, and about 1200 miles east of the Philippine Islands on the direct route between San Francisco and Manila.[1]

The Caroline Islands comprise about five hundred forty-nine[2] islands and islets, many of which are mere coral reefs elevated a little above the ocean. Among the more important islands are Yap, Pelew or Palau, Ponape, Truk and Kusaie, all of which are volcanic, well watered, and very fertile.

What is termed the island of Yap is, in truth, composed of a small group of three or four islands located in latitude 90° 32' North and longitude 138° 08' East and measuring about twenty miles in length and ten miles in breadth. The group is surrounded by a coral reef which extends from one half to one and a half miles off the prominent points with the exception of the southern extremity, where it projects into the sea for about two miles. This reef measures about

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1. Samuel Flagg Bemis, "The Yap Controversy," The Pacific Review, II (Sept. 1921), 308. Hereafter cited as Bemis, "The Yap Controversy."
2. R. W. Robson, comp. and ed., The Pacific Islands Yearbook, 1935-6 (Sydney, 1935), p. 74. Hereafter cited as Robson, The Pacific Islands Yearbook, 1935.

fifteen miles across in a northeastern and southwestern direction and about four and a half miles in breadth as it tapers southward.

Tomil Harbor, the main port of entry, is located in the southeastern part of the island. The entrance is through the reef and is about 100 yards wide between the three fathoms (5.5m) underwater contour lines. The channel widens within the reef and provides a safe anchorage with good holding grounds in depths of from twelve to twenty fathoms (21.9m to 36.6m).[3] It is nearly three miles in length. About 1200 yards within the entrance, anchorage is prohibited in order to prevent damage to the telegraph cable.

Yap island is traversed by a ridge of hills reaching an elevation of about one thousand fifty feet above sea level in the northern part and has a deeply indented shoreline. The island has a moderately tropical sea climate with northeast trade winds from the end of November to the earlier part of May. Occasional typhoons occur in the islands. The rainy season begins in June and ends in November, when there falls seventy-nine and a half inches or sixty-two per cent of the year's total.[4]

The natural resources of the island include luxuriant forests of cocoanut and areca palms, crotons, and bamboos. The soil is quite fertile, and agriculture is probably the most important industry carried on by the natives. A great

3. Pacific Islands Pilot: Western Groups, H. O. no. 165 (Washington, D. C., 1928), I, 695.
4. Ibid., p. 698.

abundance of cocconut, sweet potatoes, giant taro, various varieties of yams, breadfruit, tropical almond, melons, bananas, sugar cane, and vegetables is to be found. Copra, the dried cocconut kernel, is exported by the English traders who live in the islands and who long enjoyed a virtual monopoly. The important timber of the island is the voi, with a wood resembling mohogany. Fishing, another industry in which the natives engage, merely provides food for home consumption.

Historically, the Caroline Islands were discovered by the Portuguese about 1527. In 1686 Spain made formal annexation of these islands together with the Mariannes, which were discovered in 1521 by the Spaniards themselves, and the Marshall Islands which were also discovered in 1529 by one of their navigators, Alvaro de Saavedra. This step was taken because of the Spanish traffic with the Philippines, which are located in the same latitude. But little interest in the Carolines was shown by Spain, after the failure of missionary attempts in the eighteenth century, until August, 1885, when the German flag was hoisted on the island of Yap in the Western Carolines. Between 1686 and 1886 the thickly populated islands, richly furnished with natural resources, became the happy hunting ground for a great many adventurers, enterprising traders, and wandering navigators.

It was during the latter half of the nineteenth century that the newly consolidated German Empire, pushing into the South Seas, became exceedingly interested in the strategic

and potential value of both the Carolines and the Marshalls. Spain protested violently against the German occupation of the islands and the sharp dispute was finally referred to the Pope as arbiter. He decided in favor of Spain, but gave special trading privileges to Germany.[5] With the rapid growth of German influence in the islands, negotiations for the transfer of the islands to Germany became a serious international affair in the nineties. Finally on February 12, 1899, a treaty was concluded by which Spain, having lost the Philippines to the United States, ceded the three groups of islands---Carolines, Marshalls, and Mariannes---to Germany for a payment of £840,000 or $3,300,000.[6]

The Germans carried out their vigorous colonization policy in the islands and made rapid economic progress. But immediately after the World War broke out in 1914, Japan took possession of the islands with an expeditionary force and is now administering them nominally under a mandate from the League of Nations.[7]

The island of Yap became the seat of government for the Western Carolines, Pelew, and Marianne Islands. The population of Yap in 1932 numbered approximately 6,185 natives, 299 Japanese, and 10 other foreigners. The population statistics for the Caroline Islands together with the Marshall and Marianne groups under the Japanese Mandate for the period 1920

5. Robson, The Pacific Islands Yearbook, 1935-6, p. 79.
6. Encyclopedia Americana (New York, 1937), V, 648.
7. Percy S. Allen, ed., Stewart's Handbook of the Pacific Islands, 1922 (Sydney, 1922), pp. 467-469.

to 1932 have been as follows:[8]

	1920	1925	1927	1930	1932
Japanese	3,671	7,430	8,677	19,938	28,291
Chamorros	2,824	2,953	3,022	3,100	3,500
Kanakas	45,681	45,845	45,783	46,595	46,569
Foreigners	46	66	83	95	97
Total	52,222	56,294	57,555	59,623	78,457

The natives of the islands, who are a part of the Malay race, or a mixture of the Dravidian and the Polynesian races, are divided into tribal groups. They are characterized as generally, or for the most part, peaceful, lazy, apathetic, included to be hospitable but not particularly cordial to strangers, and irresponsible.

The original costumes of the natives are still worn today and indicate that the people have successfully resisted foreign influence. The natives indulge in their ceremonial dances during their feasts, have village club houses or stone-money houses, and community houses.[9]

Except for its strategic location as a cable station, the island is of little importance. Before taking up the main issue of the Yap controversy, we may consider briefly the cable systems involved in the international disagreement.

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8. Robson, Pacific Islands Yearbook, 1935, p. 79.
9. F. W. Christian, The Caroline Islands (London, 1899), passim.

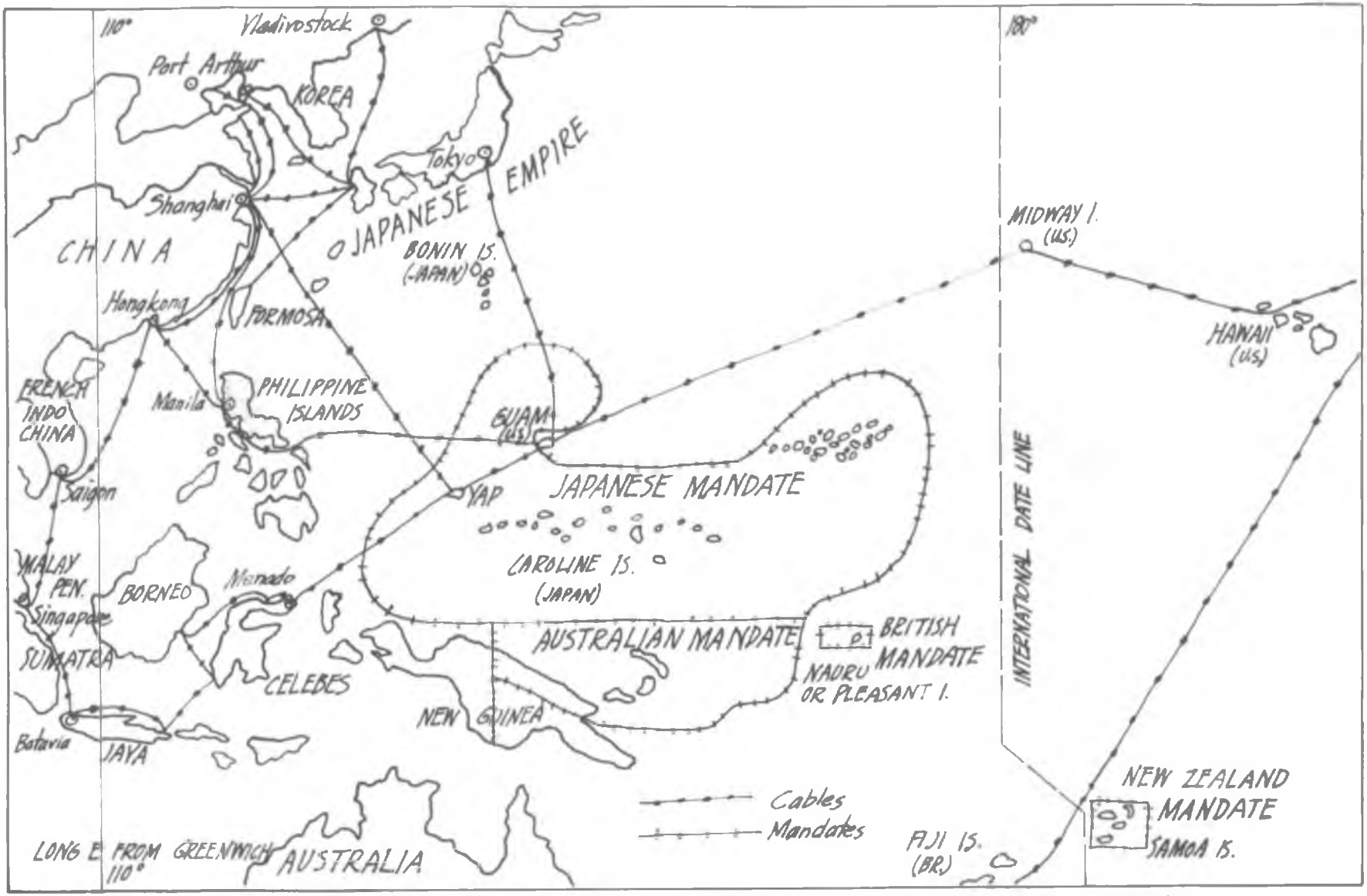

FIG. 1 THE WESTERN PACIFIC SHOWING MANDATES AND CABLES

Reproduced from Raymond Leslie Buel, The Washington Conference (New York, 1922), p. 10

Prior to the World War the system of the Japanese government-owned lines extended from Sakhalin in the north to Formosa in the south. From Nagasaki the government cables reached out to Shanghai, China, Port Arthur, and Korea. Another line also connected Japan with northern Korea. From Kagoshima on the northern end of Kyushu, a cable ran by way of the Nansei Islands to Formosa. To complete the picture, a cable joined Tokyo to the Bonin Islands, at which point connection was made with the line of the Commercial Pacific Cable Company. Frequent floods, earthquakes, and typhoons have caused serious disturbances and interruptions to the service of the Japanese lines at various places.

Germany in developing a comprehensive system of communication before the war laid cables radiating from Yap, which is just west of the American island of Guam in the Marianne group. One of these cables ran to Shanghai, another to Menado (Celebes) in the Dutch East Indies, and the third to near by Guam, where connection was made with the main lines of the Commercial Pacific Company---the San Francisco-Honolulu-Guam-Manila-Shanghai connection. In case of interruption or disorder these German cables served as alternate dispatch routes to the Commercial Pacific Cable Company.[10]

At the outbreak of the World War, Japan seized the island of Yap and the cables were confiscated and sealed for years

10. Leslie Bennett Tribolet, The International Aspects of Electrical Communications in the Pacific Area (Baltimore, 1929), p. 261. Hereafter cited as Tribolet, International Aspects of Electrical Communication in the Pacific Area.

after the war in spite of the dire need for communication facilities with the Far East and the inconvenience and detriment to the commercial traffic between the United States and China and Manila. In case of any disconnection in the American cable line via Manila which necessitated a change in route from Yap to Asia by way of Japan, American embarrassment at having diplomatic or commercial messages to China diverted under a possible Japanese censorship became quite obvious.[11]

The island of Yap is a point of intersection for the American trans-Pacific Cable system of communication and is vitally important to the United States both in time of peace and of war. It is on the direct route of naval communication between Honolulu and Manila, an essential line between the United States and its Far Eastern possessions. However, Yap is no more important in this respect than many of the islands recently placed under Japanese Mandate. Almost all of these numerous isles would make excellent submarine bases for a fleet operating against American transports or battleships engaged in a Pacific War. The essential value of the island of Yap is "its existence as a cable station and its relation to the larger aspects of the international politics of the Pacific and to the prestige and honor of American foreign policy."[12]

11. Tribolet, International Aspects of Electrical Communications in the Pacific Area, p. 261.
12. Bemis, "The Yap Controversy," p. 309.

Before the United States and Japan came into conflict over allocation of the island of Yap, several diplomatic disagreements regarded as involving national honor, and therefore detrimental to friendly relations, had occurred at various intervals. At the close of the Russo-Japanese War a definite change in the attitude and relations between the two nations, from friendship and confidence to suspicion and distrust, became very evident.

After Russia's defeat, Japan was able to take her place among the great powers on the Asiatic mainland, and began to seek a dominant position in the development of China. In the readjustment of Russian interests in South Manchuria the American business men in the Far East sent urgent complaints to the State Department concerning the Japanese failure to observe the Open Door Policy. A diplomatic note was dispatched by the American Government on February 21, 1906, suggesting the maintenance of absolute equality in trade in Manchuria by the Japanese Government and hinting in the most polite terms, "that unauthorized subordinates may be failing to execute the purpose of the Government of Japan."[13] Japan's reply on March 15, 1906, to the American note maintained that she was unaware of any discrimination against the Americans in Manchuria.

13. Root to Huntington Wilson (Chargé in Japan), Feb. 21, 1906; Wilson to Marquis Saionji (Minister of Foreign Affairs), Mar. 28, 1906, Papers Relating to the Foreign Relations of the United States, 1906 (Washington, 1909), I, 170-171; 175. Hereafter cited as Foreign Relations. See also Foster Rhea Dulles, Forty Years of American-Japanese Relations (New York, 1937), p. 74.

She also made it known that her government had decided to enforce vigorously the Open Door Policy.[14] In spite of this assurance, the Japanese "were carefully closing it in practice."[15]

A more immediate controversy involving the defense of Japanese national pride, honor, and dignity arose in the United States in 1906. For several years a strong anti-Japanese feeling arose from the immigration problem which had been agitating the Pacific Coast, especially California. Since 1900 a steady influx of Japanese coolie labor had created a possible menace to American standards of living and institutions. Newspaper discussions and political agitation made sensational issue of the Oriental problem.

Diplomatic protests began with the order issued by the San Francisco school board in 1906 which barred all children of Oriental parentage from the public schools and segregated them in a special institution. This act of discrimination was considered an unwarranted insult to Japan's national pride and honor. Consequently, Japan sent an immediate and vehement protest to the American Government and this resulted in the signing of the famous "Gentlemen's Agreement" in 1908.[16]

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14. Wilson to Root, March 15, 1906; Wilson to Root, April 5, 1906, Foreign Relations, 1906, I, 171-172; 177-178.
15. Dulles, Forty Years of American-Japanese Relations, p. 75.
16. See T. A. Bailey, Theodore Roosevelt and the Japanese-American Crises (Stanford University, California, 1934), pp. 28-192.

> This understanding contemplates that the Japanese Government shall issue passports to continental United States only to such of its subjects as are non-laborers or are laborers who, in coming to the Continent, seek to resume a formerly acquired domicile, to join a parent, wife, or children residing there, or to assume active control of an already possessed interest in a farming enterprise in this country.[17]

In other words, by the Gentlemen's Agreement Japan undertook to settle the immigration problem without injury to her national pride by issuing passports only to certain types of her citizens. Despite the Gentlemen's Agreement the Japanese-American population increased steadily. This was traceable to the system of picture marriages by which a "Japanese, while remaining far from home, could marry his bride by proxy, with the assistance of a mutual exchange of photographs, thus making her his 'wife' and eligible to come to America."[18]

This system was brought to an end by a ruling of the Department of Labor which declared illegal the entry of the "picture bride" into the United States after April 22, 1922. This ruling was transferred in a memorandum to the Japanese Embassy by the Department of State, July 17, 1922:

> ...in regard to a recent ruling of the Department of Labor to the effect that the so-called 'picture marriages' is illegal in the light of the immigration laws of the United States, the Department of State has been informed that the Department of Labor, under date

17. Rodman W. Paul, The Abrogation of the Gentlemen's Agreement (Mass., 1936), p. 10. Citing Annual Report of the Commissioner-General of Immigration, 1908 (Washington, 1908), pp. 125-126.
18. Ibid.

> of April 22, 1922, promulgated a decision in the principle involved in the recognition of the so-called 'proxy marriages,' or marriages performed where one of the principals is in the United States and the other in a foreign country, and it has held that such marriages can not be recognized as valid for purposes of our immigration laws. This ruling, the Department of State understands, is applicable to all races and nationalities.[19]

A census of the Japanese population in 1920 revealed an increase of nearly 39,000 over the number of Japanese coming to the United States since 1910. This was owing to the immigration of young women under the picture marriage system and to the consequent high birth rate among the Japanese in America.

The World War created among the American citizens a sudden change of feeling toward the immigration problem, especially the Oriental type of immigrant who was regarded as the most dangerous and was ineligible for naturalization. Demands for national regulation arose throughout the country and became an important issue at Washington, D. C. Finally, the advocates of the exclusion program successfully secured the passage of the Immigration Act of 1924 which excluded all "aliens ineligible for citizenship,"[20] and ended the Gentlemen's Agreement. This caused a deeper resentment among the Japanese.

Another measure which irritated the Japanese was the passage of the California land laws of 1913 and 1920, which

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19. The Department of State to the Japanese Embassy, July 17, 1922, Foreign Relations, II, 604.
20. The Statutes at Large of the United States of America. From December, 1923 to March, 1925, XLIII, Pt. I (Washington, 1935), 153.

denied certain privileges to aliens incapable of becoming United States citizens. Since all members of the yellow races were included as aliens, legislative discriminations actually aimed at the Japanese were made against all Orientals on a basis which was consistent with the naturalization laws.[21]

Such were some of the misunderstandings and irritations which caused resentment and strained relations between the two nations prior to the Yap controversy. But more serious was the challenge of the United States to what Japan considered as her paramount rights and interests on the Asiatic mainland. Her twenty-one demands on China in 1915 were challenged by the United States, and Japan, in the so-called Lansing-Ishii Agreement, attempted in vain to secure recognition of what she regarded as her paramount interests---which would have meant a free hand in Asia. But Woodrow Wilson would have none of it. He joined the Allied intervention in Siberia partly, at least, in an attempt to prevent permanent Japanese occupation. He fathered a new banking consortium of four powers hoping that in this way he could halt the Japanese intention of becoming China's sole creditor. And finally both before and at the Peace Conference he did his best to secure the restoration of Shantung to China. It is enlightening that in the United States there appeared

21. Rodman, The Abrogation of the Gentlemen's Agreement, citing footnote 2, p. 13, Revised Statutes of the United States (2nd ed., 1878), p. 380, Title XXX, Section 2169.

at this time books with the following titles: The Menace of Japan; The New Japanese Peril; Rising Japan; Must We Fight Japan. And under President Harding the United States appeared more determined than ever before to restrain Japan from completely upsetting the balance of power in Eastern Asia.

CHAPTER II

THE CONTROVERSY

While the European nations were engaged in the earlier stages of the war, Japan occupied the German islands north of the equator, including the island of Yap. By a secret agreement with Great Britain in 1917 Japan was to lay claim, in case of Germany's defeat, to all the former German possessions north of the equator in return for the recognition of the British claims to those islands south of the equator. On February 16, 1917, Great Britain, followed on March 3 by France and on March 21 by Russia, agreed to confer upon Japan her claims made in the secret pact.[1] This arrangement was made prior to the entrance of the United States into the war and also before the idea of mandates was advanced by any nation.[2]

The United States joined the Allied Powers April 6, 1917, and at the end of the war it advanced the mandate theory. This principle was accepted by the Allies and adopted at the

1. British Ambassador to Japanese Foreign Minister, Feb. 16, 1917, John V. A. MacMurray, ed., Treaties and Agreements with and Concerning China, 1894-1919 (New York, 1921), II, 1167; H. W. V. Temperley, A History of the Peace Conference (London, 1924), VI, 634-637. See also Alfred L. P. Dennis, The Anglo-Japanese Alliance (Berkeley, 1923), p. 47.
2. Supplement to the American Journal of International Law (New York, 1919), XIII, 137-138. See also Quincy Wright, Mandates under the League of Nations (Chicago, 1930), pp. 36-48, and AaronM. Margalith, The International Mandates (Baltimore, 1930), pp. 35-50, 93-123.

Peace Conference in April, 1919. It was later embodied in Article 22 of the Covenant of the League of Nations which contained the following provisions:

> 1. To those colonies and territories which as a consequence of the late war ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples from a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant..
>
> 2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experiences, or their geographical position can best undertake their responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as mandatories on behalf of the League.
>
> 3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.
>
> . . . . . .
>
> 7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.
>
> 8. The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the members of the League, be explicitly defined in each case by the Council.[3]

Germany, in accordance with the terms of the peace treaty, had renounced all her former possessions together with her cables to the five principal Allied and Associated Powers.

On May 7, 1919, the Council of Four, with President Wilson participating, had allocated the former German islands in the Pacific north of the equator to Japan as a mandatory power. Among these was the island of Yap which, on account

3. Judith Jackson and Stephen King-Hall, The League Yearbook 1932 (New York, 1932), pp. 13-14.

of its strategic and commercial value to the United States, was drawn to the President's attention by his naval and communication experts at Paris. Prior to this time, the President, according to his statement before the Senate Committee on Foreign Relations August 19, 1919, had never heard of this island.[4] The experts also pointed out to him that the granting of the mandate, of which Yap was a part, to a naval rival would menace the security of the neighboring American possessions because the islands could be easily fortified and used as naval bases operating against American interests. Furthermore, Yap lay in the direct route of communication between the Hawaiian Islands and the Philippines via Wake and Guam, and it represented a distributing center of important cable lines which were necessary to assure uninterrupted service between the United States and the Far East. Therefore, the internationalization of the island was vitally necessary. Acting upon this advice, President Wilson and his Secretary of State, Lansing, insisted upon the internationalization of the island of Yap on at least three recorded occasions previous to the decision of the Council dated May 7, 1919.

> On April 21 at a meeting of President Wilson, Messrs. Lloyd George and Clemenceau,---the President, in reporting his conversation with the Japanese delegates Baron Makino and Count Chinda of that

4. "Hearings on the Treaty of Peace with Germany," 1919, Senate Docs., 66 Cong., 1 sess., no. 106, pp. 505-506. Hereafter cited as Senate Documents, 66 Cong., 1 sess., no. 106.

> morning, stated that it had been understood that Japan was to have a mandate for the islands in the north Pacific altho he had made a reserve in the case of the island of Yap, which he considered should be international.[5]

At a meeting of the Foreign Ministers held on April 30, 1919, in a discussion relating to cables, Lansing stated that he would like to discuss that revelant question at a future date. He expressed the view that "in the interests of cable communications it would be desirable that the island of Yap be internationalized and administered by an international commission in control of cable lines." He suggested that it was not necessary for all the islands to have the same status but that the island of Yap should constitute a special case.[6]

On May 1, at a meeting held in the room of the French Foreign Minister, Stephen Pinchon, President Wilson again emphasized the fact that Yap, being a radiating center of cable communication for the north Pacific, should not be controlled by one power. In discussing the allotment of mandates on May 6, Mr. Lloyd George expressed his understanding that Japan should receive certain islands north of the equator in a mandate. According to the minutes of the meeting President Wilson "consented in principle to this, with respect to mandates, the policy of the open door would have to be applied, and that there must be equal

5. Norman H. Davis to Ambassador John W. Davis, Dec. 4, 1920, Foreign Relations, 1921, II, 265.
6. Ibid.

opportunities for the trade and commerce of the other members of the League." According to the minutes of the meeting, Yap was not discussed in connection with the decision on May 7, 1919, to mandate to Japan the German islands in the Pacific north of the equator.[7] On this date the controversy over the island of Yap had its beginning.

On August 9, 1919, President Wilson, on being questioned concerning the status of Yap, gave the following testimony to the Senate Committee on Foreign Relations at the White House:

> THE CHAIRMAN. (Senator Lodge). Going now onto another question, as I understand the treaty the overseas possessions of Germany are all made over to the five principal allied and associated powers, who apparently, as far as the treaty goes, have power to make disposition of them, I suppose by way of mandate or otherwise. Among those overseas possessions are the Ladrone Islands, except Guam, the Carolines, and, I think, the Marshall Islands. Has there been any recommendation made by our naval authorities in regard to the importance of our having an island there, not for territorial purposes, but for naval purposes?
>
> THE PRESIDENT. There was a paper on that subject, Senator, which has been published. I only partially remember it. It was a paper laying out the general necessities of our naval policy in the Pacific, and the necessity of having some base for communication upon those islands was mentioned, just in what form I do not remember. But let me say this, there is a little island which I must admit I had not heard of before.
>
> SENATOR WILLIAMS. The island of Yap?
>
> THE PRESIDENT. Yap. It is one of the bases and centers of cable and radio communication on the Pacific, and I made the point that the disposition, or rather the control of that island should be reserved for the general conference which is to be held in regard to the ownership and operation of the cables. That

7. N. H. Davis to J. W. Davis, Dec. 4, 1920, Foreign Relations, 1921, II, 265-268.

subject is mentioned and disposed of in this treaty and that general cable conference is to be held.

THE CHAIRMAN. I had understood, or I had heard the report that our General Board of the Navy Department and our Chief of Operations, had recommended that we should have a footing there, primarily in order to secure cable communications.

THE PRESIDENT. I think you are right, sir.

THE CHAIRMAN. That we are likely to be cut off from cable communication---that is, that the cables were likely to pass entirely into other hands---unless we had some station there, and it seemed to me a matter of such importance that I asked the question.

I wish to ask this further question: There was a secret treaty between England and Japan in regard to Shantung; and in the correspondence with the British ambassador at Tokyo, when announcing the acquiescence of Great Britain in Japan's having the German rights in Shantung, the British ambassador added:

"It is, of course, understood that we are to have the islands south of the Equator and Japan to have the islands north of the Equator."

If it should seem necessary for the safety of communication for this country that we should have a cable station there, would that secret treaty interfere with it?

THE PRESIDENT. I think not, sir, in view of the stipulation that I made with regard to the question of construction of this cable convention. That note of the British ambassador was a part of the diplomatic correspondence covering that subject.

THE CHAIRMAN. That was what I understood.

SENATOR MOSES. Was the stipulation that that should be reserved for the consideration of the cable conference a formally signed protocol?

THE PRESIDENT. No; it was not a formally signed protocol, but we had a prolonged and interesting discussion on the subject, and nobody has any doubt as to what was agreed upon.

THE CHAIRMAN. I ask the question because it seemed to me a matter of great importance.

THE PRESIDENT. Yes; it is.

THE CHAIRMAN. As a matter of self-protection, it seemed on the face of it that the treaty would give the five principal allied and associated powers the authority to make such disposition as they saw fit of those islands, but I did not know whether the secret treaty would thwart that purpose. I have no further questions to ask, Mr. President.[8]

8. Senate Docs., 66 Cong., 1 sess., no. 106, pp. 505-506; Norman H. Davis to John W. Davis, Dec. 4, 1920, Foreign Relations, 1921, II, 267. See also Bemis, "The Yap Controversy," pp. 318-319.

The President also indicated that no definite agreement for the final disposition of all the islands north of the equator had been reached because of the Japanese objections to the draft mandate covering the ex-German islands north of the equator which was submitted to the meeting of the Heads of Delegations on December 24, 1919.[9] Since the terms of the mandate had neither been accepted by Japan nor approved by the principal interested powers of the League of Nations,

> it would appear that until the island is accepted under mandate upon the terms approved by the powers concerned the status of temporary occupation must exist, which, in the circumstances, does not signify a vested interest in the island, and which admits of present determination of the condition or terms of authority, control and administration.

Regarding the minutes of the meeting held on May 7, no record of any discussion in respect to mandates was made, but the memorandum merely stated that "the following decisions were reached." The fact that such a decision had been published erroneously would not validate it because "this Government" had not been aware of any changes in the decision of May 6. The President, as he recollected, "was certain he had agreed to no variance of the original proposition."[10] Therefore, he understood that it was generally agreed that the island of Yap had been exempted from the

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9. N. H. Davis to J. W. Davis, December 4, 1920, Foreign Relations, 1921, II, 267.
10. Senate Documents, 66 Cong., 1 sess., no. 106, pp. 505-506; N. H. Davis to J. W. Davis, Dec. 14, 1920, Foreign Relations, 1921, II, 266.

mandate and reserved for future disposal in connection with the consideration of cable communications.

Nothing more was heard of the matter until the spring of 1920 when preparations were being made by the United States Department of State for the proposed conference on international electrical communications which had been deferred to a later date at the Peace Conference.[11] The interest in Yap was once more revived, especially by the Dutch Government, which became apprehensive of the Japanese control of the cable line from San Francisco to the Dutch East Indies via Yap. In a memorandum to the Department of State dated March 25, 1920, the Minister of the Dutch Government emphasized that it was of vital importance that the above-mentioned cable system be controlled by the two powers, the Netherlands and the United States, and that the mandate of Yap should not be given to a third power.[12]

The Chinese Government was similarly apprehensive and urged the American Government to seek control of the Yap-Shanghai cable. A memorandum of the conversation with the Chinese Counsellor of the Legation by the Assistant Chief of the Far Eastern Division August 9, 1920, expressed the desire of the Chinese Government in the following words:

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11. Foreign Relations, 1920, I, 132-168.
12. Ibid., pp. 115-116; 132-134.

> ...it [the Chinese Government] would be quite satisfied to see the Yap-Shanghai cable allocated to the American Government but that it would be a great disappointment to China if the Japanese were to obtain this cable inasmuch as it would be another link in the efforts of Japan to entirely control the communication service into and out of China.[13]

American business circles were also concerned over the great importance of controlling the cable stations in Yap. The American Asiatic Association, representing the American interests in the Far East, stated in its resolution to the President and to the Senate that it was of

> supreme importance to the commercial interests of the United States of the possession of sovereignty over the island of Yap, so that the cable system radiating from Guam should be subject to no interruption of control, and its development be made possible on the lines best fitted to insure economy and efficiency of service.

In voicing the sentiments of these interests in a letter to Senator Lodge, John Foord, secretary to the executive committee of the American Asiatic Association, made the statement that "some action ought to be taken to prevent so inopportune a bestowal of one of the mandates for the former German islands in the Pacific."[14]

A preliminary conference on international electrical communication was held at Washington, D. C., October 8 to December 14, 1920.[15] The preparation of the agenda as well

13. Foreign Relations, 1920, I, 126-127.
14. Congressional Record, 66 Cong., 2 sess., pp. 4677-4678. See also Eleanor Tupper and George E. McReynolds, Japan in American Public Opinion (New York, 1937), pp. 151-154.
15. Foreign Relations, 1920, I, 132-168.

as the opening sessions of the conference reawakened the American interest in Yap. This led the Department of State to revive the claims raised by President Wilson at the Peace Conference. Thus, starting on November 9, 1920, about a year and a half after the Council of Four had mandated the former German islands to Japan, the United States began a series of correspondence with the Council of the League to set forth its claims.

Simultaneously, the American Secretary of State, Bainbridge Colby, forwarded instructions to the United States Ambassador to Great Britain, John W. Davis, to remind the British Government that the United States had reserved the right to participate in the final disposal of Yap, and that it had clearly understood that the island had not been included in the Japanese Mandate of May 7, 1919.[16] The British Government rejected the American contentions because, it claimed, there was no written record of the exclusion of Yap from the above mandate, and that the mandate had been formally approved by the Council on December 17, 1920. Therefore, it saw no reason for the United States to contest the right of Japan to control Yap as sole mandatory.[17] According to Leslie B. Tribolet's[18] suggestion, Great Britain's

16. Foreign Relations, 1921, II, 263.
17. Ibid., pp. 263-264.
18. Secretary of Convention Committee of the American delegates to the International Radiotelegraphic Conference in Washington during the fall of 1927 and author of The International Aspects of Electrical Communications in the Pacific Area.

unwillingness to support the American claims was due to her desire to prevent American inroads on her cable monopoly in the Pacific and the Far East, and that therefore she followed the divide and rule tactics of supporting the claims of Japan.[19] On the other hand, she had promised to support Japan's claims to the German islands north of the equator in return for Japanese support of her claims to the German islands south of the equator, and therefore could not support the American claims.

Similar replies were also received from France and Japan. Italy was non-committal. Secretary Colby, who succeeded Lansing toward the close of the Wilson administration, and Secretary Hughes, who took office in 1921, tried vainly to rehabilitate the Yap reservation and received no satisfaction in the matter. They maintained that the

> knowledge of the President's desires enjoined on the other parties to the controverted decision the same responsibilities as a condition precedent, that the award of the German islands to Japan had not expressly included Yap; that its rejection of the Versailles Treaty and defaulted membership in the League did not preclude the right of the United States to share in disposing of the spoils of a war that it had played such a decisive part in winning.

But Japan would not alter her stand. France merely suggested a settlement of the controversy be made directly between

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19. Whitney A. Griswold, The Far Eastern Policy of the United States (New York, 1938), p. 267, citing Tribolet's The International Aspects of Electrical Communications, pp. 265-266.

the United States and Japan.[20] But the United States was not content to attempt a settlement on this basis. Resentment was keen over the fact that the one infinitesimal piece of territory in which the United States was interested after the World War was not only denied to her but that the Powers even refused internationalization.

20. Colby to Davis, November 9, 1920; N. H. Davis to J. W. Davis, December 4, 1920, Foreign Relations, 1921, II, 263-287 and I, 14-15, 52, 88, 90-93, 95, 923, 966-967. See also Griswold, Far Eastern Policy of the United States, pp. 265-267.

CHAPTER III

THE UNITED STATES PROTESTS THE YAP MANDATE

On February 21, 1921, Secretary Colby, on behalf of the United States, dispatched a formal note of protest regarding the Yap Mandate to the Council of the League of Nations and requested the latter to reopen the question for proper settlement.[1] The American contentions formulated in Colby's note were discussed by the members of the Council in the strictest privacy and then summarized for publication in the following words:

> The Government of the United States declares it seizes the occasion to send the Council of the League a copy of the note addressed to Earl Curzon, British Minister, on November 20, 1920,[2] setting forth in detail the views of the United States on the responsibilities of mandatory powers. A copy of that note has been sent to the French and Italian Governments.
>
> The United States Government draws the attention of the Council to the requests made in that note that the projects of mandates intended for the Society of Nations, before they were submitted to the Council, be communicated to the United States Government, and that it has precise indications of the principle on which the United States conditioned its approbation.
>
> The United States Government has received the text of the mandates attributed to the Emperor of Japan over all former German Islands situated in the Pacific Ocean north of the equator, which text was approved by the Council of the League December 17, in Geneva.
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> The United States Government declares it has never given its consent that the island of Yap be included in territories subjected to the mandate of Japan.
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> It recalls that it has already so informed the Governments of Great Britain, France, Italy, and

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1. Colby to Wallace (Ambassador to France), February 21, 1921, Foreign Relations, 1921, I, 89-92.
2. Colby to Curzon (British Secretary of State for Foreign Affairs), November 20, 1920, ibid., 1920, II, 669-673. See also N. H. Davis to Wallace, December 1, 1920, ibid., p. 674.

> Japan, informing them at the same time that its reservation rested upon the opinion that Yap enters necessarily into any project or system of practical communication by cable in the Pacific, and that no Power can limit or control its use.
>
> Consequently, the United States Government is moved to declare respectfully that it cannot regard itself as bound by the terms of said mandate and desires particularly that note be taken of its protests against the decision of the League Council of December 17 upon this question.
>
> At the same time it asks the Council, whose action resulted evidently from an inexact representation of the facts, to submit the question to a new investigation which an equitable solution requires.[3]

The dispatch of the note to the League asserting the right of the United States to participate in the disposition of the mandates under the League Covenant, gave rise to a considerable amount of comment and inference among the foreign newspapers. The Petit Parisien said, "some statesmen see in the note the possible reentry of the United States in the League." Other more prudent comments were that President Wilson's term of office was nearing its end, and the Republican Party had spoken too badly of the League to permit favorable reconsideration of the matter in such a short interval of time before the new administration was inaugurated. It was suggested that if the United States were given more time it might reconsider and join the League of Nations.[4]

After the note of protest had been made public by Secretary Colby, the American press remarked that it was

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3. Colby to J. W. Davis, Nov. 17, 1920; Bell (Chargé in Japan), to Colby, Nov. 19, 1920, Foreign Relations, 1921, II, 263-264.
4. New York Times, Feb. 24, 1921.

one of the strongest documents ever written by the outgoing administration in defense of American rights.[5] The note stated, most emphatically, the fact that

> as one of the "Principal Allied and Associated Powers" the United States has an equal concern and an inseparable interest with the other Principal Allied and Associated Powers in the overseas possessions of Germany, and concededly an equal voice in their disposition, which it is respectfully submitted cannot be undertaken or effectuated without its assent.

It also disclosed for the first time that prior to the assignment of the mandate to Japan, in which the United States had not been adequately consulted, the State Department had sent a series of notes to the Principal Allied Powers asserting America's claims.[6]

The fact that the United States had not been heard in the granting of mandates was a challenge to the "validity" of all decisions reached by the Powers disposing of the Mesopotamian, Syrian, and Palestine mandates as well as that covering Yap and the Pacific Islands. The American insistence upon the publicity of mandates revealed that the Allied Powers had already made mandate rules without considering the United States, and that the texts of the mandates had never been submitted to the American Government, which had to obtain them through other sources. The Government of the United States also challenged the accuracy of

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5. New York Times, Feb. 25, 1921.
6. Colby to J. W. Davis, Nov. 9, 1920; Ambassador J. W. Davis to N. H. Davis, Nov. 17, 1920; Bell to Davis, Nov. 19, 1920, Foreign Relations, 1921, II, 263-264. Also see Sforza (Italian Minister of Foreign Affairs) to Johnson (Ambassador to Italy), Dec. 24, 1929, ibid., p. 270.

a statement made in the mandate to Japan that "the Principal Allied and Associated Powers" had "agreed" to that mandate by pointing out that the United States, which was a Principal Associated Power, had never agreed to that mandate, and had never agreed that Japan should have a mandate over all the former German islands in the Pacific lying north of the equator. It not only denied that the United States had ever given its consent to the inclusion of Yap in any proposed mandate to Japan, but, on the contrary, stated that President Wilson particularly stipulated that the question of the Yap disposition should be "reserved for future consideration." It insisted that Yap constituted an indispensable part of any scheme or practicable system of cable communication in the Pacific, and that its free and unhampered use should not be limited or controlled by any one power. The note reiterated

> the principle that in establishing mandates the victorious powers created trusts, and that before a definition of the powers of the mandatories can be binding there must be an agreement among all the interested nations, including the United States, having authority to declare such definitions, the authority deriving from the victory over the enemy powers.

It was also stated that this point of view held by the United States had never been directly challenged by the Allied Powers. The note to the Council of the League did not declare that the United States would never recognize a Japanese Mandate over Yap, but affirmed that the American

Government would not recognize the mandate in its present form.[7]

The Council, in acknowledgment of the Colby note on March 1, 1921,[8] handed a conciliatory reply to the American Ambassador at Paris, who, in turn, forwarded it to Washington. This was received by the State Department on the following day. The note conceded to the United States the right of consultation in determining the mandates which was its due as one of the "leading actors both in the war and in the negotiations for peace." But, it also declared that the fact that the United States had "so far abstained from ratifying the Peace Treaty and had not taken its seat on the Council of the League" had brought about a complicated situation. The Council had also taken several decisions with regard to mandates, which it confidently hoped would commend themselves to the American Government. It had already determined on February 21, before the receipt of the American note, to postpone the consideration of the "A" Mandates for the former Turkish possessions including Mesopotamia, and it was also deferring the "B" Mandates until the next session, which would probably take place in May or June. The Council invited the United States to participate in the discussions at this meeting when the

7. Colby to Wallace (Ambassador to France), Feb. 21, 1921, Foreign Relations, 1921, I, 89-92.
8. Gustao Da Cunha (President of the Council of the League of Nations) to Colby, Mar. 1, 1921, Foreign Relations, 1921, I, 93-95.

final decisions for the "A" and "B" Mandates would be made.

Regarding the third class of mandates, the "C" group which included the former German possessions in South Africa and the Pacific, the Council dodged the issue by placing the responsibility of the actual allocation upon the Allied Supreme Council. It declared that the awarding of all the mandated territories was a function of the Allied Supreme Council, and that the League Council was concerned only with the administration of these territories. Since it had been notified in the name of the Allied and Associated Powers that all the islands north of the equator had been mandated to Japan, the Council was merely fulfilling its duty of defining the terms of the mandate. Consequently, if any misunderstanding existed as to the allocation of the island of Yap, that misunderstanding would seem to be among the Principal Allied Powers rather than between the United States and the League. However, in view of the American contention, the Council of the League had hastened to forward the American note to the Governments of Great Britain, France, Italy, and Japan. The Council hoped that the explanations would prove satisfactory to the American Government, and that reciprocal goodwill would find a solution in harmony with the generous spirit which inspired the principle of mandates.[9] As quoted by Bemis, from the April

9. Gustao Da Cunha to Colby, Mar. 1, 1921, Foreign Relations, 1921, I, 95. See also Current History, XIV (1921), 103-104.

2, 1921, number of Millard's Review: "this technicality in its admission takes the mandate power out of the hands of the League, weakens its functioning and gives the United States even greater grounds for her present action."[10]

After President Harding was inaugurated, the new administration once more reiterated the definite stand taken by Secretary Colby, regarding the Yap Mandate. On April 2, 1921,[11] Secretary Hughes, who succeeded Colby, addressed to the Supreme Council Powers an identical note concerning the necessity of consulting "his Government" about mandates and especially concerning the status of Yap. He quoted in full a memorandum left at the State Department by President Wilson on March 3, 1921, the day before he went out of office, whereby the President carefully recorded his specific reservation regarding Yap: that the island should be internationalized for communication purposes; that he had never abandoned or modified that position; and that the consent of the United States should be given to both the assignments of mandates and the terms and provisions of such mandates.[12] The Japanese reply to the American note contended that if there had been any such reservation, it had been made in bad faith. It also argued

10. Bemis, "The Yap Controversy," p. 323.
11. Hughes to Bell, April 2, 1921, Foreign Relations, 1921, II, 279-283.
12. Ibid., p. 281.

that the assignment of Yap as a mandated area to Japan by the Supreme Council, May 6-7, 1919, was valid and final, but it did not mention the control of the cables which was the main object of the American protest.[13]

France, replying to Secretary Hughes's note, definitely placed on record its peace delegation's recollection of Wilson's Yap reservation. However, it reserved its final answer until after a more thorough discussion of the matter with the other Council Powers at the next conference, where the French Government would champion the American cause and approach the meeting with "an ardent desire to find a solution satisfactory to the United States." Furthermore, the French note stated that

> President Wilson and Secretary Lansing in the course of the Council meetings, which preceded the meeting of the Supreme Council on May 7, 1919, had formulated in the presence of Baron Makino of Japan "catagorical reservations" on the subject of Yap; that the Japanese representative had not raised any objection to the discussion of the question raised by the United States, and that consequently the Japanese Government had knowledge of the American reservations.[14]

Thus was the President's memory unreservedly corroborated and a lucid denial of the ignorance of the Japanese Government as to the American reservation made. Italy, professing to understand the American note as a plea for the Open Door Policy in Yap, declared that she "completely agreed

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13. Bell to Hughes, Feb. 27, 1921, Foreign Relations, 1921, II, 272-276.
14. Wallace to Hughes, April 9, 1921, ibid., pp. 283-284.

with the text of the American note."[15]

On the other hand, Great Britain and Japan delayed their answers. Meanwhile, Prince Hirohito, the heir to the Japanese throne, paid a visit to Great Britain. The Anglo-Japanese Alliance, which was due to expire on July 13, 1921, had become more and more strained, and discussion of its renewal was now a problem which confronted the British Empire.

. Coincidentally, the meeting of the British Imperial Conference was due at London and the renewal of the alliance had to be considered, for by its terms it was to continue automatically after the end of the ten-year period unless denounced one year in advance by either party. Prior to this conference and after Prince Hirohito's visit a notice was given by the State Department at Washington that Japan had sent a friendly communication which made possible a continuation of negotiations concerning Yap Island. Since a corresponding reply had not been sent by Great Britain, this suggested to some observers a difference of opinion between the two allies of the Pacific, which had not been reconciled by the state visit of Japan's representative. This became more evident when the Imperial Conference could

15. The Italian Embassy to the Department of State which was handed to the Secretary of State by the Italian Ambassador, April 29, 1921, Foreign Relations, 1921, II, 287.

not agree on the Anglo-Japanese Alliance.[16] It meant that Great Britain had to choose between deserting her erstwhile ally or shaking the foundations of Anglo-Saxon solidarity upon which rested the securest hopes of the peace of the world and upon which was based also the unity of the British Empire. It was suggested that, since the two allies could not agree, Great Britain and Japan ought to confer with the United States to consider the problems of the Pacific.[17] But the Anglo-Japanese Alliance was to continue technically. Under cover of an international conference, that at Washington in 1921-1922, Great Britain was able to break away from an embarrassing alliance without appearing to desert an erstwhile ally. Consequently the conference called at Washington was not only for the purpose of discussing the problems of the Pacific and disarmament but to enable the British Empire to find a substitute for the Anglo-Japanese Alliance.[18]

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16. Premier Hughes of Australia, fearful of Japan, was entirely in favor of a renewal of the Anglo-Japanese Alliance. Canada's Premier Meighen, on the other hand, was definitely opposed and it was largely due to his skill that the British Empire sought a way out of the alliance. The United States also worked to break the dual alliance, not because of fear that Britain would join Japan in an American-Japanese war in the Pacific, but for fear that Britain would allow the Japanese a free hand in Asia.
17. Harvey (Ambassador to Great Britain) to Hughes, July 8, 1921, Foreign Relations, 1921, I, 19-21.
18. Hughes to Harvey, July 8, 1921, Foreign Relations, 1921, I, 18; Hughes to Harding, July 9, 1921, ibid., 21-22. See also Bemis, "The Yap Controversy," pp. 322-324.

Meanwhile the American public "had it impressed upon it that Japan should not have control of the Island of Yap." This opinion was proclaimed in editorials in the New York Times and other American newspapers such as the New York Evening Mail, the New York American, the Indianapolis News, the New Orleans Times-Picayune, the San Francisco Chronicle, and the Los Angeles Times.[19] Magazine articles also urging American rights in Yap were published in the American Review of Reviews, Collier's National Weekly, Current History, Current Opinion, the Independent, the Literary Digest, the Nation, the New Republic, the Outlook, and other journals.

Stressing the necessity of having Yap as a cable station the Nation on September 6, 1919, remarked satirically:

> We are not after Yap in order to make it safe for democracy, or even to assure it self-determination.... "It is one of the bases and centres of cable and radio communication in the Pacific,"....It is not the Bureau of Education but the United States Navy that is interested in Yap---with the idea, no doubt, that it will make a quiet and secluded spot for an old sailors' home now that world peace is understood to be at hand and our sea power is presently to be reduced. But one may venture to predict that for other Americans the value of Yap will be something different;

and the Nation asked, why not popularize our demand for Yap with the following song:

> Give us Yap! Give us Yap!
> The Yanks have put it,
> The Yanks have put it,
> The Yanks have put it,
> On the Map![20]

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19. Tupper and McReynolds, Japan in American Public Opinion, p. 152.
20. The Nation, CIX (Sept. 6, 1919), 328.

"It would hardly be correct to imply that this song swept the country."[21] But the American public increased its demand that we hold on to our rights in Yap as a means of thwarting Japanese imperialism. Newspaper headlines gave more publicity to the word "Yap" and eventually it became a household word throughout the country. Moreover, the Yap controversy "loomed large on the Pacific horizon as a symbol of mounting tension between the rival Powers on either shore."[22]

American business circles were also deeply concerned over the importance of the control of the cable stations in Yap. As quoted in the American Review of Reviews, November, 1919, Millard's Review of September, 1919, which was interested in the final disposition of the cable station, stated that "American business in China for the last two years has been sadly handicapped by the cable situation." In many cases it had been quicker to send messages by mail than by submarine wire. Now several months after the close of the war, the situation was still intolerable. Delays averaged from six to fifteen days. It had been maintained by managers of responsible American firms in Shanghai, the report in Millard's Review continued, that their business would have been increased one-third in

21. Dulles, Forty Years of American-Japanese Relations, p. 148.
22. Ibid., p. 149.

volume if the cables had been up to pre-war strength. Another provoking situation which caused the cable delay was the breakage of the cables, just off the China coast. This was charged to Chinese pirates who, it was claimed, had been instigated by unknown sources. At other times the breakage occurred in the deep sea near Guam. This situation had never prevailed before the war yet after the war was over it had become a regular occurrence. The Japanese merchants, on the other hand, had benefited in almost equal proportion to the discomfiture of American firms. This advantage over the Americans was due to the good cable service between China and Japan and the efficient wireless connections between Japan and the Pacific Coast as well as the use of the Japanese ship wireless in getting their business across to their American connections.[23] In consideration of these facts the American Asiatic Association, representing the American interests in the Orient, presented a resolution to the President and to the Senate voicing its opinion that American control over the Yap cables was necessary to protect the commercial and economic interests of the United States.[24]

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23. The American Review of Reviews, LX (November, 1919), 540-541.

24. Congressional Record, 66 Cong., 2 sess., pp. 4676-4677. See also John Foord, "The Island of Yap," Asia, XX (July, 1920), 621-623; George T. Odell, "The Cable Control Controversy," The Nation, CXII (Feb. 2, 1921), 160-170.

The New York Times on February 27, 1921, remarked that "the future commercial expansion of the United States requires communications with Asia that will not be under the control of any competing nation." The United States, it continued, was determined to emancipate its Pacific and Atlantic communications and prepare for American communications in the Pacific as well as the Atlantic. The experiences of the recent war, in which the cables had been entirely at the disposal of the Allied belligerents, had brought about conditions that the American Government had declared to be intolerable.

The Outlook on May 4, 1921, remarked that the American public would welcome the definite position taken by Secretary Hughes to assert the American rights of consultation in the Yap Mandate. Although Hughes's note related to "the tiny island of Yap, its application is world wide," for he not only notified Japan that the United States would maintain its right of consultation in the final disposition of Yap, but he also notified the Principal Allied and Associated Powers of a new "American Bill of Rights," which was a declaration that "League or no League, the United States has international rights and will maintain them."[25]

25. The Outlook, CXXVIII (May, 1921), 11-12.

CHAPTER IV

JAPAN REPLIES TO THE AMERICAN PROTEST

From the beginning of the Yap controversy, the Japanese Government insisted that it was entitled to the rights and interests formerly held by the Germans in the mandated islands north of the equator, and that it would continue to defend its claim. Such was the attitude of Japan as revealed by Foreign Minister Viscount Uchida in the Diet in answer to an inquiry made by Kotaro Mochizuki, a leader of the opposition party, concerning the outcome of the Japanese-American negotiations regarding the disposition of Yap. "When the mandates were considered," the Foreign Minister continued, "President Wilson voiced his protest, but when the final decision was made the United States made no reservations, and Japan could only adhere to her policy to the end." He, therefore, considered the question of the Yap Mandate to be definitely decided.[1]

In a note addressed by Foreign Minister Viscount Uchida to the American Government on February 26, 1921, he set forth the Japanese Government's point of view in reply to the American contentions:

1. That no Japanese delegates were present at the meetings of the Supreme Council of April 21, May 6, and May 7; therefore, the Imperial Government had no means of

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1. New York Times, March 9, 1921.

ascertaining the utterances of the American delegates on those occasions; that, assuming they were as claimed, they were merely the expressions of President Wilson's or Mr. Lansing's opinion, and were valueless unless proven to have been accepted by the Council, and that views previously expressed by the delegates before a decision was made were not necessarily reservations attached to such a decision; further, that the Yap Mandate must be judged by the decision of May 7, and previous utterances must be regarded as only preliminary conversations of no cogency as to qualify or limit the decision. This view was strongly supported by the fact that the Imperial delegates had never expressed their agreement with those views and that Baron Makino had distinctly disagreed with them at the meeting of the Foreign Ministers on April 20, 1919.

2. That instead of the specific designations of Yap in the mandate being required, sound interpretation would require that it be specifically excluded, if that were meant, as an exception must be definitely stated; that, if a decision to exclude Yap, on which the Japanese delegation had maintained a firm attitude, had been made on May 7, 1919, when Japan was not represented, it would have been an act of bad faith which was inconceivable to the Imperial Government; that Japan had notes from Great Britain and France supporting this interpretation; and the words 'certain islands' used by Mr. Lloyd George at the Supreme Council

meeting of May 6, 1919, did not tend to prove the exclusion of Yap since there were "other islands in the South Pacific north of the Equator which did not belong to Germany;" and that only what appeared on the face of the decisions should be accepted as authoritative in such a grave matter, and no unusual interpretation on vague grounds as to the interest of a Power, not expressed in the text, should be accepted.

3. That the decision of May 7, 1919, was made public on the following day, and if it differed from the American conception of its meaning, an immediate protest would have been expected from the United States, but none followed until more than a year and a half had elapsed; and that this rule did not apply to President Wilson's statement to the Senate Committee on Foreign Relations on August 19, 1919, as one case was the publication of an international agreement while the other was a purely domestic affair. If the published text should be erroneous or different from the understanding of one party it was incumbent upon it to rectify the error. However, the fact that no nation or third Power made any adverse comment against the President's view did not have any bearing on the matter.

4. That the language as to the proceedings in case of any dispute in the draft of the mandate submitted to the Supreme Council on December 24, 1919, was solely to provide a means of settlement in case of any dispute as to

boundaries or the assignment of lands. Similar provisions were also included in all the original draft mandates. If the American contentions were upheld, all the mandatory territories would be honeycombed with exceptions or exclusions.

5. That whether or not Yap, though under mandate to Japan, should be freely opened to other powers for the landing and operation of cables, was a matter exclusively for Japan to decide. Moreover, Colonel House at the meeting of the Commission on Mandates on July 8, 1919, opposed Viscount Chinda's claim that the Open Door Policy should be guaranteed in mandates belonging in Class C as well as in Class B. Therefore, the United States Government could not justly contend for this policy in the Class C territories, at least as against Japan. The latter could not consider herself bound in any way to recognize the rights of other governments in regard to the matter of cables.[2]

The Japanese newspapers also supported their government in maintaining the above attitude. The Tokyo Nichi Nichi took the view that the United States was in no position to interfere, because it did not ratify the Peace Treaty and therefore was not a member of the League of Nations. But, it continued, it would be immoral not to consider the

2. Bell to Davis, February 27, 1921, Foreign Relations, 1921, II, 272-276. See also Charles Noble Gregory, "The Mandate Over Yap," American Journal of International Law, IV (July, 1921), 419-429.

American contentions in view of America's part in winning the war.[3]

The following comments taken from editorials present the Japanese side of the Yap controversy. They were taken by Mr. K. K. Kawakami[4] from the translations published in the Japan Advertiser, an American daily paper published in Tokyo: "From the purely logical point of view the American claims are unreasonable," commented the Osaka Asahi on December 4, 1920. Before the United States entered the war, the editorial continued, the German cables in the Pacific were occupied by Japan, Great Britain, and France; and Germany, because of her defeat, forfeited those cables under the Peace Treaty. It was natural, therefore, that the control and ownership of the cables should go to those who had occupied them. Moreover, the British and French Governments, which had been indebted to the United States for moral and financial support during the war, had opposed the American claims to the cable rights. Japan had never received any financial aid from the American Government, and she, therefore, felt that her rejection of the American claims was not a breach of international courtesy. The

3. New York Times, Feb. 28, 1921.
4. Mr. Kawakami is a journalist and the author of In World Politics (New York, 1921), What Japan Thinks (New York, 1921) and Japan's Pacific Policy (New York, 1922). He served as a political science fellow in 1903 in the State University of Iowa and was correspondent for the New York Herald Syndicate at the Conference on Disarmament in Washington, D. C. 1921-1922.

Powers had been compelled to tolerate the American interference because the German cables had been abandoned for the benefit of the "Principal Allied and Associated Powers," (a term which implied the inclusion of the United States). Japan could only continue the stand which she had so far taken. The only ground for America's claim was that its communication lines to the Philippines and China would be inconvenienced should its Pacific cables break down while the Yap cables were monopolized by Japan. After considering this argument, Japan doubted whether the true desire of the American Government was to share the control of the Yap cables. If America were apprehensive only of its communications, then, it could lay down its own cable from Guam to Shanghai or the Philippines by using a small portion of its naval expansion funds. Therefore, Japan contended that the United States was not really concerned with only the cables, but with Japan's administrative control of the island of Yap. Should Yap become a base for the American Pacific or Asiatic Squadron it would be a strategic point along the line of American communication with the Philippines and would consequently guarantee the security of the American possessions in the Pacific. Otherwise, Yap under Japanese control, would constitute a sort of menace to the defense of those possessions. Therefore, the United States should alter its "aggressive attitude regarding the naval policy" if

it intended to carry through its claims. Moreover, it would be unreasonable to place the blame on Japan only for the disagreement regarding the disposal of the Yap cables.

The Tokyo Hochi of February 13, 1921, expressed the same opinion regarding the difficulty encountered in settling the Yap problem, which concerned not only the disposal of the cables, but also the question of mandatory rule for the former German possessions north of the equator. Although the latter question had been decided at the Council meeting of May 7, 1919, when Japan was not represented, it was difficult to understand why Japan had been excluded from the conference, especially as she had a vital interest in the islands. It was at that meeting, it was claimed, that President Wilson voiced his reservation for the future disposal of Yap. There had been no minutes of the proceedings of the meeting, and no reference to it in the Council secretary's memorandum to Mr. Lloyd George, nor was there any knowledge of the President's reported conversation. The Japanese contended that it was unreasonable that Japan had not been allowed to participate in the May 7 meeting, and that in consequence she did not have to recognize the reported reservation of the United States, concerning which she had never received any formal notice. Furthermore, no objections had been raised when the question of the Class C Mandate for the former German islands north of the equator

had been decided in favor of Japan December 17, 1920. Thus, Japan should be granted the same Class C Mandate for Yap as well as for the other islands. However, the United States had been aiming at the internationalization of the island, and with that object in view, it had objected to Japan's getting the Yap Mandate, and had been trying to prevent Japan's monopolizing the cables. In consideration of these circumstances the issues involved had become very serious and complicated. As the will of America had been uncompromising, there should be no optimism regarding the future of the problem. If the question concerned only the disposal of the cables, then the settlement would be easy as was the case with the Atlantic cables, but the fundamental object of America had been to internationalize Yap. If this American claim should be entertained, there would be no use in Japan's acquiring a few cables.

The Tokyo Yorodzu, March 4, 1921, was more critical in its attack upon the attitude of the United States. It emphasized the fact that the American Government had refused to ratify the Peace Treaty and the League Covenant, yet spoke as if it were a member of the League, and tried to reject the League's decisions by basing its claims on the statements of its President without any corroboration in the records of the League's proceedings.

The Tokyo Chugai Shogyo, March 5, 1921, remained firm in asserting Japan's right to her mandatory rule and the

control of the cables in Yap. It would mean a "loss of the authority of the Supreme Council of the Allies and a great humiliation on Japan's part" if the decision of the Supreme Council had to be altered by reason of the protest of America, a non-member of the League of Nations.

The Tokyo Nichi Nichi on March 8, 1921, assumed an apologetic and optimistic point of view. It hinted that there could be a compromise for the control of the cables if they constituted the only issue, but the American protest aimed at the mandatory rule of Yap would mean lack of confidence in the League Council. "It is regrettable that some of the statesmen and militarists of the two countries are trying to increase the dark clouds hovering between Japan and America rather than to dissipate them." For instance, America and Japan had been strengthening their military, naval, and aerial defenses in the Pacific. This fact should be taken more seriously by the proper authorities of the two countries in trying to settle the Yap question.

The Tokyo Asahi, March 8, 1921, expressed the view that America was a neutral when the agreement to cede the German islands north of the equator to Japan was transmitted by the British Government on February 16, 1917, and similar promises were given by the French Government on March 3, 1917, and by the Russian Government on March 21, 1917. From Japan's point of view America should recognize those

pledges, although they were unknown to the American Government at the time it entered the war.

The Tokyo Hochi, March 27, 1921, declared that the more insistently the American Government pressed its claims to the cables, the more strongly Japan would assert herself.

The Tokyo Yomiuri, March 28, 1921, stressed the fact that the United States had not raised any objections to the former German control of the Yap cables. Yet, when Japan was to land her cables there, the United States suddenly interfered. This discriminatory act could not but wound the feelings of the Japanese and would strain the traditional friendship between the two countries.[5]

The Japanese Foreign Office in an official statement answering the American criticism of the mandate for Japan declared,

> it might as well be said that the United States obtained control of the Atlantic seas by the purchase of the Virgin Islands as to say that by the mandate to the islands in the South Pacific Japan has staked a sea area of four million square miles from Kamchatka, in the north, to the South Pacific Islands.[6]

Other, but more encouraging, remarks in the Japanese Press stated that in diplomatic circles the prevalent impression was that "every effort would be made to reach a settlement mutually satisfactory to the powers concerned." The Government, according to the Asahi Shinbun, had been

5. K. K. Kawakami, What Japan Thinks (New York, 1921), pp. 225-237.
6. New York Times, March 26, 1921.

considering the advisability of appointing a special commission with the above view in mind.[7]

"The dispute over the Island of Yap will be settled through diplomatic channels," was the opinion expressed by Dr. Toyokichi Iyenaga, Director of the East and West News Bureau, in the course of an authorized statement from the Japanese viewpoint which he had been requested to prepare for consideration by American readers. This expression of a peaceful settlement was regarded by some as a semi-official reflection of the Japanese views.[8]

By the summer of 1921, a very dangerous state of mind had developed on both sides of the Pacific. The daily press, and even the more thoughtful publications, of both America and Japan had indulged in such reckless and unrestrained criticism of the conduct and policies of the other country that the traditional friendship between the two countries seemed to have completely disappeared.[9] Public interest was aroused over the controversy between the United States and Japan. "The general attitude of the American Press was that it would be intolerable for us to have to submit our cable dispatches to the Philippines and the Far East to the official censorship of the Japanese

7. New York Times, April 23, 1921.
8. Ibid., April 24, 1921.
9. Payson J. Treat, Japan and the United States, 1853-1921, Revised and Continued to 1928 (Stanford, 1928), p. 258.

Government."[10] It gave "the Yellow Peril advocates a chance to say something."[11] In fact, all the old-time animosity against Japan was revived.[12] Part of the Japanese Press was equally unrestrained.[13] However, an American editorial in The Nation under the title of "Yap for Yappers" ridiculed the size and character of the island, but stated that the American desire to have this pin-point isle was from a "naval point of view." It also suggested that the Americans wanted Yap because the United States had placed it on the map.[14]

Meanwhile, the British Imperial Conference which had opened in London on June 20, 1921, had decided to relinquish the Anglo-Japanese Alliance of 1905 in favor of a general understanding to be effected at a proposed conference on Pacific affairs among the United States, Great Britain, Italy, and Japan.[15] At this juncture, the Harding administration approached the governments of the four powers on the subject of a conference to consider limitation of armaments. The scope of the discussion was broadened to include the Pacific and the Far Eastern questions. On July 10, 1921, the State Department announced that the Principal Allied and Associated Powers had approved the conference. Consequently, formal invitations to these

10. Current History, XIV (April, 1921), 108-110.
11. Current Opinion, LXX (Apr. 21, 1921), 443-446.
12. The Literary Digest, LXVIII (Mar. 12, 1921), 16-17.
13. Ibid., LXIX (Apr. 30,1921), 17-18.
14. The Nation, CIX (Sept. 6, 1919), 328.
15. Griswold, The Far Eastern Policy of the United States, pp. 287-289.

nations were dispatched August 11, 1921, and the opening date for the conference on November 11, 1921, was announced. China was also invited on the same day to participate in the discussion relating to Far Eastern problems. Belgium, the Netherlands, and Portugual were not invited until October 4.[16] Every one of the powers who were invited to the conference, entered it willingly, except Japan.[17]

The Japanese press was full of lamentations. The "imperialist Kokumin stated that the Washington Conference was a 'plot' to place Japan at the mercy of the United States and England." The Yorodzu said that "the Pacific Conference was linked up with America's 'ambition' in China, and that the 'solution' of such problems was intended to end in stripping Japan of all influence, and placing China at America's mercy."[18] Despite all the protests against the conference, the Japanese finally accepted America's invitation on July 26 after she had proposed the policy of limiting the scope of the agenda so as not to affect her spheres of special influence in the Orient.[19]

The preparation and discussion of the agenda, nevertheless, conformed to the wishes of the American Government in so far as the original purpose of the summoning the

16. Hughes to Harvey, July 8, 1921, Foreign Relations, 1921, I, 18.
17. Bell to Hughes, July 13, 1921, ibid., p. 31.
18. Raymond Leslie Buell, The Washington Conference (New York, 1922), p. 149.
19. Bell to Hughes, July 26, 1921, Foreign Relations, 1921, I, 43-45.

conference was concerned---namely, to discuss limitation of armaments and the Pacific and Far Eastern questions.[20]

20. The Agenda, Foreign Relations, 1922, I, 312-313.

CHAPTER V

NEGOTIATIONS FOR A SETTLEMENT OF THE YAP CONTROVERSY

After the attitude of the Japanese Government regarding the American opposition to the Japanese control of the Yap Mandate and its cables had been revealed by Foreign Minister Uchida in a confidential note dated February 26, 1921, to the Charge in Japan, Bell, the note was forwarded to the State Department.[1] Upon receipt of this correspondence, Ambassador Kijuro Shidehara, in a conversation with Under Secretary Norman H. Davis,[2] expressed his desire to understand more clearly the previous proposal recommended by the latter with regard to the disposition and operations of the ex-German cables in the Pacific. Mr. Davis informed Ambassador Shidehara that his suggestion had been as follows: first, that the Guam to Yap cable should be ceded to the United States; secondly, that the Yap to Manado cable be ceded to the Netherlands in settlement of all Dutch interests in the three cables; and lastly, that the Yap-Naba-Shanghai cable be ceded to Japan. The above proposed division was conditional upon an understanding among the owners of the three respective cables that they would have

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1. Bell to Davis, February 27, 1921, Foreign Relations, 1921, II, 272-276.
2. Mr. Davis was Under Secretary of State until March 7, 1921. The memorandum of his conversation with the Ambassador on March 17, 1921, was received by the Department of State as an enclosure to his letter of March 18, 1921, to Secretary of State Hughes. The letter was not printed.

complete control of the cable operations at both ends; that the United States and the Netherlands should not only operate their cables but should be free from supervision, control, or taxation; and that every right be extended to the employees who might reside at Yap. Furthermore, he suggested that a satisfactory arrangement should be made whereby the Yap-Naba-Shanghai cable could be used for service through to China which might be desired by the Yap-Guam line.[3]

Ambassador Shidehara then wished to know whether all the American demands concerning Yap and the cables would be satisfied if Japan consented to the proposed arrangement. Mr. Davis replied that it would meet the demands regarding those specific ex-German cables but not the demands regarding the status of the island of Yap. He also added that Yap should not go to any single Power; that it should be internationalized for cable purposes; and that it was unfortunate that the Japanese Government should contend that the American Government, "even on a technicality, had ever consented to Japan having the Yap Mandate, because such a contention could not prosper and it would

3. Memorandum from the Japanese Embassy to the Department of State, September 15, 1921; Hughes to Shidehara, September 28, 1921; Shidehara to Hughes, October 6, 1921, Foreign Relations, 1921, II, 307-313. The latter suggestion was made to facilitate transmission of messages between the United States and Japan in case of disrupted service on the Tokyo-Bonin line and was later incorporated in an Executive Order, Dec. 24, 1921, to provide for the provisional use of the Naba-Yap-Guam Cables.

merely result in the Japanese Government being charged by its opponents with giving in to the United States." Furthermore, he continued, that on the assumption that the alleged decision of May 7 might be construed as conferring the Yap Mandate upon Japan, this would necessarily have been subject to a subsequent agreement as to the terms of the mandate, and that the United States had never consented to such terms without which there could be no definitive agreement.

Shidehara then expressed his anxiety for a quick settlement of the controversy which, if delayed any longer, would be more difficult to settle. He therefore wondered whether a compromise could be reached whereby the United States would consent to Japan having the mandate over Yap upon conditions satisfactory to the American desires regarding cable facilities. He also remarked that his Government had to consider public opinion and would desire to avoid the appearance of being "forced to give in to the United States." Mr. Davis suggested that he might be inclined to recommend that the island be internationalized but that Japan have the nominal mandate over Yap as agent of the interested powers, upon conditions, however, which would in fact internationalize the island; that the island should not be fortified and that nothing should be done which would interfere with the cable communications; and that the United States, the Netherlands, and any other

Power should be given free and unhampered access to the island for the landing and operation of the cables.

After considerable discussion Ambassador Shidehara stated that he was not authorized by his Government to make any such proposal but that he thought it would be easier for his Government to consent to such an agreement provided it could be presented to the Japanese Diet in such a way as to avoid criticism for giving in to the United States. He added that it occurred to him that this could be accomplished by America's allowing Japan the right to land and operate cables on some American island, such as those agreed upon with England and Italy. In reply to this suggestion Mr. Davis recommended that Japan join with England, Italy, and the United States in the agreement reached by the delegates of these three countries in the Cable Conference for a recommendation to their respective Governments. This recommendation was to the effect that any unfortified island owned by such Governments might, upon application, be used for the landing of a cable by one of the other three Governments. This recommendation was rejected by Shidehara on the grounds that the Japanese Government would not like to enter such a general arrangement. Under Secretary Davis then maintained that the United States would never consent to any such stipulation of allowing Japan to land and operate cables on some American island in connection with the settlement of the Yap controversy, because this might be considered as a <u>quid pro quo</u>

(one thing for another) for a concession from Japan, which the American Government did not for a moment admit that Japan alone had the right to grant or refuse. He also added that he would be willing to have two distinct agreements, and not link one with Yap. Under Secretary Davis assured Shidehara that he would be glad to recommend any reasonable arrangements which would assist Japan in meeting the American views regarding Yap. He stated further that he would be glad to recommend a reciprocal arrangement by which Japan and the United States might land and operate a cable on an unfortified American or Japanese island. Since Japan comprises many islands, Shidehara said that he would communicate further with his Government.[4]

On June 3, 1921, Ambassador Shidehara upon instruction from his Government conferred with the American Secretary of State, Charles Evans Hughes, to ascertain more definitely the American position regarding the question of Yap. Since the mandate covered other islands north of the equator, he desired to know whether the United States claimed an interest in those islands.

In reply Secretary Hughes made the following statements: that the principle was of general application to all the overseas possessions of Germany, and that there was no reason for denying the United States an equal participation. How-

4. Memorandum by Davis, March 17, 1921, Foreign Relations, II, 276-279.

ever, the United States in maintaining the principle of equal participation had no desire to advance it for the purpose of obtaining territory or of increasing its possessions, but merely for the purpose of protecting its interests so that there should be no denial of equal opportunity through the exclusive use of the former German possessions by any of the other Powers. Hughes remarked that he could not conceive of any reasonable grounds for attempting to deprive the United States of equal privileges in those German possessions; that as far as the other islands north of the equator were concerned, the United States had no interest with respect to which it desired to make representations; but that Yap, being located in a strategic position, the American Government maintained that it should have the same rights and privileges enjoyed by the other Powers.

Shidehara then reviewed the proceedings of the Supreme Council and stated that after a great deal of discussion the islands, including Yap, had been awarded to Japan without any reservations; that the United States made its protest more than a year after the decision of mandating the islands to Japan; and that this allocation had been known by the people of Japan; and that if it appeared that Japan surrendered what was regarded as already hers as a result of the American protest, it would make a bad impression; and that to do this would be humiliating to her

Government and that the people of Japan would not permit it. Hughes could not refrain from calling the Ambassador's attention to the fact that, if Japan had consented to the American desire of equal participation in the island when the question was first brought up, especially after recognizing the fact that the United States was only concerned with Yap because of its advantageous position for communication purposes, it would have created a most friendly feeling throughout the United States.

Shidehara seemed to acquiesce with Hughes's point of view, but continued that the people of Japan had been led to believe that the island was theirs and therefore the Government could not take a contrary view. Secretary Hughes then said that the opinion of the people of the two countries should always be considered in adjusting their relations and since the consensus of opinion in America had been to insist upon equal opportunity in the former German possessions, this should also be taken into consideration when suggesting a settlement of the controversy.

With regard to the cables, Shidehara said that an agreement could be reached; for example, the Yap to Guam line could be ceded to the United States and the others equally divided. Hughes said that the question did not relate merely to those cables already in existence but to all future rights, and not only to cables but to radio stations and all methods of communication. Shidehara said

that as far as radio was concerned, Guam, which was only two hundred miles away, would serve the purpose just as well as Yap. He also desired to know whether the United States would be satisfied if it had rights for existing and all future cables that it might want to lay. He stated that the internationalization of the island for cable purposes could be arranged but if the United States pressed for anything more, it would be extremely difficult to accede to the American desires.

Hughes said that if there was anything that the island could be used for aside from cables, he saw no reason for excluding the United States from an equal opportunity for such use. In answer to the question as to whether Japan desired to fortify the island, Shidehara assured the Secretary that his Government did not have any designs to do so. According to the terms of the type "C" Mandate, Hughes said that the mandated territory was made an integral part of the territory of the mandatory and that the United States could not consent to having Japan, as a sovereign power in possession of the territory, grant or withhold whatever licenses it might see fit as a sovereign to grant or withhold; that the United States desired that the authority of whatever Power or Powers charged with the administration of the island be subject to the equality of rights, and the maintenance of such functions be guaranteed under suitable terms to assure equal privileges in which all the Powers

were entitled to share. Shidehara again inquired whether the United States would be satisfied if the island were internationalized for cable purposes, and once more suggested that his Government might be willing to consent. Hughes repeated that there should be an equality in the enjoyment of all the privileges afforded by the island, which if secured, would facilitate the arrangement for a civil administration; that the American Government had no desire to humiliate Japan; and that it was not intent upon mere questions of form of procedure provided the interests of the United States were guaranteed; and that he felt that after a full consideration of the uses of the island, there should be no difficulty in arriving at an agreement with regard to the manner of administration. Hughes suggested that Shidehara should prepare a memorandum which could be submitted informally, stating the proposition which the latter would desire to have discussed and that he would review such a memorandum and make informally whatever counter suggestions that might occur; and that after the matter had been threshed out the Governments could make such representations as they thought best. Shidehara stated that he would prepare such a memorandum.[5]

In another conference with Secretary Hughes, on June 18, 1921, Ambassador Shidehara stated that, following the former's suggestion to present a confidential and informal

5. Memorandum of a Conversation between Hughes and Shidehara, June 3, 1921, Foreign Relations, 1921, II, 287-290.

memorandum with his views as to the bases of settlement of the Yap controversy, he had two memoranda from the Japanese Embassy to present to the Department of State, which were duly received. The tentative drafts were as follows: With respect to the general question of Yap it was agreed that:

> The United States should have free access to the island of Yap on the footing of entire equality with Japan or any other nation in all that relates to the landing and operation of the existing Yap-Guam or of any cable which may hereafter be laid by the United States or its nationals.

With respect to the existing cables, the following provisions were made:

> 1. The Yap-Shanghai cable to be assigned to and owned by Japan; the value of said cable to be credited by Japan to Germany in the reparation account comformably with the provisions in Part VIII, Section I, Annex VII of the Treaty of Versailles.
> 2. The Yap-Guam cable to be assigned to and owned by the United States; the value of said cable to be likewise credited by the United States to Germany.
> 3. The Yap-Menado cable to be assigned and owned by the Netherlands, in full and final satisfaction of all claims for their interests in the German-Netherlands Telegraph Company.
> 4. Each country to operate both ends of the cable which it owns under the foregoing plans of allocation.
> 5. Arrangements for the regulation of connecting cable services at Yap to be made by the three Powers.
> 6. Establishment of Yap-Naba-Shanghai service to promote facilities of communication.
> 7. Arrangements to be made between the Japanese Telegraph Administration and the Great Northern Telegraph Company for transmission of messages along Yap-Naba-Shanghai line.
> 8. Operation of American and Dutch cables at Yap to be exempt from taxation or control by local authorities.
> 9. Securing necessary consent of the Principal Allied and Associated Governments and interested parties to the terms of the present arrangement.

After some deliberation, Hughes remarked that he was unable to understand why communication by radio had been excluded. Shidehara reminded Hughes that the United States had full opportunity for radio communication on the island of Guam. Hughes said that in case of a break in the cable between Yap and Guam the wireless would then be used to bridge the distance; and regardless of how much or how little the radio station at Yap might be used, there was no reason for the United States not having an equal opportunity and facilities for the purpose. Since the cable was a mere instrument of communication, the substantial thing was the communication itself; and as the island was of importance only with respect to communication, Secretary Hughes maintained that the island ought to be available to all nations alike for all purposes of communication whether by cable or by other means.[6]

The United States dispatched its memorandum to the Japanese Embassy on August 19, 1921, adding to the tentative draft submitted by Ambassador Shidehara the following comments, which it considered should be included in the formal agreement:

1. No residential restrictions, full rights of acquisition of land and property, and freedom from requisites for enjoyment of rights and privileges.

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6. Memorandum of a Conversation between Hughes and Shidehara, June 18, 1921; the Japanese Embassy to the Department of State, June 18, 1921, Foreign Relations, 1921, II, 290-292.

2. Freedom from censorship or supervision of operation or messages.

3. Free entry and exit for persons and property.

4. No discriminatory police regulations.

5. Exemptions from taxes on property, persons, vessels, or cable operation.

6. Maintenance of radiotelegraphic service by Japan with no discriminatory exactions or preferences.

7. Provision for an appropriate convention among the Principal Allied and Associated Powers for the purpose of embodying the above suitable provisions which relates to the administration of the island. Also providing provisions for extradition and expropriation of property.

The Japanese Embassy acknowledged the receipt of the Memorandum of August 19, 1921, and proceeded to add that an understanding between the two Governments should be recorded either in the proposed Convention or Agreement to the effect that the United States would not object to the assignment to Japan of the mandate over Yap and the former German possessions in the Pacific lying north of the equator, on the assumption that Japan recognized those rights proposed in the American memorandum.[7]

The American Government replied that it would not object to the assignment of the mandate to Japan provided

7. Department of State to the Japanese Embassy, August 19, 1921; Japanese Embassy to Department of State, Foreign Relations, 1921, II, 295-297.

that an agreement was reached with respect to the additions to, or qualifications of, the mandate, which were deemed necessary to guarantee suitable protection of American interests. Appropriate stipulations and provisions to cover those points might be incorporated in the same Convention regarding Yap. Those deemed important were as follows:

1. Extension of benefits set forth in the mandate to the United States, a non-member of the League.

2. Nationals of the United States to share in the privileges enjoyed by missionaries, including rights of acquisition and ownership of property, and establishment of religious buildings and schools.

3. Prohibition of monopolistic concessions by the mandatory or monopolizing of natural resources by the mandatory itself.

4. Application to mandated islands of treaties between the United States and Japan now in force.

5. Maintenance and respect for vested American property rights.

It was also understood that the Japanese administration of the mandated islands should be subject to the Convention with the United States and that the terms of the mandate which should be embodied in the Convention and which were of benefit to the American Government, could not be modified without the express consent of the United States. Moreover,

the United States would desire a duplicate report from Japan which she, as a mandatory, was required to submit to the Council of the League of Nations concerning the progress of her administration of the mandated islands assigned to her.[8]

After a careful consideration of the above stipulations and comments suggested in the Memorandum of September 15, 1921, the Japanese Government acknowledged its receipt and her gratification of the closer positions of both Governments in reaching a satisfactory settlement of the controversy.[9] This mutual exchange of memoranda continued on through the month preceeding the Washington Conference to the satisfaction and conciliation of both Powers. Meanwhile it was hoped that a final treaty or agreement might be concluded with the Principal Allied and Associated Powers prior to the convocation of the approaching Conference; this agreement to have regard not only to the status of Yap but also to the position of the United States as one of the several Powers having equal rights in certain territories ceded by Germany, with regard to mandates in general. As the other Principal Allied and Associated Powers had tacitly agreed to direct negotiations between

8. Hughes to Shidehara, September 15, 1921, Foreign Relations, 1921, I, 297-299.
9. Memorandum from the Japanese Embassy to the Department of State, October 17, 1921, Foreign Relations, 1921, II, 301.

the United States and Japan regarding the status of Yap, it was assumed by the former that any settlement agreeable to both countries would be satisfactory to the others. In reply to President Harding's request for information regarding the advisability of appropriating $25,000,000 for the construction of another trans-Pacific cable as provided for in a bill introduced by Senator Jones of Washington, the Secretary of State stated that mutually satisfactory settlement of the controversy would be reached in the near future; that the subject had been discussed among the American and Japanese delegates to the Preliminary Communications Conference at Washington and that negotiations were still proceeding; that the construction of another trans-Pacific cable should be left first to private initiative and endeavor, and if private enterprise, having been given the opportunity, was unable or unwilling to venture such a project of laying a new cable, the government "should then, but not until then, seek the necessary authority from Congress." Furthermore, he recommended withholding any such proposal until a final agreement over the Yap controversy had been concluded, and terms of which, he informed the President, were almost entirely agreed upon.[10]

10. New York Times, July 30, 1921; August 30, 1921.

CHAPTER VI

THE WASHINGTON CONFERENCE AND THE YAP SETTLEMENT

The United States, in extending its invitation to the Principal Allied and Associated Powers to the Washington Conference on Limitation of Armament, and Pacific and Far Eastern Questions, had very definite aims in view. These were indicated in broad terms to embrace a wider scope of subjects for discussion; namely, to bring about a limitation of armaments, and to solve the Pacific and Far Eastern problems by the united efforts of the nine participating powers; Belgium, China, France, Great Britain, Italy, Japan, the Netherlands, Portugal, and the United States.

On November 12, 1921, the First Plenary Session of the Conference was opened. A definite agenda was provided for the Conference and practically embodied the American Far Eastern policies in diplomatic language. The first order of business covered the subject of limitation of armaments. Under this broad title, the following were discussed: limitation of naval armament, rules for control of new agencies of warfare, and limitation of land armaments. The second broad subject was the "Pacific and Far Eastern Questions," which covered three main topics, the first being questions relating to China. These included territorial integrity, administrative integrity, the open door and equality of economic and industrial opportunity, concessions, monopolies, or preferential economic privileges, development of railways, including plans relating to the

Chinese Eastern Railway, preferential railroad rates, and the status of existing commitments involving unsettled questions under which claims of rights might be asserted hereafter. The next topic under Pacific and Far Eastern Questions was Siberia, which was to be discussed under "similar headings." Lastly came "Mandated Islands, the subject covering Electrical Communications in the Pacific." It was intended to include under the subject of electrical communications the subject of wireless and cables concerning Yap.[1]

The American delegation, headed by Secretary Charles Evans Hughes, was composed of Elihu Root, a distinguished former Secretary of State; Henry Cabot Lodge, Chairman of the Senate's Foreign Relations Committee; and Oscar W. Underwood, a leading Democratic member of that committee. Japan sent as her delegates Admiral Baron Tomosaburo Kato, Minister of the Navy; Baron Kijuro Shidehara, Ambassador to the United States; Prince Iyesato Tokugawa, President of the House of Peers; and Mr. Masanao Hanihara, Vice-Minister for Foreign Affairs. The British delegates were the Right Honorable A. J. Balfour, Lord President of the Council; Lord Lee of Fareham, First Lord of the Admiralty;

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1. Hughes to Harvey (Ambassador to Great Britain), Sept. 10, 1921; and Hughes to Phillips (Minister to the Netherlands), Oct. 4, 1921, Foreign Relations, 1921, I, 67, 76. See also "Conference on the Limitation of Armaments," Senate Documents, 67 Cong., 2 sess., no. 126, pp. 789-790; Buell, The Washington Conference, pp. 150-151.

and Sir Auckland Geddes, Ambassador to the United States.[2]

The nature and scope of the agenda made it obvious that the Washington Conference was composed of two distinct conferences each with its special tasks and organizations. Mr. Hughes presided over the inaugural session and was elected permanent chairman of the conference at the close of the welcoming address made by President Harding. From November 12, 1921, to February 6, 1922, the delegates of the United States, Great Britain, France, Italy, and Japan conferred upon the disarmament problem, and together with their Belgian, Chinese, Dutch, and Portuguese colleagues discussed the problems of the Pacific and the Far East. The five-power conference on disarmament and the nine-power conference on the Pacific and the Far East held parallel sessions. The business of the two conferences was referred to groups of experts and innumerable committees and sub-committees before it was acted on in the plenary sessions of the conference as a whole. Hughes of the United States, Balfour of England, and Kato of Japan, through constant informal meetings over the disarmament problem, became known as the "Big Three" of the conference just as Wilson, Lloyd George, and Clemenceau had been at Paris. Their secret negotiations governed the transaction of their colleagues and determined

2. Senate Document, 67 Cong., 2 sess., no. 126, pp. 783-785.

largely the final outcome of their undertakings.[3]

One of the first important achievements of the Conference was the Four-Power Treaty which was agreed upon on December 9,1921, and announced at the fourth plenary session December 10. As the subject was not suggested in the agenda, it was stated that negotiations for the treaty had been made with great secrecy.[4] The object of the treaty was plainly stated in its preamble whereby the contracting powers agreed to maintain the general peace in their Pacific "insular possessions and insular dominions." Other provisions were as follows: to accept mediation in case of a controversy over these possessions; to hold frank discussions if their respective rights were threatened by any other Power; to have the treaty remain in force for ten years, and to terminate the Anglo-Japanese Alliance upon the ratification of the pact.[5] The cancellation of the Anglo-Japanese Alliance of July 13, 1911, upon the ratification of the Four Power Treaty, affected a closer relationship between the English-speaking peoples of the world and removed the possibility of a war between the two nations. Other

3. Griswold, The Far Eastern Policy of the United States, pp. 269-306; Buell, The Washington Conference, pp. 150-171. See also Yamato Ichihashi, The Washington Conference and After (Stanford, 1928), pp. 24-33.
4. Buell, The Washington Conference, p. 174. See also Ichihashi, The Washington Conference and After, p. 113.
5. Foreign Relations, 1922, I, 33-35, 375. See also Bemis, Diplomatic History of the United States, pp. 695-696; Buell, The Washington Conference, pp. 172-200; Ichihashi, The Washington Conference and After, pp. 113-134.

successful achievements regarding limitation of armament were concluded in the following treaties: the Five-Power Treaty limiting naval armament; the Submarine and Poisonous Gas Treaty; and the Naval Treaty which with the Four-Power Pact removed the causes of war. With respect to the Pacific and Far Eastern questions the following were concluded: the Nine-Power Open Door Treaty in relation to principles and policies to be followed in matters concerning China; another Nine-Power Treaty relating to Chinese customs tariff; and the Shantung Treaty between Japan and China providing for restoration to China of rights and interests in Shantung.[6]

Among the subjects listed for discussion in the agenda for the Washington Conference was the topic "mandated islands" which was not discussed. As the matter was not taken up by the Conference, negotiations concerning it were carried on independently between the American and the Japanese delegates. Before the conference convened, it was believed in Japanese quarters that the controversy with the United States over the cable rights in the island of Yap might be settled "out of court" through diplomatic negotiations between the two Powers. The Americans were more skeptical concerning the matter because it was fully understood that the issue, although apparently confined to a mere question of the right to operate a submarine cable,

6. Senate Documents, 67 Cong., 2 sess., no. 126, pp. 790-791.

might easily be greatly enlarged so as to involve the whole subject of mandates over the Pacific islands. Therefore, it was believed to be almost inevitable that the Washington Conference would consider the subject in its broader aspect if the direct negotiations between the representatives of the United States and Japan should fail to arrive at a satisfactory solution. Japan, it was remarked, would be fully prepared in that case to challenge the right of the British Pacific Dominions to the exclusive control of the many islands in the Pacific south of the equator which were formerly owned by Germany and which Japan regarded to be more important economically than those mandated to her by the Supreme Council.[7] Fortunately, through the exchange of diplomatic memoranda prepared by the State Department and the Japanese Embassy, a more conciliatory and diplomatic method was used to arrive at a solution to the Yap controversy.

On December 12, 1921, Secretary Hughes announced at the meeting of the conference that the United States and Japan had reached a final agreement with respect to the island of Yap and other mandated islands in the Pacific Ocean north of the equator.[8] It was said that the general public did not know of this until the following day when

7. New York Times, July 25, 1921.
8. Statement issued to the Press by the Department of State, December 12, 1921, Foreign Relations, 1922, I, 31.

the New York Times published an article on the subject which was accompanied by the text of the treaty.[9] This treaty was to be formally signed February 11, 1922, a few days after the Washington Conference adjourned.[10] By this agreement the United States, a non-member of the League of Nations, obtained the rights and privileges enjoyed by other League members in all the mandated islands held by Japan. In return, the United States recognized the Pacific Mandate of Japan.[11] Other rights included in the treaty are summarized in the following articles:

Article I. The United States consents to the Japanese Mandate as defined in the preamble, thereby recognizing the principle of mandates of the League of Nations.

Article II. Japan guarantees to the United States all rights and privileges granted to members of the league, although the United States is not a member. Also:

(1) Religious freedom, right to acquire and possess property, erect religious buildings, and open schools throughout the islands.

(2) Respect for vested American property rights.

(3) Application of existing treaties between the United States and Japan to mandated islands.

(4) Addressing a duplicate of annual report on administration of mandate to the United States.

9. Ichihashi, The Washington Conference and After, p. 335.
10. Convention between the United States of America and Japan, February 11, 1922, Foreign Relations, 1922, II, 600.
11. Ibid.

Article III. Guarantees to American citizens free access to the island of Yap on a basis of equality with Japanese subject or any other nationals to land or operate existing Yap-Guam cable or any cable it wishes to build in the future. Similar rights are accorded in regard to radiotelegraphic services.

Article IV. Guarantees specific rights, privileges, and exemptions in relation to electrical communications as follows:

(1) Unrestricted rights of residence, entry and departure, acquisition of all kinds of property, real and personal.

(2) Exemptions from licenses to operate cables or establish radiotelegraphic services.

(3) Exemptions from censorship or supervision over cable or radio messages and exemptions from taxes for landing and operation of cables or radio stations as well as taxes on property, persons, or vessels in relation to the foregoing.

(4) No discriminatory police regulations.

(5) Japan to exercise power of expropriation in the island of Yap to guarantee to the United States or its nationals all necessary property and facilities for purpose

of electrical communications if such cannot be obtained otherwise.[11]

The Yap Treaty was submitted to the United States Senate for consent to ratification after it was signed by Secretary Hughes and Ambassador Shidehara February 11, 1922. By a vote of sixty-seven to twenty-two, the treaty was ratified by the Senate March 1, 1922.[12] About three months later, it was announced by the press on June 21, 1922, that the treaty was approved by the Japanese Privy Council and the Prince Regent.[13] On June 23, 1922, Secretary Hughes was notified that the ratification of the Yap Treaty between the American and Japanese Governments had been affected on the latter's part by the act of the Prince Regent of Japan, the final authority in that country in the ratification of treaties. The ratification came in as a report from the American Embassy at Tokyo which stated that the signature of the Prince Regent had been affixed on this

11. Congressional Record, 67 Cong., 2 sess., February 6-March 1, 1922, pp. 3181-3185; 3190-3192; Foreign Relations, 1922, II, 600-605; League of Nations Treaty Series, 1922, XII, no. 311, 204-210; British and Foreign State Papers (London, 1925), CXVI, 1031-1038; Supplement to the American Journal of International Law (Washington, 1922), 94-98. For full text of Treaty, See Appendix.
12. Congressional Record, 67 Cong., 2 sess., February 6-March 1, 1922, pp. 3190-3192. See also New York Times, March 2, 1922; Levermore, League of Nations Second Yearbook, p. 406.
13. New York Times, June 23, 1922.

date upon the favorable recommendation of the Japanese Privy Council. It was understood, the report continued, that the Japanese ratification would be forwarded immediately to the Japanese Embassy at Washington and that the exchange of ratifications would probably take place in the latter part of July or early in August.[14]

On July 13, 1922, Secretary Hughes, representing the United States, and Sadao Saburi, Counsellor and Charge of the Japanese Embassy at Washington, D. C., exchanged the final ratifications of the Yap Treaty, which was put into effect immediately.[15] The treaty, as described above, recognised on the part of the United States Japan's Mandate over the island of Yap and confirmed to the United States full equality in the maintenance of wireless and cable stations on the island.[16] Immediately following the exchange of ratifications, the Yap Treaty was filed with the League of Nations on August 15, 1922,[17] and thus ended the controversy over the island of Yap.

14. New York Times, June 24, 1922.
15. Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1910-1922 (Washington, 1923), pp.2723-2727.
16. New York Times, July 14, 1922.
17. League of Nations Treaty Series, pp. 208-210.

CONCLUSION

From an obscure spot in the Pacific Ocean the tiny island of Yap leaped into prominence for a few years, early in the third decade of this century, and seemed to some Americans "to have suddenly spread over the world."[1] From an apparently insignificant question of cable rights, a serious international controversy developed involving not only the United States and Japan but also the League of Nations. Its significance was due in large part to the claim of the United States, a non-member of the League but one of the Principal Allied and Associated Powers, to maintain and establish its rights of consultation on all mandates assigned by the Supreme League Council or defined by the Council of the League of Nations, and its insistence on maintaining its prestige in the Far East.

The controversy dated back to the Peace Conference in Paris when the Supreme Council on May 7, 1919, awarded to Japan as mandatory the island of Yap, a former German possession. President Wilson later claimed that he had taken particular pains to except Yap from the general mandate over German Micronesia, on the grounds that its internationalization was necessary to assure to the United States uninterrupted communication with the Far East, and that such internationalization might possibly be arranged by a future agreement. It was the President's understanding that his

1. Outlook, May 14, 1921, p. 11.

exception in the case of Yap had been admitted, and that Japan would not be given the sovereignty over the island when she received the mandate for the other German islands north of the equator.

The subject was bitterly discussed at the Preliminary Communications Conference held in Washington beginning November 15, 1920, and ended in a deadlock. The American delegates insisted on the internationalization of Yap, while the rest of the Allies contended that the United States had lost its right of consultation because of its rejection of the Treaty of Versailles. The Japanese, defending their claim to absolute sovereignty over the island, pointed out that there was no evidence of the President's exception in the minutes of the May 7 meeting of the Supreme Council. Since the deadlock could not be broken, it was decided that the cables should be administered jointly until an agreement was reached.

The acuteness of the situation was considerably relieved at the beginning of March, 1921, by a conciliatory reply to the American protest by the League Council promising to defer consideration of the mandates already assigned until such time when the United States should be able to participate in the discussions. But with regard to the Yap Mandate the Council failed to give the United States any satisfaction. The matter was finally considered as a question to be settled between the United States and Japan. Through diplomatic negotiations

and discussions at the Washington Disarmament Conference in November, 1921, the controversy was finally settled by the signing of a treaty at Washington on February 11, 1922, and later ratified by the United States Senate, March 1, 1922. Japan ratified the treaty on June 23. After the ratifications were exchanged at Washington, July 13, 1922, the treaty was proclaimed the same day.

The nature and scope of the Yap Treaty by which the question was settled reflected the fact that "it was a case of much ado about nothing,"[2] since it was logical from the beginning that Yap had to be included in the Japanese Mandate. Aside from the question of the inclusion of Yap in the mandate there were "no real issues," for Japan had indicated early that she would extend to the United States such rights and privileges as were enjoyed by the League Members. From an international point of view, concluded Ichihashi, the "significant phase" of the treaty was the recognition by the United States of the mandatory regulations as formulated by the League of Nations. In respect to American-Japanese relations "another sore spot was healed by this pact."[3] On the other hand, the settlement of the Yap incident and the cable incident were important for what they represented. "They symbolized the Asiatic Monroe Doctrine: the right to dictate the settlements of the Orient." Especially was this

2. Ichihashi, The Washington Conference and After, p. 359.
3. Ibid.

true of the cable controversy, for none of the three ex-German cables touched Japan. Yet Japan claimed them all. "If Japan's contention had been granted by the United States," one authority points out, "the Asiatic Monroe Doctrine would have passed into the category of an accomplished fact."[4] For the main concern of American diplomacy in the early post-war years were the serious issues with Japan. And while the greatest difficulties were involved in the relation of American policy in the Far East to Japan's demands for recognition of a paramount position on the continent of Asia the other questions which aggravated the feeling between the two nations---of which Yap's status was one---should not be neglected.

The World War had destroyed the Far Eastern balance of power and substituted in its place a definite Japanese-American antagonism. Because the United States through moral suasion, diplomatic pressure, political and even military intervention resisted the Japanese expansionist tendencies the war-clouds were believed to be gathering. Said President Harding: "We have seen the eyes of the world turned to the Pacific. With Europe prostrate and penitent, none feared the likelihood of early conflict there. But the Pacific had its menaces, and they deeply concerned us."[5] And the popular demand grew that the United States should hold on to its rights in Yap as a sign that there

4. Buell, The Washington Conference, p. 62.
5. Dulles, Forty Years of American-Japanese Relations, pp. 145-146.

would be an end to Japanese imperialism. Americans demanded an answer as to whether the Japanese were or were not "to become the masters of the Pacific."

The island of Yap was not only regarded as important for its cable landings, but it was strategically situated in the Japanese mandated islands and the United States was concerned over whether these islands might be converted into naval bases threatening the security of neighboring American possessions. As a strategic cable center Yap would give to its possessor an important economic and political censorship over messages destined for, or emanating from China, the Philippines, and the Dutch East Indies.[6]

Like many of the problems outstanding between the two countries, the Yap controversy was settled with, but not by, the Washington Conference. It was included in the agenda of the Conference upon the insistence of Secretary Hughes but was settled by a separate bilateral treaty. The United States had withheld recognition of the League's Pacific Mandates as a means of bringing pressure on Japan. But in the end a satisfactory arrangement was made and American-Japanese relations entered upon an "Era of Good Feeling" which was to last until on September 19, 1931, a slightly incredulous American public read in its morning papers that Japanese troops had occupied Mukden and that the military occupation of Manchuria was underway.

6. Senate Documents, 66 Cong., 1 sess., no. 106; X, 505-506.

APPENDIX I

THE YAP TREATY, SIGNED FEBRUARY 11, 1922[1]

Considering that by Article 119 of the Treaty of Versailles, signed on June 28, 1919, Germany renounced in favor of the Powers described in that Treaty as the Principal Allied and Associated Powers, to wit, the United States of America, the British Empire, France, Italy and Japan, all her rights and titles over her overseas possessions;

Considering that the benefits accruing to the United States under the aforesaid Article 119 of the Treaty of Versailles were confirmed by the Treaty between the United States and Germany, signed on August 25, 1921, to restore friendly relations between the two nations;[2]

Considering that the said four Powers, to wit, the British Empire, France, Italy and Japan have agreed to confer upon His Majesty the Emperor of Japan a mandate, pursuant to the Treaty of Versailles, to administer the groups of the former German Islands in the Pacific Ocean lying north of the Equator, in accordance with the following provisions:

"Article 1. The islands over which a Mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the Mandatory) comprise all the former German Islands situated in the Pacific Ocean and lying north of the Equator.

"Article 2. The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate.

"Article 3. The Mandatory shall see that the slave trade is prohibited and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration.

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1. Foreign Relations, 1922, II, 600-604.
2. Treaty between the United States of America and Germany, Signed at Berlin, August 25, 1921; Ratification by President Harding, Containing Senate Reservations, Foreign Relations, 1921, II, 29-33.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919,[3] or in any convention amending same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

"Article 4. The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

"Article 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall insure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

"Article 6. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4, and 5.

"Article 7. The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that, if any dispute, whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations";

Considering that the United States did not ratify the Treaty of Versailles and did not participate in the agreement respecting the aforesaid Mandate;

Desiring to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid islands, and in particular the Island of Yap, have resolved to conclude a Convention for that purpose and to that end have named as their Plenipotentiaries:

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3. Convention for the Control of the Trade in Arms and Ammunition, and Protocol, Signed at Saint-Germain-en-Laye and Paris September 19, 1919, Foreign Relations, 1920, I, 180-196.

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the Emperor of Japan: Baron Kijuro Shidehara, His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

Article I

Subject to the provisions of the present Convention, the United States consents to the administration by Japan, pursuant to the aforesaid Mandate, of all the former German Islands in the Pacific Ocean, lying north of the Equator.

Article II

The United States and its nationals shall receive all the benefits of the engagements of Japan, defined in Articles 3, 4, and 5 of the aforesaid Mandate, notwithstanding the fact that the United States is not a Member of the League of Nations.

It is further agreed between the High Contracting Parties, as follows:

(1) Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the islands; it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control.

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired;

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands;

(4) Japan will address to the United States a duplicate of the annual report on the administration of the Mandate to be made by Japan to the Council of the League of Nations;

(5) Nothing contained in the present Convention shall be affected by any modification which may be made in the terms of the Mandate as recited in the Convention, unless such modification shall have been expressly assented to by the United States.

Article III

The United States and its nationals shall have free access to the Island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the Island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radio-telegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the Island of Yap an adequate radio-telegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radio-telegraphic stations on the Island by the United States or its nationals shall be suspended.

ARTICLE IV

In connection with the rights embraced by Article III, specific rights, privileges, and exemptions, in so far as they relate to electrical communications, shall be enjoyed in the Island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the Island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

(2) Nationals of the United States shall not be obliged to obtain any permit or license in order to be entitled to land and operate cables on the Island, or to establish radio-telegraphic service, subject to the provisions of Article III, or to enjoy any of the rights and privileges embraced by this Article and by Article III.

(3) No censorship or supervision shall be exercised over cable or radio messages or operations.

(4) Nationals of the United States shall have complete freedom of entry and exit in the Island for their persons and property.

(5) No taxes, port, harbour, or landing charges or exactions of any nature whatsoever, shall be levied either with respect to the operation of cables or radio stations, or with respect to property, persons or vessels.

(6) No discriminatory police regulations shall be enforced.

(7) The Government of Japan will exercise its power of expropriation in the Island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities cannot otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the Island shall not be subject to expropriation.

Article V

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutions. The ratifications of this Convention shall be exchanged in Washington as soon as practicable, and it shall take effect on the date of the exchange of the ratifications.

In Witness Whereof, the respective Plenipotentiaries have signed this Convention and have hereunto affixed their seals.

Done in duplicate at the City of Washington, this eleventh day of February, one thousand nine hundred and twenty-two.

Charles Evans Hughes.

K. Shidehara.

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