Transcript of Professor J. R. Julin's Special WUOM "Law in the News" Commentary, 10 p.m. News, Monday, October 22, 1962:

Now the words uppermost in our hopes and fears are not only megaton, retaliation and missile but quarantine, blockade and two seemingly contradictory in sense, pacific or peacetime blockade.

Blockade and pacific blockade are words with which the international lawyer and soldier are familiar. Quarantine is presumably a word to be distinguished from them.

Almost exactly 25 years ago, President Roosevelt appealed for a many nation or multilateral quarantine when he delivered an address at ceremonies marking the dedication of a bridge over the Chicago River. It was October 5, 1937 when the late President talked of a world of unrest. These are his words.

"Innocent peoples and nations are being cruelly sacrificed to a greed for power and supremacy which is devoid of all sense of justice and humane consideration. . . . The situation is definitely of universal concern . . . . The questions involved relate not merely to violations of specific provisions of particular treaties; they are questions of war and peace of international law and especially of principles of humanity."

President Roosevelt continued--and now see how close he came even to the words of President Kennedy,

"It seems to be unfortunately true that the epidemic of world lawlessness is spreading.

"When an epidemic of physical disease starts to spread, the community approves and joins in a quarantine of the patients in order to protect the health of the community against the spread of the disease."

President Roosevelt was appealing for a quarantine of nations which in 1937 were threatening the peace of the Western Hemisphere. He in effect appealed for joint action. President Kennedy has indicated this country now waits for no multilateral quarantine. Perhaps because President Roosevelt's plea went unheeded.

How does the President's quarantine differ from a blockade? The question can only be answered by defining the term as it is used in international law.

The word blockade means the blocking of the approach to the enemy coast or a part of it for the purpose of preventing ingress and egress of vessels or aircraft of all nations. Although blockade is considered a means of warfare against the enemy, it concerns neutrals as well, because the ingress and egress of neutrals are intercepted.
The term had its international law origin as far back as 1584 and 1630 when the Dutch government declared all the ports of Flanders in the control of Spain to be blockaded.

But the emphasis, you see, must be on the term *enemy coast*. The historical connotation indicates it is a means of warfare. This, President Kennedy obviously sought to avoid by resort to the word *quarantine*.

But a blockade is not the same as a "pacific blockade." Blockade is a means of warfare - The pacific blockade is a peacetime device to compel settlement of an international dispute. But it is not clear as to whether the blockading state would have the right under international law to turn back ships of third states as opposed to the ships of the state being subjected to the pacific blockade. Some international lawyers argue that the third state or states must recognize the so-called pacific blockade. Others deny that third states have any legal obligation to recognize the pacific blockade at all.

The President uses neither blockade nor pacific blockade, the latter seemingly coming close to his meaning when using the term "quarantine." He left no doubt about the manner in which we are going to define "quarantine." Vessels carrying offensive weapons will be turned back--and regardless of the flag they fly.

It has been said that the "pacific blockade" although in violation of the territorial supremacy of the blockaded state and therefore hostile in nature, has or can have great value in the peaceful settlement of disputes. And all measures the purpose of which is to prevent war should be embraced. International law scholars have written that the pacific blockade constitutes a proper instrument of collective action for enforcing the obligations of the principles of the Charter of the United Nations.

The first pacific blockade occurred in 1827. Great Britain, France and Russia intervened with the purpose of preserving the independence of Greece. These powers blockaded the parts of the Greek coast occupied by the Turkish troops. The blockade resulted in the destruction of the Turkish Navy although the three powers denied they were ever at war with Turkey. The blockade was effective.

The President's quarantine must be equally so.