

# NEUTRALITY

Correspondence Between the Secretary of State and Chairman of Committee on Foreign Relations Relating to Certain Complaints Made That the American Government Has Shown Partiality to Certain Belligerents During the Present European War.

LETTER OF SENATOR STONE

January 8, 1915.

Dear Mr. Secretary:

As you are aware, frequent complaints or charges are made in one form or another through the press that this government has shown partiality to Great Britain, France, and Russia as against Germany and Austria during the present war between those powers; in addition to which I have received numerous letters to the same effect from sympathizers with Germany and Austria. The various grounds of these complaints may be summarized and stated in the following form:

1. Freedom of communication by submarine cables, but censorship of wireless messages.
2. Submission to censorship of mails and in some cases to the repeated destruction of American letters found on neutral vessels.
3. The search of American vessels for German and Austrian subjects—
  - (a) On the high seas.
  - (b) In territorial waters of a belligerent.
4. Submission without protest to English violations of the rules regarding absolute and conditional contraband, as laid down—
  - (a) In the Hague conventions.
  - (b) In international law.
  - (c) In the Declaration of London.
5. Submission without protest to inclusion of copper in the list of absolute contraband.
6. Submission without protest to interference with American trade to neutral countries—
  - (a) In conditional contraband.
  - (b) In absolute contraband.
7. Submission without protest to interruption of trade in conditional contraband, consigned to private persons in Germany and Austria, thereby supporting the policy of Great Britain to cut off all supplies from Germany and Austria.
8. Submission to British interruption of trade in petroleum, rubber, leather, wool, etc.
9. No interference with the sale to Great Britain and her allies of arms, ammunition, horses, uniforms, and other munitions of war, although such sales prolong the war.
10. No suppression of sale of dumdum bullets to Great Britain.
11. British warships are permitted to lie off American ports and intercept neutral vessels.
12. Submission without protest to disregard by Great Britain and her allies of—
  - (a) American naturalization certificates.
  - (b) American passports.
13. Change of policy in regard to loans to belligerents:
  - (a) General loans.
  - (b) Credit loans.
14. Submission to arrest of native-born Americans on neutral vessels and in British ports, and their imprisonment.
15. Indifference to confinement of noncombatants in detention camps in England and France.
16. Failure to prevent transshipment of British troops and war material across the territory of the United States.
17. Treatment and final internment of German steamship Geier and the collier Locksun at Honolulu.
18. Unfairness to Germany in rules relative to coaling of warships in Panama canal zone.
19. Failure to protest against the modifications of the declaration of London by the British government.
20. General unfriendly attitude of government toward Germany and Austria.

If you deem it not incompatible with the public interest I would be obliged if you would furnish me with whatever information your department may have touching these various points of complaint, or request the counselor of the state department to send me the information, with any suggestions you or he may deem advisable to make with respect to either the legal or political aspects of the subject. So far as informed I see no reason why all the matter I am requesting to

be furnished should not be made public, to the end that the true situation may be known and misapprehensions quieted.

I have the honor to be,

Yours, sincerely,

WM. J. STONE.

Hon. William Jennings Bryan,  
Secretary of State.

LETTER OF SECRETARY OF STATE

Department of State,  
Washington, January 20, 1915.

Dear Mr. Stone:

I have received your letter of the 8th instant, referring to frequent complaints or charges made in one form or another through the press that this government has shown partiality to Great Britain, France and Russia against Germany and Austria during the present war, and stating that you have received numerous letters to the same effect from sympathizers with the latter powers. You summarize the various grounds of these complaints and ask that you be furnished with whatever information the department may have touching these points of complaint, in order that you may be informed as to what the true situation is in regard to these matters.

In order that you may have such information as the department has on the subjects referred to in your letter, I will take them up seriatim.

(1) **Freedom of communication by submarine cables versus censored communication by wireless.**

The reason that wireless messages and cable messages require different treatment by a neutral government is as follows:

Communications by wireless can not be interrupted by a belligerent. With a submarine cable it is otherwise. The possibility of cutting the cable exists, and if a belligerent possesses naval superiority, the cable is cut, as was the German cable near the Azores by one of Germany's enemies, and as was the British cable near Fanning island by a German naval force. Since a cable is subject to hostile attack, the responsibility falls upon the belligerent and not upon the neutral to prevent cable communication.

A more important reason, however, at least from the point of view of a neutral government, is that messages sent out from a wireless station in neutral territory may be received by belligerent warships on the high seas. If these messages, whether plain or in cipher, direct the movements of warships or convey to them information as to the location of an enemy's public or private vessels, the neutral territory becomes a base of naval operations, to permit which would be essentially unneutral.

As a wireless message can be received by all stations and vessels within a given radius, every message in cipher, whatever its intended destination, must be censored, otherwise military information may be sent to warships off the coast of a neutral. It is manifest that a submarine cable is incapable of becoming a means of direct communication with a warship on the high seas; hence its use can not as a rule make neutral territory a base for the direction of naval operations.

(2) **Censorship of mails and in some cases repeated destruction of American letters on neutral vessels.**

As to the censorship of mails, Germany as well as Great Britain has pursued this course in regard to private letters falling into their hands. The unquestioned right to adopt a measure of this sort makes objection to it inadvisable.

It has been asserted that American mail on board Dutch steamers has been repeatedly destroyed. No evidence to this effect has been filed with the government, and therefore no representations have been made. Until such a case is presented in concrete form, this government would not be justified in presenting the matter to the offending belligerent. Complaints have come to the department that mail on board neu-

tral steamers has been opened and detained, but there seem to be but few cases where the mail from neutral countries has not been finally delivered. When mail is sent to belligerent countries open and is of a neutral and private character, it has not been molested, so far as the department is advised.

(3) **Searching of American vessels for German and Austrian subjects on the high seas and in territorial waters of a belligerent.**

So far as this government has been informed, no American vessels on the high seas, with two exceptions, have been detained or searched by belligerent warships for German and Austrian subjects. One of the exceptions to which reference is made is now the subject of a rigid investigation, and vigorous representations have been made to the offending government. The other exception, where certain German passengers were made to sign a promise not to take part in the war, has been brought to the attention of the offending government with a declaration that such procedure, if true, is an unwarranted exercise of jurisdiction over American vessels in which this government will not acquiesce.

An American private vessel entering voluntarily the territorial waters of a belligerent becomes subject to its municipal laws, as do the persons on board the vessel.

There have appeared in certain publications the assertion that failure to protest in these cases is an abandonment of the principle for which the United States went to war in 1812. If the failure to protest were true, which it is not, the principle involved is entirely different from the one appealed to against unjustifiable impressment of Americans in the British navy in time of peace.

(4) **Submission without protest to British violations of the rules regarding absolute and conditional contraband as laid down in the Hague conventions, the Declaration of London and international law.**

There is no Hague convention which deals with absolute or conditional contraband, and, as the Declaration of London is not in force, the rules of international law only apply. As to the articles to be regarded as contraband there is no general agreement between nations. It is the practice for a country, either in time of peace or after the outbreak of war to declare the articles which it will consider as absolute or conditional contraband. It is true that a neutral government is seriously affected by this declaration, as the rights of its subjects or citizens may be impaired. But the rights and interests of belligerents and neutrals are opposed in respect to contraband articles and trade and there is no tribunal to which questions of difference may be readily submitted.

The record of the United States in the past is not free from criticism. When neutral this government has stood for a restricted list of absolute and conditional contraband. As a belligerent, we have contended for a liberal list according to our conception of the necessities of the case.

The United States has made earnest representations to Great Britain in regard to the seizure and detention by the British authorities of all American ships or cargoes bona fide destined to neutral ports, on the ground that such seizures and detentions were contrary to the existing rules of international law. It will be recalled, however, that American courts have established various rules bearing on these matters. The rule of "continuous voyage" has been not only asserted by American tribunals but extended by them. They have exercised the right to determine from the circumstances whether the ostensible was the real destination. They have held that the shipment of articles of contraband to a neutral port "to order," from which, as a matter of fact, cargoes had been transhipped to the enemy, is corroborative evidence that the cargo is really destined to the enemy, instead of to the neutral port of delivery. It is thus seen that some of the doctrines which appear to bear harshly upon neutrals at the present time are analogous to or outgrowths from policies adopted by the United States when it was a belligerent. The government therefore can not consistently protest against the application of rules which it has followed in the past, unless they have not been practiced as heretofore.

(5) **Acquiescence without protest to the inclusion of copper and other articles in the British lists of absolute contraband.**

The United States has now under consideration the question of the right of a belligerent to include "copper unwrought" in its lists of absolute contraband instead of in its list of condi-