

Diplomatic Correspondence

THE SECRETARY OF STATE TO THE AMERICAN AMBASSADOR AT LONDON*

(Telegram)

Department of State,

No. 1169.] Washington, Feb. 20, 1915.

You will please deliver to Sir Edward Grey the following identic note which we are sending England and Germany:

In view of the correspondence which has passed between this government and Great Britain and Germany respectively, relative to the declaration of a war zone by the German admiralty and the use of neutral flags by British merchant vessels, this government ventures to express the hope that the two belligerent governments may, through reciprocal concessions, find a basis for agreement which will relieve neutral ships engaged in peaceful commerce from the great dangers which they will incur in the high seas adjacent to the coasts of the belligerents.

The government of the United States respectfully suggests that an agreement in terms like the following might be entered into. This suggestion is not to be regarded as in any sense a proposal made by this government, for it of course fully recognizes that it is not its privilege to propose terms of agreement between Great Britain and Germany, even though the matter be one in which it and the people of the United States are directly and deeply interested. It is merely venturing to take the liberty which it hopes may be accorded a sincere friend desirous of embarrassing neither nation involved and of serving, if it may, the common interests of humanity. The course outlined is offered in the hope that it may draw forth the views and elicit the suggestions of the British and German governments on a matter of capital interest to the whole world.

Germany and Great Britain to agree:

1. That neither will sow any floating mines, whether upon the high seas or in territorial waters; that neither will plant on the high seas anchored mines except within cannon range of harbors for defensive purposes only; and that all mines shall bear the stamp of the government planting them and to be so constructed as to become harmless if separated from their moorings.

2. That neither will use submarine to attack merchant vessels of any nationality except to enforce the right of visit and search.

3. That each will require their respective merchant vessels not to use neutral flags for the purpose of disguise or ruse de guerre.

Germany to agree:

That all importations of food or foodstuffs from the United States (and from such other neutral countries as may ask it) into Germany shall be consigned to agencies to be designated by the United States government; that these American agencies shall have entire charge and control without interference on the part of the German government, of the receipt and distribution of such importations, and shall distribute them solely to retail dealers bearing licenses from the German government entitling them to receive and furnish such food and foodstuffs to noncombatants only; that any violation of the terms of the retailers' licenses shall work a forfeiture of their rights to receive such food and foodstuffs for this purpose; and that such food and foodstuffs will not be requisitioned by the German government for any purpose whatsoever or be diverted to the use of the armed forces of Germany.

Great Britain to agree:

That food and foodstuffs will not be placed upon the absolute contraband list and that shipments of such commodities will not be interfered with or detained by British authorities if consigned to agencies designated by the United States government in Germany for the receipt and distribution of such cargoes to licensed German retailers for distribution solely to the noncombatant population.

In submitting this proposed basis of agreement this government does not wish to be understood as admitting or denying any belligerent

*Identic message sent to the American ambassador at Berlin on the same date.

or neutral right established by the principles of international law, but would consider the agreement, if acceptable to the interested powers, a modus vivendi based upon expediency rather than legal right and as not binding upon the United States either in its present form or in a modified form until accepted by this government.

BRYAN.

THE AMERICAN AMBASSADOR AT BERLIN TO THE SECRETARY OF STATE

(Telegram)

American Embassy,

No. 1717.] Berlin, March 1, 1915.

Following is translation of the German reply:

The undersigned has the honor to inform His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of the 22d instant that the Imperial German government have taken note with great interest of the suggestion of the American government that certain principles for the conduct of maritime war on the part of Germany and England be agreed upon for the protection of neutral shipping. They see therein new evidence of the friendly feelings of the American government toward the German government which are fully reciprocated by Germany.

It is in accordance with Germany's wishes also to have maritime war conducted according to rules which without discriminately restricting one or the other of the belligerent powers in the use of their means of warfare are equally considerate of the interests of neutrals and the dictates of humanity. Consequently it was intimated in the German note of the 16th instant that observation of the declaration of London on the part of Germany's adversaries would create a new situation from which the German government would gladly draw the proper conclusions.

Proceeding from this view the German government have carefully examined the suggestion of the American government and believe that they can actually see in it a suitable basis for the practical solution of the questions which have arisen.

With regard to the various points of the American note they beg to make the following remarks:

1. With regard to the sowing of mines, the German government would be willing to agree as suggested not to use floating mines and to have anchored mines constructed as indicated. Moreover, they agree to put the stamp of the government on all mines to be planted. On the other hand, it does not appear to them to be feasible for the belligerents wholly to forego the use of anchored mines for offensive purposes.

2. The German government would undertake not to use their submarines to attack mercantile of any flag except when necessary to enforce the right of visit and search. Should the enemy nationality of the vessel or the presence of contraband be ascertained submarine would proceed in accordance with the general rules of international law.

3. As provided in the American note, this restriction of the use of the submarines is contingent on the fact that enemy mercantile ships abstain from the use of the neutral flag and other neutral distinctive marks. It would appear to be a matter of course that such mercantile also abstain from arming themselves and from all resistance by force since such procedure contrary to international law would render impossible any action of the submarines in accordance with international law.

4. The regulation of legitimate importations of food into Germany suggested by the American government appears to be in general acceptable. Such regulation would, of course, be confined to importations by sea but that would on the other hand include indirect importations by way of neutral ports. The German government would, therefore, be willing to make the declarations of the nature provided in the American note so that the use of the imported food and foodstuffs solely by the noncombatant population would be guaranteed. The imperial government must, however, in addition (* * *)** having the importation of other raw material used by the

**Apparent omission.

economic system of noncombatants including forage permitted. To that end the enemy governments would have to permit the free entry into Germany of the raw material mentioned in the free list of the Declaration of London and to treat materials included in the list of conditional contraband according to the same principles as food and foodstuffs.

The German government venture to hope that the agreement for which the American government have paved the way may be reached after due consideration of the remarks made above, and that in this way peaceable neutral shipping and trade will not suffer any more than is absolutely necessary from the unavoidable effects of maritime war. These effects could be still further reduced if, as was pointed out in the German note of the 16th instant, some way could be found to exclude the shipping of munitions of war from neutral countries to belligerents on ships of any nationality.

The German government must, of course, reserve a definite statement of their position until such time as they may receive further information from the American government enabling them to see what obligations the British government are on their part willing to assume.

The undersigned avails himself of this occasion, etc.

(Signed) VON JAGOW.

GERARD.

Dated Foreign Office,
Berlin, February 28, 1915.

THE AMERICAN AMBASSADOR AT LONDON TO THE SECRETARY OF STATE

(Telegram)

American Embassy,

No. 1795.] London, March 15, 1915.

Following is the full text of a memorandum dated March 13, which Grey handed me today:

"On the 22d of February last I received a communication from Your Excellency of the identic note addressed to His Majesty's government and to Germany, respecting an agreement on certain points as to the conduct of the war at sea. The reply of the German government to this note has been published and it is not understood from the reply that the German government are prepared to abandon the practice of sinking British merchant vessels by submarines and it is evident from their reply that they will not abandon the use of mines for offensive purposes on the high seas as contrasted with the use of mines for defensive purposes only within cannon range of their own harbors as suggested by the government of the United States. This being so, it might appear unnecessary for the British government to make any further reply than to take note of the German answer. We desire, however, to take the opportunity of making a fuller statement of the whole position and of our feeling with regard to it. We recognize with sympathy the desire of the government of the United States to see the European war conducted in accordance with the previously recognized rules of international law and the dictates of humanity. It is thus that the British forces have conducted the war and we are not aware that these forces either naval or military can have laid to their charge any improper proceedings, either in the conduct of hostilities or in the treatment of prisoners or wounded. On the German side it has been very different.

"1. The treatment of civilian inhabitants in Belgium and the north of France has been made public by the Belgian and French governments and by those who have had experience of it at first hand. Modern history affords no precedent for the sufferings that have been inflicted on the defenseless and noncombatant population in the territory that has been in German military occupation. Even the food of the population was confiscated until in Belgium an international commission largely influenced by American generosity and conducted under American auspices came to the relief of the population and secured from the German government a promise to spare what food was still left in the country though the Germans still continue to make levies in money upon the defenseless population for the support of the German army.

"2. We have from time to time received most terrible accounts of the barbarous treatment to which British officers and soldiers have been exposed after they have been taken prisoner while being conveyed to German prison camps, one or two instances have already been given to the United States government founded upon authentic and first-hand evidence which is beyond doubt. Some evidence has been received of the