

tional contraband. As the government of the United States has in the past placed "all articles from which ammunition is manufactured" in its contraband list, and has declared copper to be among such materials, it necessarily finds some embarrassment in dealing with the subject.

Moreover, there is no instance of the United States acquiescing in Great Britain's seizure of copper shipments. In every case, in which it has been done, vigorous representations have been made to the British government, and the representatives of the United States have pressed for the release of the shipments.

(6) **Submission without protest to interference with American trade to neutral countries in conditional and absolute contraband.**

The fact that the commerce of the United States is interrupted by Great Britain is consequent upon the superiority of her navy on the high seas. History shows that whenever a country has possessed that superiority, our trade has been interrupted and that few articles essential to the prosecution of the war have been allowed to reach its enemy from this country. The department's recent note to the British government, which has been made public, in regard to detentions and seizures of American vessels and cargoes, is a complete answer to this complaint.

Certain other complaints appear aimed at the loss of profit in trade, which must include at least in part trade in contraband with Germany; while other complaints demand the prohibition of trade in contraband, which appears to refer to trade with the allies.

(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.**

As no American vessel so far as known has attempted to carry conditional contraband to Germany or Austria-Hungary no ground of complaint has arisen out of the seizure or condemnation by Great Britain of an American vessel with a belligerent destination. Until a case arises and the government has taken action upon it, criticism is premature and unwarranted. The United States in its note of December 28th to the British government strongly contended for the principle of freedom of trade in articles of conditional contraband not destined to the belligerent's forces.

(8) **Submission to British interference with trade in petroleum, rubber, leather, wool, etc.**

Petrol and other petroleum products have been proclaimed by Great Britain as contraband of war. In view of the absolute necessity of such products to the use of submarines, aeroplanes and motors, the United States government has not yet reached the conclusion that they are improperly included in a list of contraband. Military operations today are largely a question of motive power through mechanical devices. It is therefore difficult to argue successfully against the inclusion of petroleum among the articles of contraband. As to the detention of cargoes of petroleum going to neutral countries, this government has, thus far, successfully obtained the release in every case of detention or seizure which has been brought to its attention.

Great Britain and France have placed rubber on the absolute contraband list, and leather on the conditional contraband list. Rubber is extensively used in the manufacture and operation of motors and like petrol is regarded by some authorities as essential to motive power today. Leather is even more widely used in cavalry and infantry equipment. It is understood that both rubber and leather together with wool have been embargoed by most of the belligerent countries. It will be recalled that the United States has in the past exercised the right of embargo upon exports of any commodity which might aid the enemy's cause.

(9) **The United States has not interfered with the sale to Great Britain and her allies of arms, ammunition, horses, uniforms, and other munitions of war, although such sales prolong the conflict.**

There is no power in the executive to prevent the sale of ammunition to the belligerents. The duty of a neutral to restrict trade in munitions of war has never been imposed by international law or by municipal statute. It has never been the policy of this government to prevent the shipment of arms or ammunition into belligerent territory, except in the case of neighboring American republics, and then only when civil strife prevailed. Even to this extent the belligerents in the present conflict, when they were neutrals, have never, so far as the records dis-

close, limited the sale of munitions of war. It is only necessary to point to the enormous quantities of arms and ammunition furnished by manufacturers in Germany to the belligerents in the Russo-Japanese war and in the recent Balkan wars, to establish the general recognition of the propriety of the trade by a neutral nation.

It may be added that on the 15th of December last, the German ambassador, by direction of his government, presented a copy of a memorandum of the imperial German government which, among other things set forth the attitude of that government toward traffic in contraband of war by citizens of neutral countries. The imperial government stated that "under the general principles of international law, no exception can be taken to neutral states letting war material go to Germany's enemies from or through neutral territory," and that the adversaries of Germany in the present war are, in the opinion of the imperial government, authorized to "draw on the United States contraband of war, and especially arms worth billions of marks." These principles, as the ambassador stated, have been accepted by the United States government in the statement issued by the department of state on October 15th last, entitled "Neutrality and Trade in Contraband." Acting in conformity with the propositions there set forth, the United States has itself taken no part in contraband traffic, and has, so far as possible, lent its influence toward equal treatment for all belligerents in the matter of purchasing arms and ammunition of private persons in the United States.

(10) **The United States has not suppressed the sale of dumdum bullets to Great Britain.**

On December 5 last, the German ambassador addressed a note to the department, stating that the British government had ordered from the Winchester Repeating Arms Company 20,000 "riot guns," Model 1897, and 50,000,000 "buckshot cartridges" for use in such guns. The department replied that it saw a published statement of the Winchester Company, the correctness of which the company has confirmed to the department by telegraph. In this statement the company categorically denies that it has received an order for such guns and cartridges from, or made any sales of such material to the British government, or to any other government engaged in the present war. The ambassador further called attention to "information, the accuracy of which is not to be doubted," that 8,000,000 cartridges fitted with "mushroom bullets," had been delivered since October of this year by the Union Metallic Cartridge Company for the armament of the English army. In reply the department referred to the letter of December 10, 1914, of the Remington Arms-Union Metallic Cartridge Company of New York to the ambassador, called forth by certain newspaper reports of statements alleged to have been made by the ambassador in regard to the sales by that company of soft-nosed bullets. From this letter, a copy of which was sent to the department by the company, it appears that instead of 8,000,000 cartridges having been sold, only a little over 117,000 were manufactured and 109,000 were sold. The letter further asserts that these cartridges were made to supply a demand for a better sporting cartridge with a soft-nosed bullet than had been manufactured theretofore; and that such cartridges can not be used in the military rifles of any foreign powers. The company adds that its statements can be substantiated and that it is ready to give the ambassador any evidence that he may require on these points. The department further stated that it was also in receipt from the company of a complete detailed list of the persons to whom these cartridges were sold, and that from this list it appeared that the cartridges were sold to firms in lots of 20 to 2,000 and one lot each of 3,000, 4,000 and 5,000. Of these only 960 cartridges went to British North America and 100 to British East Africa.

The department added that, if the ambassador could furnish evidence that this or any other company is manufacturing and selling for the use of the contending armies in Europe, cartridges whose use would contravene the Hague conventions, the department would be glad to be furnished with this evidence and that the president would, in case any American company is shown to be engaged in this traffic, use his influence to prevent so far as possible sales of such ammunition to the powers engaged in the European war, without regard to whether it is the duty of this government upon legal or conventional grounds to take such action.

The substance of both the ambassador's note and the department's reply have appeared in the press.

The department has received no other complaints of alleged sales of dumdum bullets by American citizens to belligerent governments.

(11) **British warships are permitted to lie off American ports and intercept neutral vessels.**

The complaint is unjustified from the fact that representations were made to the British government that the presence of war vessels in the vicinity of New York Harbor was offensive to this government, and a similar complaint was made to the Japanese government as to one of its cruisers in the vicinity of the port of Honolulu. In both cases the warships were withdrawn.

It will be recalled that in 1863 the department took the position that captures made by its vessels after hovering about neutral ports would not be regarded as valid. In the Franco-Prussian war, President Grant issued a proclamation warning belligerent warships against hovering in the vicinity of American ports for purposes of observation or hostile acts. The same policy has been maintained in the present war, and in all of the recent proclamations of neutrality the president states that such practice by belligerent warships is "unfriendly and offensive."

(12) **Great Britain and her allies are allowed without protest to disregard American citizenship papers and passports.**

American citizenship papers have been disregarded in a comparatively few instances by Great Britain, but the same is true of all the belligerents. Bearers of American passports have been arrested in all the countries at war. In every case of apparent illegal arrest the United States government has entered vigorous protests with requests for release. The department does not know of any cases, except one or two which are still under investigation, in which naturalized Germans have not been released upon representations by this government. There have, however, come to the department's notice authentic cases in which American passports have been fraudulently obtained and used by certain German subjects.

The department of justice has recently apprehended at least four persons of German nationality who, it is alleged, obtained American passports under pretense of being American citizens and for the purpose of returning to Germany without molestation by her enemies during the voyage. There are indications that a systematic plan had been devised to obtain American passports through fraud for the purpose of securing safe passage for German officers and reservists desiring to return to Germany. Such fraudulent use of passports by Germans themselves can have no other effect than to cast suspicion upon American passports in general. New regulations, however, requiring among other things the attaching of a photograph of the bearer to his passport, under the seal of the department of state, and the vigilance of the department of justice will doubtless prevent any further misuse of American passports.

(13) **Change of policy in regard to loans to belligerents.**

'War loans in this country' were disapproved because inconsistent with the spirit of neutrality. There is a clearly defined difference between a war loan and the purchase of arms and ammunition. The policy of disapproving of war loans affects all governments alike, so that the disapproval is not an unneutral act. The case is entirely different in the matter of arms and ammunition because prohibition of export not only might not, but, in this case, would not operate equally upon the nations at war. Then, too, the reason given for the disapproval of war loans is supported by other considerations which are absent in the case presented by the sale of arms and ammunition. The taking of money out of the United States during such a war as this might seriously embarrass the government in case it needed to borrow money, and it might also seriously impair this nation's ability to assist the neutral nations which, though not participants in the war, are compelled to bear a heavy burden on account of the war, and, again, a war loan if offered for popular subscription in the United States, would be taken up chiefly by those who are in sympathy with the belligerent seeking the loan. The result would be that great numbers of the American people might become more earnest partisans, having material interest in the success of the belligerent, whose bonds they hold. These purchases would not be confined to a few, but would spread generally throughout the country, so that the people would be divided into groups of partisans, which would