

Bryan in Comprehensive Letter Defends the Administration From 20 Charges of Favoring the Allies in the Great War

He Declares It Would Be Unneutral to Prevent Contraband Shipments.

SAYS THE EXECUTIVE HAS NOT THE POWER

Rights of its subjects or citizens may be impaired, that the rights of neutrals 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 neutrals are treated as belligerents, when the United States is shown to have 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 of the property of neutrals, and she goes bona fide destined to neutral ports, on the ground that such seizures and detentions were contrary to the existing laws 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 applied by American tribunals but extended by them. They have exercised the right to determine from the circumstances whether the ostensible voyage to a neutral port was 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 United States, therefore, cannot consistently protest against the application of rules which it has followed in the past unless they have not been practiced as heretofore.

Secretary Bryan's Letter to Senator

Secretary Bryan's letter to Senator Foss, chairman of the Committee on Foreign Relations, reads as follows:

January 20, 1915.

I have received your letter of the 8th inst. referring to frequent complaints made in the press that this Government has shown partiality to Great Britain, France and Russia against Germany and Austria-Hungary in the matter of contraband. 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 the information the Department may have touching these points of complaint, in order that you may be informed as to what the situation is in regard to these matters.

In order that you may have such information as the Department has on the subject referred to in your letter I will take pleasure in making it available to you.

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

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

Communications by wireless cannot be intercepted by a belligerent. With a cable, on the other hand, 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 the belligerent's enemies, and as the cable is a cable near the Azores by a German naval force. Since a cable is subject to hostile attack the responsibility falls upon the belligerent to take the necessary steps to prevent cable communication.

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

As a wireless message can be received by stations and vessels within a given radius from the station, whatever its intended destination, must be given, otherwise military information may be sent to warships off the coast of neutral territory. It is manifest, therefore, that a wireless message is incapable of becoming a means of direct communication with a warship on the high seas; hence its use as a rule makes 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 in Germany, as well as Great Britain, has pursued the course in regard to private letters falling into their hands. The unquestioned right to adopt a measure of this sort unless objection is made by the neutral government is asserted that American mail on board of Dutch steamers has been repeatedly destroyed. No evidence has been shown that the mail from neutral countries has not been finally delivered.

When mail is sent to belligerent countries and is of a neutral and private character it has not been understood, 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 the belligerents.

So far as this Government has been informed no American vessel on the high seas with any exceptions, have been detained or searched by belligerent warships for German and Austrian subjects. One of the exceptions to which reference is made is 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 a belligerent's territorial waters of a belligerent becomes subject to its neutral laws, as do the persons on board.

There have appeared in certain publications the assertion that failure to protest against the search of neutral vessels in 1912 is a precedent for which the United States went to war in 1917. If the failure to protest is true, which it is not, the principle involved is entirely different from that applied against unjustifiable imprisonment of Americans in the British navy in time of peace.

(4) Submission without protest to British lists of copper and other articles contraband 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 indicates that the superiority of our trade has been interrupted and that few articles essential to the prosecution of the war have been allowed to reach Germany from this country. The Department recently notified the British Government, which has been made public, in regard to detentions and seizures of American vessels and cargoes, and in a complete answer to this complaint.

Certain other complaints appear aimed at the loss of profit in trade, which must be regarded as a matter of business, rather than as a matter of principle. While other complaints demand the prohibition of trade in contraband, which appears to refer to trade with the Allies.

(5) Submission without protest to international lists of copper and other articles contraband 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 of such articles by Great Britain of an American vessel with a belligerent destination. Until a case arises and the Government has taken action upon it, no complaint can be maintained. The United States in its note of December 23 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.

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

Petroleum and other petroleum products have been proclaimed by Great Britain as conditional contraband. 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 a conclusion as to whether they are properly included in a list of contraband. Military operations to-day are largely a question of active warfare 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 territory, 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 of tires for automobiles and like motor 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.

(7) The United States has not interfered with the sale of 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 belligerent. The duty of a neutral is 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 restrict the sale of arms and ammunition to 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 disclose, 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 to establish the general recognition of the propriety of the trade by a neutral nation.

It may be added that on December 13 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 restriction should be taken to neutral States letting war material go to Germany's enemies from or through neutral territory."

(8) Submission without protest to British lists of copper and other articles contraband in conditional and absolute contraband.

There is no Hague convention which defines the absolute and conditional contraband and the Declaration of London does not force the rules of international law upon neutrals. As to the articles to be regarded as contraband there is no general agreement in nations. It is the policy of 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. If it is a policy that a neutral government is seriously affected by this declaration, as the

Some Salient Points of Secretary Bryan's Reply

The duty of a neutral to restrict trade in munitions of war has never been imposed by international law or by municipal statute.

The United States 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.

There is a clearly defined difference between a war loan and the purchase of arms and ammunition. As no German warship has sought to obtain coal in the Canal Zone the charge of discrimination rests upon a possibility which has failed to materialize.

It is the business of a belligerent operating on the high seas, not the duty of a neutral, to prevent contraband from reaching an enemy.

It would be an unneutral act, an act of partiality on the part of this Government, to adopt such a policy [to prevent trade in contraband] • • • to equalize the difference due to the relative naval strength of the belligerents.

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.

The use of such 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 a photograph, 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 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 disapproval of war loans affects all Governments alike, so that the disapproval is not an unneutral act. It is not an unneutral act because prohibition of export not only might not but in this case would not operate equally upon the belligerents.

Then to 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 seriously impair this nation's ability to assist the neutral nations which, though not participants in the war, are compelled to bear the burden of the war.

On the other hand, a war loan if offered for popular subscription in the United States would be taken up chiefly by those who sympathize with the belligerent seeking the loan.

The result would be that great numbers of the American people might become interested 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. The people would be divided into groups of partisans, which would result in intense bitterness and might cause an undesirable if not a serious result.

(14) Submission to arrest of native born Americans on neutral vessels and in British ports and their imprisonment.

The general charge as to the arrest of American born citizens on board neutral vessels and in British ports, and their confinement in jail requires evidence to support it. That there have been cases of injustice on the part of the British Government, and that Americans in Germany have suffered in this way as Americans have in Great Britain.

This Government has considered that the Government of Great Britain, by its overzealousness on the part of subordinate officials in both countries, every case which has been brought to the attention of the Department of State has been promptly investigated and the facts warranted a demand for release has been made.

(15) Indifference to confinement of non-combatants in detention camps in England and France.

As to the detention of non-combatants confined in detention camps all the belligerents with perhaps the exception of Serbia and Russia have made similar complaints and those for whom this Government has made investigations, which representatives of the government have made impartially. Their reports have shown that the treatment of prisoners is generally as good as possible under the conditions in all countries, and that there is no more reason to say that they are mistreated in one country than in another country or that this Government has manifested an indifference in the matter.

As to the Department's efforts at investigations seemed to develop bitterness between the countries, the Department on January 20 sent a circular letter to its representatives not to undertake further investigation of concentration camps.

As to the special request of the German Government that Mr. Jackson, now attached to the American Embassy at Berlin, make an investigation of the conditions in the concentration camps, the investigations already made, the Department has consented to despatch Mr. Jackson on this special mission.

(16) Failure to prevent transshipment of British troops and war materials across the territory of the United States.

The Department has had no specific complaint of transshipment of troops across American territory in violation of the laws. There have been rumors to this effect, but no actual facts have been presented. The transshipment of troops to belligerent territory who have requested the privilege of crossing on condition that they travel as individuals and not as organized, uniformed or armed bodies. The German Embassy at Berlin has requested that it would be likely to avail itself of the privilege, but Germany's ally, Austria-Hungary, did so.

Only one case raising the question of the transit of war material owned by a belligerent across United States territory has come to the Department's notice. This was a request on the part of the Canadian Government for permission to land in Alaska, Alaska to the sea. The request was refused.

(17) Treatment and dual internment of German S. S. Geler and the collier Locksun at Honolulu.

The Geler entered Honolulu on October 15 in an unseaworthy condition. The commanding officer reported the necessity of repairs which would require an indefinite period of confinement. The vessel was allowed the generous period of three weeks to November 7 to make repairs and leave the port or fall to the mercy of the elements.

A longer period would have been granted to international practice, which does not permit a vessel to remain for a long time in a neutral port for the purpose of repairs, and to remain in such condition to long as a vessel. Soon after the German cruiser arrived at Honolulu a Japanese cruiser appeared off the port and the commander of the Geler delivered coal to the Geler en route and had accompanied her toward Hawaii. As she had thus constituted herself a tender or collier to the Geler, she was

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This is the resolution adopted:

"Resolved, That we as citizens of the United States in mass meeting assembled do voice our strong protest against any action or conduct upon the part of our Government or its officials which might injure or offend any nation with which we are at peace and so violate strict and impartial neutrality, which we are in duty and honor bound to observe; further, we do most earnestly protest against and object to further sale and export of arms and munitions of war to the belligerents whereby one nation or party of nations may have advantage of other nations, admitting such sale and export to be incompatible with that neutrality which requires our country to abstain from every act which makes better or worse the condition of the belligerents. We call on Congress and the President to enact immediately such laws as will exactly fix the status of contraband articles in conformity with that high standard of morality which we as a nation ought to hold.

Representative Volmer of Iowa asserted that the neutrality which this country is maintaining to-day is one of paper only, and that this country is aiding the Allies against Germany and Austria-Hungary. He said that he would continue to advocate the passage of the resolution which prohibits exportations to all countries of arms and ammunition and munitions of war.

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These shirts are made of woven fabrics exclusively— heavy corded Madras, and Russian cords in fibre silk-and-cotton—and don't forget that that is vastly different from a printed fabric. Has more distinction, retains its coloring, and is altogether more desirable from every standpoint. And the designs in this selection are unusually attractive—smart, colorful stripes and combination stripes, in a sufficient variety to suit every taste. Tailored with soft and starched cuffs, in negligee models, pleated models, and novelty tucks, and lacking nothing of perfection in every detail of workmanship and finish.

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